

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/141/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Teresa Howarth 288 Gloucester Avenue Oakville ON L6J 3W9	N/A	PLAN 113 LOT 340 PT LOT 339 288 Gloucester Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy

ZONING: RL3-0 SP 10

WARD: 3

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 accessory building (pool cabana) proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 6.5.2 e) For an <i>accessory building</i> the maximum <i>lot coverage</i> shall be the greater of 5% of the <i>lot area</i> or 42 square metres of <i>building area</i> . (58.75 m ²); (Lot area is 1175 m ²).	To permit the maximum <i>lot coverage</i> of the <i>accessory building(s)</i> to be 7.2% (85.0 m ²).
2	Section 15.10.1 c) The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19 % (223.25 m ²).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 22.6 % (265 m ²).

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/141/2022 - 288 Gloucester Ave (East District) (OP Designation: Low Density Residential - Special Policy)

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

The subject property is in the area characterized primarily by two-storey dwellings on medium and large sized lots. The streetscape contains mature vegetation and a sidewalk on one side along Gloucester Avenue.

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 for Accessory Building (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 of accessory buildings from 5% (58.75 square metres) to 7.20 % (85.0 square metres) for an increase of 26.25 square metres which includes both the proposed cabana and the existing detached garage. The intent of regulating lot coverage for accessory buildings is to ensure the accessory buildings are clearly subordinate to the principle use of the property and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The proposed accessory building (cabana) will still be subordinate to the main dwelling, 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 accessory building lot coverage is minor in nature, will not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

Variance #2 – Lot Coverage for Dwelling (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage (for all buildings on the lot) from 19% (223.25 square metres) to 22.6 % (265 square metres) for an increase of 41.75 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling with 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 property is also subject to Special Provision 10, which regulates lot coverage based on the number of storeys, lot depth, floor area for a private garage and side yards. The intent of the provision is to maintain adequate separation between dwellings and limit the size of dwellings in the area. In this instance, there is no addition to the existing house, the increase in lot coverage is the result of the proposed cabana within the rear yard. The requested lot coverage is consistent with existing dwellings in the surrounding area and will not result in a dwelling that appears larger than others in the area. Staff are of the opinion that the requested variance will not have a negative impact on surrounding properties, or the public realm and the development will be compatible with the surrounding neighbourhood.

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 as they result in a dwelling that is in keeping with the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

The applicant is advised that 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.

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 March 15, 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. Adequate Fire Access

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

Transit: No Comments

Finance: None

Halton Region:

- 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 the maximum lot coverage of the accessory building and an increase in the maximum lot coverage for a dwelling having two-storeys, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (pool cabana) 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.

Requested conditions from circulated agencies:

1. That the accessory building be built in general accordance with the submitted site plan and elevation drawings dated March 15, 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.

A rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer