

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/188/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Saud Juman 2069 Glenforest Crescent Oakville ON L6J 2G5	Cedar Springs Landscape Group c/o Justin Tenhage 3242 South Service Road South Oakville ON L6L 6T1	PLAN 581 LOT 39 2069 Glenforest Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL1-0
DISTRICT: East

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) on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.2 (Row RL1, Column 3) The maximum <i>lot coverage</i> shall be 25% (353.00 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 1412.00 m ²).	To permit the maximum <i>lot coverage</i> to be 37.00% (521.40 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

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/169/2022 - 2069 Glenforest Crescent (East District) (OP Designation: Low Density Residential)

The applicant proposes to construct an accessory building (Cabana) subject to the variances listed above.

The neighbourhood is characterized by one and two-storey houses in the area with large lots and no sidewalks along the Glenforest Crescent.

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% (353.00 square metres) to 37.00% (521.40 square metres). Upon additional review it appears that the applicant may have taken the existing Residential Floor Area Ratio of 35.5% and applied it as lot coverage and has added the increase of the cabana to arrive at a calculation of 37%. Based on the previous February 9, 2016 Committee of Adjustment application (CAV A/032/2016), it appears that the existing lot coverage and previously proposed cabana had a lot coverage of 24.99% which complied with the Zoning By-law. The applicant should clarify the magnitude of the requested variance as a result of the addition of a cabana with a proposed area of 20.07 square metres. It is suspected that the required lot coverage will be much lower than requested. 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 proposed changes are not related to the existing dwelling and the increase is only related to the proposed Cabana which is located at the rear of the existing dwelling. The proposed cabana is not visible to the public realm and would not trigger privacy issues or shadow impacts on neighbouring properties. It is Staff's opinion that the revised proposed increase in lot coverage to accommodate the proposed cabana is minor in nature, will not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

Excerpt of the Site plan by the applicant:

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. Adequate access to rear yard provided. O.K.

Oakville Hydro: We do not have any objection or comments for the Minor Variance Applications on the agenda.

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, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (cabana) on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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) be built in general accordance with the submitted site plan and elevation drawings dated October 12, 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