

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/161/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 18, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Adnan Siddiqui and Sairah Siddiqui 257 Third Line Oakville ON L6L 4A2	Glen Schnarr & Associates Inc c/o Stephanie Matveeva 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN 1015 LOT 13 257 Third Line Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL2-0
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 two accessory buildings (pool cabana and storage shed) on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (263.37 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 1053.48 m ²).	To permit the maximum <i>lot coverage</i> to be 28.92% (304.68 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
2	Section 6.5.2 a) & Table 6.3.1 (Row 5, Column RL2) The <i>minimum interior side yard</i> shall be 2.4 m.	To permit the minimum southerly <i>interior side yard</i> for the <i>accessory building</i> (storage shed) to be 0.62m.
3	Section 6.5.2 a) & Table 6.3.1 (Row 6, Column RL2) The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 3.15 m to the <i>accessory building</i> (cabana).

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/161/2022 - 257 Third Line (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct two accessory buildings (pool cabana and storage shed) subject to the variance listed above.

The neighbourhood is characterized by one and two-storey large dwellings with sidewalks on both sides along the Third line.

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 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 25% (263.37 square metres) to 28.92 % (304.68 square metres) for an increase of 41.31 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 requested lot coverage is for the proposed accessory buildings, given that the lot coverage of the existing dwelling complies, therefore the increase at the rear will not have any negative impact on the public realm. 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

Variance #2: Interior Side Yard (Southerly) for Accessory Building (Storage Shed) (Supported)

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced southerly interior side yard setback for the accessory building (Storage Shed) from a minimum of 2.4 metres to 0.62 metres. The side yard is measured from the southerly lot line to the proposed storage shed as shown in the figure below. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, an adequate separation is provided between lots and the variance would not have any negative impact on the adjacent property. Staff are of the opinion that this variance is minor in nature and would not have negative impacts on adjacent properties.



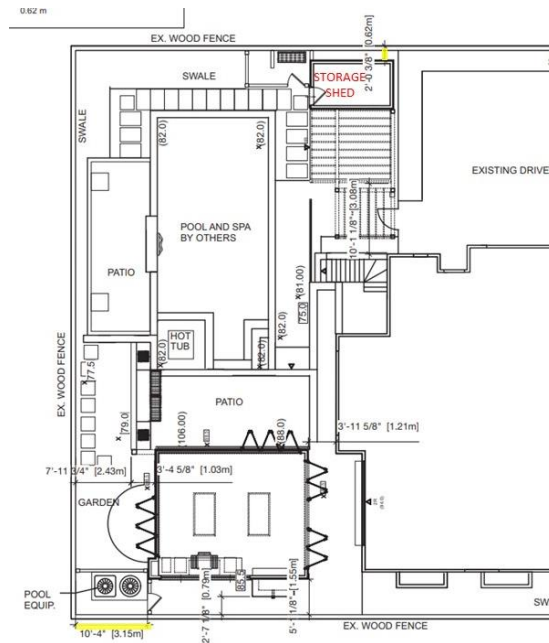
Variance #3: Rear Yard to Accessory Building (Cabana) (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from the accessory building(cabana) from 7.5 metres to 3.15 metres, which is measured from the rear lot line to the closest point of the proposed cabana. 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 reduction in rear yard is from the proposed cabana will not create any adverse impacts as the property has sufficient separation distance visually screened by privacy fencing and landscape buffer at the rear to provide any overlooking concerns. On this basis, staff are of the opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law.

Subject property at the rear:



Side yard and Rear Yard Setbacks marked in the Site plan by the applicant



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 (cabana/shed) and pool be built in general accordance with the submitted site plan and elevation drawings dated February 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: No concerns for Fire

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

Transit: No Comment

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, a decrease in the minimum interior side yard for the accessory building, and a decrease in the minimum rear yard for the accessory building, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing two accessory buildings(pool cabana and storage shed) on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: Four

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 (cabana/shed) and pool be built in general accordance with the submitted site plan and elevation drawings dated February 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

Attachment:
Letters/Emails in Support – 4

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

Re: Minor Variance Application, 257 Third Line

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)

HARBHAGAT GAKHAL

Print Name(s)

Homeowner(s) of: 263 THIRD Line

Date: Sept 01/ 2022

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

Re: Minor Variance Application, 257 Third Line

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)

RICHARD PALLAO

Print Name(s)

Homeowner(s) of: 248 TRACINA

Date: 08 AUGUST 2022

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

Re: Minor Variance Application, 257 Third Line

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)

INTEKHAB AHMED

Print Name(s)

Homeowner(s) of: 257 THIRD LINE, OAKVILLE


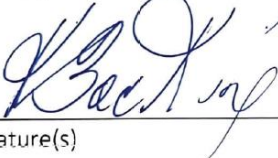
Date: Aug 18, 2022

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

Re: Minor Variance Application, 257 Third Line

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)

Kenneth Bocking
Katherine Bocking

Print Name(s)

Homeowner(s) of: 254 Trafalgar Dr

Date: August 22