

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/084/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 29, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Andre and Sheri Morin	W.E. Oughtred & Associates Inc c/o Bill Oughtred 26-2140 Winston Park Drive Oakville ON L6H 5V5	PLAN M302 LOT 10 3232 Shoreline 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 an existing accessory building (shed) on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.2 (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 30.23%.
2	<i>Section 6.5.2 b)</i> The minimum yard from any lot line for an accessory building or structure located in a flankage or rear yard shall be 0.6 metres, provided that the accessory building or structure has a minimum separation distance of 2.0 metres from the dwelling.	To permit the accessory building located in the rear yard with a reduced minimum interior side yard of 0.16 m and a reduced minimum rear yard of 0.00 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 May 29, 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/084/2024 – 3232 Shoreline Dr (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit an existing shed on the property, subject to the variances 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 and abuts the Town's Sheldon Creek Park, which is designated as Natural Area, Waterfront Open Space and Parks and Open Space.

Regarding Variance #1, it's important to note that if the shed were entirely on private property, the Lot Coverage would increase. The lot-to-building ratio would rise from the proposed 30.23% to 30.42% if the 1.67 square meters of the shed currently outside the property were included. Although the difference in percentage is small, this adjustment would result in a more accurate representation of the privately owned Lot Coverage elements, rather than an understated figure.

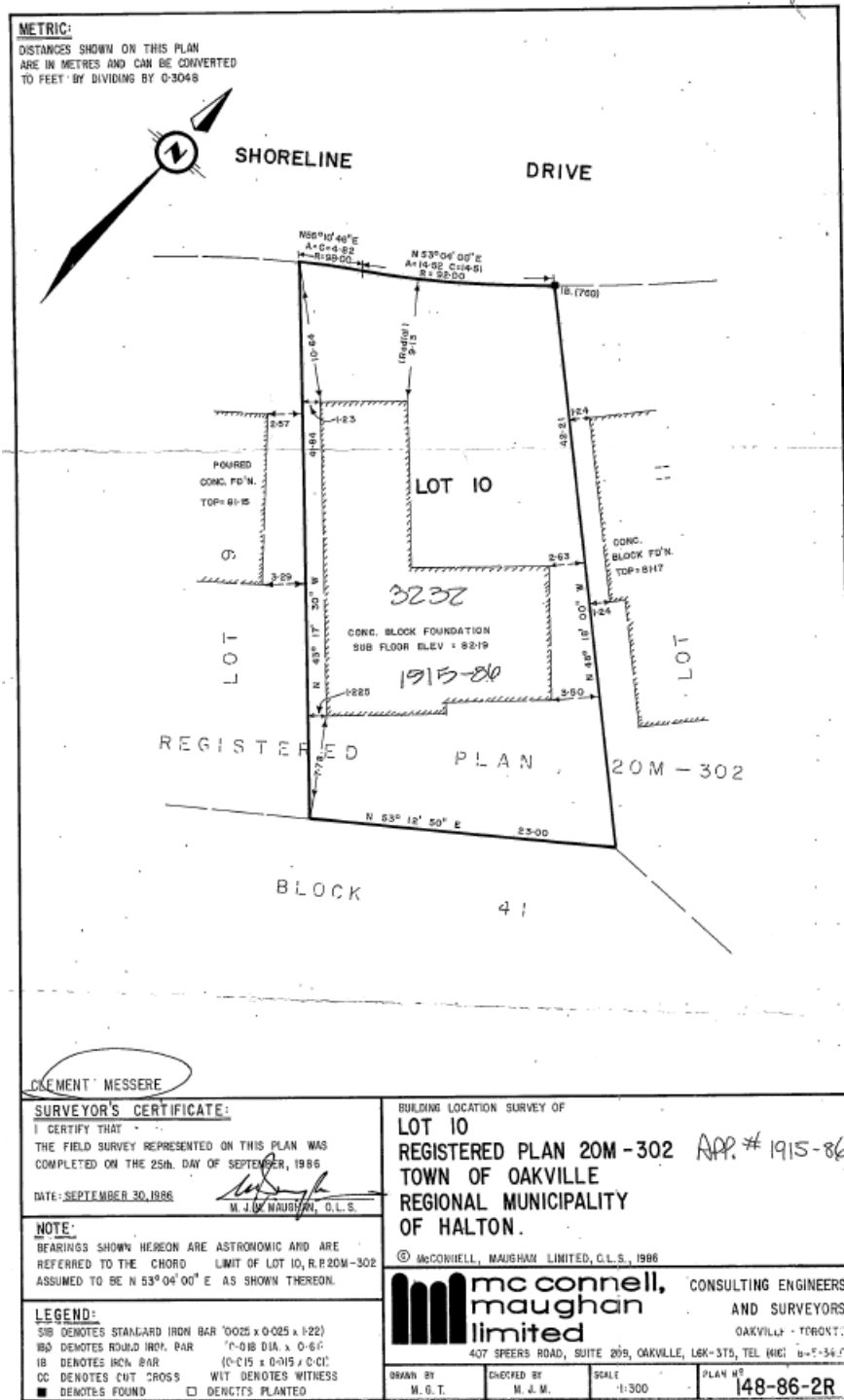
Additionally, staff have concerns regarding Variance #2, particularly with the setbacks of the existing shed. These concerns relate to the Livable Oakville Plan policies 11.1.9 b), h), and j), which state:

“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.

j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.”

A review of the property records for the detached dwelling, revealed an as-built survey dated September 30, 1986. However, this survey does not include the pool or shed in the rear yard:



However, a record for the pool dated May 14, 1990 was found, but does not include a survey illustrating the pool or shed. Despite this, the proposal to allow the existing shed to remain 0.16 m from the easterly property line and 0.0 m from the southerly property line on Town parkland does not, in Staff's opinion, meet the general intent and purpose of the Official Plan. Private amenity spaces, buildings, and structures should be entirely located on private property, not public land. Additionally, it should be noted that steps, a retaining wall, and fencing are also located within the Town parkland. Although these are not subject to the Zoning By-law, they result in an intrusion of private land uses onto Town property.

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

The intent of regulating setbacks for accessory buildings is to provide adequate space for access, construction, maintenance, and repairs. It is evident from the submitted materials that this is not possible, given that the existing shed is located partially on Town parkland:



Staff are of the opinion that the requested Variance #2 does not maintain the general intent and purpose of the Zoning By-law. The photo above clearly shows that access, construction, maintenance, and repairs of the existing shed have taken place outside the subject property, which is not acceptable to Parks and Open Space Staff. All encroachments should be removed from the Town parkland.

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

As stated above, it is not desirable for the development of the site, to perpetuate the existing shed and other encroachments. Private land uses that encroach onto Town parkland infringe on the public's use of the space and creates an unpermitted expansion of private amenity space. This results in a negative adverse impact on the public and abutting property owners by reducing available public parkland and increasing private amenity space.

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

Fire: SFD - Rear yard accessory structure. No impact to Fire Department Access or Fire-fighting operations. (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 an increase in the maximum lot coverage, and to permit the accessory building located in the rear yard with a reduced minimum interior side yard and reduced minimum rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting an existing accessory building (shed) on the Subject Property.

Conservation Halton: The property at 3232 Shoreline Drive is regulated by CH as it is adjacent to Sheldon Creek and contains portions of the flooding hazards associated with that watercourse. As the requested variances are to recognize an existing accessory structure and the accessory structure is not increasing in size, CH has no concerns with the application. CH has no objections to the variances being approved.

Should the works change, please continue to keep CH appraised.

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.

A rectangular box containing a handwritten signature in blue ink. The signature is cursive and reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer