

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 20, 2022

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
519-741-2200 ext. 7765

PREPARED BY: Emily Clarkson, Student Planner, 519-741-2200 ext. 7074

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 9, 2022

REPORT NO.: DSD-2022-429

SUBJECT: Minor Variance Application A2022-105 - 6 Tweedsmuir Court
Owner: Michelle Weigel
Agent: Rache

RECOMMENDATION:

Zoning By-law 85-1

- A. That Minor Variance Application A2022-105 for 6 Tweedsmuir Court requesting relief from Section 5.5 b) of Zoning By-law 85-1, to permit an accessory structure to have a maximum height of 3.7 metres to the underside of the fascia instead of the maximum permitted 3 metres, to facilitate the construction of a pavilion in the rear yard of the subject property, generally in accordance with drawings prepared by Witzel Dyce Engineering Inc., dated July 2022, BE APPROVED.

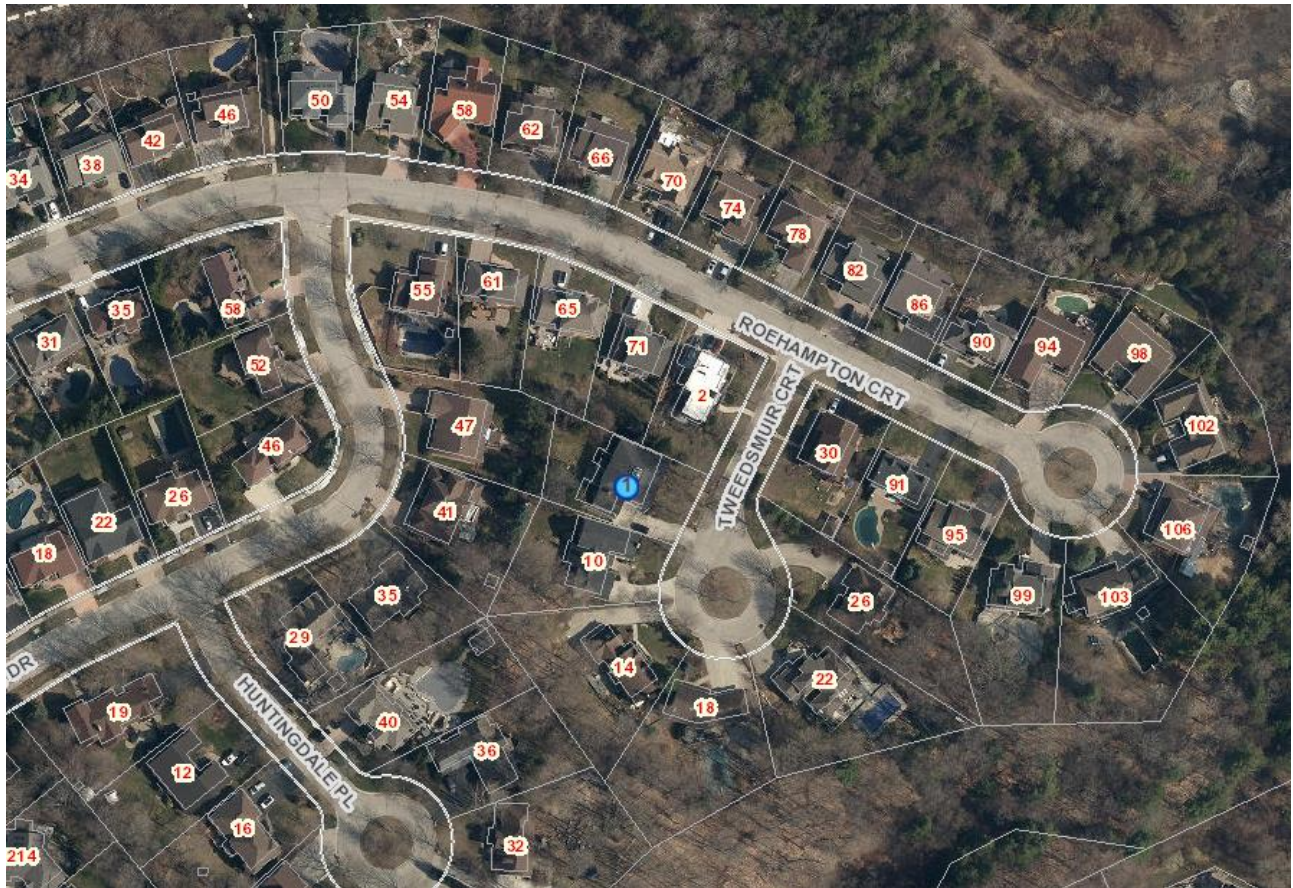
Zoning By-law 2019-051

- A. That Minor Variance Application A2022-105 for 6 Tweedsmuir Court requesting relief from Section 4.1 d) of Zoning By-law 2019-051, to permit an accessory structure to have a maximum height of 3.7 metres to the underside of the fascia instead of the maximum permitted 3 metres, to facilitate the construction of a pavilion in the rear yard of the subject property, generally in accordance with drawings prepared by Witzel Dyce Engineering Inc., dated July 2022, BE APPROVED, subject to the following:

This minor variance shall become effective only at such time as Zoning By-law 2022-040 comes into force, pursuant to section 34 (30) of the Planning Act, R.S.O. 1990, c. P 13, as amended, at such time the variance shall be deemed to have come into force as of the final date of this decision.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a pavilion in the rear yard of the subject property.
- The key finding of this report is that the requested minor variance meets the 4 tests of the Planning Act.
- There are no financial implications.
- This report supports the delivery of core services.



Location Map of 6 Tweedsmuir Court (subject property).

BACKGROUND:

The subject property is located West of Tweedsmuir Court, near the intersection of Tweedsmuir Court and Roehampton Court. The rear yard contains some various vegetation and landscaping. The area is predominately a low-rise low-density residential neighborhood.

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

The property is zoned 'Residential Three Zone (R-3)' in Zoning By-law 85-1, and 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051, which is currently under appeal.

The purpose of the subject minor variance application is to facilitate the development and construction of a pavilion in the rear yard of the subject property. Specifically, the variance is as follows:

- to permit an accessory structure to have a maximum height of 3.7 metres to the underside of the fascia instead of the maximum permitted 3 metres, to facilitate the construction of a pavilion in the rear yard

Planning staff conducted a site inspection on August 30, 2022.



Site visit photo of 6 Tweedsmuir Court (subject property).

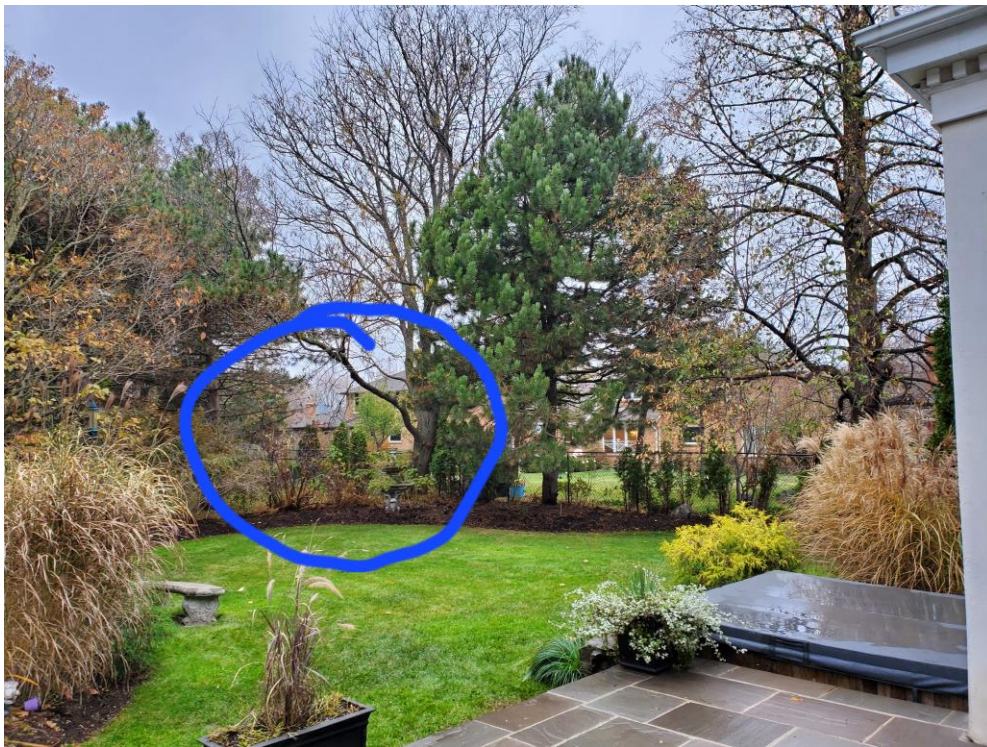
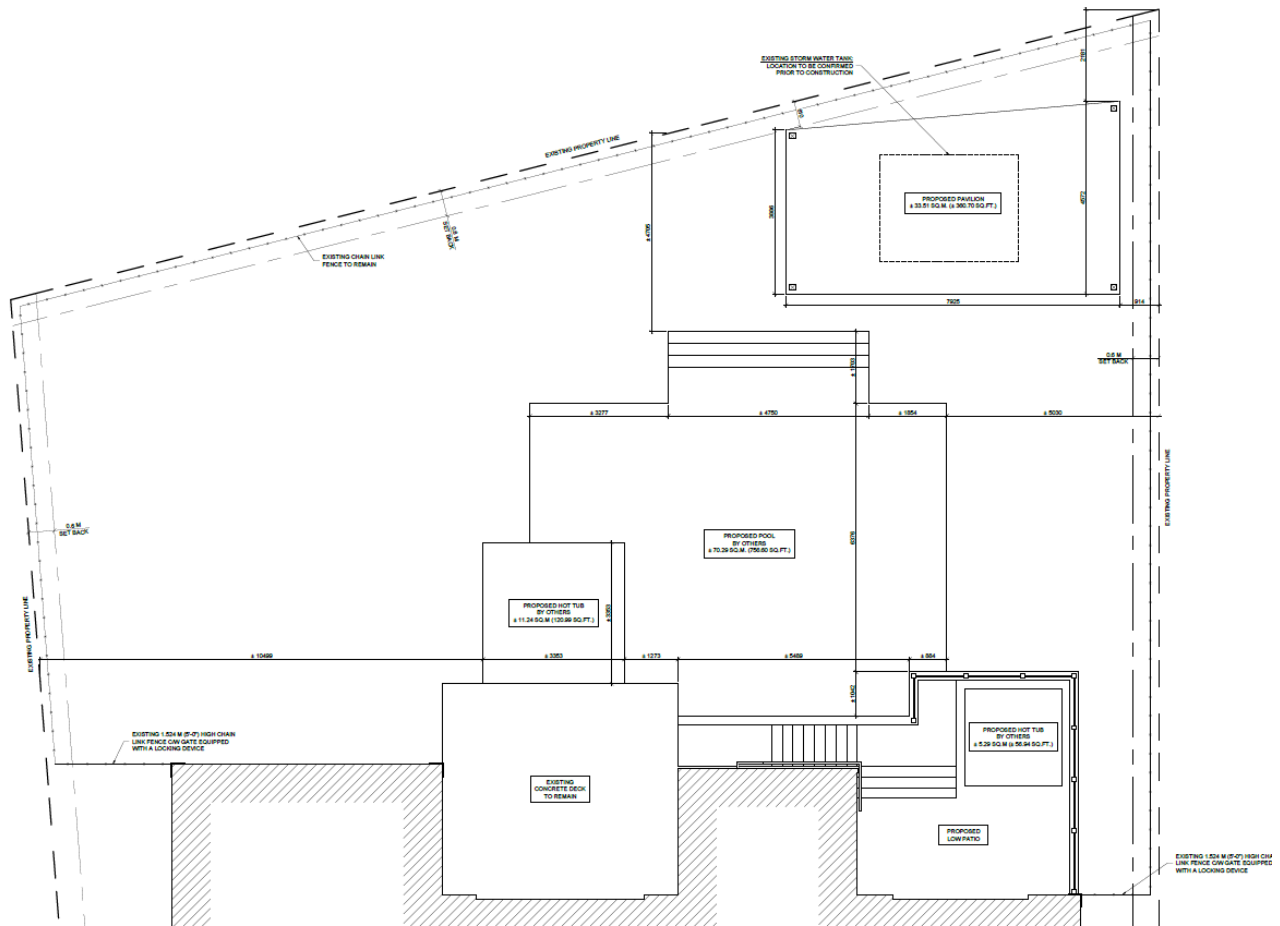


Photo provided by applicant showing rear yard location of proposed pavilion.



Site Plan submitted with application showing the reduced rear yard setback from the underside of the proposed pavilion fascia.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

In the City's Official Plan, the intent of the Low-Rise Residential land use designation is to permit a variety of low-density residential uses. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streets, and exterior areas. The property currently contains a single detached dwelling, and a rear yard deck, with a proposed pool and hot tub. The proposed pavilion is a compatible and desirable addition to a residential property. The pavilion structure is intended to be as open and inviting as possible, which will be made possible through the variance of increased fascia height, supporting and complimenting the amenity area of the residential use. Therefore, it is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of the Zoning By-law

The general intent of the regulation that requires 3.0 metres for the height of a pavilion or such structure is to ensure that the structure is not overpowering the amenity space, or negatively impacting the neighbourhood's view. The proposed 3.7 metre height will still ensure that the pavilion structure functions appropriately on this lot, while elevating amenity space, and not overpowering

the landscape and characteristics of the neighbourhood. Staff are of the opinion that the proposed increase in the fascia height of the pavilion will not visually impact neighbouring lots. Therefore, staff are of the opinion that the requested variance for increase in the proposed pavilion height meets the general intent of Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The requested variance can be considered minor since it is not anticipated to cause unacceptably adverse impacts on adjacent properties. The variance will allow for an increased accessory structure height to ensure an appropriate placement and amenity space is available for proposed pavilion and pool area, which will be compatible with the existing residential use of the property and will not negatively impact the neighbouring lot. Appropriate rear yard and side yard access continues to be accommodated and the separation to the adjacent dwelling remains sufficient based on the site plan provided.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The requested variance to permit an increase in pavilion height will ensure and allow for an open and inviting space for residents of the dwelling, while not obstructing the view of neighbouring lots. Further, the development and construction of this pavilion will ensure that the character of the neighbourhood and surrounding area will continue to be respected. There are no anticipated negative impacts as a result of the requested variance to the adjacent property or the surrounding area.

Environmental Planning Comments:

No comments.

Heritage Planning Comments:

No comments.

Building Division Comments:

The Building Division has no objections to the proposed variance. Application has been made for the accessory structure and it is currently under review.

Engineering Division Comments:

No comments.

Parks/Operations Division Comments:

No comments.

Transportation Planning Comments:

No comments.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

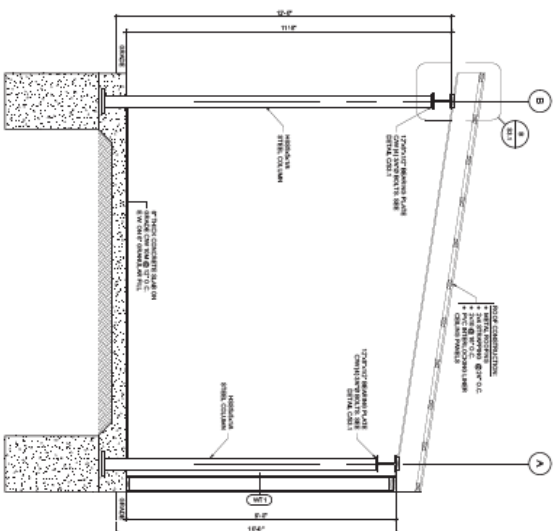
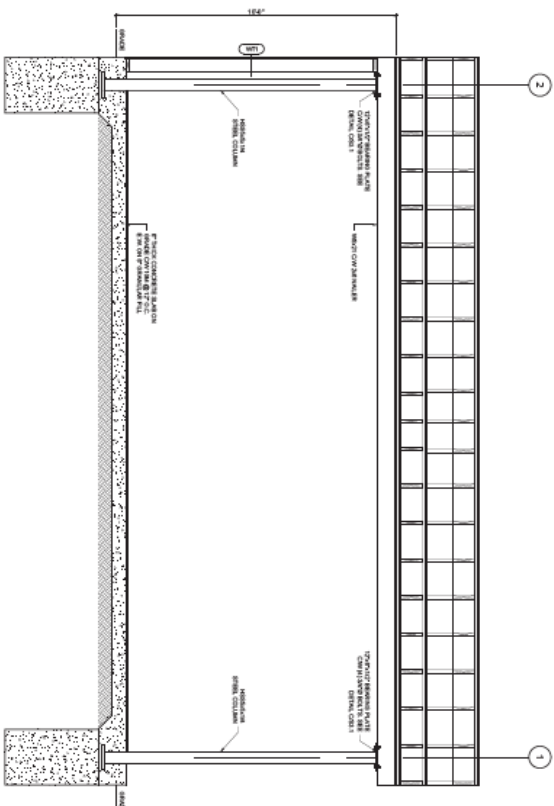
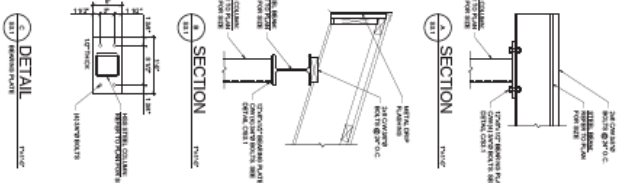
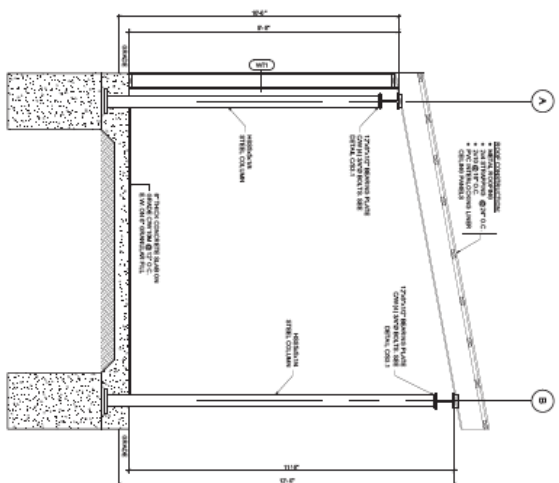
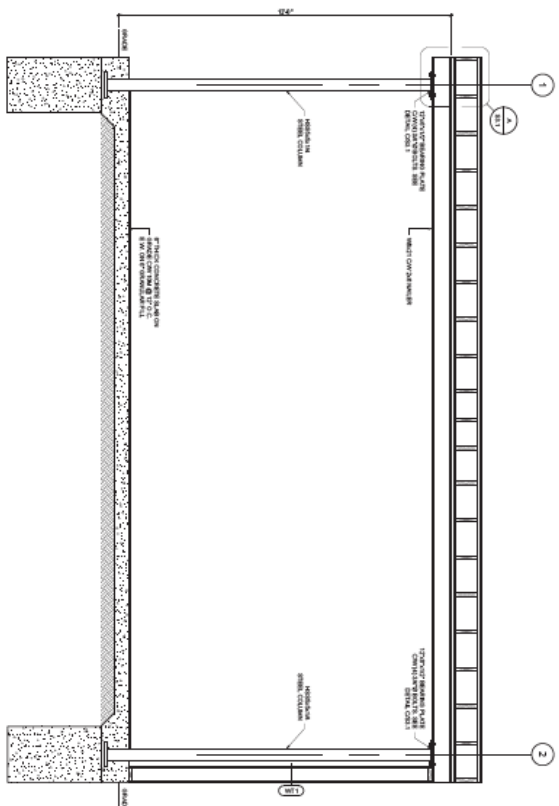
INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2014)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan*
- *Official Plan (2014)*
- *Zoning By-laws 85-1 and 2019-051*

ATTACHMENTS:

Attachment A – Site Plans Submitted with Application

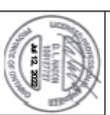


3	2022.07.12	SHENJIAO FROM SHANGHAI TOOYUOYUO
2	2022.03.06	SHENJIAO FROM SHANGHAI
1	2021.08.20	SHENJIAO FROM SHANGHAI
NO.	DATE	FROM



WitzelDyce
ENGINEERING INC.

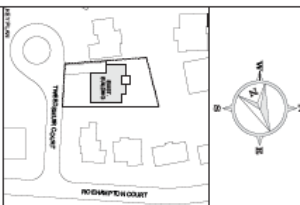
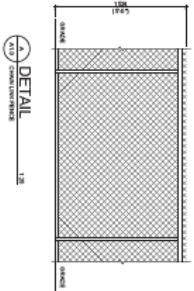
828 King Street North, Unit 20
Windsor, Ontario, N2J 4J8
www.witzel-dyce.com



**WEIGEL RESIDENCE
BACKYARD RENOVATION**

PAVILION SCHEMATIC
ELEVATIONS

DISPOSER	PROJECT NO.
CLN	ES334-100
DISPOS	DISPOSER NO.
RAM	
DATE	
JULY 2022	
SCALE	
AS NOTED	



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NO	DATE	REVISION
3	2022.08.06	REVISION FROM MATERIAL SUBMITTING
2	2022.04.04	REVISION FROM PROJECT
1	2022.03.11	REVISION FROM PROJECT, INITIAL DESIGN PROJECT



**WEIGEL RESIDENCE
BACKYARD RENOVATION**
8 THE BURNHAM COURT
KITCHENHILL, OH

PARTIAL SITE PLAN

DESCRIPTION	PROJECT NO.
CALN	12334-100
QUANTITY	QUANTITY NO.
RAM	
DATE	
JULY 2022	A1.0
SCALE	
AS NOTED	