

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/168/2022

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
Gavin Macrae 470 Winston Churchill Blvd Oakville ON L6J 7X2	Glen Schnarr & Associates Inc c/o Stephanie Matveeva 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	CON 3 SDS PT LOT 1 470 Winston Churchill Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL3-0  
DISTRICT: East

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### 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 (storage shed) on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 4.14 a)</b> On lands subject to this By-law south of Dundas Street, no <i>building</i> may be erected or enlarged unless the land is serviced by municipal water and sewage systems.	To permit the <i>accessory building</i> (storage shed) where the land is serviced by municipal water and a private septic system.

### 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/168/2022 - 470 Winston Churchill Blvd (East District)** (OP Designation: Low Density Residential)

The applicant is proposing to construct an accessory building (storage shed) subject to the variance above.

A previous Committee of Adjustment Decision from August 30, 2022 (CAV A/130/2022) to construct an accessory building (storage shed) which was denied due to lack of submission of supporting letters from Engineer to confirm whether it requires a municipal servicing connection or not.

The surrounding area is characterized by rural residential properties with dwellings of varying sizes and setbacks. The subject property is adjacent to a farm operation and across the street from agricultural fields.

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 – Municipal Water and Sewage Systems (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an accessory building (storage shed) where the land is serviced by municipal water and a private septic system when no building may be erected or enlarged unless the land is serviced by municipal water and sewage systems. The intent of regulating municipal services is to ensure that dwellings within the urban area are connected to municipal services so as to address the public health and safety concerns related to failing septic systems and wells in densely populated areas. It is typical of urban areas to support growth by permitting smaller lot sizes in comparison to rural areas. The smaller lot size generally cannot support private services and as such, the Province, through the Provincial Policy Statement 2006, which has carried through to 2020, directed municipalities to implement policies to ensure that urban areas were fully serviced by public infrastructure. While some areas of the Town have existing conditions where partial or fully private services are provided, it is the intent that these conditions will cease as new development occurs. While the existing dwelling is permitted to remain, it is anticipated that through intensification and redevelopment, areas that are not on full municipal services will be upgraded by the developer.

Section 9.1.1 of the Official Plan states that development of all lands within the urban area shall be based on full urban water and sanitary sewers. According to Schedule A2 of the Official Plan, the subject property is located within the urban area.

According to section 29.5 (Glossary) of the Official Plan, “development” is defined as:

...the creation of a new lot, a change in land use, or the construction of building and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process
- b) works subject to the Drainage Act
- c) any other activity deemed by the Director of Planning Services to be minor in nature, which has negligible impact to the natural environment and meets the intent of this Plan.

In this instance, the existing dwelling is connected to a municipal water system but is not connected to a municipal sewage system. There are no proposed changes to the existing dwelling (which is permitted to remain) but rather the construction of an accessory building. As proposed, the accessory building complies with all other zoning requirements. In this instance,

the supporting letter from the Applicant's Engineer demonstrates that the proposed structure will not have any impact to the existing municipal and private services and can be constructed in the intended location. Staff are of the opinion that the requested variance is minor in nature and confirms the intent of Official Plan and Zoning By-Law.

Subject Property:



Proposed accessory building location:



Conclusion:

1. That the accessory building (storage shed) be built in general accordance with the submitted site plan dated 9/01/22 and elevation drawings dated 11/10/2021; 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:**

- As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- 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 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 building on lands on the south of Dundas Street that are serviced by municipal water and a private septic system, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (storage shed) on the subject property. The following has been provided by the applicant, to the satisfaction of Halton Region:
  - A stamped letter from a certified engineer stating that the proposed structure will have no connections to municipal services/the structure will not be serviced.

- A revised Site Plan drawing which demonstrated the location of the existing private septic system (in relation to the proposed structure and existing dwelling) and noted the type of septic system.

**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 (storage shed) be built in general accordance with the submitted site plan dated 9/01/22 and elevation drawings dated 11/10/2021.
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".

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Heather McCrae, ACST  
Secretary-Treasurer