

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/178/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
BASSEM ISMAIEL 343 LEADWOOD GATE OAKVILLE ON, L6M 1L7	TARUNPREET KAUR LUMON CANADA UNIT-5 600 ZENWAY VAUGHAN ON, L4H 3M9	343 LEADWOOD GATE PLAN M1160 PT BLK 461 RP 20R20362 PARTS 15 AND 16

OFFICIAL PLAN DESIGNATION: NORTH EAST
WARD: 7

ZONING: NC SP:7
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 porch addition to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Table 4.2.1 e) The maximum projection into the required <i>rear yard</i> for a <i>porch</i> shall be 2.50m; (6.0m min – 2.5m = minimum rear yard setback 3.50m).	To permit the maximum projection into the required <i>rear yard</i> for the <i>porch</i> to be 3.18m; (6.0m min - 3.18m = minimum rear yard setback 2.82m).

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/178/2022 - 343 Leadwood Gate (West District) (OP Designation: General urban Area)

The applicant proposes to permit the construction of a rear porch addition to the existing dwelling subject to the variances listed above.

The subject property is characterized by residential neighbourhood with large two storey dwelling surrounded along the leadwood gate.

The subject property is designated General urban Area under the North Oakville Master Plan and Neighbourhood Area in the North Oakville Secondary Plan (figure NOW 2 & NOE2-Landuse Plan). The permitted uses are low and medium density residential uses, home occupation and home business use.

Variance #1 – Rear Yard for Accessory Building (Supported)

The applicant is seeking relief from Zoning By-law 2009-189, as amended, to permit an increase in maximum projection into the rear yard for the porch from 2.50 metres to 3.18 metres and decrease in minimum rear yard setback from 3.50 metres to 2.82 metres. The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. In this instance, the proposed porch is an open structure used as patio cover and reduction in the rear yard setback of 0.68 m will not have any overlooking and privacy concerns. Staff are of the opinion that the requested variance is minor in nature and meets the intent of the Official Plan and the Zoning By-Law.

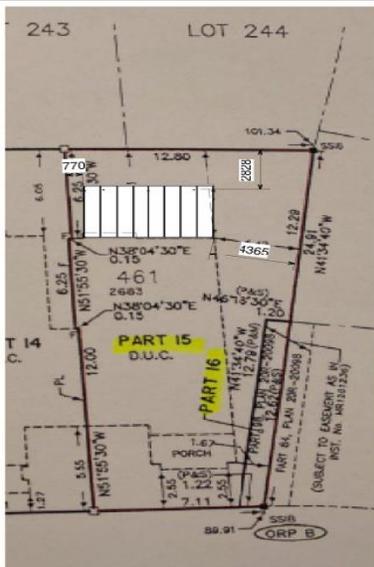
Aerial view of the subject property:



Proposed Porch in the Rear yard



Excerpt of Site Plan showing the location of the porch in the rear yard 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 rear porch (accessory structure) be built in general accordance with the submitted site plan and elevation drawings dated February 14, 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. DL

Transit : No comments.

Halton Region: CAV A/178/2022 – B. K. M. Hafez, 343 Leadwood Gate, 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 setback sufficiently with adjacent residential properties between the sensitive natural features or areas and will not likely result in any impacts on the features or ecological functions of the RNHS
- 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism 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 an increase in the maximum projection into the required rear yard for the porch, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a rear porch addition to the existing dwelling on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 1.

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 rear porch (accessory structure) be built in general accordance with the submitted site plan and elevation drawings dated February 14, 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of Supports:

Dear Neighbour,

This letter is to inform you that we have submitted to the Town of Oakville an application for a building permit of a Patio Cover at 343 Leadwood Gate, L6M 1L7 ON.

The Patio Cover will be attached to the rear of the house and the application includes a minor variance for a width of 6.62 meters and depth of 3.35 meters.

Your support in the approval of our application for this minor variance would be greatly appreciated. We are happy to discuss the details of the project with you if you would like.

To provide your support, please complete the section below and return to me at your earliest convenience. This completed letter of support will be submitted to the Town of Oakville as part of the permit application package.

Thank you for your support.

Sincerely,

Bassem Ismaiel

Phone Number:

Complete Below:

I LANCE COMEAU (name),
resident at

345 LEADWOOD GATE

_____ (address)

support the plans for the proposed variance at 343 Leadwood Gate, L6M 1L7 ON, to build a Patio Cover.

Phone Number: _____

Full Name: LANCE COMEAU

Signature: Lance Comeau