

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/038/2024

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 06, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Marie Lussier	White Willow Design c/o Daniel Ott 5738 Talbot Road Cayuga ON N0A 1E0	PLAN M17 LOT 56 238 Slater Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0  
DISTRICT: West

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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 carport and storage area on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.1 (Row 5, Column RL3) The minimum interior side yard shall be 2.4m.	To decrease the minimum interior side yard to 0.181 metres.

## 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 March 6, 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/038/2024 - 238 Slater Cres (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a carport and storage area subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

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

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.”*

The intent of the Official Plan is to protect the unique character of this area and minimize impacts on adjacent properties. It is staff's opinion that the addition of the carport and shed with a minimum setback of 0.181 metres will result in a potential adverse impact in relation to drainage and roof runoff onto the adjacent property. The area is characterized by detached garages in the rear yard or attached garages with an appropriate setback to the property line which would make this proposal out of character with the surrounding area.

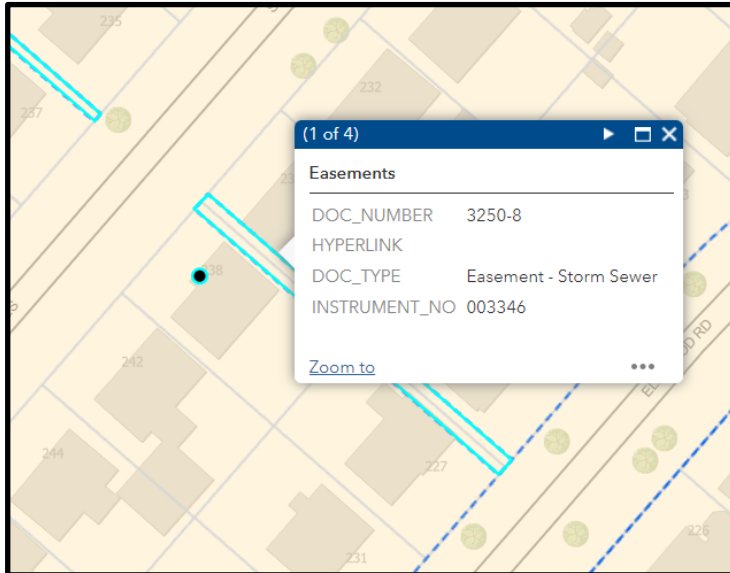
On this basis, it is staff's opinion that the variance does not maintain the intent of the Official Plan as the proposal would result in a dwelling that could have an adverse impact on an adjacent property.

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

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, to reduce the minimum interior setback to 0.181 metres when a minimum of 2.4 metres is required. The intent of regulating side yard setbacks is to ensure sufficient spacing and buffering between buildings beside one another to provide adequate access and appropriate transition and scale, while avoiding privacy and overlook concerns and allowing for adequate drainage. It is staff's opinion that the proposed variance will not allow for adequate drainage and has the potential to negatively impact adjacent properties. In staff's opinion, the proposed variance does not meet 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 does not represent appropriate development of the subject property as there are potential adverse impacts on adjacent properties. In addition, a Storm Sewer Easement runs along the side yard where the carport and storage area are proposed. See image below for the easement location on the property. Any enclosures or permanent works proposed over the easement is not supported. As a result, the application is not considered desirable for the appropriate development of the subject lands and cannot be supported by Staff. The requested variance is not appropriate for the development and is not minor in nature as the proposed dwelling creates a negative impact on the streetscape and potential adverse impacts on adjacent properties.



*238 Slater Crescent - Location of Storm Sewer Easement*

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommend that the application be denied.

**Fire:** No concerns for Fire.

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

**Transit:** No Comments received.

**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 a decrease in the minimum interior side yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a carport and storage area 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, 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.

A rectangular box containing a handwritten signature in black ink. The signature appears to read "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer