



Report Committee of Adjustment

Filing Date: November 9, 2021

Hearing Date: December 7, 2021

File: A-2021-0257

**Owner/
Applicant:** RAY GUNNESS

Address: 7699 Creditview Road

Ward: WARD 6

Contact: François Hémon-Morneau, Planner I

Recommendations:

That application A-2021-0257 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
2. Prior to the issuance of a building for the proposed two-storey addition, the owner shall apply and obtain approval for a heritage permit issued in accordance with section 42 of the Ontario Heritage Act, as amended;
3. The applicant shall obtain a Permit to Injure or Destroy Trees from the City's Forestry Division for any trees to be removed as per applicable By-law;
4. The seven (7) mature trees identified on the Site Plan Drawing be retained, preserved and subject to the appropriate protective measures during construction; and
5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.

Background:

The applicant is proposing to demolish the existing attached garage and construct a two storey building addition to the existing one storey dwelling. Variances to permit a reduced building side yard setbacks and total dwelling size are requested to facilitate the development.

The property at 7699 Creditview Road is designated as part of the Village of Churchville Heritage Conservation District. The proposed two-storey addition with a single car garage will require a heritage permit in accordance with section 42 of the Ontario Heritage Act, as amended. Developments and site alterations within the Village of Churchville Heritage Conservation District are required to be acceptable under the Village of Churchville Heritage Conservation District Plan (the "HCD Plan"). The existing house is not identified in the HCD Plan as a building of cultural heritage significant for the District. The design and appearance of the addition will be reviewed during the review of the heritage permit application to ensure that the roof configuration, window design and selection of materials are all acceptable under the provisions and guidelines of the HCD Plan.

Existing Zoning:

The property is zoned 'Residential Hamlet Two (RHM2)', according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit combined interior side yard setbacks equal to 15.49% of the lot width for a proposed two storey addition whereas the by-law requires the combined interior side yards to be not less than 50% of the lot width for lots greater than 30 metres wide;
2. To permit a dwelling size of 269.32 square metres whereas the by-law permits a maximum dwelling size of 255 square metres.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated 'Open Space' in the Official Plan and 'Churchville Heritage Conservation District', 'Low Medium Density', 'Valleyland', and 'Neighbourhood Park' in the Bram West Secondary Plan (Area 40c). The nature and extent of the proposed variances, subject to the recommended conditions of approval, maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The first variance is requested to permit combined interior side yard setbacks equal to 15.49% of the lot width for a proposed two storey addition whereas the by-law requires the combined interior side yards to be not less than 50% of the lot width for lots greater than 30 metres wide. The second variance is requested to permit a dwelling size of 269.32 square metres whereas the by-law permits a maximum dwelling size of 255 square metres. The intent of the by-law in requiring interior side yard setbacks is to maintain adequate separation between dwellings and neighbouring properties. The by-law also regulates maximum dwelling size to ensure that the property can accommodate the dwelling without negative impacts to drainage and access to rear yards.

The property in question has an irregular lot shape which limits the orientation and layout of the proposed building addition. As a result, the applicant seeks to reduce the minimum side yard setback to 2.45m (8.04 ft.) along the eastern side of the proposed addition. Given the conditions of the

property and those of the property to the east, the proposed addition is not anticipated to significantly reduce the separation between the dwelling and neighbouring property. Furthermore, the 14.32 sq. m (154.14 sq. ft.) increase to the maximum dwelling size is considered a modest deviation from the requirements of the zoning by-law and can be accommodated on the site without generating impacts to drainage or limiting access to the rear yard.

The proposed variances are considered by staff to conform to the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

A variance is requested to facilitate the construction of a two storey building addition along the eastern portion of the existing dwelling. The proposed variances would permit reductions to the minimum side yard setback and allow an increase to the total building size. The variances are not anticipated to impact the overall function of the property, limit access to the rear yard, generate concerns over drainage, or contribute to significant visual impacts. The subject lot is irregular in shape and is surrounded by large properties. The building addition and associated variances are considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance will allow for a new building addition to be constructed in accordance with the applicable City policies. The reduced side yard setback is not anticipated to create any negative impact on the subject property or any adjacent properties. The total size of the dwelling is also considered a modest increase from what the by-law permits and is not anticipated to generate negative impacts. Subject to the recommended conditions of approval, the variances are considered minor in nature.

Respectfully Submitted,

François Hémon-Morneau

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