

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/051/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 05TH, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
BLAKE WEBB 119 FERNLEA CRES OAKVILLE ON, L6H 6B3	N/A	119 FERNLEA CRES PLAN M564 LOT 66

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5

ZONING: RL8
DISTRICT: EAST

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 an outdoor swimming pool on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Section 4.19.3 b) Notwithstanding any other provision of this By-law, no outdoor swimming pool shall be located any closer than 3.0 metres from the limit of the TransCanada Pipeline right-of-way.	To permit the outdoor swimming pool to be located 1.53 metres from the limit of the TransCanada Pipeline right-of-way.

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/051/2022 - 119 Fernlea Cres (East District) (OP Designation: Low Density Residential)

The applicant proposes to construct a swimming pool subject to the variance listed above. The neighbourhood is characterized by two-storey dwellings original to the area. 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 – Swimming Pool Setback to TransCanada Pipeline right-of-way (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an outdoor swimming pool to be located 1.53 metres from the limit of the TransCanada Pipeline right-of-way when a minimum of 3.0 metres is required. The intent of this regulation is to ensure no negative impact on the TransCanada Pipeline. The applicant has provided a letter from TC Energy providing permission for the reduced setback. The proposal meets the minimum setback of a swimming pool to a rear yard of 1.5 metres. Staff are of the opinion that the proposed variance meets the intent of the Official Plan and Zoning By-law, is minor in nature, and does not have an adverse impact on the surrounding properties.

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 proposed pool be built in general accordance with the submitted site plan dated January 19, 2022, subject to obtaining a pool permit from Transportation and Engineering; and
2. That the approval expires two (2) years from the date of the decision if a Development Engineering (DENG) 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: Comments not received.

Transit : No comments.

Halton Region: 6.1 CAV A/051/2022 – B. Webb, 119 Fernlea Crescent, 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 pool within 3

metres from the limit of the TransCanada Pipeline right-of-way, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an outdoor swimming pool on the subject property.

Bell Canada: Comments not received.

Trans Northern Pipeline: Thank you for contacting Trans-Northern Pipelines Inc. (TNPI) We can confirm that TNPI has NO infrastructure in the mentioned areas.

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 proposed pool be built in general accordance with the submitted site plan dated January 19, 2022, subject to obtaining a pool permit from Transportation and Engineering; and
2. That the approval expires two (2) years from the date of the decision if a Development Engineering (DENG) permit has not been issued for the proposed construction.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment