

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/137/2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 16, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Stephen Martin 3483 Wilmot Crescent Oakville ON L6L 6E2	Glen Schnarr & Associates Inc c/o Stephanie Matveeva 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN M316 LOT 197 3483 Wilmot Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL5  
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 a rear covered amenity area attached to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 6, Column RL5)</b> The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.27 m.

## 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/137/2022 - 3483 Wilmot Cres (West District)** (OP Designation: Low Density Residential)

The applicant is proposing to construct a rear covered amenity area attached to the existing dwelling subject to variances above.

The neighbourhood is characterized by mostly two-storey dwellings and sidewalks on both sides along the Wilmot Crescent.

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- Rear Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 6.27 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey covered porch. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. In this instance, the proposed rear yard setback will not create any adverse impacts as the property has an open space-Wilmot Park at the rear and has sufficient separation distance of 3.7 metres from the dwelling on the adjacent property. The covered porch is a one-storey element and would still allow for landscaped amenity space to be retained. On this basis, staff are of the opinion that the requested variances maintains the general intent and purpose of the Official Plan and Zoning By-law.

#### **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 covered porch be built in general accordance with the submitted site plan and elevation drawings dated June 20, 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:** No concerns. SFD. Adequate FD access

**Oakville Hydro:** We have no objections or comments for any of the items on the agenda

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- The subject property is within 120 metres of the Regional Natural Heritage System (RNHS), therefore 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 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.
- As an advisory, the subject site has archaeological potential. 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.
- 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 minimum rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a rear covered amenity area attached to the existing dwelling on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Five

**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.

Requested conditions from circulated agencies:

1. That the covered porch be built in general accordance with the submitted site plan and elevation drawings dated June 20, 2022.

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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email in Support – 5

**From:**  
**Sent:** Thursday, August 4, 2022 3:04 PM  
**To:** Heather McCrae <heather.mccrae@oakville.ca>  
**Subject:** Re: File No. CAV A/137/2022

Dear Ms. McCrae,

Further to your letter of Notice of Public Hearing Committee of Adjustment Application relating to my neighbour Stephen Martin of 3483 Wilmot Cr. Oakville Ontario, this is to inform you that I have no issues or concerns as it relates to this application.

Sincerely,

Gary Harvey  
3487 Wilmot Cres.  
Oakville Ontario


Committee of Adjustment  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario

Re: Minor Variance Application, 3483 Wilmot Crescent (CAV A/137/2022)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,

  
Signature(s)

Lisa Pemberton  
Print Name(s)

Homeowner(s) of: 3479 Wilmot Cres

Date: Aug 9, 2022

Committee of Adjustment  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario

**Re: Minor Variance Application, 3483 Wilmot Crescent (CAV A/137/2022)**

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,

Maureen J. Miller  
Signature(s)

MAUREEN MILLER  
Print Name(s)

Homeowner(s) of: 3491 WILMOT CRESCENT, OAKVILLE, ONT L6L 6E2

Date: Aug 11/2022

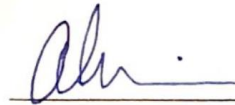
Committee of Adjustment  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario

Re: Minor Variance Application, 3483 Wilmot Crescent (CAV A/137/2022)

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I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,



Signature(s)

Alex Albertson

Print Name(s)

Homeowner(s) of: 3499 Wilmot Cres, Oakville

Date: August 12, 2022

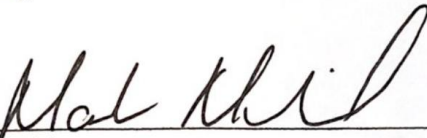
Committee of Adjustment  
Town of Oakville  
1225 Trafalgar Road  
Oakville, Ontario

Re: Minor Variance Application, 3483 Wilmot Crescent (CAV A/137/2022)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,

  
Signature(s)

MARK MUIRHEAD  
Print Name(s)

Homeowner(s) of: 3495 Wilmot Cres.

Date: AUGUST 7, 2022



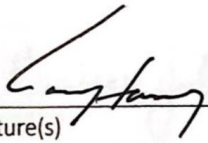
Committee of Adjustment  
Town of Oakville  
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Oakville, Ontario

Re: Minor Variance Application, 3483 Wilmot Crescent (CAV A/137/2022)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,

  
Signature(s)

GARY HARVEY  
Print Name(s)

Homeowner(s) of: 3487 WILMOT CR. OAKVILLE

Date: AUGUST 6, 2022