



Electronic Participation

The Corporation of the Town of Orangeville
Chair and Secretary-Treasurer participating remotely

Agenda

Committee of Adjustment Meeting

September 2, 2020 – 6:00 p.m.

1 Notice

Due to efforts to contain the spread of COVID-19, the Council Chambers at Town Hall will not be open to the public to attend Committee of Adjustment meetings until further notice.

Prior to the meeting, written comments may be sent to the Secretary-Treasurer of the Committee of Adjustment by email at committeeofadjustment@orangeville.ca. Such written comments will become part of the public record.

Members of the public may access the meeting on the above-noted date and time by telephone at:

(289) 801-5774
Conference ID: 987 339 818#

Please note that your full name and comments will be part of the public record and will be included in the minutes of the meeting.

2 Call to Order

3 Disclosures of (Direct or Indirect) Pecuniary Interest

4 Adoption of Minutes of Previous Meeting

Recommendation:

That the minutes of the following meeting are approved:

- August 5, 2020

5 Statutory Public Hearing

5.1 In the matter of an application by Brian Divona and Laryssa Divona for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 43, Registered Plan 7M-42, municipally known as 9 Mason Street, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended. The subject property is zoned "Residential, Fourth Density (R4) Zone". File No. A-11/20.

Explanatory Note:

The applicant is requesting minor variances to: (1) increase the lot coverage from 45% to 53%; (2) reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and (3) to reduce the rear yard setback from 1.2 metres to 0.15 metres to permit the construction of a deck in the rear yard.

5.1.1 A report from L. Russell, Senior Planner, Infrastructure Services, dated September 2, 2020

5.1.2 A report from J. Lackey, Manager, Transportation & Development dated August 21, 2020

6 Items for Discussion

7 Correspondence

7.1 2021 Meeting Calendar - Committee of Adjustment

8 New Business

9 Date of Next Meeting

The next meeting is scheduled for October 7, 2020

10 Adjournment

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's department by phone at 519-941-0440 x 2256 or via email at clerksdepartment@orangeville.ca



Electronic Participation

The Corporation of the Town of Orangeville
Chair and Secretary-Treasurer participated remotely

Minutes of a meeting of the Committee of Adjustment Held on August 5, 2020 at 6:00 p.m.

Members Present

Hiedi Murray, Chair
Rita Baldassarra
Grant Bennington
Alan Howe

Regrets

Jason Bertrand

Staff Present

Larysa Russell, Senior Planner
Carolina Khan, Secretary-Treasurer

1 Notice

The Chair, Hiedi Murray, advised of the continued closure of Town Hall and that Council Chambers is not available for the public to physically attend the Committee of Adjustment meeting. However, steps have been taken to facilitate public viewing and access.

2 Call to Order

The Chair called the meeting to order at 6:00 p.m.

3 Disclosures of (Direct or Indirect) Pecuniary Interest

None

4 Adoption of Minutes of Previous Meeting

Recommendation 2020-019

Moved by Grant Bennington

That the minutes of the following meeting are hereby approved:

- **July 8, 2020**

Carried.

5 Statutory Public Meeting

- 5.1** In the matter of an application by John and Dixie Lemke for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 104, Part of Block 111, Plan 334, desc. incl. Part 3 of Reference Plan 7R-4068, municipally known as 210 Island Court, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended. The subject property is zoned “Residential, Second Density (R2) Zone”. File No. A-10/20.

Explanatory Note:

The applicant is requesting a minor variance to reduce the minimum rear yard setback from 7.0 metres to 2.5 metres to permit the construction of a sunroom.

- 5.1.1 A report from L. Russell, Senior Planner, Infrastructure Services, dated August 5, 2020
- 5.1.2 A report from J. Lackey, Manager, Transportation & Development, dated July 29, 2020
- 5.1.3 A report from A. Li, Planner, Planning & Development Services, Credit Valley Conservation

The Chair asked if anyone wished to speak regarding the application.

John Lemke of 210 Island Court advised that in 2015 a deck was constructed on the subject property and that Orangeville Hydro provided approval for an easement at that time. It was further explained that the minor variance application is regarding the construction of a sunroom on top of the existing deck, per the submitted site plan.

The Chair asked if anyone from the public wished to speak regarding the application.

Sue Orr of 37 Forest Park Road advised that her property is immediately adjacent to the east property line of the subject property and that she has no

objections to the construction of the sun porch on the existing deck as shown on the submitted site plan.

Recommendation 2020-020

Moved by Grant Bennington

That the following reports be received:

- **A report from L. Russell, Senior Planner, Infrastructure Services, dated August 5, 2020**
- **A report from J. Lackey, Manager, Transportation & Development, dated July 29, 2020**
- **A report from A. Li, Planner, Planning & Development Services, Credit Valley Conservation**

And that the application John and Dixie Lemke for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 104, Part of Block 111, Plan 334, desc. incl. Part 3 of Reference Plan 7R-4068, municipally known as 210 Island Court, in the Town of Orangeville, in the County of Dufferin, under the provisions of Section 45 of the Planning Act, R.S.O. 1990, c. P.13, as amended, be received;

And that the request for a minor variance to reduce the minimum rear yard setback from 7.0 metres to 2.5 metres to permit the construction of a sunroom, be approved, subject to the following conditions:

- 1. That the variances be limited to the extent shown on the Site Plan attached to the planning report.**

Carried.

6 Items for Discussion

None

7 Correspondence

None

8 New Business

Committee members welcomed new member Rita Baldassarra to the Committee of Adjustment.

9 Date of Next Meeting

The next meeting is scheduled for September 2, 2020.

10 Adjournment

The meeting was adjourned at 6:12 p.m.

Report

To: Chair and Members of the Committee of Adjustment

From: Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Date: September 2, 2020

Subject: Minor Variance Application No. A-11/20

**Lot 43, Registered Plan 7M-42
9 Mason Street**

Applicants: Brian and Laryssa Diviona

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

**Zoning (By-law 22-90):
'Residential Fourth Density' (R4), S.P. 24.169**

1. Introduction

The applicant is requesting minor variances to:

- (1) increase the lot coverage from 45% to 53%;
- (2) reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and
- (3) to reduce the rear yard setback from 1.2 metres to 0.15 metres to permit the construction of a deck in the rear yard.

2. Background

The subject property is located on the east side of Mason Street, south of Hansen Boulevard and north of Meyer Drive. The property is approximately 356 square metres (3,834 square feet) in area, with approximately 13.7 metres (45 feet) of frontage along Mason Street. The property contains a 2-storey single detached dwelling and is located within a residential area. The location of the subject lands is indicated on Attachment No. 1.

The applicant is proposing to construct a two-tier deck in their backyard, as indicated on Attachment No. 2. The upper deck is approximately 11 square metres (119 square feet) in size, and the lower deck is approximately 26 square metres (347 square feet) in size, for a total deck size of approximately 37 square metres (466 square feet). There is also an above ground pool that is approximately 32 square metres (347 square feet) in area.

The upper tier of the deck and associated stairs, as well as the above ground pool, are all in excess of 1.2 metres in height above grade and therefore count towards the lot coverage for the property. Collectively they bring the total lot coverage for the property to 53% when combined with the existing dwelling, whereas the maximum coverage requirement is 45%. The lower tier part of the deck is considered a ground-oriented amenity area and does not count towards the lot coverage requirement, but is required to maintain a setback of 1.2 metres from the rear and side lot lines. However, the applicant is proposing a 0.46 metre side yard setback and a 0.15 metre rear yard setback. Therefore, the purpose of this application is to increase the lot coverage from 45% to 53%; reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and reduce the rear yard setback from 1.2 metres to 0.15 metres, to permit the construction of the deck in the rear yard.

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.

3. Staff Comment

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:

3.1. Conformity with the Official Plan

The subject property is designated "Low Density Residential" in the Town of Orangeville Official Plan. Detached dwellings are a permitted land use pursuant to the residential policies of the Official Plan. The proposed deck is accessory to a permitted residential use and does not conflict with or offend any high-level policy direction of the Official Plan.

The proposed variances are considered to conform with the intent of the Official Plan.

3.2. General Intent of the Zoning By-law is Maintained

The subject lands are zoned Residential Fourth Density (R4) Zone, with Special Provision 24.169, on Schedule 'A' (Map No. A3) of Zoning By-law 22-90, as amended. The R4 zone permits single detached dwellings.

Special Provision 24.169 prescribes a maximum lot coverage of 45%. The applicant is requesting a minor variance to increase the lot coverage from 45% to 53%.

The purpose of the lot coverage restriction is to ensure that adequate amenity area is provided. Lot coverage is defined as "part of the lot covered by a building or other structure including an accessory building or structure". It includes any above grade pools or decks that are more than 1.2 metres above grade.

The table below provides a breakdown of the proposed lot conditions (as outlined on Attachment No. 2):

Item	Area (sq. m.)	Included in Coverage Calculation
Lot Area	356.2	N/A
House	140.7	Yes
Upper Deck & Stairs (>1.2m above grade)	13.28	Yes
Above ground pool (>1.2m above grade)	32.2	Yes
Lower Deck (<1.2m above grade)	25.8	No

As noted in the table above, lot coverage includes the house, upper deck and stairs (above 1.2 metres), and the above ground pool, resulting in a total lot coverage of 53%. The proposed upper deck and pool facilitate rear-yard activities of the same nature as patios and in-ground pools which do not count towards coverage. Although these structures occupy lot area, they continue to provide amenity space for the property.

The R4 zone (Section 10.2) prescribes a minimum rear yard setback of 7.0m. In addition, Special Provision 24.169 permits unenclosed decks and stairs attached to the main building to encroach a maximum of 3 metres into the rear yard. The upper deck and stairs comply with these standards.

The General Provisions (Section 5.2.a) prescribe that ground-oriented amenity areas (less than 1.2m above grade), including decks, be setback a minimum of 1.2 metres from any lot line. The applicant is requesting a minor variance to reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres, and to reduce the rear yard setback from 1.2 metres to 0.15 metres, to permit the lower deck.

The purpose the of the 1.2 metre minimum setback to ground-oriented amenity areas (decks) is to maintain access to the rear yard, limit overlook into adjacent properties, and ensure sufficient grading and drainage patterns are not impacted.

With regard to access, the lower deck is proposed to have stairs to grade along the easterly rear lot line, as well as the northerly side lot line where there is an existing gate to the front yard. Therefore, access to all portions of the rear yard will not be obstructed by the proposed deck. With respect to grading and drainage patterns, Infrastructure Services, Transportation and Development Division staff have reviewed the proposal and noted that there are no concerns with grading or drainage.

Ground-oriented decks are required to be setback 1.2 metres from all property lines, as they are permitted to have a maximum height of 1.2 metres above grade. Conversely, patios can be located directly abutting the property line given that they are at-grade. In this case, the lower deck is proposed to be a maximum of 0.56 metres (21.75 inches) above grade. The additional height in comparison to an at-grade patio is negligible, and as such, the proposed reduced setbacks are not anticipated to have an adverse effect on privacy and overlook. Staff have recommended a condition that the variances be limited to the location of the deck shown in the Public Notice (Attachment No. 2). It should also be noted that per the by-law, a 1.5-metre-high privacy screen will be required on the northerly side of the deck.

Subject to the recommended condition, the requested variances maintain the general intent and purpose of the Zoning By-law.

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

Single detached dwellings, as well as decks and pools, are permitted pursuant to the policies of the Zoning By-law No. 22-90. The proposed variances will not have adverse impacts on surrounding properties, while increasing the usability of the rear yard.

The requested variances are considered desirable and appropriate for the use of the land.

3.4. *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.

4. Recommendation

Planning Division staff recommends that Minor Variance Application (File No. A-11/20) to (1) increase the lot coverage from 45% to 53%; (2) reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and (3) reduce the rear yard setback from 1.2 metres to 0.15 metres, to permit the construction of a deck in the rear yard, be approved subject to the following condition:

1. That the variances be limited to the extent shown on the sketch attached to the Public Notice.

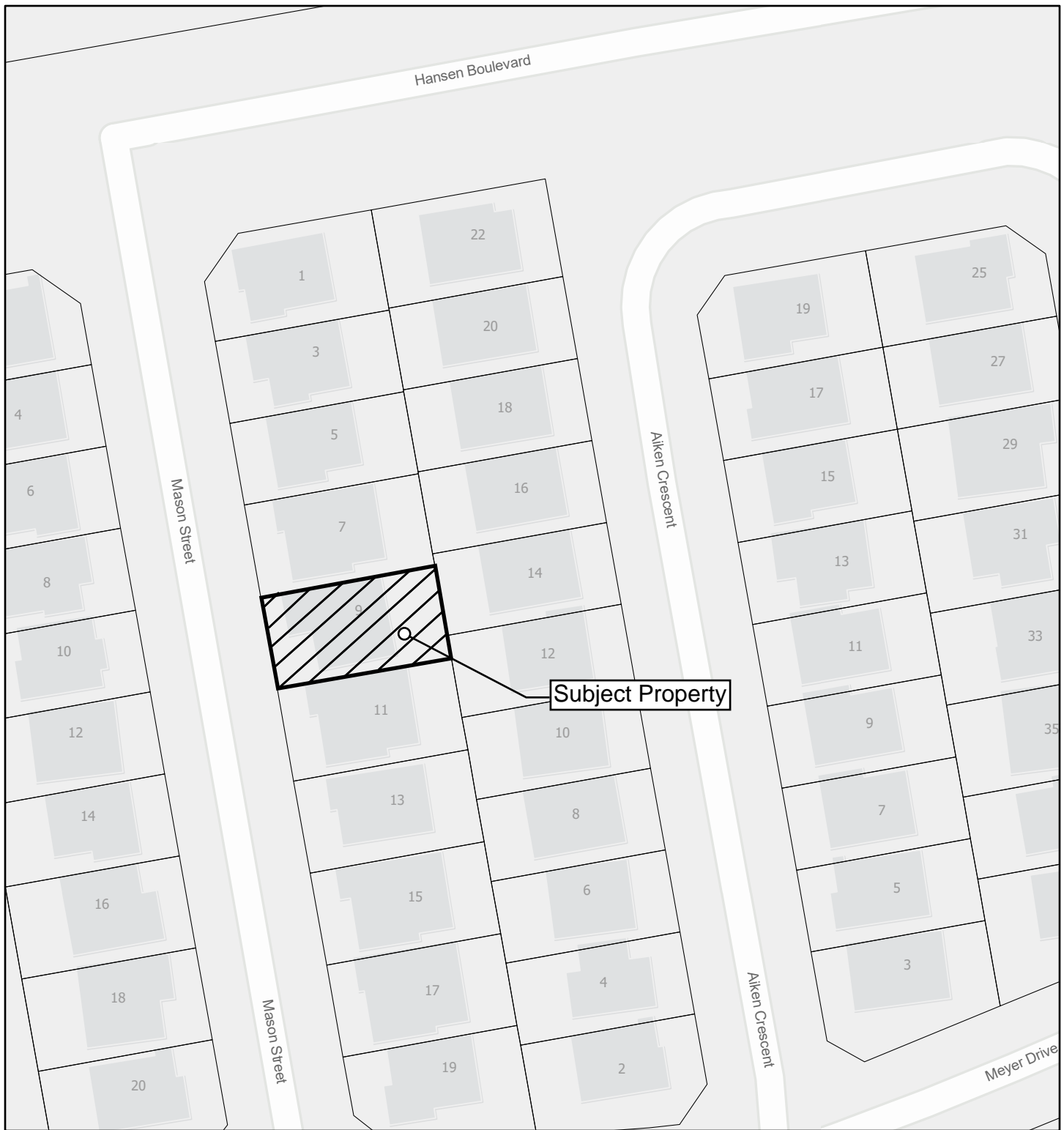
Respectfully submitted:

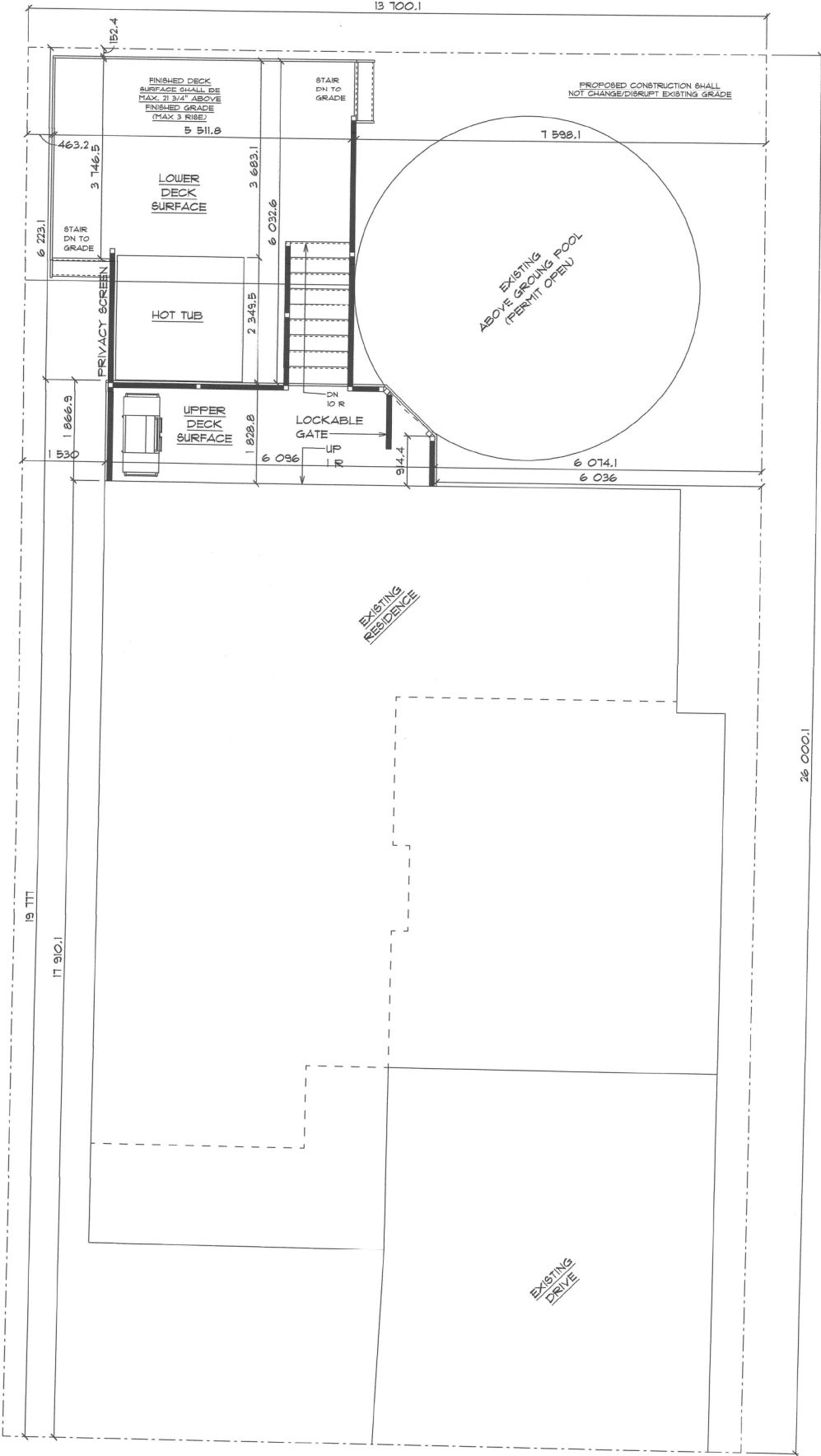


Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Attachments:

1. Location Map
2. Site Plan





PROPOSED DECK PLAN
(MINOR VARIANCE APPLICATION FOR
COVERAGE/REAR AND SIDE YARD SET-BACK)

TOTAL LOT AREA: 356.2 SQ. M. (3834.2 SQ. FT.)
TOTAL EXISTING DWELLING AREA: 140.1 SQ. M. (1514.6 SQ. FT.)
TOTAL PROPOSED UPPER DECK AREA: 11 SQ. M. (118.5 SQ. FT.)
TOTAL PROPOSED UPPER DECK/STAIR AREA ABOVE 48": 13.28 SQ. M. (142.9 SQ. FT.)
TOTAL PROPOSED LOWER DECK AREA: 25.8 SQ. M. (271.3 SQ. FT.)
TOTAL COVERAGE FROM POOL (OPEN PERMIT): 32.2 SQ. M. (346.6 SQ. FT.)
TOTAL EXISTING COVERAGE (HOUSE): 39.5%
TOTAL PROPOSED ADDITIONAL COVERAGE: 19.3%
TOTAL PROPOSED COVERAGE ABOVE 48" (INCLUDING STAIRS): 12.7%
TOTAL PROPOSED COVERAGE: 58.8% (52.2% - 48" ABOVE GRADE)



Report to Committee of Adjustment

To: Chair & Members of the Committee of Adjustment **Reviewed by:** _____
From: R. John Lackey, P. Eng., Manager, Transportation & Development
Copy: Ms. Larysa Russell, MCIP, RPP | Senior Planner, Planning | Infrastructure Services
Date: August 21, 2020
Report: A-11/20
Subject: Notice of Hearing for Minor Variances to Zoning, Lot 43, Registered Plan 7M-42, municipally known as 9 Mason Street, Applicant – Brain and Laryssa Divona

Infrastructure Services has reviewed the Notice of Hearing for minor variances for the property described as Lot 43, Registered Plan 7M-42, municipally known as 9 Mason Street, in the Town of Orangeville. The minor variances are to increase the lot coverage from 45% to 53%; reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and to reduce the rear yard setback from 1.2 metres to 0.15 metres to permit the construction of a deck in the rear yard.

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 variances to increase the lot coverage from 45% to 53%; reduce the northerly interior side yard setback from 1.2 metres to 0.46 metres; and to reduce the rear yard setback from 1.2 metres to 0.15 metres to permit the construction of a deck in the rear yard.

Respectfully submitted,

R. John Lackey, P. Eng.,
Manager, Transportation and Development
Infrastructure Services

Carolina Khan, Deputy-Clerk, Secretary-Treasurer, Committee of Adjustment

RJL/jl

**2021 Meeting Calendar
Committee of Adjustment
Town of Orangeville**

First Wednesday of each month - 6:00pm

Meeting Date	Application Submission Deadline
January 6	December 9, 2020
February 3	January 6
March 3	February 3
April 7	March 10
May 5	April 7
June 2	May 5
July 7	June 9
August 4	July 7
September 1	August 4
October 6	September 8
November 3	October 6
December 1	November 3
January 5, 2022	December 8