

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/060/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, APRIL 03, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Mahmood Abdullah	David Small Designs c/o Rebecca Muise 4-1405 Cornwall Road Oakville ON L6J 7T5	CON 4 SDS PT LOT 23 1360 Lakeshore Road West Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area and Waterfront Open Space

ZONING: RL1-0 WARD: 2

DISTRICT: West

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 second-floor addition and alterations to the existing dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Column RL1, Row 5)</i> The minimum interior side yard shall be 4.2 m.	To decrease the southerly minimum interior side yard to 2.44 m.

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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on April 3, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/060/2024 - 1360 Lakeshore Road West (West District) (OP Designation: Low Density Residential – Special Policy Area and Waterfront Open Space)

The applicant proposes to permit the construction of a second-storey addition and alterations to an existing detached dwelling, subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set

out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential – Special Policy Area and Waterfront Open Space within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 and 26.2.1 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of regulating the interior side yard setback is to ensure appropriate separation of dwellings, space for access and vegetation in addition to drainage and grading. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the proposed addition and alterations be constructed in general accordance with the submitted site plan Rev. No. 2 dated October 30, 2023 and elevation drawings Rev. No. 1 dated October 6, 2023; 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.

Fire: No Concern for Fire.

Oakville Hydro: We do not have any comments for this minor variance application.

Transit: No Comments received.

Finance: None

Halton Region:

- The subject lands are located within 30 metres of the Key Features of the Regional Natural Heritage System (RNHS), as shown on Map 1G of the Regional Official Plan (ROP) and within 120 metres of the Lake Ontario Shoreline which, as per Section 115.2 of the Regional Official Plan, forms part 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) & 118 (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works 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.

- The subject property falls within a Conservation Halton (CH) regulated area. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 southerly minimum interior side yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a second-floor addition and alterations to the existing dwelling on the Subject Property.

Conservation Halton:

From: Matthew Lauzon <mlauzon@hrca.on.ca>

Sent: Monday, March 25, 2024 11:07 AM

To: Heather McCrae <heather.mccrae@oakville.ca>

Cc: Michelle Caissie <mcaissie@hrca.on.ca>

Subject: RE: [EXTERNAL]AGENDA PACKAGE FOR THE APRIL 03, 2024 COMMITTEE OF ADJUSTMENT MEETING

Good morning Heather,

Comments for 1360 Lakeshore road are below:

CAV A/060/2024 – 1360 Lakeshore Road West

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The property, 1360 Lakeshore Road, is adjacent to the shoreline of Lake Ontario and contains the flooding and erosion hazards associated with that feature. Through the review of the plans for development along the shoreline, CH seeks to ensure that waterfront development will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes - St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards. Permission is required from CH prior to undertaking any development within CH's regulated area and applications are reviewed under CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

CH has issued a permit for the proposed works. As the drawings in the permit match those submitted as part of this Minor variance application, CH has no objections to the requested variances.

Should any changes to the proposed development arise through the Minor variance process, please keep CH apprised.

Union Gas: No Comments received

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, 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.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - 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.
 - 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.

Requested conditions from circulated agencies:

1. That the proposed addition and alterations be constructed in general accordance with the submitted site plan Rev. No. 2 dated October 30, 2023 and elevation drawings Rev. No. 1 dated October 6, 2023.
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 that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer