

**Subject: Planning Report – A11-21 – 7 Mason Street**

**Department: Infrastructure Services**

**Division: Planning**

**Meeting Date: 2021-08-04**

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### **Recommendations**

**That Planning Report – A11-21 – 7 Mason Street be received;**

**And that the Minor Variance Application (File No. A11-21) to increase the maximum permitted rear yard encroachment from 0.6 metres to 1.2 metres in order to permit the construction of stairs for access into an accessory apartment, be approved, generally in accordance with the submitted Site Plan.**

### **Introduction**

Legal Description: Lot 42, Plan 7M 42

Municipal Address: 7 Mason Street

Applicant(s): Sunny & Nitika Sharma

Official Plan Designation: 'Low Density Residential' (Schedule 'C')

Zoning (By-law 22-90): Residential Fourth Density (R4) Zone

Purpose: The applicants are requesting a minor variance to increase the rear yard encroachment from 0.6 metres to 1.2 metres. This variance is to permit the construction of stairs for access into an accessory apartment.

### **Background**

The subject property is located on the east side of Mason Street, between Hansen Boulevard and Meyer Drive. The property is approximately 365 square metres (3,930 square feet) in area, with 13.8 metres (46 feet) of frontage along Mason Street. A 2-storey detached dwelling exists on the property and is situated within a low-density residential neighbourhood. The location of the subject lands is indicated on Attachment No. 1.

The applicants are proposing to construct a below-grade entrance and associated staircase at the rear of the building, in order to provide access to a second dwelling unit within the basement. The width of the proposed staircase is 1.2 metres, as shown on Attachment No. 2. The Zoning By-law permits a maximum encroachment of 0.6 metres into any yard for ornamental structures including stairs (Section 5.22).

The property meets all the Zoning By-law requirements for second dwelling units, including parking; however, the below grade-entrance is proposed in the rear yard. Therefore, the purpose of this application is to increase the rear yard encroachment from 0.6 metres to 1.2 metres, to permit the construction of stairs for access into a second dwelling unit in the basement.

Pending approval by the Committee of Adjustment of this application, the proposed development will comply with the Zoning By-law; however, will still require applicable permits under the Ontario Building Code.

## **Analysis**

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, outlines four tests that the Committee of Adjustment must be satisfied have been met when considering an application for a minor variance. Planning Division staff offer the following comments for the Committee's consideration in review of these four tests:

### **1. Conformity with the Official Plan**

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings and second dwelling units are permitted land uses pursuant to the residential policies of the Official Plan. The increased rear yard encroachment for a below-grade access to a second dwelling unit does not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variance is considered to conform with the intent of the Official Plan.

### **2. General Intent of the Zoning By-law is Maintained**

The subject lands are zoned Residential Fourth Density (R4) Zone on Schedule 'A' of Zoning By-law 22-90, as amended. The R4 Zone permits a range of residential uses, including detached dwellings.

The Zoning By-law permits second dwelling units within single and semi-detached dwellings (Section 5.29), provided that there is only one entrance in the front wall of the dwelling unit, and at least 3 parking spaces are provided. The proposed second dwelling unit meets these requirements.

The applicants are requesting a minor variance to increase the rear yard encroachment from 0.6 metres to 1.2 metres. This variance is to permit the construction of stairs for access into an accessory apartment.

Section 5.22 of the Zoning By-law prescribes that ornamental structures, including stairs, can encroach up to a maximum of 0.6 metres into any yard, provided that a setback of at least 0.6 metres is maintained.

The purpose of restricting encroachments into the rear yard is to allow certain structural features to extend slightly beyond the main building wall while ensuring that sufficient amenity area is maintained.

The amenity area located in the rear yard of the property is approximately 80 square metres (860 square feet). The below-grade entrance and staircase are located against the rear of the dwelling and proposed to be 1.2 metres wide. The addition of this staircase in order to facilitate access to a second dwelling unit in the basement will not have any impact on the useability of the amenity area. To prevent the potential for additional encroachments being enabled through this variance, beyond what has been contemplated through this application, it is recommended that the approval of this variance be limited to the extent of the stairs shown on the submitted site plan.

The requested variance maintains the general intent of the Zoning By-law.

### **3. Desirable Development or Use of the Land, Building or Structure**

Single detached dwellings, encroachments and second dwelling units are permitted uses pursuant to the policies of the Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while facilitating an additional unit on the property.

The requested variance is considered desirable and appropriate for the use of the land.

### **4. Minor in Nature**

In consideration of the foregoing, the application for minor variance to Zoning By-law No. 22-90 is deemed minor in nature.

### **Infrastructure Services – Transportation & Development Comments:**

Infrastructure Services has reviewed the Notice of Hearing for a minor variance for the property described as Lot 42, Plan 7M 42, municipally known as 7 Mason Street in the Town of Orangeville. The request for a minor variance is to increase the maximum permitted rear yard encroachment from 0.6 metres to 1.2 metres in order to permit the construction of stairs for access into an accessory apartment.

Infrastructure Services is not aware of any grading, drainage or servicing issue that would preclude the granting of this minor variance. Concluding, Infrastructure Services, Transportation and Development Division does not object to the minor variance to increase the maximum permitted rear yard encroachment from 0.6 metres to 1.2 metres in order to permit the construction of stairs for access into an accessory apartment.

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## **Strategic Alignment**

### **Orangeville Forward – Strategic Plan**

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

### **Sustainable Neighbourhood Action Plan**

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities

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**Attachment(s):** 1. Location Map  
2. Site Plan