

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/096/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT
OAKVILLE.CA ON WEDNESDAY, JUNE 12, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Oakville Club c/o Jennifer Vollmer	ATA Architects Inc c/o Alex Temporale 3221 North Service Road Burlington ON L7N 3G2	PLAN 1 BLKS 54,55 CLSD ST 56 Water Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Waterfront Open Space

ZONING: O2 sp:169 Private Open Space

DISTRICT: East

WARD: 3

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 a new roof over the existing porch on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 12.3 (Column O2, row 6)</i> The minimum rear yard shall be 12.0 m.	To reduce the minimum rear yard to 1.31m.

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 June 12, 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/096/2024 - 56 Water St (East District) (OP Designation: Waterfront Open Space)

The applicant proposes to permit the construction of a new permanent roof over the existing second-storey porch on the subject property, subject to the variance listed above.

The minor variance application was also reviewed by Heritage Planning Staff as the subject property is designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District.

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?

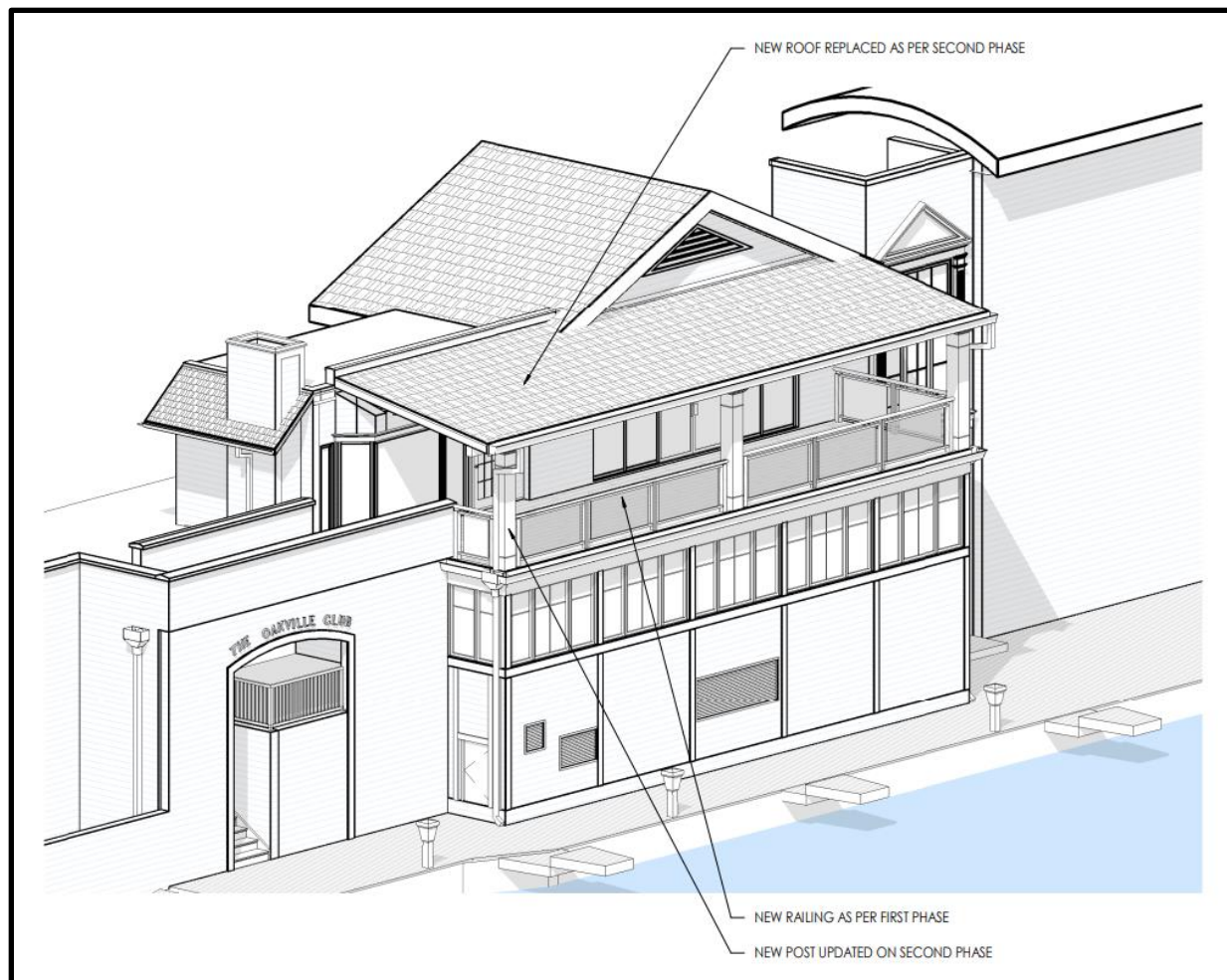
The subject property is designated Waterfront Open Space within the Official Plan. Development is required to be evaluated using the criteria established in Section 17.3. The proposal complies with Livable Oakville.

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, as follows:

Variance #1 – Minimum Rear Yard Setback (No Objection)

The intent of regulating the rear yard setback is to ensure the appropriate separation of buildings and to limit shadowing or overlook conditions onto abutting properties. In this case, the minimum rear yard setback reduction is being proposed to permit the replacement of the temporary canvas awnings with a permanent roof structure over the outdoor patio/porch area. The setback of 1.31 metres is from the limit of the roof to the rear property line, which abuts Sixteen Mile Creek. The variance also recognizes an existing condition on the property. No variance application was previously required for the canvas awnings however, as they were not permanent structures.



No further development is being contemplated for the site, as the variance application relates solely to the permanent roof replacement. 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.

Heritage Planning Comments:

The subject property is designated under Part V of the Ontario Heritage Act as part of the Old Oakville Heritage Conservation District. The proposed new permanent roof has already received heritage approval through Heritage Permit HP006-24-42.20W. Heritage Planning staff have no concerns with the subject minor variance application.

Conservation Halton Comments:

Conservation Halton has no objections to the approval of the variance request, and a permit for the proposed works has already been issued.

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 permanent roof structure be permitted in general accordance with the submitted site plan dated May 22, 2024, and elevation drawings dated May 9, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

Fire: May 30/24 - SFD. Minimum access provided. O.K. (JRO).

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 reduction to the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law for the purposes of constructing a new roof over an existing porch on the Subject Property.

Conservation Halton:

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

Sent: Thursday, May 30, 2024 1:23 PM

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

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

Subject: RE: [EXTERNAL]AGENDA PACKAGE FOR THE JUNE 12, 2024 COMMITTEE OF ADJUSTMENT MEETING

Good afternoon Heather,

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands including unstable soil and bedrock, as well as lands adjacent to these features. The subject property at 56 Water Street is considered regulated by CH as the property is adjacent to Sixteen Mile Creek and contains the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15m from the greater of the flooding and erosion hazards associated Sixteen Mile Creek.

Ch has issued a permit for the proposed works (No. 8775), as the drawings submitted through the Minor variance process match those approved through our permit CH has no comments or concerns with the application. CH has no objection to the approval of the variance.

Please continue to circulate CH if anything changes.

Let me know if you require anything further.

Kind regards,

Matthew Lauzon

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 permanent roof structure be permitted in general accordance with the submitted site plan dated May 22, 2024, and elevation drawings dated May 9, 2024..
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.



Heather McCrae, ACST
Secretary-Treasurer