

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/051/2021

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Troy Cusolle & Lynn McPherson 256 Wynford Place Oakville ON L6L 5T3	Steven Brousseau Design c/o Steven Brousseau 18 Beverly Street East St. George ON N0E 1N0	PLAN M220 LOT 247 256 Wynford Place Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL8 sp: 103
DISTRICT: West

APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a one-storey rear addition to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 15.103.4 a) The maximum <i>residential floor area</i> shall be 126.0sq.m (Lot area is 380.55 m ²).	To permit the maximum <i>residential floor area</i> to be 149.80sq.m.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

CAV A/051/2021 - 256 Wynford Place (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a one-storey addition. The applicant requests the variances listed above.

The neighbourhood consists of predominately two-storey dwellings that are original to the area and has seen minimal redevelopment. The streetscape contains mature trees which are a character feature of the neighbourhood and there are no sidewalks along Wynford Place.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.

Variance #1 – Residential Floor Area (Supported)

The request for an increased floor area of the proposed dwelling from 126 square metres to 149.8 square metres adds an additional 23.8 square metres (256.18 square feet) of floor area. After a site inspection, it was observed other neighbouring properties also constructed similar one and second storey additions, of which some required variances due to the special provision zone category and lot size. The proposed increase in the residential floor area would not impact the surrounding neighbourhood as a one-storey element based on the resulting massing the dwelling in the side and rear yard. The intent of regulating the residential floor area in the Zoning By-law is to prevent a dwelling from having a mass and scale that appears larger than surrounding dwellings. Therefore, the request for the additional floor area will maintain and protect the character of the area.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a dwelling that maintains the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the addition be built in general accordance with the submitted site plan dated 23.MAR.2021 and elevation drawings dated 11.MAR.2021; and
2. That the approval expires two (2) years from the date of the decision if a building permit has not been issued for the proposed construction.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the Building Permit and construction processes.
2. A two (2) year timeframe allows the owner to construct what is ultimately approved within a reasonable timeframe of the application being processed to the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if the construction does not take place within this timeframe, a new

application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

Fire: SFD. No concerns to submit

Transit: No Comment

Finance: None

Halton Region:

- The rear limits of the property boundary is designated as Regional Natural Heritage System (RNHS) with a Provincial Overlay of MNR Wooded Area in the Regional Official Plan. When a development is within 120 metre of the RNHS, an Environmental Impact Assessment is typically required. However, given that limits of the proposed development will be contained within the existing paved portion of the rear area of the property, there are no Regional concerns.
- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase maximum residential floor area requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a single-storey rear addition onto an existing two-storey detached dwelling on the subject property.

Bell Canada: No Comments Received

Letter(s)/Emails in support: Five

Letter(s)/Emails in opposition: None

Note: *The following standard comments apply to all applications. Any additional application specific comments are as shown below.*

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments / authorities (e.g. Engineering and Construction, Building Services, Conservation Halton, etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.

Requested conditions from circulated agencies:

1. That the addition be built in general accordance with the submitted site plan dated 23.MAR.2021 and elevation drawings dated 11.MAR.2021.
2. That the approval expires two (2) years from the date of the decision if a building permit has not been issued for the proposed construction.

A handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails in Support - 5

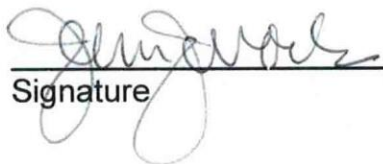
February 17th, 2021

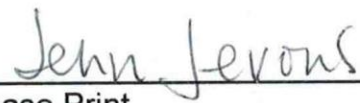
Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6J 5A6

To Whom It May Concern,

We have reviewed the drawings as shown to us by Mr. Troy Cusolle and Mrs. Lynn McPherson for their proposed addition at 256 Wynford Place, Oakville, Ontario. We understand these drawings are to be submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,


Signature


Please Print

254 Wynford Place Oakville, ON L6L5B3
Address

March 1, 2021
Date


February 17th, 2021

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6J 5A6

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Sincerely,



Signature

KRISTY HARPER

Please Print

263 Wynford Pl.

Address

Mar 1 / 21.

Date

February 17th, 2021

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6J 5A6

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Sincerely,



Signature

YEHUDA ZACHARIAH

Please Print

260 WYNFORD PL. OAKVILLE, ON. L6L 5T3

Address

01 Mar/21

Date

February 17th, 2021

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6J 5A6

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Sincerely,


Signature

GULFEM YENER
Please Print

256 WYNFORD PLACE
Address

FEB 27TH/2021
Date

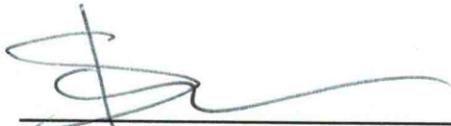
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Sincerely,


Signature

SEAN THOMPSON
Please Print

261 WYNFORD PL, OAKVILLE, ON, L6L 5T1
Address

FEB 25/21
Date