



Agenda
Committee of Adjustment Meeting

Wednesday, May 7, 2025, 6:00 p.m.

Electronic and In-Person Participation - Committee of Adjustment

The Corporation of the Town of Orangeville

(Chair and Secretary-Treasurer at Town Hall - 87 Broadway)

Orangeville, Ontario

NOTICE

Members of the public wishing to view the Committee of Adjustment meeting will have the option to attend in-person or by calling 1-289-801-5774 and entering Conference ID: **117 041 308#**

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.

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.

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2276 or via email at clerksdept@orangeville.ca

1. **Call to Order**
2. **Disclosures of (Direct or Indirect) Pecuniary Interest**

3. **Land Acknowledgment**

We would like to acknowledge the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. We also recognize that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

4. **Adoption of Minutes of Previous Meeting**

Recommendations:

That the minutes of the following meeting are approved:

4.1 2025-04-02 Committee of Adjustment Meeting Minutes

5. **Statutory Public Hearing**

5.1 File No. A-04/25 - 200 Jull Court, PLA-2025-008, PLA-2025-007

In the matter of an application by Jamieson Fine Homes Inc. for a minor variance to Zoning By-law 22-90, as amended, on property described as Lot 31, Plan 313, municipally known as 200 Jull 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).

Explanatory note:

The applicant is requesting a minor variance to Zoning By-law No. 22-90, as amended, for the subject property, to:

1. reduce the minimum rear yard setback from 7.0 metres to 1.5 metres.

The purpose of the requested variance is to permit the construction of a deck.

Recommendations:

That Planning Report A04-25 – 200 Jull Court be received;

And that Minor Variance Application (File No. A04-25) to reduce the rear yard setback required from 7.0 metres to 1.5 metres, only as it relates to the extent of a deck with associated stairs generally as shown on Attachment No. 2, be approved, subject to the following condition:

- 1. That a 1.5 metre high privacy fence be constructed on the surface of the deck along the full extent of the north side, facing Edenwood Crescent.**

- 5.1.1 Correspondence received from Brandi Neil and Troy Brindley regarding Minor Variance Application A-04/25 - 200 Jull Court**
- 5.1.2 Correspondence received from Scott and Amy Morrison regarding Minor Variance Application A-04/25 - 200 Jull Court**
- 5.1.3 Correspondence received from Tim Norman regarding Minor Variance Application A-04/25 - 200 Jull Court**

5.2 File No. A-05/25 - 60 & 62 Broadway, PLA-2025-008

In the matter of an application by 60 on Broadway Development Corporation for a minor variance to Zoning By-law 22-90, as amended, on properties described as Part of Lots 4 and 5, Block 4, Plan 138 des inc. Part 5 on RP 7R-2066 and Part of Lots, 1, 3, 4, and 5, Block 4, Plan 138, Parts 1, 2, 4 on RP 7R-2066, municipally known as 60 & 62 Broadway, 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 Central Business District (CBD), S.P. 24.227 and Open Space Conservation (OS2)

Explanatory note:

The applicant is requesting a minor variance to Zoning By-law No. 22-90, as amended, for the subject property, to:

1. permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required.

The purpose of the requested variance is to allow the shared use of the 23 exterior parking lot spaces for commercial and residential visitor parking.

Recommendations:

That Planning Report – A05-25 – 60-62 Broadway be received;

And that Minor Variance Application (File No. A05-25) permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required, be approved, subject to the following condition:

1. **That the applicant includes provision for appropriate signage for the shared commercial and visitor parking spaces, including but not limited to specific hours, through the Condominium application process to the satisfaction of the Planning Division.**

5.2.1 Correspondence received from Heritage Orangeville - A-05/25 - 60 & 62 Broadway

5.2.2 Correspondence received from the Orangeville Business Improvement Area - A-05/25 - 60 & 62 Broadway

5.2.3 Correspondence received from Denise Beisel - A-05/25 - 60 & 62 Broadway

6. Items for Discussion

None.

7. Correspondence

None.

8. Announcements

9. Date of Next Meeting

The next meeting is scheduled for June 4, 2025.

10. Adjournment



Minutes of Committee of Adjustment

Wednesday, April 2, 2025, 6:00 p.m.

In-Person Participation

The Corporation of the Town of Orangeville

Town Hall - 87 Broadway

Orangeville, Ontario

Members Present: Alan Howe, Chair
Ashley Harris, Vice-Chair
Michael Demczur

Regrets: Rita Baldassara
Brian Wormington

Staff Present: M. Adams, Secretary-Treasurer
S. Pottle, Planning Technician

1. Call to Order

The Chair called the meeting to order at 6:06 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None.

3. Land Acknowledgment

The Chair acknowledged the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. The Chair also recognized that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

4. Adoption of Minutes of Previous Meeting

Moved by Ashley Harris

That the minutes of the following meeting are approved:

4.1 2025-03-05 Committee of Adjustment Meeting Minutes

Carried

5. Statutory Public Hearing

5.1 File No. A-04/25 - 200 Jull Court

Susan Pottle, Planning Technician, provided an overview of the Planning report explaining why staff are recommending approval of the application.

Mark Jamieson, the applicant, identified himself. He provided the committee with some background information on the property and explained that he purchased the home to legalize an existing two-dwelling

unit residential home. He described the improvements and indicated the reason for the additional egress was to provide the upper unit with direct access to the side and rear yards. Mr. Jamieson also provided responses to some of the concerns identified in the neighbours' written submission.

Scott Morrison, owner of 211 Edenwood Drive, identified himself. He advised that he opposes the construction of the deck and gave his reasons to the committee. He went over the concerns that were outlined in the written submission which included:

- existing non-complying rear yard setback;
- flipping the house;
- garbage, debris and old furniture being placed on the deck due to tenure;
- garbage attracting animals;
- privacy concerns and enjoyment of the property;
- height of the deck and potential water damage to their home;
- fencing concerns;
- relocation of deck;
- possibility of deck being extended in the future;
- focal point of neighbour's view across the street; and
- does not beautify the neighbourhood.

Note: The committee recessed.

Moved by Michael Demczur

That the application be deferred to the May 7, 2025 meeting.

Carried

5.1.1 Correspondence received from the Brandi Neil and Troy Brindley regarding Minor Variance Application A-04/25 - 200 Jull Court

5.1.2 Correspondence received from the Scott and Amy Morrison regarding Minor Variance Application A-04/25 - 200 Jull Court

6. Items for Discussion

None.

7. Correspondence

None.

8. Announcements

The Chair advised he will not be attending the next meeting.

9. Date of Next Meeting

The next meeting is scheduled for May 7, 2025.

10. Adjournment

The meeting was adjourned at 7:02 p.m.

Letter

Subject: Planning Report A04-25 – 200 Jull Court

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2025-05-07

Recommendations

That Planning Report A04-25 – 200 Jull Court be received;

And that Minor Variance Application (File No. A04-25) to reduce the rear yard setback required from 7.0 metres to 1.5 metres, only as it relates to the extent of a deck with associated stairs generally as shown on Attachment No. 2, be approved, subject to the following condition:

- 1. That a 1.5 metre high privacy fence be constructed on the surface of the deck along the full extent of the north side, facing Edenwood Crescent.**

Introduction

Legal Description: Lot 31, Plan 313

Municipal Address: 200 Jull Crt

Applicant(s): Jamieson Fine Homes Inc.

Official Plan Designation: Residential

Zoning (By-law 22-90): Residential, Second Density (R2)

Purpose: The applicant is requesting a minor variance to reduce the minimum rear yard setback from 7.0 metres to 1.5 metres.

Background

The subject property, 200 Jull Court, is located on the corner of Jull Court and Edenwood Crescent. Edenwood Crescent is located off Credit Creek Boulevard. The property is approximately 761 square metres in area with a lot frontage of 15.22 m along Jull Court (Attachment 1).

The applicant submitted a building permit application in November 2024 for an additional residential unit (ARU) in the basement and interior renovations in the main floor dwelling unit. The renovations proposed for the main floor included a patio door and deck, as an additional egress for the main floor dwelling unit and access to the rear yard. The deficient rear yard setback was identified by Planning staff and the permit was revised to only include the basement ARU. The applicant decided to proceed with a minor variance application to permit the construction of the deck. The proposed deck would encroach into the rear yard setback, leaving a 1.5 metre setback from the lot line. The applicant has therefore applied for a Minor Variance to seek a rear yard setback reduction to allow a deck off the main floor unit.

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

Analysis

Section 45 (1) of the Planning Act, RSO 1990, as amended, stipulates that a Committee of Adjustment may authorize a minor variance from the provision of a Zoning By-law if, in the committee's opinion, the variance meets four tests:

1. Conformity with the Official Plan

The subject property is designated as Low Density Residential in the Town of Orangeville Official Plan (Schedule C). The Low Density Residential designation permits residential uses on the property. The proposed deck is an accessory structure to the permitted residential use. It does not present any conflict with relevant policies under the Community Form and Identity Section D7 of the Town's Official Plan. Therefore, it is staff's opinion that the application conforms to the intent and purpose of the Town's Official Plan.

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

The subject property is zoned Residential, Second Density (R2) in Zoning By-law 22-90, as amended. The R2 zone permits single detached dwellings and other residential uses. Additional Residential Units (ARUs) are permitted in detached dwellings in accordance with Section 5.29 of the Zoning By-law.

The required rear yard setback for single detached dwellings in the R2 zone is 7.0 metres. The Zoning By-law was enacted by Town Council on March 19, 1990. The existing house, built in 1988, has a legal non-complying rear yard setback of approximately 4.42 metres, a result of the irregular shaped corner lot and the size and orientation of the dwelling on the lot (Attachments 1 and 2).

Section 5.22 permits a rear yard encroachment of 1.8 metres for decks, inclusive of any associated stairs and landings. The applicant is proposing a 2.89 metre encroachment into the rear yard, reducing the rear yard setback from 7.0 metres to 1.5 metres.

The general intent of a rear yard setback is to provide adequate rear yard amenity space, manage massing, and reduce potential overlook and privacy issues. In addition, setbacks ensure sufficient separation from the lot line for lot drainage and maintenance purposes, and access around the property in the case of an emergency.

Given the irregular shape of the subject property which provides a generous side yard to the south of the dwelling and the purpose and height of the proposed deck, a reduction in outdoor amenity space is not anticipated. However, the reduced rear yard setback and the height of the proposed deck (2.74 metres) could present privacy and overlook concern for the adjacent neighbour. The applicant has demonstrated that the proposed deck will face the driveway and the side of the neighbours garage, not the house or rear yard, which would present a more significant concern for the adjacent property (Attachment 3). The 1.5 metre separation remaining between the deck and the property line is anticipated to be adequate for drainage, maintenance, and emergency access. It is the same as the side yard setback required for a dwelling having more than one storey in the R2 zone. In order to avoid potential impacts that could result if a larger deck were to be constructed with this reduced setback permission, planning staff have recommended that the requested variance be limited only to the extent of deck that is proposed with this application, as show in Attachment 2. In addition, in consideration of the correspondence received which raised a number of concerns including the visibility of the deck from the street, staff have suggested requiring a 1.5 metre high privacy fence rising from the surface of the deck and extending along the North side of the deck, facing Edenwood Cresnet as a condition of the variance, if approved.

It is staff's opinion that the requested variance as recommended, will not create substantial adverse impacts and maintains the general intent and purpose of the Town's Zoning By-law.

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

Adding additional residential units (ARUs) to residential properties is considered gentle intensification and is desirable and appropriate use of the land. The requested variance will provide a deck amenity space and access to the rear yard and side yard amenity space from the main floor dwelling unit.

4. Minor in Nature

Based on the above analysis, the requested variance is considered to be minor in nature. There are no anticipated negative impacts on the property or adjacent properties.

Summary

In summary, based on the application as submitted, planning staff are of the opinion that the applicable tests under the Planning Act are satisfied and have no objections to the approval of Minor Variance Application A-04/25 – 200 Jull Crt, subject to the

inclusion of a 1.5 metre high privacy fence along the North side of the deck, facing Edenwood Crescent.

Infrastructure Services – Transportation & Development Comments:

Transportation & Development does not object to this application provided that the Applicant acknowledges that the grading and drainage scheme of this lot is not to be altered so as to impact abutting properties and or the municipal rights-of-way. Any adverse impacts or matters that may arise as a result of this proposed variance shall be rectified by the Applicant at their expense.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Economic Resilience

Objective: Ensure availability and affordability of employment lands and housing

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

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

Prepared by

Susan Pottle
Planning Technician, Infrastructure Services

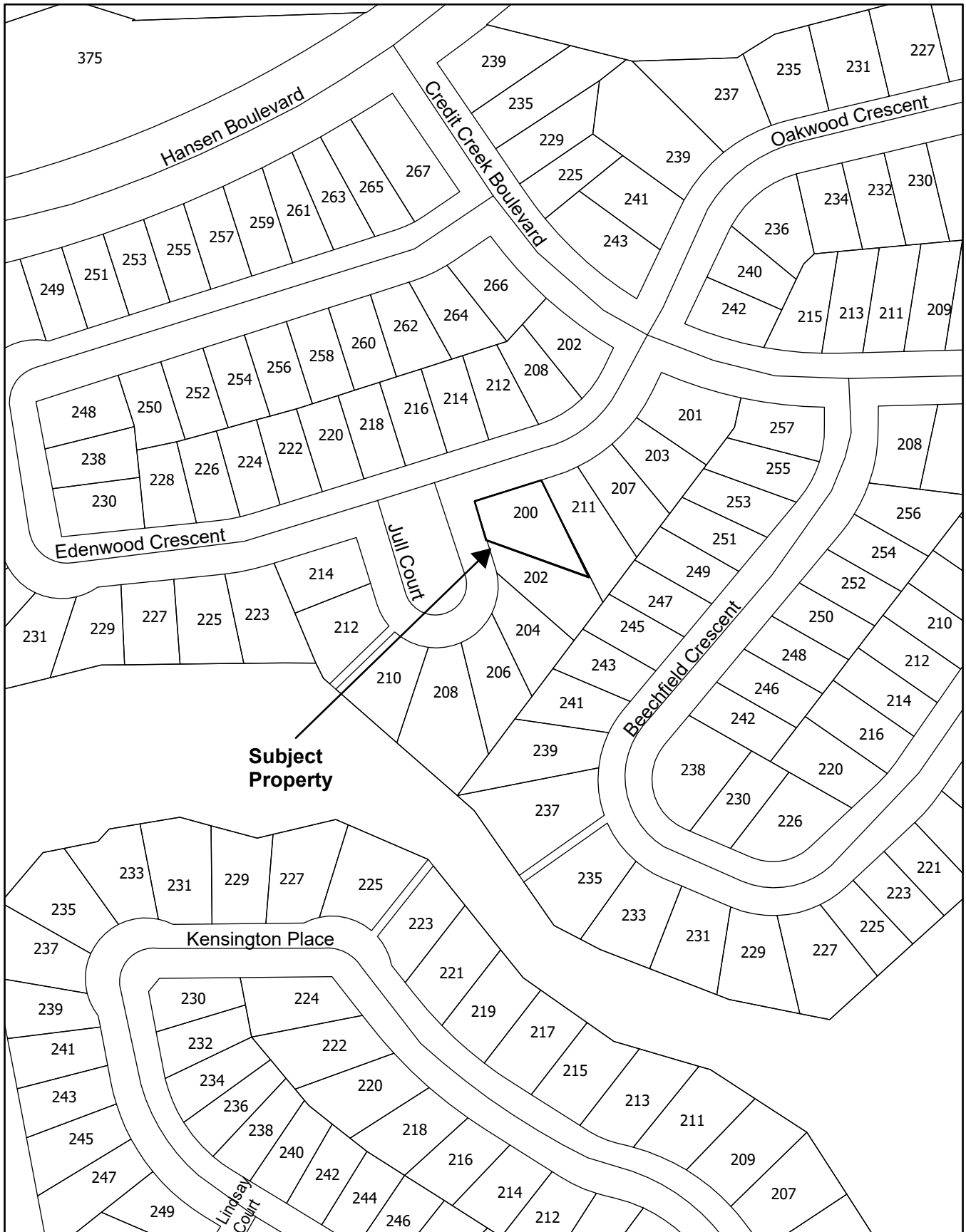
Reviewed by

Brandon Ward, MCIP, RPP
Planning Manager, Infrastructure Services

Attachment(s):

- 1. Location Map
- 2. Site Plan
- 3. Aerial Photo & Photo from Patio Door

Attachment 1: Location Map
File: A-04/25
Applicant(s): Jamieson Fine Homes



[illegible]

VIEW FROM INSIDE KITCHEN





From: [Brandi Neil](#)
To: [Committee of Adjustment](#)
Subject: Re: [External Email] CofA Application A-04/25 - April 2, 2025 Re 200 Jull Court
Date: Saturday, March 29, 2025 11:10:19 PM

Hi There

My apologies this submission is late. I respectfully ask it still be considered.

My husband and I reside at 212 Edenwood Cres, directly across the street from the proposed deck that is subject to the variation request.

While we understand this deck (with stairs going to ground level) is required to make the property two separate residences we have the following comments:

1. With multi unit dwellings that were originally single dwelling homes, in our unfortunate experience, often results in garbage, debris and old furniture being put on the decks and patios. We already have an illegal basement apartment next door at 214 Edenwood Cres and have to look from our backyard at garbage and old furniture on the second level deck and ground floor patio. With this multi unit dwelling right across the street we may have to look at that on the second level deck very close to the road, out of our front window. We pay over \$7000 in taxes to live in a single dwelling home. To have to look at this out of our front window will significantly affect our reasonable use and enjoyment of the property and resale value.
2. The building itself at 200 Jull court is not in compliance with the setbacks in this by- law, to allow a 9.5 by 11 foot deck, 1.5 metres from the property line, completely goes against the intent of the by- law. We are not talking about a foot or two closer we are talking about over 5 metres. Not to mention that it will be a second level unenclosed structure quite close to the street. The applicants haven't included in the sketch the distance to the road but it is not that far.
3. Our original understanding from the owner of the property was this would be a deck for the purpose of an exit and stairs to the ground level, not a deck of this size for recreation.

We unfortunately cannot be in attendance at the meeting. We authorize Scott Morrison to make submissions on our behalf if you will not accept these written submissions.

Our full names and address are below and we consent to this being posted on the Agenda or being distributed to committee members, the applicants or other participants.

We would like to receive a copy of the decision.

Thank you very much.

Sincerely,

Brandi Neil & Troy Brindley
212 Edenwood Cres
Orangeville On L9W4M8

Sent by Brandi Neil

From: [Scott Morrison](#)
To: [Committee of Adjustment](#)
Cc: [Amy](#); [Scott Morrison](#)
Subject: [External Email] Application file number: A-04/25
Date: Sunday, March 30, 2025 9:42:16 PM
Attachments: [200 Jull Court pictures with notes. A-0425.pdf](#)
Importance: High

Attention: Secretary-Treasurer of the Committee of Adjustment

Application file number: A-04/25

Subject property address: 200 Jull Court

Legal description: Lot 31, Plan 313

Applicant: Jamieson Fine Homes Inc.

Subject property zoning: Residential Second Density (R2)

I Scott Morrison, give authorization to post my correspondence on the agenda.

My apologies as this submission is late. I respectfully ask it still be considered by the town.

My name is Scott Morrison. I am the homeowner of 211 Edenwood Cres. in the town of Orangeville. As I have been traveling out of the country for work, I have returned home to what I feel is an unfortunate, untimely notification of the file A-04/25, an application for variance at 200 Jull Court in the town of Orangeville Ontario.

Please accept this email as an official request for notification on the decision.

Please accept this email as a written comment submission.

In addition to the notification request, there are some key factors that I believe need to be considered by the Town of Orangeville before any decision can be made on application A-04/25. My family and I reside at 211 Edenwood Cres, directly beside the property 200 Jull Court that is subject to the variation request. I understand this deck (with stairs going to ground level) is required to make the property two separate residences, I have the following comments and concerns. In addition, I have attached a file for you to review which includes pictures with notes.

1. The building itself at 200 Jull Court is not in compliance with the setbacks in this by- law, to allow a 9.5 by 11 foot deck, 1.5 metres from the property line, completely goes against the intent of the by- law. We are not talking about a couple feet closer. We are talking about 5 metres or over 16 feet in the proposed rear yard setback. That is a change of almost 80%! In addition, it will be a second level unenclosed structure quite close to the street. The applicants haven't included in the sketch the distance to the road, but it is close to the road and would become the primary view of anyone driving up the street and for my neighbours across the road or on the same side of the street, east of 211 Edenwood.

2. My original understanding from the owner of the property, who is also the contractor or investor with the intent of "flipping" the house for profit, was this would be a deck for the purpose of an exit and stairs to the ground level, not a deck of this size for recreation.

3. With multi-unit dwellings that were originally single dwelling homes, in our experience, often results in garbage, debris and old furniture being put on the decks, patios and in front yards. We already have an illegal basement apartment across the road at 214 Edenwood Cres and have to look from our front window at garbage in the yard and a front yard which is never maintained. With this multi-unit dwelling right beside us, we may have to look at unwanted things such as garbage bags or debris on the second level deck very close to the road, and as my primary view from the front of the house as this deck would be far past the front corner of my house at 211 Edenwood in relation to distance to the street Edenwood. My family pays \$7000 in taxes to live in our single dwelling home. To have to look at this deck as my primary view from the front of the house will significantly affect our reasonable use and enjoyment of the property and resale value.

4. With a suggested significant suggested rear yard setback of 5 metres, not only does it open more possibilities for the current homeowner/"flipper", but it would open up the range of possible poorly planned projects by the future homeowner. The current homeowner has been clear from the time he took possession of the home; they are only here to renovate and flip 200 Jull Court. It has been stated by the current homeowner/contractor, their goal is to have this house back on the market asap.

5. The current fence line between the 211 Edenwood and 200 Jull Court ends at the front corner of my 211 Edenwood house. The 200 Jull Court homeowner/contractor has already stated they are planning to extend the fence line past the frontage corner of 200 Jull Court at a height exceeding the fencing by-laws. This proposed fence line extension would not be consistent with town fencing by-laws and once again would impair my own view from the front of my house. Additionally, neighbours to the east of 211 Edenwood would also have their view impaired.

6. With the proposed deck at 200 Jull Court almost being at the same height as my eavestrough on the west side of my house and the wind predominantly coming from the west on Edenwood Cres, does my roof and eavestrough now become the home for blowing snow and debris off of the proposed deck because of the close positioning to the property line combined with the height of the deck? The increase in snow to my roof and eavestrough could be damaging. The increased snow load would be in addition to the 3 foot plus deep of accumulation I already receive consistently on the west side of the house. My property already takes on a great amount of water from the Jull Court properties. Thousands of dollars have already been spent on the west side of the house in drainage and rebuilding the west side wall of the house which included foundation repair and new concrete. Will the future

owners shovel the snow towards my house increasing the demands of the drains and sump pump while damaging my fence? Do I now have to budget even more dollars towards maintaining the west side of my property?

7. The height of the deck will take away our family right to privacy in my own back yard. This has never been a problem under the current by-laws and was a major consideration for my family when deciding to purchase 211 Edenwood. The proposed deck would provide the Jull Court house a clear view into the majority of my backyard, taking away from my family enjoyment of outdoor activities and right to privacy under the current by-laws which the other homes beside me are free to enjoy. Taking away our family enjoyment on our own long-term planned property would be a great disappointment for us. This possible new viewing point of our backyard could also affect the resale value and number of potential buyers in the future.

8. The fence line separating my property, 211 Edenwood Cres, and 200 Jull Court would become a much greater expense. The current fence line is on its last days. Multiple sections have been short term repaired already with more work being needed. The fence is also leaning or twisted in areas due to the age of the fence. This is common in mature neighbourhoods to which my family has plans to replace the fence on the west side separating us from Jull Court. We have already worked with our east side neighbour to replace the east side property fence within the past year. We replaced the old fence with a beautiful 6 foot tall fence built with the intention of matching that height and profile on the west side. I have proactively communicated to the 200 Jull Court homeowner/contractor that I was willing to split that cost now, enhancing both of our property's aesthetics and privacy while eliminating an old broken fence. 200 Jull Court ownership has stated they have no intention of spending that money on the fence and are committed to passing that cost/responsibility onto the future new owners. I understand they have that right. My issue is with this deck bringing a clear view into my yard, taking away our family enjoyment, we would have to build a taller fence to attempt maintaining the level of enjoyment/privacy. The town of Orangeville allows up to a 7 foot tall fence with 2 feet of lattice on top. We don't want a fence at a 9 foot total height (including lattice) as it has been confirmed that the additional materials such as length of post, fence boards, screws and lattice will increase the project cost by 30 to 35%. In addition, we are more interested in building/enhancing our community than building walls. Once again, we are looking at thousands of additional dollars spent out of our budget that were not planned.

Our full names and address are below. We consent to this being posted on the Agenda or being distributed to committee members, the applicants or other participants.

Once again, we would like to receive notification of the decision of the Committee of Adjustment in respect of this application. For any mailed document, please make sure it is sent clearly labeled from the Town of Orangeville.

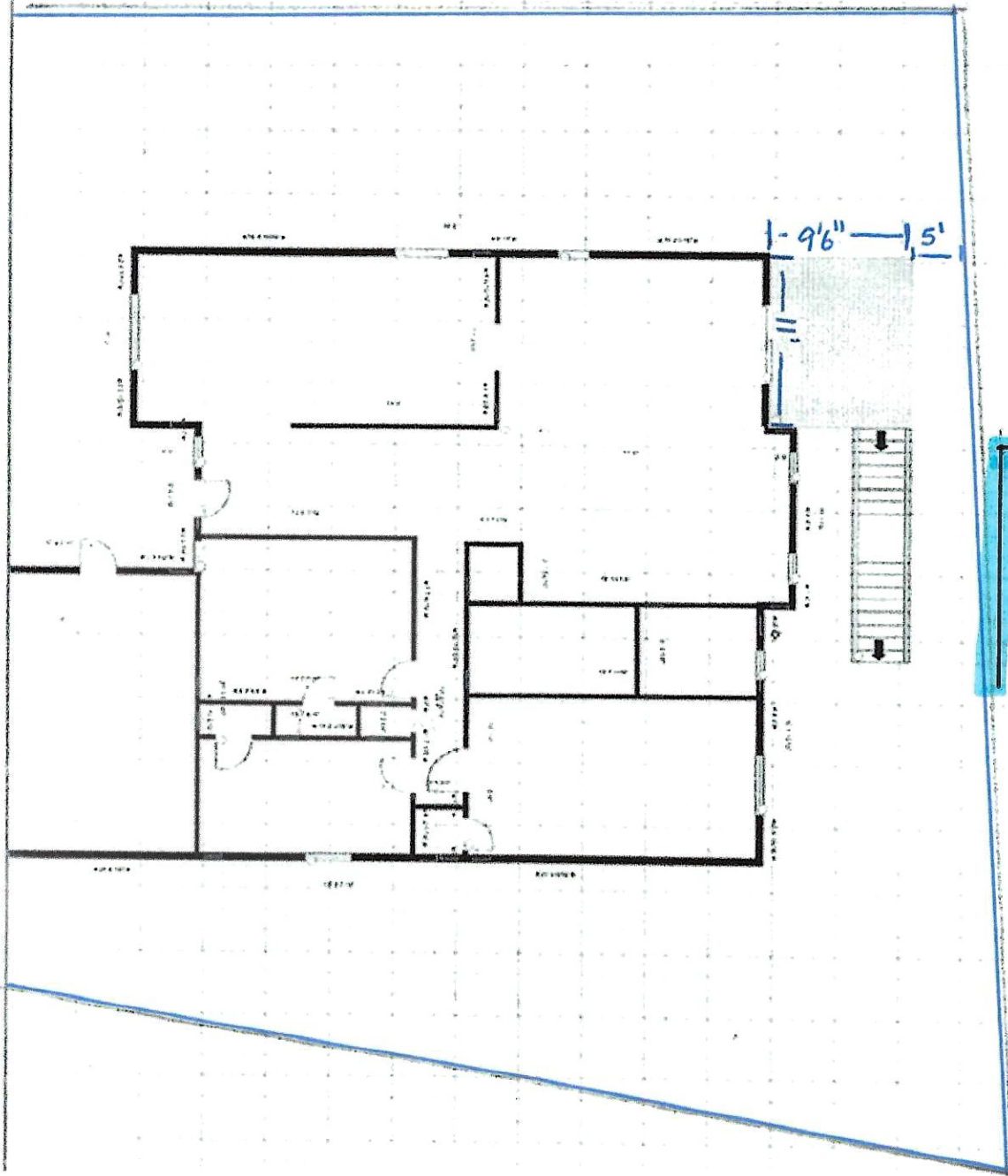
Thank you very much.

Sincerely,

Scott & Amy Morrison
211 Edenwood Cres
Orangeville On
L9W4M8

Sent by Scott.

EDENWOOD CRES



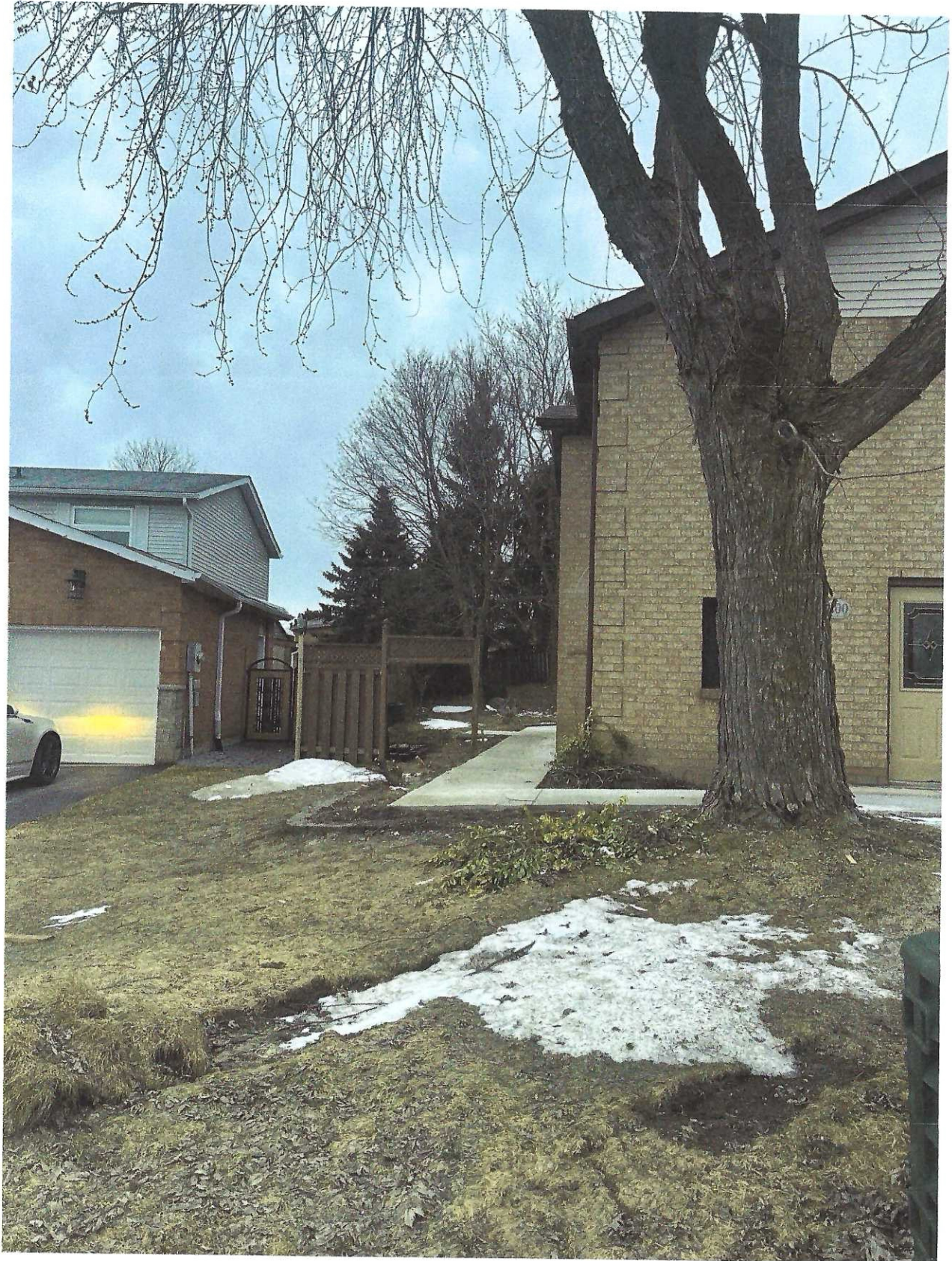
211

Approx
Position
of front
corner for
211 Edenwood

View ^{from} ~~the~~ backyard of 211 Edenwood



View from street curb of Edenwood



view from bottom of driveway 211 Edenwood



VIEW FROM INSIDE KITCHEN



View from proposed deck door at 200 Jull Court towards front of house of 211 Edenwood.

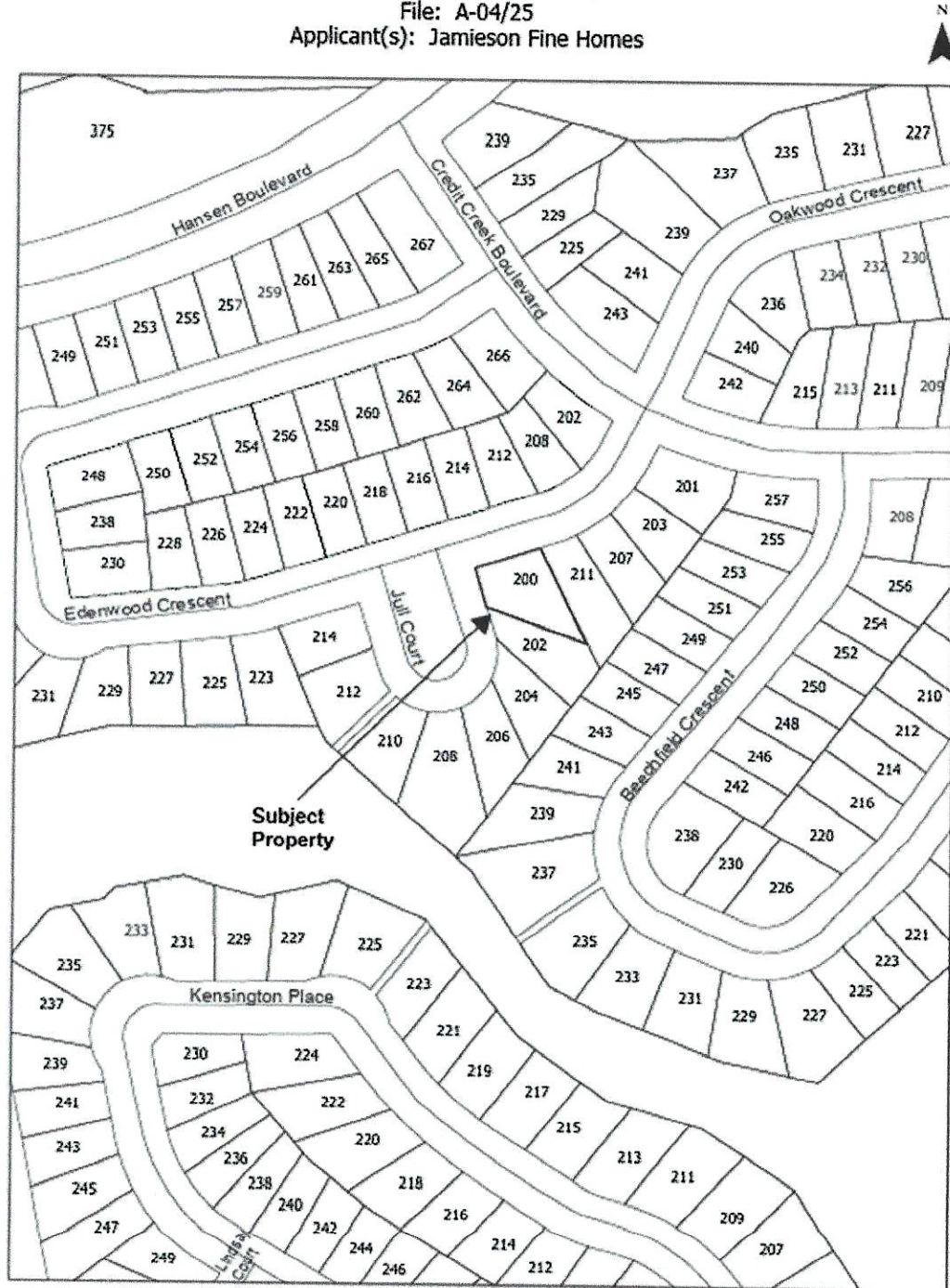
- * From this position, there is another 6 feet approximately to the left to the corner of the proposed deck.
- * Current property fence line can't extend past the front corner of 211 Edenwood at current height.



Ariel view of 200 Jull Court

Please look at positioning of deck at
200 Jull court in relation to front
of house at 211 Edenwood

Attachment 1: Location Map
File: A-04/25
Applicant(s): Jamieson Fine Homes



Subject: Planning Report A04-25 – 200 Jull Court

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2025-04-02

Recommendations

That Planning Report A04-25 – 200 Jull Court be received;

And that Minor Variance Application (File No. A04-25) to reduce the rear yard setback required from 7.0 metres to 1.5 metres, only as it relates to the extent of a deck with associated stairs generally as shown on Attachment No. 2, be approved.

Introduction

Legal Description: Lot 31, Plan 313

Municipal Address: 200 Jull Crt

Applicant(s): Jamieson Fine Homes Inc.

Official Plan Designation: Residential

Zoning (By-law 22-90): Residential, Second Density (R2)

Purpose: The applicant is requesting a minor variance to reduce the minimum rear yard setback from 7.0 metres to 1.5 metres.

Background

The subject property, 200 Jull Court, is located on the corner of Jull Court and Edenwood Crescent. Edenwood Crescent is located off Credit Creek Boulevard. The property is approximately 761 square metres in area with a lot frontage of 15.22 m along Jull Court (Attachment 1).

The applicant submitted a building permit application in November 2024 for an additional residential unit (ARU) in the basement and interior renovations in the main

floor dwelling unit. The renovations proposed for the main floor included a patio door and deck, as an additional egress for the main floor dwelling unit and access to the rear yard. The deficient rear yard setback was identified by Planning staff and the permit was revised to only include the basement ARU. The applicant has decided to proceed with constructing the deck, but based on the irregular layout of this lot, it would encroach into the required 7.0 metre minimum rear yard setback, leaving a 1.5 metre setback from the lot line. The applicant has therefore applied for this Minor Variance to seek a reduction from this rear yard setback requirement to allow the deck off the main floor unit.

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

Analysis

Section 45 (1) of the Planning Act, RSO 1990, as amended, stipulates that a Committee of Adjustment may authorize a minor variance from the provision of a Zoning By-law if, in the committee's opinion, the variance meets four tests:

1. Conformity with the Official Plan

The subject property is designated as Low Density Residential in the Town of Orangeville Official Plan (Schedule C). The Low Density Residential designation permits residential uses on the property. The proposed deck is an accessory structure to the permitted residential use. It does not present any conflict with relevant policies under the Community Form and Identity Section D7 of the Town's Official Plan. Therefore, it is staff's opinion that the application conforms to the intent and purpose of the Town's Official Plan.

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

The subject property is zoned Residential, Second Density (R2) in Zoning By-law 22-90, as amended. The R2 zone permits single detached dwellings and other residential uses. Additional Residential Units (ARUs) are permitted in detached dwellings in accordance with Section 5.29 of the Zoning By-law.

The required rear yard setback for single detached dwellings in the R2 zone is 7.0 metres. The Zoning By-law was enacted by Town Council on March 19, 1990. The existing house, built in 1988, has a legal non-complying rear yard setback of approximately 4.42 metres. The irregular shaped corner lot and the size and orientation of the dwelling on the lot resulted in this rear yard setback (Attachment 1 and 2).

Section 5.22 permits a rear yard encroachment of 1.8 metres for decks, inclusive of any associated stairs and landings. The applicant is proposing a 2.89 metre encroachment into the rear yard, reducing the rear yard setback from 7.0 metres to 1.5 metres.

The general intent of a rear yard setback is to provide adequate rear yard amenity space, manage massing, and reduce potential overlook and privacy issues. In addition, setbacks ensure sufficient separation from the lot line for lot drainage and maintenance purposes, and access around the property in the case of an emergency.

Given the irregular shape of the subject property which provides a generous side yard to the south of the dwelling and the purpose and height of the proposed deck, a reduction in outdoor amenity space is not anticipated. However, the reduced rear yard setback and the height of the proposed deck (2.74 metres) could present privacy and overlook concern for the adjacent neighbour. The applicant has demonstrated that the proposed deck will face the driveway and the side of the neighbours garage, not the house or rear yard, which would present a more significant concern for the adjacent property (Attachment 3). The 1.5 metre remaining between the deck and the property line is anticipated to be adequate for drainage, maintenance, and emergency access. It is the same as the side yard setback required for a dwelling having more than one storey in the R2 zone. In order to avoid potential impacts that could result if a larger deck were to be constructed with this reduced setback permission, planning staff have recommended that the requested variance be limited only to the extent of deck that is proposed with this application, as show in Attachment 2.

It is staff's opinion that the requested variance as recommended in this report, will not create substantial adverse impacts and maintains the general intent and purpose of the Town's Zoning By-law.

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

Adding additional residential units (ARUs) to residential properties is considered gentle intensification and is desirable and appropriate use of the land. The requested variance will provide a deck amenity space and access to the rear yard and side yard amenity space from the main floor dwelling unit.

4. Minor in Nature

Based on the above analysis, the requested variance is considered to be minor in nature. There are no anticipated negative impacts on the property or adjacent properties.

Summary

In summary, based on the application as submitted, planning staff are of the opinion that the applicable tests under the Planning Act are satisfied and have no objections to the approval of Minor Variance Application A-04/25 – 200 Jull Crt.

Infrastructure Services – Transportation & Development Comments:

Transportation & Development does not object to this application provided that the Applicant acknowledges that the grading and drainage scheme of this lot is not to be

altered so as to impact abutting properties and or the municipal rights-of-way. Any adverse impacts or matters that may arise as a result of this proposed variance shall be rectified by the Applicant at their expense.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Economic Resilience

Objective: Ensure availability and affordability of employment lands and housing

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

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

Prepared by

Susan Pottle
Planning Technician, Infrastructure Services

Reviewed by

Brandon Ward, MCIP, RPP
Planning Manager, Infrastructure Services

Attachment(s):

1. Location Map
2. Site Plan
3. Aerial Photo & Photo from Patio Door

From: [Tim Norman](#)
To: [Committee of Adjustment](#)
Subject: [External Email] A-o4/25 200 Jull Court
Date: Tuesday, April 29, 2025 11:24:49 AM

Re: File Number A-04/25
200 Jull Court (Lot 31, plan 313)

To whom it may concern,

We have lived 40' from the proposed construction of the deck for 23 years. It is the opinion of our household that the construction of the deck in its proposed location not be permitted to proceed.

To be clear the requested variance should not be considered a 'minor variance.' Any permission given to construct a raised deck in an area that butts up against a neighbors front yard and the street is a decision that will aesthetically affect the whole street.

The investment in our property was partially made because we have an attractive neighborhood where many people make ongoing significant investments to keep their property looking nice.

Our decision to purchase may have been swayed had a raised deck been perched high above our driveway 40' away.

As a multi-unit property, it is quite likely that the unit at Jull Court will be rented. The deck will then be filled with items such as barbeques, string lighting, furniture, bicycles, garbage cans, recycle bins and detract from the look of our neighborhood. It is also highly likely that the deck will not be properly maintained and that the weathered uncared-for deck will quickly become a blemish on the curb appeal of our street. An uncared for deck only affects the owner when it is in the back yard. This is not true when the structure is built right down by the street and up against the property line.

The construction of the deck will also set a dangerous precedent of allowing a complete invasion of privacy. Many people have decided to buy in our neighborhood because there is a comfortable amount of space between our houses. The decision to not buy in a newer development where the eavestroughs are close to touching was a very conscious one. To come in and construct a raised deck that is only a few feet from the property line would be a complete invasion of privacy. This invasion of privacy will be felt particularly by the Morrison's at 211 Edenwood long after Jamieson Fine Homes Inc. has

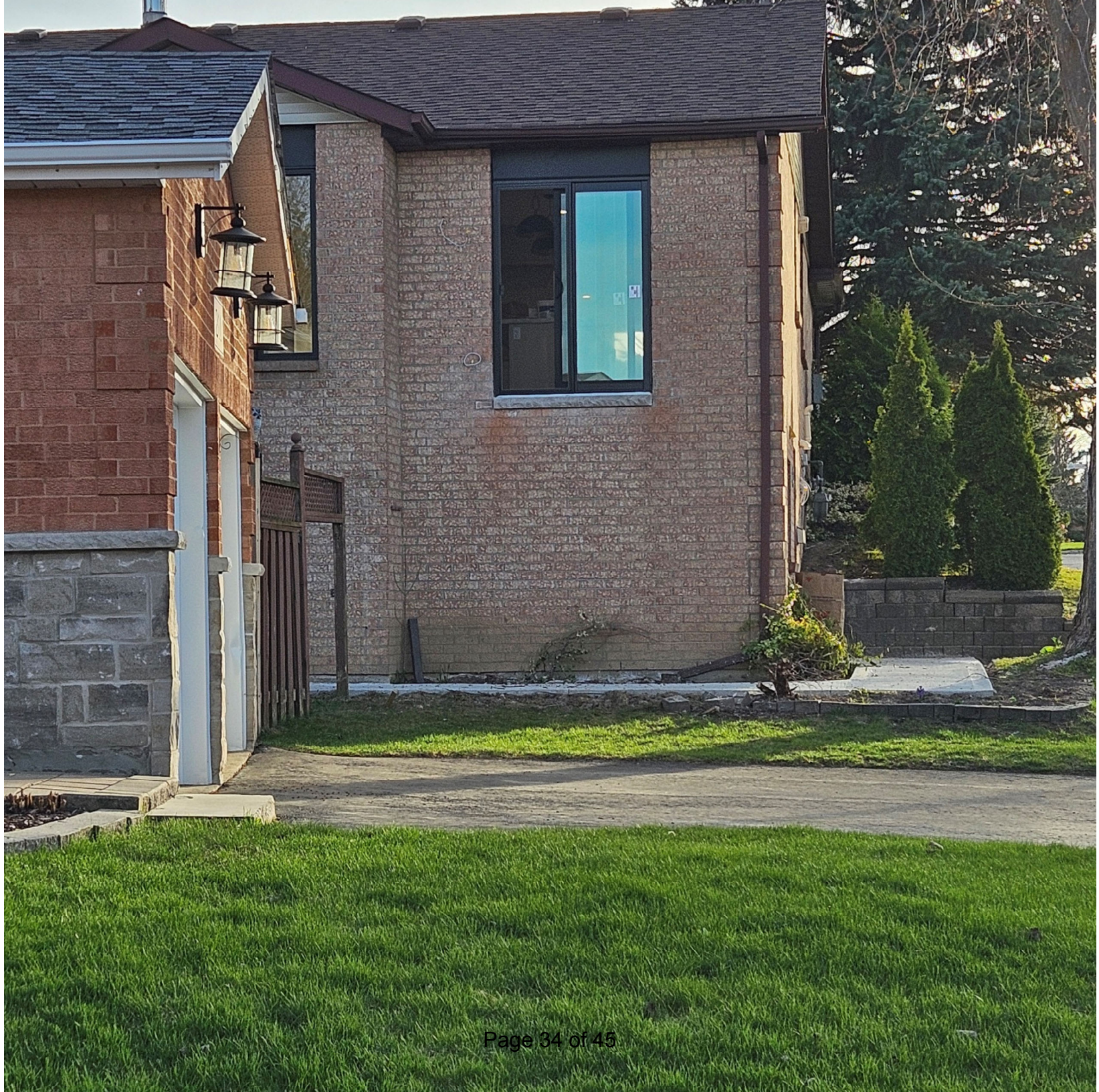
sold 200 Jull Court and moved on.

It is also peculiar that the window was changed by the Jamieson contractor to a sliding door for the proposed deck a long time ago, long before any of these discussions had taken place. I am hopeful that the construction of this deck in its proposed location was not a forgone conclusion and that the zoning By-law 22-90 be upheld.

Sincerely,

Robert Timothy Norman
207 Edenwood Crescent
Orangeville, ON
L9W 4M8

You are authorized to post this correspondence on the agenda.



Subject: Planning Report – A05-25 – 60-62 Broadway

Department: Infrastructure Services

Division: Committee of Adjustment

Meeting Date: 2025-05-07

Recommendations

That Planning Report – A05-25 – 60-62 Broadway be received;

And that Minor Variance Application (File No. A05-25) permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required, be approved, subject to the following condition:

- 1. That the applicant includes provision for appropriate signage for the shared commercial and visitor parking spaces, including but not limited to specific hours, through the Condominium application process to the satisfaction of the Planning Division.**

Introduction

Legal Description: Part of Lots 1, 2, 3, 4 & 5, Block 4, Registered Plan 138 RP;7R2066 Part 1 Part 2 Part 4

Municipal Address: 60-62 Broadway

Applicant(s): 60 on Broadway Development Corporation

Official Plan Designation: “Central Business District” and “Open Space Conservation” (Schedule ‘A’)

Zoning (By-law 22-90): Central Business District (CBD), S.P.24.227, Open Space Conservation (OS2).

Purpose: The applicant is requesting a minor variance to permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required.

The purpose of the requested variance is to allow the shared use of the 23 exterior parking lot spaces for commercial and residential visitor parking.

Background

The lands subject to these applications are comprised of two parcels located on the southeast corner of Broadway and Wellington Street, municipally known as 60 & 62 Broadway. The two parcels have a combined lot area of approximately 0.631 hectares (1.56 acres), with approximately 59.1 metres (167.1 feet) of frontage along Broadway and approximately 131.9 metres (423.8 feet) of frontage along Wellington Street (see Attachment 1).

The subject land is in the initial stages of earthworks associated with the construction of a 5-storey mixed-use building containing 56 units and of 667 sq. m. of ground floor commercial uses. The subject land has gone through various planning approvals to permit the development as proposed. The Official Plan and Zoning By-law Amendment application (File No. OPZ-2019-06) was approved by Council on August 9, 2021. The Committee of Adjustment approved a minor variance (File No. A-05/23) to increase the height of the easterly portion of the building from 16 metres to 18 metres for staircase access to the rooftop amenity on June 7, 2023. Staff subsequently reviewed and approved the Site Plan application (File No. SPA-2022-07) on March 27, 2024.

There are a total of 86 parking spaces included with this development, 63 of which will be situated in a below-grade parking level and 23 spaces will be surface-level exterior to the south of the building.

The applicant is requesting a minor variance to permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required (see Attachment 2). The total number of required parking spaces (residential, commercial and residential visitor) is not changing. However, all 63 of the interior spaces are proposed to be secured and for the sole use of residential occupant parking. The remaining 23 exterior spaces are proposed to be shared for commercial and residential visitor parking. Without enabling shared use of the exterior spaces, some of the interior spaces would need to be allocated for residential visitors or commercial space users. The applicant has expressed concerns with this approach, as enabling access to the interior building parking areas for external visitors (commercial or residential visitor) raises security concerns.

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

Section 45(1) of the Planning Act, R.S.O. 1990, as amended, prescribes 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 the four tests:

1. **Conformity with the Official Plan**

The subject property is designated "Central Business District" and "Open Space Conservation" in the Town of Orangeville Official Plan. The "Central Business District" area accommodates the largest and most diverse concentration of central functions in the Town, including retail, office, services, entertainment, and other commercial uses, as well as governmental, institutional, residential and community activities.

The proposed variance to permit shared commercial and residential visitor parking at a reduced rate does not conflict any high-level policy direction of the Official Plan. As such, 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 Central Business District (CBD) S.P.24.227 and Open Space Conservation on Schedule 'A' of Zoning By-law 22-90, as amended. The Central Business District Zone applies site specific performance standards to the developable portion of the subject lands and permits a range of commercial uses in addition to residential uses on the upper floors. The undevelopable portion of land is zoned 'Open Space Conservation (OS2) Zone' and will be dedicated to the Town. The 'OS2' zone protects the lands for conservation uses and the portion of the lands zoned 'Central Business District Floodplain (CBD-F)' denotes that the development of these lands requires written approval by Credit Valley Conservation (CVC).

The Zoning By-law prescribes the standard parking rates as outlined in the table below.

| Type | Required | Proposed |
|---------------------|------------------|--------------------|
| Residential | 56 spaces | 63 spaces |
| Residential Visitor | 14 spaces | 23 spaces combined |
| Commercial | 16 spaces | |
| Total | 86 spaces | 86 spaces |

As per the table above, the applicant is providing the required total of 86 parking spaces on the subject lands. Of these spaces, 63 are interior parking spaces and 23 are exterior parking spaces.

However, the applicant is requesting a minor variance to adjust the breakdown of these spaces, to permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential (30 total) visitor parking spaces are required.

There is no reduction in the combined total number of parking spaces (residential, commercial, and residential visitor). However, it is proposed that all of the 63 interior

spaces be allocated for the sole use of residential parking, while the remaining 23 exterior spaces are proposed to be shared for commercial and residential visitor parking.

It is staff's opinion that the commercial and residential visitor parking spaces would be in higher demand at opposite times, lending merit to a shared parking arrangement. For example, office uses would typically operate on an 9am-5pm schedule, while residential visitor would typically require parking after standard working hours or overnight.

Furthermore, the property is within the Central Business District which has a long-standing shared parking arrangement, many options for short-term parking, as well as good access to free public transportation. As such, staff do not anticipate adverse impacts from the proposed variance.

Staff have recommended a condition that the owner include provision for appropriate signage, including but not limited to specified hours, as part of the Condominium application process. This will ensure that the Condominium is responsible for enforcing and dealing with any potential parking issues for the patrons of the commercial businesses as well as the residential visitors.

Considering the above, the proposed variance maintains the general intent and purpose of the Town's Zoning By-Law, subject to the proposed condition.

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

A mixed-use building is permitted pursuant to the policies of Zoning By-law No. 22-90. The proposed variance will not have adverse impacts on surrounding properties, while allowing for better use of the exterior parking spaces on a shared basis to accommodate the varying demands between commercial patrons and residential visitors.

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:

Given that the overall residential parking arrangements and that quantities of parking spaces are remaining in place and that appropriate signage to designate and outline the use for the remaining spaces are conditions of approval of this variance, Transportation & Development has no objection to the recommendations outlined in this report.

Strategic Alignment

Strategic Plan

Strategic Goal: Economic Resilience

Objective: Ensure availability and affordability of employment lands and housing

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

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

Prepared by

Larysa Russell, MCIP, RPP
Senior Planner, Infrastructure Services

Reviewed by

Brandon Ward, MCIP, RPP
Planning Manager, Infrastructure Services

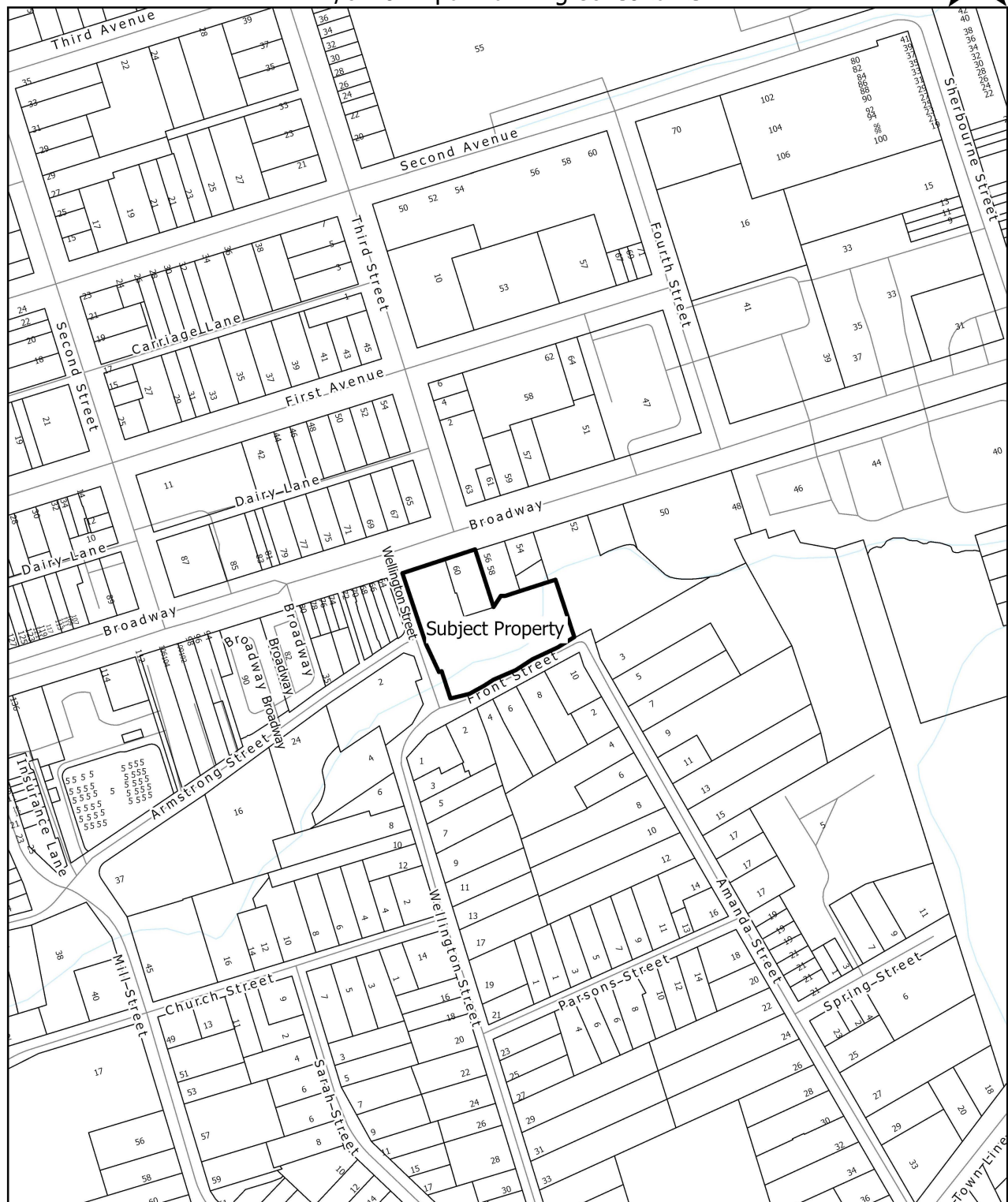
Attachments: 1. Location Map
2. Site Plan

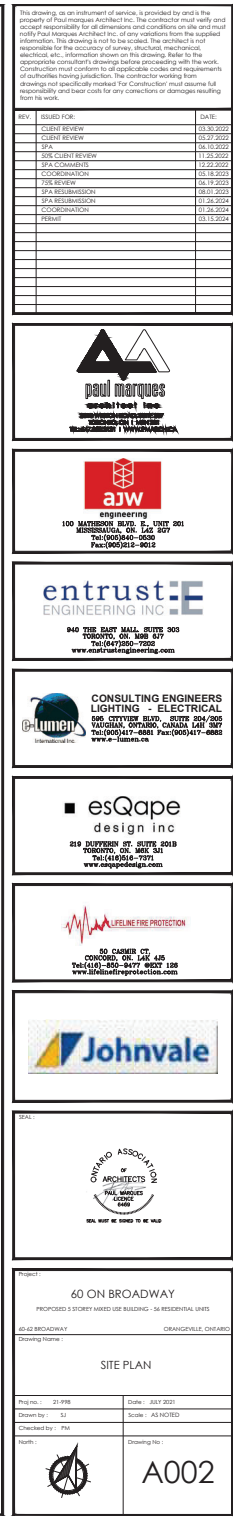
Location Map

File: A-05/25

Applicant: 60 on Broadway Development Corporation
c/o Municipal Planning Consultants

N





From: [Lynda Addy](#)
To: [Mary Adams](#)
Subject: Re: [External Email] Committee of Adjustment Notices – May
Date: Tuesday, April 22, 2025 8:31:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Application File Number: A-05/25
Subject Property Address: 60 & 62 Broadway
Legal Description: Part of Lots 4 and 5, Block 4, Plan 138 des inc. Part 5 on
RP 7R-2066
Part of Lots, 1, 3, 4, and 5, Block 4, Plan 138, Parts 1, 2, 4 on
RP 7R-2066

Considering the Committee of Adjustment application for the proposed development at 60-62 Broadway, Heritage Orangeville has no comments on the impact of reducing the number of parking spots for the development.

Warm regards,

Lynda Addy

From: [Alison Scheel](#)
To: [Committee of Adjustment](#)
Cc: [Todd Taylor](#)
Subject: [External Email] Secretary-Treasurer of the Committee - A-05-25 - 60&62 Broadway Committee of Adjustment Hearing Comments
Date: Tuesday, April 29, 2025 6:17:33 PM
Attachments: [Notice of Hearing Package - A-05-25 - 60 & 62 Broadway.pdf](#)

Hello,

The Orangeville Business Improvement Area (OBIA) Board of Management has reviewed the notice regarding the minor variance to Zoning By-law No. 22-90, as amended, for the 60-62 Broadway, to permit a minimum combined total of 23 commercial and residential visitor parking spaces on a non-exclusive basis, whereas 16 commercial and 14 residential visitor parking spaces are required. The purpose of the requested variance is to allow the shared use of the 23 exterior parking lot spaces for commercial and residential visitor parking. The OBIA respectfully submits the following comments regarding this application:

Due to the ongoing parking challenges in Downtown Orangeville, the OBIA Board of Management does not support any reduction in parking requirements for developments located within the Central Business District (CBD). This includes the proposed reduction at 60–62 Broadway, which seeks to replace the required 16 commercial and 14 residential exterior parking spaces with 23 non-exclusive exterior spaces. Such a reduction would place additional pressure on the already limited public parking supply and could negatively impact nearby businesses by increasing the likelihood of unauthorized use of private parking lots.

However, the OBIA is prepared to support the following parking arrangement for 60–62 Broadway: 16 exclusive exterior commercial spaces, 7 exterior on-site residential spaces, and 7 off-site spaces located within a 350-metre radius of 60-62 Broadway. These off-site spaces must be secured either through purchase or long-term lease agreements (minimum 20+ years). Furthermore, all exterior commercial parking must be reserved exclusively for the use of commercial tenants and their customers.

This arrangement ensures sufficient parking for both residential and commercial occupants of the development, provides the property owner with a flexible residential parking solution, and helps prevent further strain on Downtown’s public and private parking resources.

Thank you for the opportunity to comment and for including the OBIA’s comments as part of the application review process and as part of the Committee of Adjustment agenda.

Apologies for submitting these comments a few hours past the deadline. Please confirm receipt of this email and inclusion in the agenda as per above.

Thank you,
Alison



Alison Scheel
Executive Director
Orangeville Business Improvement Area
(OBIA)

Phone 519 942 0087
Email info@downtownorangeville.ca
Address 10 First Street, Orangeville ON, L9W 2C4

www.downtownorangeville.ca
[Facebook](#) | [Instagram](#)

We would like to acknowledge the treaty lands and territory of the Williams Treaty Nations and the Mississaugas of the Credit First Nation. We also recognize that Dufferin County is the traditional territory of the Wendat and the Haudenosaunee, and is home to many Indigenous people today.

From: [Denise Beisel](#)
To: [Committee of Adjustment](#)
Subject: [External Email] Notice of Hearing, committee of Adjustment A05/25
Date: Tuesday, April 22, 2025 4:19:41 PM

I oppose the application for the minor variance of By-law 22-90, which would permit 23 combined commercial and residential visitor parking spots for 60-62 Broadway.

I believe the 16 commercial and 14 residential visitor parking spaces are truly required in this area. As we know parking is key in our town and with the future intensification of Broadway we need the separate parking spots. My fear is that the residents of 60 Broadway as well as other shoppers in the area would choke up the 23 shared parking spots that the variance would permit and there would be little to no parking for the commercial uses.

The location of this building is surrounded by no parking zones on Wellington, Front, Broadway, Third St and Armstrong street. It is difficult enough to try to get parking on Broadway and the green P lot near this location without having to walk a significant distance. As an over 50 yr old, I would certainly avoid using any store or commercial business if I thought that I could not park here, never mind visit an individual.

Most “families” have 2 or 3 vehicles and there is never enough parking if only 1 or 2 spots are designated for each apartment. Therefore it is natural for parking of vehicles to overflow into the visitor spots.

Decreasing the required parking spots and “sharing” them is not the solution for a town which is exponentially growing

Denise Beisel 