

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/194/2022

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
RANDY HUI 153 MARTINDALE AVE OAKVILLE ON, L6H 4G8	NOUR ELGENDY FOUR SEASONS SUNROOMS 240 VICEROY RD UNIT UNIT 6 VAUGHAN ON, L4K 3N9	153 MARTINDALE AVE PLAN M325 LOT 114

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 5

ZONING: RL5-0  
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 a rear yard addition to the existing detached dwelling proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 4, Column- RL5)</b> The <i>minimum flankage yard</i> shall be 3.5 m.	To permit the existing <i>detached dwelling</i> to remain with a <i>minimum flankage yard</i> of 2.18 m.
2	<b>Table 6.3.1 (Row 6, Column- RL5)</b> The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.67 m to the addition.
3	<b>Table 6.3.1 (Row 6, Column- RL5) &amp; Section 6.5.2 a)</b> The <i>minimum rear yard</i> shall be 7.5 m.	To permit the existing relocated <i>accessory building</i> (Gazebo) to remain with a <i>minimum rear yard</i> of 4.80 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/194/2022 - 153 Martindale Ave (East District)** (OP Designation: Low Density Residential)

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

The reduction in the minimum flankage yard setback from 3.5 m to 2.18 m reflects existing condition which provides adequate separation from the street and provides a safe distance for visibility at the corner.

The reduction in rear yard setback from 7.5 m to 6.67 m to the proposed sunroom will not have any negative impact as it provides adequate rear yard amenity space. The rear yard has sufficient separation distance which is visually screened with an existing shed at the rear to reduce any privacy/overlook concerns created by the proposed sunroom.

The relocation of the existing gazebo with the reduction in rear yard from 7.5m to 4.8 m will not have any negative impact as it provides adequate rear yard amenity space and reduced potential for overlook concerns.

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 the variances are minor in nature and appropriate for the development of the site as there is no negative impact to abutting properties or the streetscape.

### **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 addition to the dwelling be built in general accordance with the submitted site plan dated September 9, 2022 and floor plans and elevation drawings dated August 21, 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.

**Transit :** Comments not received.

### **Halton Region: CAV A/194/2022 – R. Hui, 153 Martindale Avenue, 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 works 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.
- 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 flankage yard, a decrease in the minimum rear yard, and to recognize the

existing accessory building with a decrease in the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a rear yard addition to the existing detached dwelling on the subject property.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – 3**

**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 addition to the dwelling be built in general accordance with the submitted site plan dated September 9, 2022 and floor plans and elevation drawings dated August 21, 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

3 Letters of Supports:

**Committee of Adjustment/ Minor Variance Hearing**

**Application File No. CAV A/194/2022**

153 Martindale Ave  
Oakville, Ontario  
L6H 4G8

**Re:**

I/We have seen the proposed drawings for the property address 153 Martindale Ave, Oakville ON, L6H 4G8 owned by Randy Hui.

I/We have no objections with respect to the proposed Solarium/Sunroom Addition.

Name (print) \_\_\_\_\_

JASBIR SINGH GILL

Address \_\_\_\_\_

157 Martindale Ave

Signature \_\_\_\_\_

Jasbir Singh Gill

Date: \_\_\_\_\_

Nov 7, 2022

**Committee of Adjustment/ Minor Variance Hearing**

**Application File No.** CAV A/194/2022

153 Martindale Ave  
Oakville, Ontario  
L6H 4G8

**Re:**

I/We have seen the proposed drawings for the property address 153 Martindale Ave, Oakville ON, L6H 4G8 owned by Randy Hui.

I/We have no objections with respect to the proposed Solarium/Sunroom Addition.

Name (print) I-Chen Wu  
Address 133 Martindale Ave Signature I-Chen Wu  
Date: Nov 10 / 2022

**Committee of Adjustment/ Minor Variance Hearing**

**Application File No.** CAV A/194/2022

153 Martindale Ave  
Oakville, Ontario  
L6H 4G8

**Re:**

I/We have seen the proposed drawings for the property address 153 Martindale Ave, Oakville ON, L6H 4G8 owned by Randy Hui.

I/We have no objections with respect to the proposed Solarium/Sunroom Addition.

Name (print) Alex Mantdis  
Address 1433 Queensbury cres Signature A.M.  
Date: Nov. 7, 2022