

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/055/2024

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
Mohammad Hasoun	SGL Planning & Design Inc c/o Graham Barrett 1547 Bloor Street West Toronto ON M6P 1A5	PLAN M589 PT BLK 18 RP 20R11562 PART 40 1126 Westview Terrace Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential
WARD: 4

ZONING: RM1
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 rear addition to the existing dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.8 (column RM1, row 7) The minimum rear yard shall be 6.0 m.	To decrease the minimum rear yard to 4.12m.

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/055/2024 – 1126 Westview Terrace (West District) (OP Designation: Medium Density Residential)

The applicant proposes to construct a rear addition for the existing townhouse 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 Medium 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, specifically:

“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.”

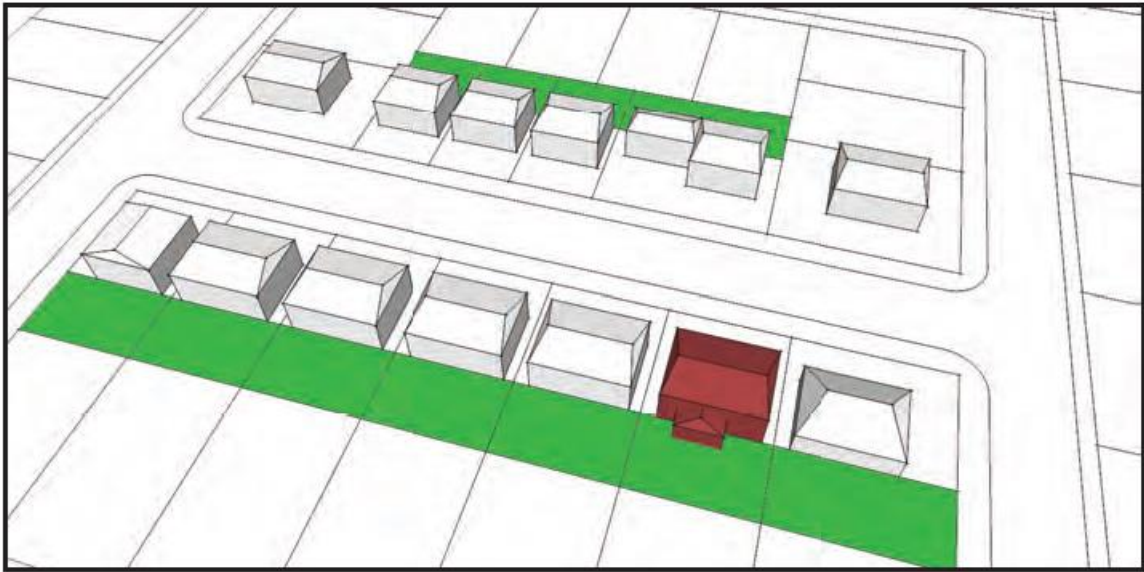
Furthermore, the Urban Design Guidelines for Stable Residential Communities states:

“3.1.5 Rear Yard Privacy

The design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.

Design Guidelines:

- 1. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.*
- 2. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.*
- 3. New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.*
- 4. New development is encouraged to incorporate appropriate fencing, screening, landscaping and other mitigative design measures that can assist in maintaining the privacy of adjacent dwellings and rear yards.”*

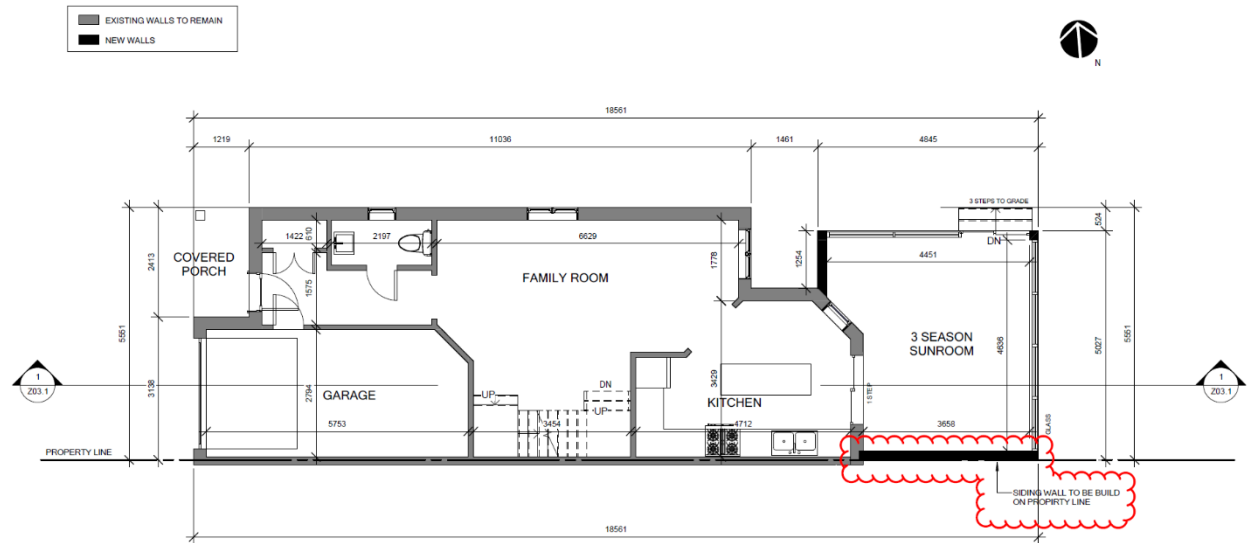


Preferred. An addition that projects minimally into the rear yard and maintains ample setbacks from the side lot lines can be appropriate.

Based on the application as submitted, the applicant is proposing to construct the rear addition following the townhouse partition wall on the property line:



MAIN FLOOR PLAN
PRIVATE RESIDENCE
1126 WESTVIEW TERRACE



Staff are of the opinion that without an appropriate setback provided along the southerly interior side yard for the proposed addition, the proposal does not maintain the general intent and purpose of the Livable Oakville Plan or implement the Urban Design Guidelines for Stable Residential Communities.

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

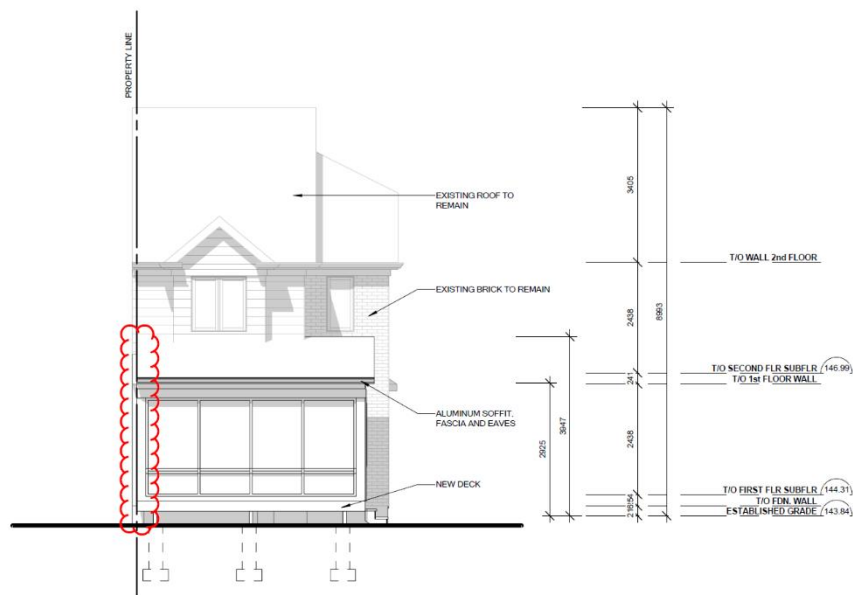
The intent of regulating the rear yard setback is to ensure appropriate separation of dwellings and provide rear yard amenity space. The subject property is an end unit of a townhouse block, and accordingly has a demising wall shared with the unit to the south with a 0.0 m setback. It is

noted that the Zoning By-law permits accessory buildings in the rear yard however, a minimum 0.6 m setback to a rear or interior side yard.

Based on a site inspection and observation of rear yard amenity spaces in the surrounding neighbourhood (consisting of other townhomes), decks and patios are commonly found in rear yard amenity areas with landscaped green space. However, staff did not observe any rear yard additions similar to the proposed sunroom. The proposed location of the sunroom in the rear yard, with a 0.0 m interior side yard setback has potential impacts on the abutting property to the south. This would result in no access for construction, maintenance or repairs along the southerly side yard based on the submitted materials:

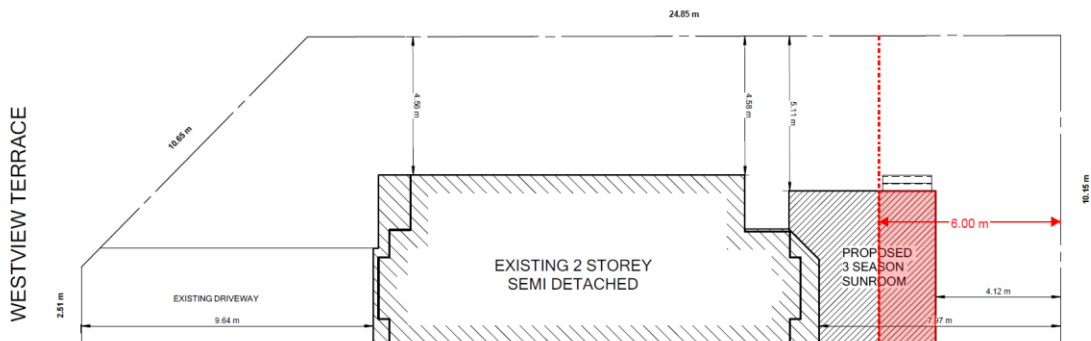


EAST ELEVATION
PRIVATE RESIDENCE
1126 WESTVIEW TERRACE



SITE PLAN
PRIVATE RESIDENCE
1126 WESTVIEW TERRACE

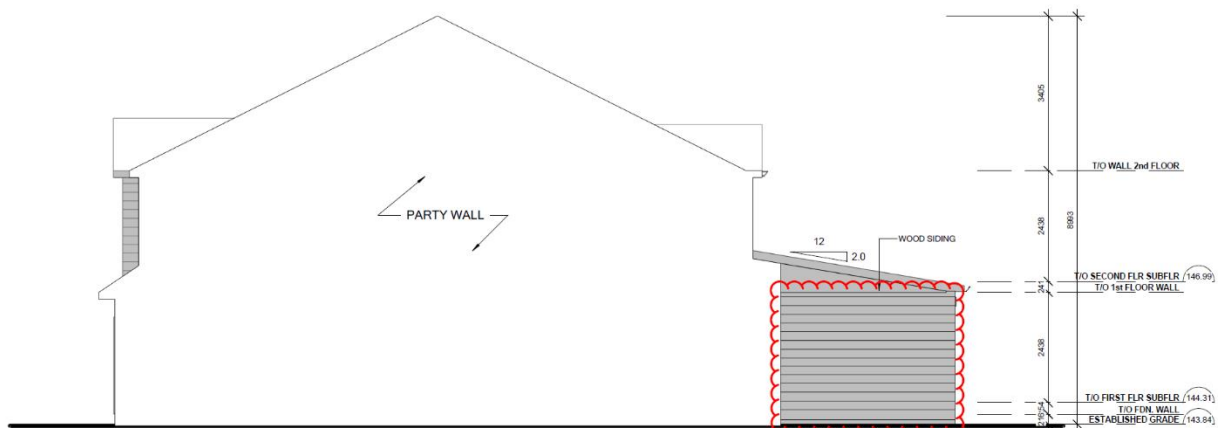
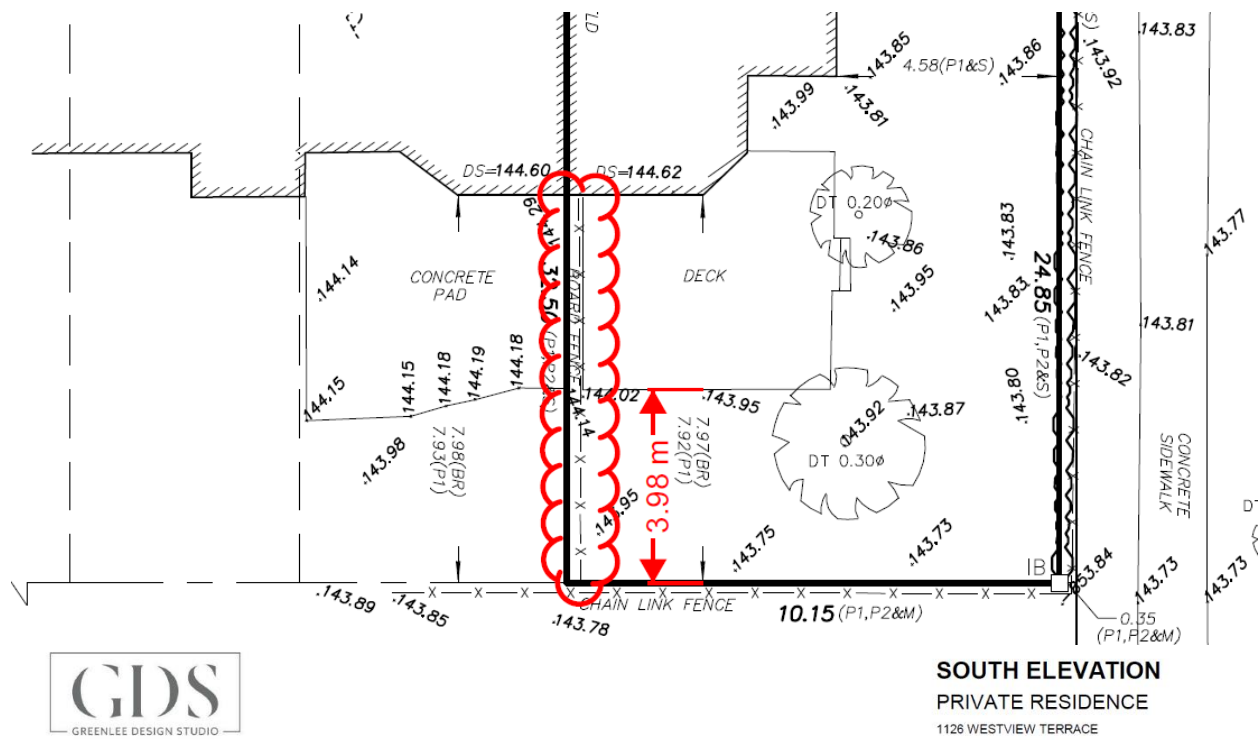
ZONING: RM1	LOT NO: PART OF 18	PLAN NO: 20M-589	LOT AREA: 302m ²	LOT FRONTAGE: 2.51m	LOT DEPTH: 32.5m			
DESCRIPTION	EXISTING	ADDITION	TOTAL	% ALLOWED	% SETBACKS	EXISTING	REQUIRED	PROPOSED
LOT COVERAGE	78.25m ²	21.5m ²	99.75m ²	33.0	n/a	FRONT YARD 9.64m	4.5m	9.64m
GROSS FLOOR AREA	127.9m ²	0m ²	127.9m ²	42.3	n/a	REAR YARD 7.97m	6.0m	4.12m
HEIGHT	8.99m		8.99m		12.0m	SIDE YARD (NORTH) 4.56m	3.0m	4.56m
# OF STORIES	2		2			SIDE YARD (SOUTH) 0m	0m	0m



Staff are of the opinion that the location of the addition in the rear yard, including the 0.0 m setback provided along the southerly interior side yard does not maintain 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?

Based on the materials submitted further to the comments above, Staff also observed that the existing fence located between the neighbours rear yard amenity area is located wholly on the subject lands:



As seen above, the addition is proposed to be built on the property line and it is not clear if the existing fence will be relocated, replaced or removed. Furthermore, Staff are not aware of any agreements between the owner and abutting neighbour to provide access for construction, maintenance or repairs as previously mentioned. There are also no details in the submitted

materials as to how drainage and grading will be managed along the shared property line, noting that any stormwater runoff or spill from rain or snow melt that runs down the wood siding of the addition would not be accessible for the owner to manage from their property.

Staff are of the opinion that the proposal does not represent an appropriate development of the subject property. The development as proposed may result in undue adverse impacts on the abutting property to the south and could pose a concern within the existing neighbourhood related to other existing townhomes in the area and their rear yard amenity spaces.

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

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 property is within 120 metres 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) & (3.1)c) of the Regional Official Plan (ROP). Regional staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be constructed within the manicured lawn area and 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.
- 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 rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a rear addition to the existing dwelling on the Subject Property.

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.



Heather McCrae, ACST
Secretary-Treasurer

Attachments: 2
Agent's Planning Rationale
Arborist Report

March 25th, 2024

Project: WT.OA

VIA EMAIL – coarequests@oakville.ca

Committee of Adjustment Chair and Members
Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 9H3

Re: Minor Variance Application CAV A/055/2024 – 1126 Westview Terrace

Dear Committee Members and Chair,

SGL Planning & Design has been retained to provide a planning opinion and act as agent for a minor variance application for 1126 Westview Terrace (the “subject site”). The proposal requires one minor variance from the Zoning By-law to permit construction of a 1-storey rear addition to the existing townhouse dwelling, as shown in **Figure 1**. A rear yard setback of 4.12m is proposed where 6.0m is required.



Figure 1. Proposed Sunroom Addition

The subject site is located in a Medium Density Residential land use designation under the Livable Oakville Plan (2009). Multiple-attached dwellings (e.g., townhouses) are a permitted use. The subject site is zoned RM1 (Residential Medium). A townhouse is a permitted use.

The subject site is a corner lot with frontage on Westview Terrace and a wide north/side yard setback along Westoak Trails Boulevard. Sixteen Hollow Park is immediately adjacent to the east/rear. The existing townhouse is an end unit and, as such, has only one attached neighbour.

The proposed addition will be on a similar footprint as an existing deck, shown in **Figure 2**.

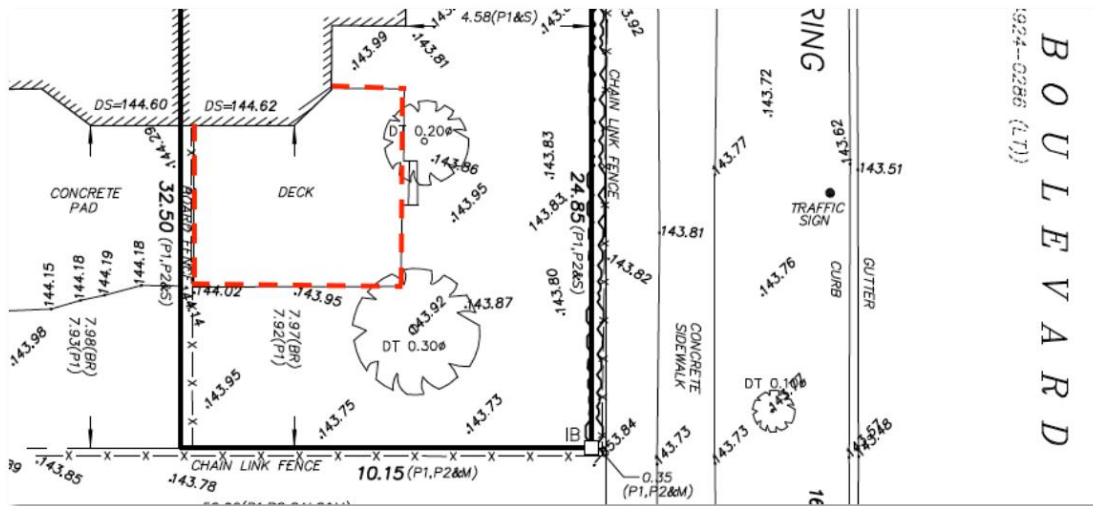


Figure 2. Survey Excerpt

The proposed 1-storey addition will extend from roughly the same height as the existing ground floor roof line, shown in **Figure 3**.



Figure 3. Rear Yard View

The height of the proposed addition ranges from under 4m at its highest/westernmost point to under 3m at its lowest/easternmost point, as shown in **Figure 4**. The impact of the proposed addition on the neighbouring property is comparable to that of the existing fence, visible in **Figure 3**, and there are no impacts on other neighbours, with none situated behind the subject property and the nearest neighbouring dwelling to the north being located approximately 40m away, across Westoak Trails Boulevard.

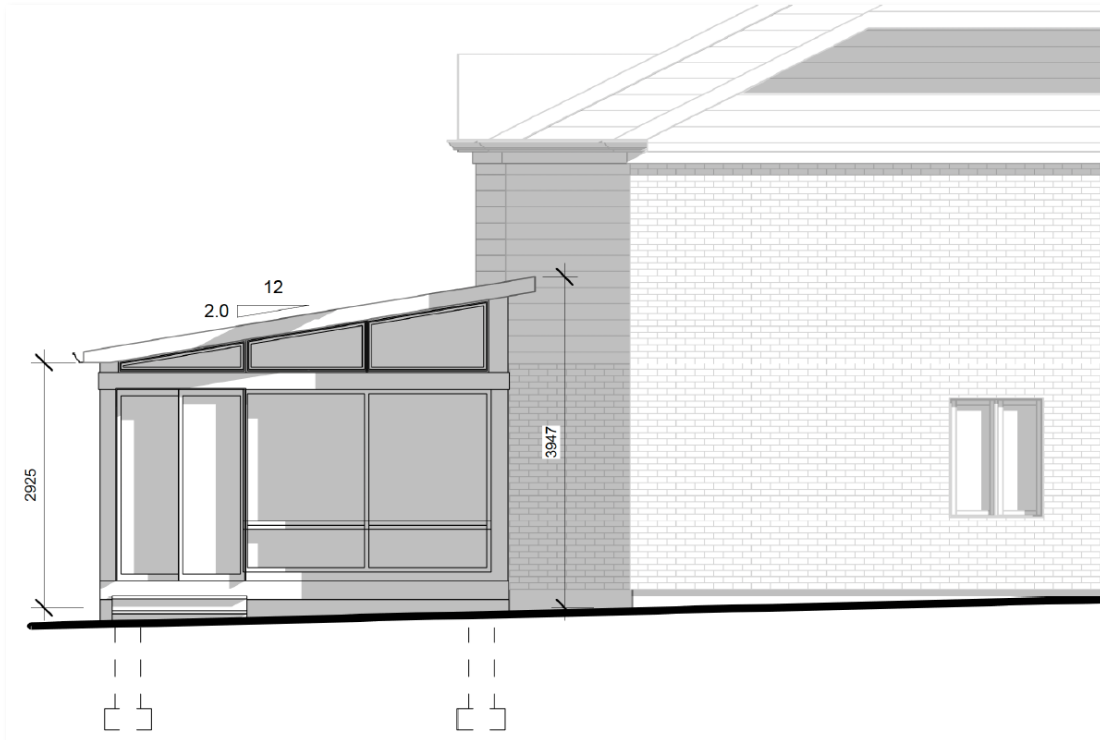


Figure 4. North Elevation Excerpt

In the RM1 Zone, for townhouse dwellings, the minimum required flankage yard is 3.0m, the minimum required landscaping is 10% and there is no maximum lot coverage for the dwelling. Maximum height is 12.0m and the maximum number of storeys is 3.

It would be possible to construct a rear addition with a larger footprint as-of-right, if it were to comply with the required rear yard setback minimum of 6m. The as-of-right footprint for a rear addition is shown in **Figure 5**, although this addition could theoretically extend the entire length of the dwelling, if desired.

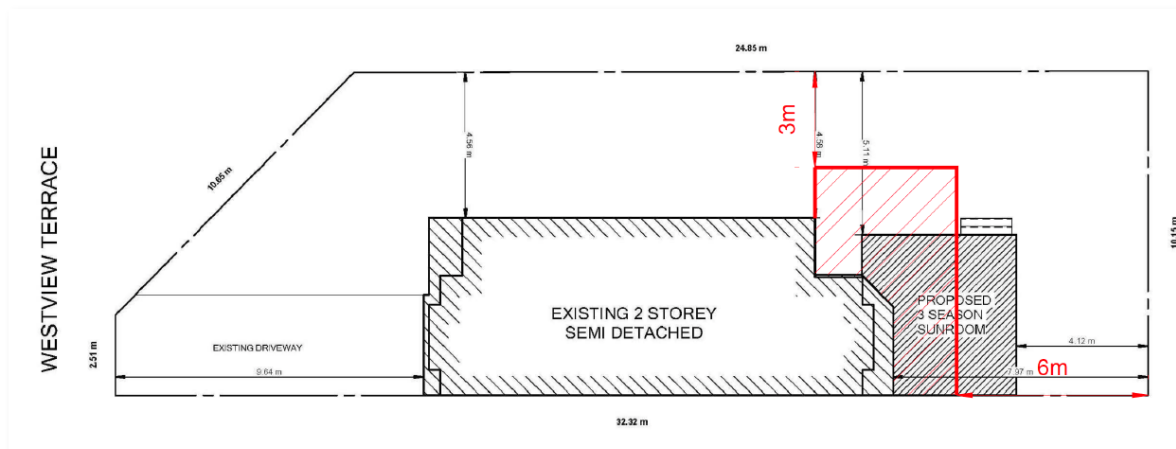


Figure 5. Site Plan Marked Up

This addition could also be built to 3 storeys, as shown in **Figure 6**, without triggering any minor variances from the Zoning By-law. There is no maximum floor space index or maximum lot coverage in the RM1 Zone. In fact, this hypothetical addition could be ~3m taller than shown below and still comply with the By-law's maximum height of 12m.

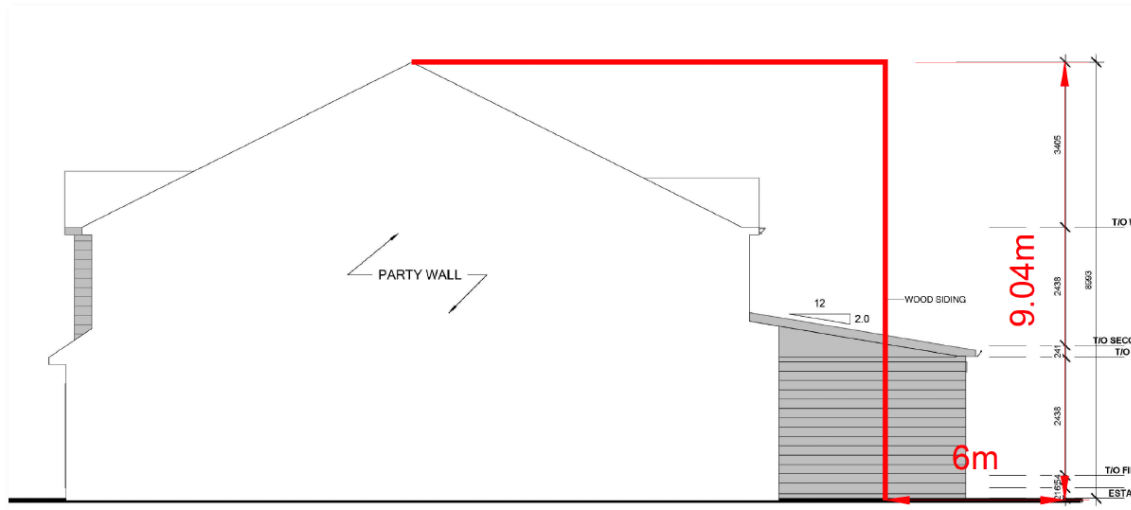


Figure 6. South Elevation Marked Up

The impacts of the proposed addition are far less substantial than the potential impacts of what could be built without variances on the subject site.

An arborist report has been prepared and submitted. The proposed addition will require the removal of one by-law protected private tree (24cm DBH Silver Maple, in fair condition). All nearby municipal trees will be protected and preserved. The owner is

happy to meet the conditions of the Town's Private Tree By-law (2017-038), which will require the planting of 1-2 replacement trees.

This proposal passes the four tests of Section 45(1) of the *Planning Act*. The variance is minor in nature and represents a rear yard setback deficiency of 1.88m, or just over 6ft, on a 1-storey addition. The proposal is appropriate for the development and use of the land and does not present significant impacts on neighbouring properties. The proposal is in keeping with the intent of the Official Plan for a Medium Density Residential land use designation and is compatible with the surrounding neighbourhood in terms of scale, height, massing and architectural character. The proposal is in keeping with the intent of the Zoning By-law as performance standards are not being exceeded unreasonably.

This proposal represents good planning and does not conflict with the public interest.

Sincerely,

SGL Planning & Design, Inc.



Graham Barrett
Planner



Prepared for:

Greenlee Design Studio
brad@greenleedesignstudio.com
905-979-4576

Project Address:

1126 Westview Terrace, Oakville, Ontario
DENG File #n/a

Data Collection and Report Prepared by:
Alex Sharp Certified Arborist ON-2026
21 March 2024

Arborist Report - 1126 Westview Terrace, Oakville, Ontario

Table of Contents

Project Overview	3
Municipal Trees	3
Neighbouring Trees	4
Private Trees	4
Tree Data Graph	5
Limitations of Report	6
Author's Qualifications	7
Tree Protection Plan	8

Arborist Report - 1126 Westview Terrace, Oakville, Ontario

Summit SKS Limited have been retained by the property owner to prepare this Arborist Report and Tree Protection Plan for 1126 Westview Terrace in Oakville, Ontario. The owner intends to renovate the existing house. The tree assessment was completed on the 29th day of February 2024. All field and appraisal work was conducted by qualified consultants as defined by the Town and in accordance with Private Tree Protection By-Law 2017-038. A Tree Protection Agreement will be required for this project.

The purpose of this report is to inventory and assess trees 15cm in diameter, measured at breast height and larger on the subject property, in the city road allowance adjacent to the property and any trees within 6m of the property line. There is one (1) tree that is recommended for removal as a result of this proposed construction or their current condition.

Municipally Owned Trees

Tree number M1 is a 18cm dbh Lilac Ivory Silk that is growing near the municipal boulevard in front of 1128 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number M2 is a 11cm dbh Tulip Tree that is growing near the municipal boulevard in front of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number M3 is a 48cm dbh Spruce Blue that is growing near the municipal boulevard in front of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 3.0m.

Tree number M4 is a 14cm dbh Hackberry Common that is growing near the municipal boulevard on the east side of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number M5 is a 9cm dbh Kentucky Coffee Tree that is growing near the municipal boulevard on the east side of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 1.8m.

Tree number M6 is a 9cm dbh Kentucky Coffee Tree that is growing near the municipal boulevard on the east side of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 1.8m.

Tree number M7 is a 6cm dbh Linden Little Leaf that is growing near themunicipal park on the south side of 1126 Westview Terrace. This tree is in fair condition and requires a tree protection zone of 1.8m.



Arborist Report - 1126 Westview Terrace, Oakville, Ontario



Tree Number	Tree Species	Diameter of Appraised Tree (cm)	Area Of Appraised Tree (cm)	Diameter of Replacement Tree (cm)	Area of the Replacement Tree (cm)	Cost of Replacement Tree	Basic Price	Species Rating	Basic Value	Location Rating	Condition Rating	Appraised Value
M1	Japanese Lilac	18	254.34	6	28.26	650	23.00071	77.00%	4654	80.00%	75.00%	2792.4
M2	Tuliptree	11	94.985	6	28.26	927.5	32.82024	77.00%	2613.747	80.00%	75.00%	1568.24792
M3	Blue Spruce	42	1384.74	6	28.26	924.5	32.71408	72.00%	32875.22	80.00%	75.00%	19725.132
M4	Kentucky Coffee Tree	14	153.86	6	28.26	927.5	32.82024	66.00%	3648.167	80.00%	75.00%	2188.9
M5	Kentucky Coffee Tree	9	63.585	6	28.26	927.5	32.82024	687.00%	8892.406	80.00%	75.00%	5335.44375
M6	Kentucky Coffee Tree	9	63.585	6	28.26	927.5	32.82024	67.00%	1704.281	80.00%	75.00%	1022.56875
M7	Linden	6	28.26	6	28.26	650	23.00071	67.00%	650	80.00%	75.00%	390

Neighbouring Trees

There are no neighbouring trees associated with this project.

Privately Owned Trees

Tree number P1 is a 9cm dbh Redbud Eastern that is growing near the back left corner of the subject dwelling. This tree is in fair condition and requires a tree protection zone of 1.8m.

Tree number P2 is a 24cm dbh Maple Silver that is growing near the back left corner of the subject dwelling. This tree is in fair condition however it is recommended for removal due to development impacts.

All protective tree hoarding shall be installed prior to commencement of any construction activities as per Town of Oakville specifications.

Arborist Report - 1126 Westview Terrace, Oakville, Ontario

Tree #	Common Name	Latin Name	DBH (cm)	Height (m)	Crown Reserve (m)	Crown Height (m)	Canopy Cover Area (m)	Health	Structure	TPZ (m)	Site Plan Results
M1	Lilac Ivory Silk	Syringa reticulata 'Ivory Silk'	18	4	2	2	4	fair	fair	2.4m	preserve
M2	Tulip Tree	Liriodendron tulipifera	11	4	2	2	4	fair	fair	2.4m	preserve
M3	Spruce Blue	Picea pungens	48	10	7	9	49	fair	fair	3.0m	preserve
M4	Hackberry Common	Celtis occidentalis	14	7	3	4	9	fair	fair	2.4m	preserve
M5	Kentucky Coffee Tree	Gymnocladus dioicus	9	4	2	1	4	fair	fair	1.8m	preserve
M6	Kentucky Coffee Tree	Gymnocladus dioicus	9	4	2	1	4	fair	fair	1.8m	preserve
M7	Linden Little Leaf	Tilia cordata	6	2	1	1	1	fair	fair	1.8m	preserve
P1	Redbud Eastern	Cercis canadensis	9	3	2	1	4	fair	poor	1.8m	preserve
P2	Maple Silver	Acer saccharinum	24	7	5	1	25	fair	fair	2.4m	remove

Tree ownership is indicated by the tree naming system, tree names beginning with the letter M are municipally owned, tree names beginning with the letter N are on neighbouring properties within 6m of the property line and tree names beginning with the letter P are privately owned and on the subject property.

Arborist Report - 1126 Westview Terrace, Oakville, Ontario

Limitations of Assessment

It is the policy of Summit SKS Limited to attach the following clause in regards to limitations. This is to ensure that the client is fully aware of what is technically and professionally realistic in the preservation and assessment of trees in the urban environment.

The assessment of the trees in this report has been done in conjunction with and according to accepted arboriculture methods and techniques. These include an examination of the above ground parts of the tree for structural defects, scars, cracks, the overall condition of the visible root structures, the severity and direction of lean (if any), the general condition of the trees and the surrounding environment, external indications of decay such as fungal fruiting bodies, evidence of attack by insects, symptoms of infestation and pathogens, discoloured foliage, and the proximity of potential targets should a tree fail. Except where specifically noted, the trees not cored, probed or climbed and there was no detailed inspection of the root crowns involving excavations, or samples taken to be scientifically tested.

Notwithstanding the recommendations and conclusions presented in this report, it must be acknowledged that trees are living organisms. They are not immune to changes in site conditions, dramatic weather events or seasonal variations in climate. Therefore it should always be recognized that trees are ever evolving and their health and vigour constantly vary over time. While all reasonable efforts have been made to ensure that the subject trees are healthy, no guarantees are offered or implied that these trees or part(s) of any trees will remain intact.

It is professionally and practically impossible to predict with absolute certainty the behaviour of any tree or its component parts under all circumstances and variables. Most trees have the potential for failure under adverse weather conditions and the risk can only be completely eliminated if the tree is removed. Inherently, a standing tree will always pose some level of risk. Although every effort has been made to ensure that this assessment is reasonably accurate, trees should be re-assessed periodically. The assessment presented in this report is valid at the time of inspection.

The report is the property of Summit SKS Limited and/or its agents and may not be used until payment is made in full unless written permission is granted to do so. Summit SKS Limited reserves the right to withdraw this report and its recommendations, if any requirements are not met. All details and graphics are copyright of Summit SKS Limited.

On Behalf of Summit SKS Limited



Alex Sharp,
Certified Arborist ON-2026





The International Society of Arboriculture

Hereby Announces That

Alex Mackenzie Sharp

Has Earned the Credential

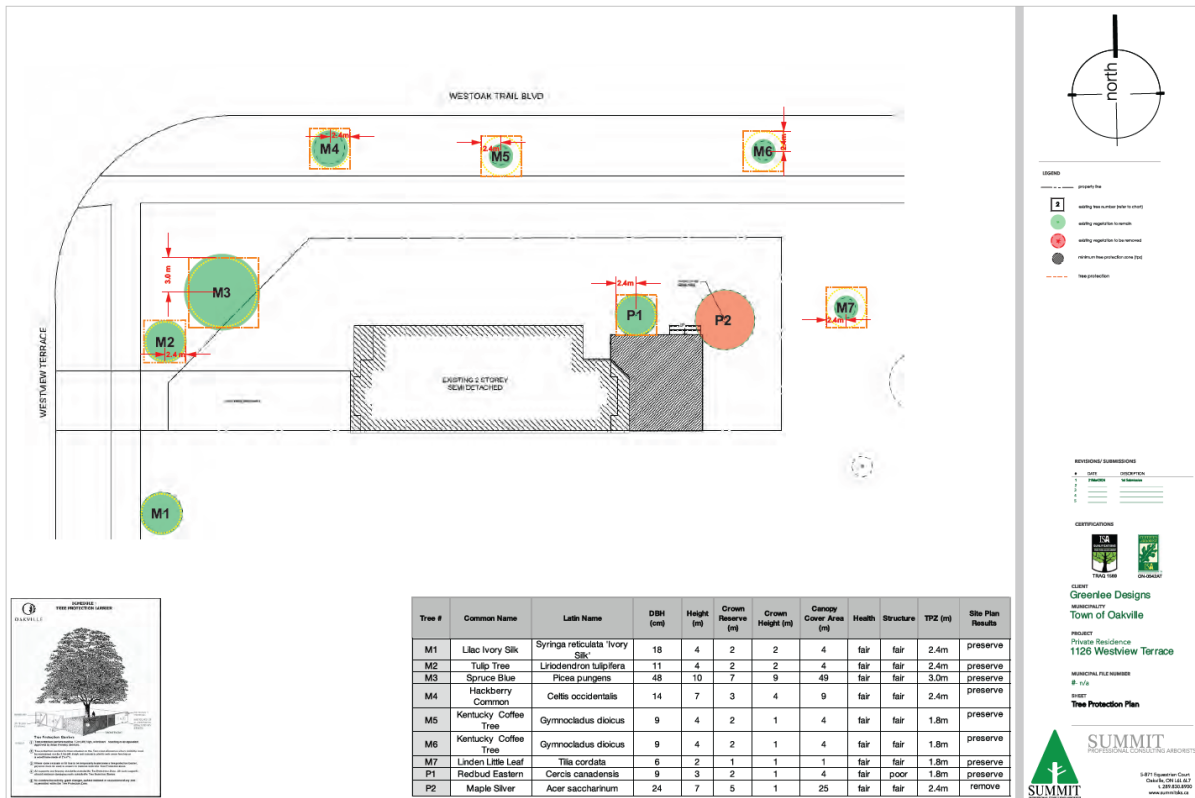
ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Polihian
CEO & Executive Director

9 January 2016	30 June 2025	ON-2026A
Issue Date	Expiration Date	Certification Number





LEGEND

- Property line
- Existing trees (green circle)
- Proposed trees (red circle)
- Tree Protection Zone (TPZ) (dashed line)

REVISIONS

DATE	DESCRIPTION

CERTIFICATIONS

CLIENT
Greerlee Designs
1126 Westview Terrace

PROJECT
Private Residence

MUNICIPAL FILE NUMBER
174

TITLE
Tree Protection Plan

SUMMIT
THE PROFESSIONAL LANDSCAPE ARCHITECTS

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Oakville, ON L6M 0K7
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