

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/107/2022**

RELATED FILE: N/A

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
ANGELA MARTIN RONALD MARTIN 3119 VICTORIA ST OAKVILLE ON, L6L 1K3	LUCAS COCOMELLO SCHILLER ENGINEERING LTD. 2157 ROYAL WINDSOR DR UNIT 4 MISSISSAUGA ON, L5J 1K5	3119 VICTORIA ST PLAN M10 LOT 9

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL3-0
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 construction of an accessory building (cabana) on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.2 a) (Row RL3, Column 3) The maximum <i>lot coverage</i> shall be 35% (208.06 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 594.47 m ²).	To permit the maximum <i>lot coverage</i> to be 37.61% (223.58 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (detached dwelling – 190.13m ² and accessory building – 33.45m ²).
2	Section 6.5.2 d) - The maximum <i>height</i> of <i>accessory building</i> or <i>structure</i> shall be reduced to 2.5 metres measured from <i>grade</i> where the <i>accessory building</i> or <i>structure</i> is located less than 3.5 metres from a <i>flankage lot line</i> .	To permit a maximum <i>height</i> of 3.50 metres for an <i>accessory building</i> that is located 1.21m metres from the <i>flankage 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, Long Range and Heritage Planning, Urban Design and Development Engineering)

CAV A/107/2022 - 3119 Victoria St (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct an accessory building (pool cabana) subject to the variances above.

The neighbourhood is characterized by one and two-storey dwellings original to the area and two-storey new construction.

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 – Lot Coverage (Supported)

The applicant proposes to construct an accessory structure (pool cabana) in the rear yard, and seeks relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (208.06 square metres) to 37.61% (2223.58 square metres) for an increase of 15.52 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The proposed accessory building would not be visible to the public realm nor trigger privacy issues or shadow impacts on neighbouring properties. It is Staff's opinion that the proposed increase in lot coverage meets the intent of the Official Plan and Zoning By-law is minor in nature, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

As the applicant is requesting to increase the lot coverage beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #2 – Accessory Building in Flankage Yard Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building located less than 3.5 metres from the flankage yard from a maximum of 2.5 metres to 3.5 metres located 1.21 metres from the flankage yard. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property and regulating the height further in a flankage yard is to reduce the impact on the public realm. In this instance, staff are of the opinion that the accessory building will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

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 accessory building be built in general accordance with the submitted site plan and elevation drawings dated February 23, 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: SFD No concerns with FD access.

Transit : Comments not received.

Halton Region: CAV A/107/2022 – A. and R. Martin, 3119 Victoria Street

- 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 an increase in maximum lot coverage and an increase in maximum height for an accessory building, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (cabana) on the subject property.

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 accessory building be built in general accordance with the submitted site plan and elevation drawings dated February 23, 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.

A rectangular box containing a handwritten signature in cursive script that reads "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment