

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/078/2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 17, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Khalid Gazala 2258 Hillmount Drive Oakville ON L6M 0H8	N/A	PLAN M1014 LOT 80 2258 Hillmount Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 4

ZONING: RL8  
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 existing hot tub on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 4.16.1 a)</b> If located in the <i>rear yard</i> , the hot tub shall be set back 1.5 metres from the applicable <i>lot line</i> .	To permit the hot tub to be set back 0.9 metres from the <i>interior side lot line</i> .

## 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/078/2022 - 2258 Hillmount Dr (West District)** (OP Designation: Low Density Residential)

This application is made to legalize the location of an existing hot tub subject to the variance above.

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 – Hot Tub Setback (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a hot tub to be located 0.9 metres from the interior side lot line when a minimum of 1.5 metres is required. The hot tub has been in this location for 9 years and was identified as closer to the side lot line than permitted through the pool permit process. It is the opinion of Planning staff that the application meets the general intent and purpose of the Official Plan and Zoning By-law and is minor in nature.

#### **Hot tub location on subject property:**



#### **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*.

**Fire:** SFD. No concerns with FD access. No impact to Fire Review items

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- The subject property is within 120 metre of the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will be constructed within the manicured lawn area, and will be setback sufficiently from any sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System. The following comments should be added as notes to the Committee of Adjustment decision for the subject lands:
  - Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  - Construction activities should be avoided during unusually wet, rainy or winter thaw conditions.
  - The stockpile of materials and/or equipment should be located outside of the natural heritage system and/or any woodland. No fill is to be dumped within the woodland.
  - The Owner agrees to install construction and sediment fencing prior to construction commencing. The fencing should remain until all construction works are complete.
- 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 setback from the lot line for a hot tub, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the existing hot on the subject property

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**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.

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

---

Heather McCrae, ACST  
Secretary-Treasurer