

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

APPLICATION: **CAV A/172/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
YASH MATHUR 235 WEMBLEY RD OAKVILLE ON, L6H 6H3	JIM PITRE LIFESTYLE HOME PRODUCTS 944 CRAWFORD DR PETERBOROUGH ON, K9J 3X2	235 WEMBLEY RD PLAN M623 LOT 127

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 5

ZONING: RL8  
DISTRICT: EAST

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### **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 sunroom addition proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.3 (Row 6, Column-Detached Dwellings)</b> The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.6 m.

### **CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

#### **Planning Services:**

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

**CAV A/172/2022 - 235 Wembley Rd (East District)** (OP Designation: Low Density Residential)

The applicant is proposing to permit the construction of a sunroom addition subject to variances above.

The neighbourhood consists of two-storey dwellings in the area along Wembley Road with sidewalks on both sides.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against 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.*

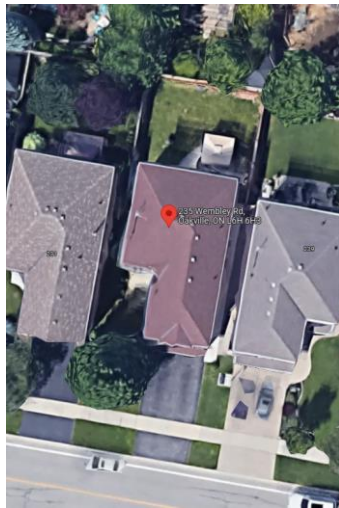
*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*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.”*

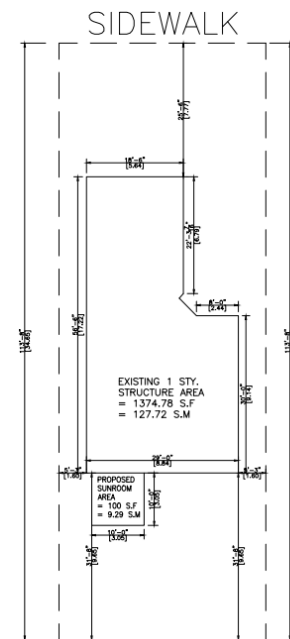
### **Variance #1- Rear Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 6.6 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey sunroom. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. In this instance, the proposed rear yard setback has sufficient space from the rear lot line having no concerns for overlook and privacy. Staff are of the opinion that the request for decrease in the rear yard is minor in nature and meets the intent of the Official Plan or Zoning By-law.

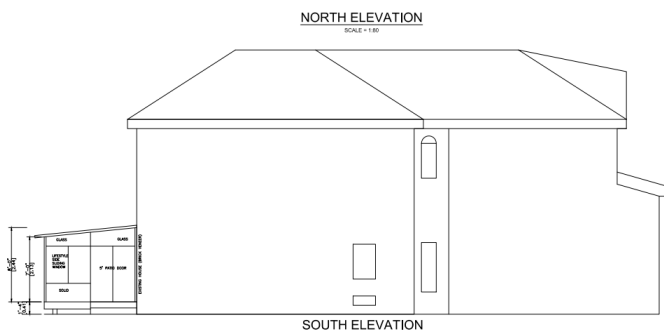
### **Aerial photo of the subject property**



### **Excerpt of the site plan by the applicant**



### **Rear Elevation of the Proposed Sunroom by the applicant:**



**Photo of the Rear yard of the dwelling:**



**Conclusion:**

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

1. That the sunroom (one storey addition) be built in general accordance with the submitted site plan and elevation drawings dated July 8, 2022; 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 obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by 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 a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

**Fire:** No Concerns for Fire. DL

**Transit :** No comments.

**Halton Region:** CAV A/172/2022 – Y. K. Mathur, 235 Wembley Road, Oakville

- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a sunroom addition on the subject property.

**Trans Canada Pipeline :** Comments not received.

**Enbridge:** Comments not received.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – None.**

**Letter(s) in opposition – None.**

**General notes for all applications:**

**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 sunroom (one storey addition) be built in general accordance with the submitted site plan and elevation drawings dated July 8, 2022; 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.



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment