

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/069/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Pramod Darmapuri	Tenhouse Building Workshop c/o Matthew Fratarcangeli 107 Gladstone Avenue Hamilton ON L8M 2H8	PLAN M24 LOT 126 2245 Yolanda Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL2-0
DISTRICT: West

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 existing outdoor swimming pool on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Section 4.16.1 a)</i> If located in the rear yard or interior side yard, the swimming pool shall be set back 1.5 metres from the applicable lot line.	To permit the existing outdoor swimming pool to be set back to 1.09m from the interior side lot line.

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 May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

CAV A/069/2024 - 2245 Yolanda Drive (West District) (OP Designation: Low Density Residential)

The applicant proposes to recognize the location of an existing inground pool, 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 within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 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 setback for a pool is to ensure that there is a safe distance and adequate buffering from the waters edge and an active public or private space such as a rear yard amenity area or public sidewalk. 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 (although existing) of the subject property as the lands abut a hedge on the neighbouring property and maintains a safe distance between the waters edge and property line for access. 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 existing inground pool be permitted in general accordance with the submitted site plan drawing dated March 18, 2024.
2. That the approval expires two (2) years from the date of the decision if a Pool Permit has not been issued.

Fire: No Concerns for Fire.

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

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.

- 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 existing outdoor swimming pool's set-back from the interior side lot line, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the existing outdoor swimming pool on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: One

Letter(s)/Emails in opposition: One

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 existing inground pool be permitted in general accordance with the submitted site plan drawing dated March 18, 2024.
2. That the approval expires two (2) years from the date of the decision if a Pool Permit has not been issued.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:

Letters/Email in Support – 1

Letters/Email of Opposition – 1

From:

Sent: Monday, April 22, 2024 2:02 PM

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

Subject: File #CAV A/069/2024: 2245 Yolanda Dr, Oakville - Minor variance for the pool

Good afternoon Heather,

My name is Venkat and I am an immediate neighbor for the subject property.

I happened to see a minor variance sign for an existing pool. I fully support the variance since the property has existing pool even before the current owners moved-into the property.

The variance is pretty minor in my opinion and I have no objections approving the variance.

Regards,
Venkat Bollu

From:

Sent: Thursday, April 25, 2024 6:16 PM

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

Sean O'Meara <sean.o'meara@oakville.ca>; Jonathan McNeice

<jonathan.mcneice@oakville.ca>

Subject: CAV A/069/2024

My name is Richard Kasslack

My address is 335 Sunset Dr, Oakville, ON L6L 3M7

Our concern is the proposed changes at:
2245 YOLANDA DR
PLAN M24 LOT 126

Which is located across the street from me.

I understand the new variance request is to move the swimming pool, in order to make room for the new building.

I reviewed the proposed changes and wish to protest the proposed changes as the changes will affect the character of the neighbourhood, the proposed new building will be overly large compared to any other properties in the neighbourhood and the building will contribute to excessive shading of all of the properties around it, including mine.

My family has lived in Bronte for over 25 years and we moved here from East Toronto (Leslieville area) as blocks of houses were being bought up and torn down to put up mega-houses, like the one proposed at 2245 Yolanda Dr. We left because of this and the huge increase in noise and traffic as a result of these mega-houses being built and occupied. We found Bronte and fell in love with the area and surroundings. Reasonably sized homes, on large properties with a beautiful canopy of trees and yards you could grow gardens and enjoy nature in. If changes like this are allowed, we will be setting a dangerous precedent that will not allow us to go back and will start to permanently alter our beloved Bronte forever.

These proposed changes to the property at 2245 Yolanda Drive will result in the largest and most sprawling house in the area, with a massive driveway, for what purpose?

Sincerely,
Richard and Susan Kasslack