

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/159/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 04, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MICHAEL WONG AMY WONG 3372 SPRINGFLOWER WAY OAKVILLE ON, L6L 6V1	MAL BENHAM COMPLETE HOME CONSTRUCTION INC. 180 SHELDON DR 2A CAMBRIDGE ON, N1R 6V1	3372 SPRINGFLOWER WAY PLAN M840 LOT 173

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL6
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 one storey rear addition to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 6, Column RL6) The <i>minimum rear yard</i> shall be 7.0 m.	To permit a <i>minimum rear yard</i> of 5.12 m.

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/159/2022 - 3372 Springflower Way (West District) (OP Designation:)

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 6, Column RL6) The <i>minimum rear yard</i> shall be 7.0 m.	To permit a <i>minimum rear yard</i> of 5.12 m.

The applicant is proposing to construct of one storey rear addition to the existing dwelling subject to variances above.

The neighbourhood is characterized by mostly two-storey dwellings and sidewalks on one side along the Springflower way.

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 (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.0 metres to 5.12 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey sunroom. 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 is closer to the rear lot line, and which can cause overlook and privacy concerns. The proposed design for the rear elevation of the sunroom facing the rear lot line incorporates glass windows, as shown in the figure below, which could further emphasize these concerns. Staff are of the opinion that the request for decrease in the rear yard is not minor in nature, is not desirable and does not meet the intent of the Official Plan or Zoning By-law.

Rear Elevation of the Proposed Sunroom by the applicant:

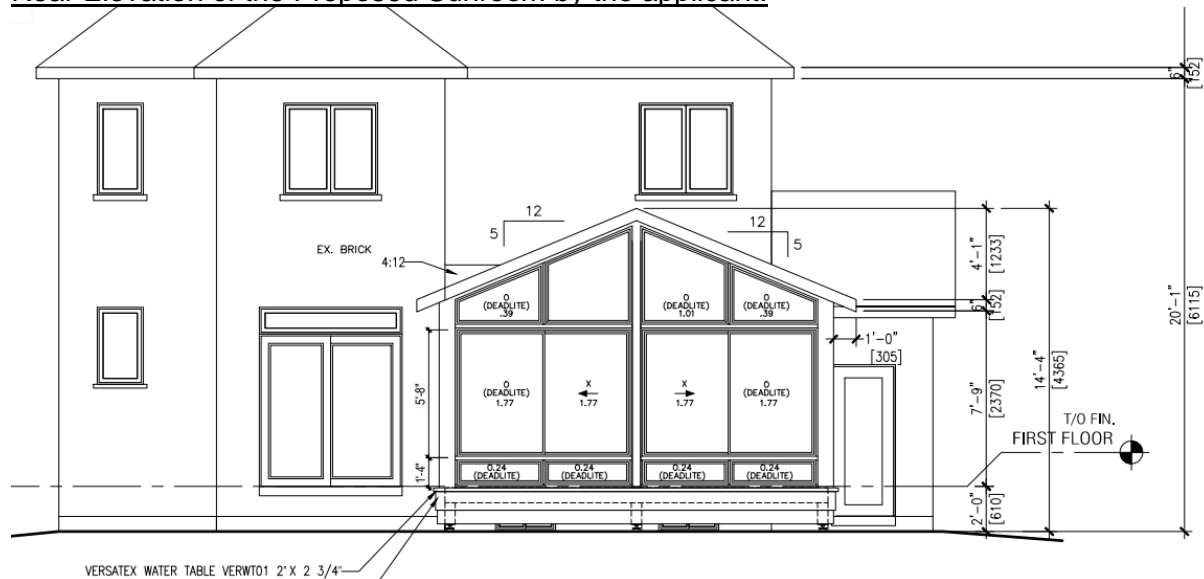


Photo of the Rear yard of the dwelling:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the variances should not be supported as they do not all satisfy the four tests under the Planning Act. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: No concerns for Fire. DL

Transit : No comments.

Halton Region: CAV A/159/2022 – M. & A. Yeun Yee Wong, 3372 Springflower Way, Oakville

- The subject property is within 120 meters 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 constructed within the manicured lawn area 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 one storey rear addition to the existing dwelling 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.

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

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment