

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/100/2022** Deferred from June 14, 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>
MARY CEPO MILENKO CEPO 2068 WOODGATE DR OAKVILLE ON, L6M 4E1	N/A	2068 WOODGATE DR PLAN M807 LOT 53

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL

ZONING: RL5 SP:219

WARD: 4

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/shed) and pool on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 4.19.3 b)</b> Notwithstanding any other provision of this By-law, no accessory structure, outdoor swimming pool, or hot tub shall be located any closer than 3.0 metres from the limit of the TransCanada Pipeline right-of way.	To permit the pool to be located a minimum distance of 1.52m from the limit of the TransCanada Pipeline right-of-way and the <i>accessory building</i> to be located a minimum distance of 1.52m from the limit of the TransCanada Pipeline right-of-way.

### **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/100/2022 - 2068 Woodgate Dr (West District)** (OP Designation: Low Density Residential)

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 4.19.3 b)</b> Notwithstanding any other provision of this By-law, no <i>accessory</i> structure, outdoor swimming pool, or hot tub shall be located any closer than 3.0 metres from the limit of the TransCanada Pipeline right-of-way.	To permit the pool to be located a minimum distance of 1.52m from the limit of the TransCanada Pipeline right-of-way and the <i>accessory building</i> to be located a minimum distance of 1.52m from the limit of the TransCanada Pipeline right-of-way.

This application was deferred from the June 14<sup>th</sup>, 2022 meeting at the request of the applicant to address the staff comments on the setback for the accessory building. The applicant has updated the application by requesting a minimum distance of 1.52 metres from the limit of the TransCanada Pipeline right-of-way and the accessory building to be located a minimum distance of 1.52 metres from the limit of the TransCanada Pipeline right-of-way. The Staff comments are updated as follows:

The applicant proposes to construct an accessory building (cabana/shed) and pool subject to the variance listed above.

The neighbourhood is characterized by two-storey dwellings original to the area.

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.*

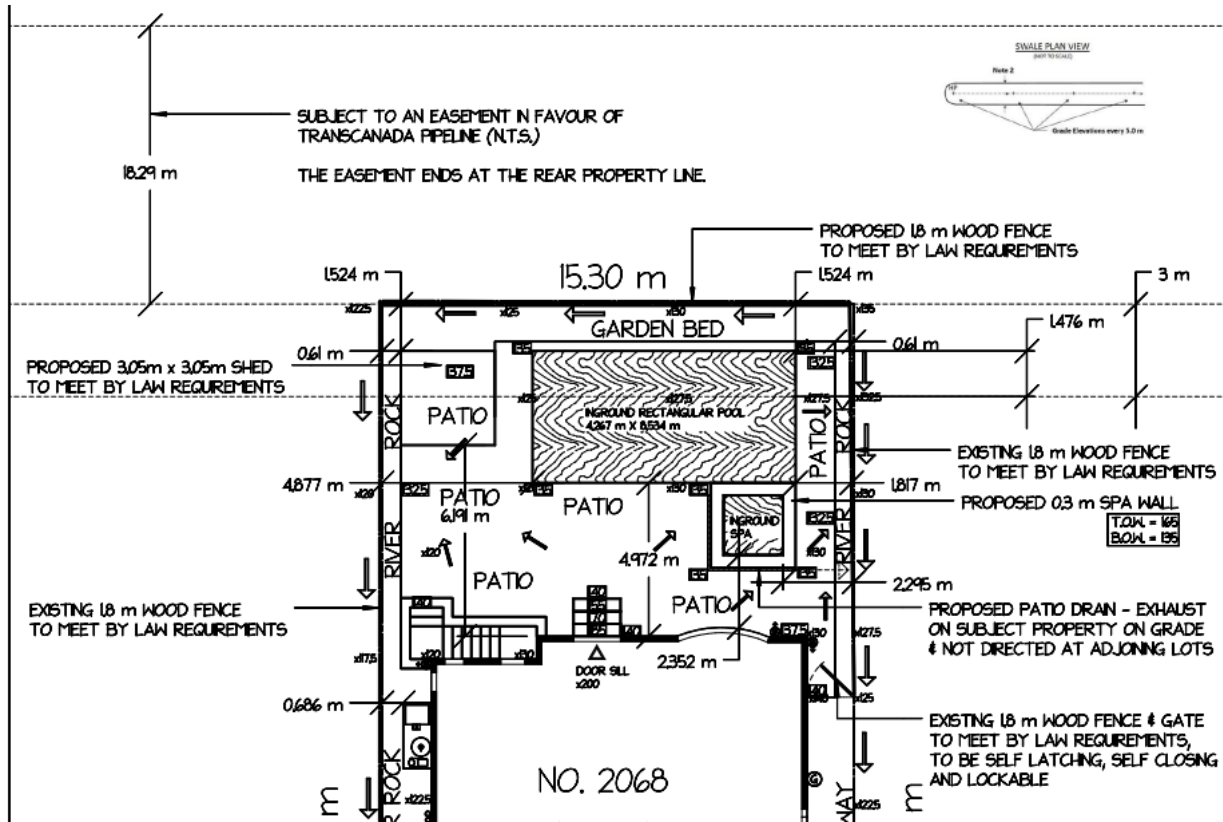
*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

**Variance #1 – Swimming Pool and Accessory Building Setback to Pipeline right-of-way (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an outdoor swimming pool to be located 1.52 metres from the limit of the pipeline right-of-way and to permit an accessory building (cabana) a minimum of 1.52 metres from the limit of the pipeline right-of-way when a minimum of 3.0 metres is required. The intent of this regulation is to ensure no negative impact on the Pipeline. Staff note that the requested variance is minor in nature and have no negative impacts on the Pipeline.

The applicant has provided a letter from TC Energy providing permission for a 1.5 metre reduced setback. The proposal for the swimming pool meets the minimum setback of a swimming pool to a rear yard of 1.5 metres. Staff are of the opinion that the proposed swimming pool setback meets the intent of the Official Plan and Zoning By-law, is minor in nature, and does not have an adverse impact on the surrounding properties.

**Site Plan demonstrating the distance from TransCanada Pipeline to the Accessory Structure (Cabana) by the applicant:**



A consent letter dated August 2, 2022 has been received by the TC Pipeline which approves the requested relief for the Cabana (accessory structure) to maintain a minimum separation distance of 1.524 metres from the edge of the Company’s Right-of-Way. As a result, staff are of the opinion that the intent of the Zoning By-law has been met since adequate separation to the Pipeline right-of-way has been demonstrated.

As the applicant is requesting to increase the hardscape surfaces 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.

**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 August 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. FD access and limiting distance maintained.

**Transit :** No comments.

**Halton Region:** CAV A/100/2022 – M. & M. Cepo, 2068 Woodgate Drive, Oakville

- It is understood this application was deferred from June 14, 2022. Regional comments provided on June 7, 2022 still apply.
- 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 constructed within the manicured lawn area, and 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.
- 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 setback from the TransCanada Pipeline right-of-way, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (cabana/shed) and pool on the subject property.

**TransCanada Pipeline:** Comments not received.

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



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment