

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/058/2024

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
	Tenhouse Building Workshop c/o Matthew Fratarcangeli 107 Gladstone Avenue Hamilton ON L8M 2H8	PLAN 709 LOT 8 180 Sandwell Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL2-0
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 an accessory structure on the subject property proposing the following variance 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 27.40%.

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/058/2024 – 180 Sandwell Dr (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of an accessory structure on the subject property, 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 the Zoning By-law provision for lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. In this instance, the dwelling is existing and the applicant is proposing an accessory building in the rear yard which will not be visible to the public realm and will not have a negative impact on adjacent properties. The accessory structure is located outside of easement No. 58873 along the rear property line and has a greater side yard setback than the dwelling on the lot. Staff are of the opinion that the request 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.

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. The accessory building be constructed in general accordance with the submitted site plan and elevation drawings dated February 23, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

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 30 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 are directing the applicant to have a Qualified Professional complete the Appendix D-1 'Waiving Assessment Tool', to the satisfaction of Halton Region. The purpose of the Waiving Tool is to conduct a high-level assessment of any sensitive features and how they may or may not be impacted by the proposed development. The final steps of the Waiving Tool provide an opportunity to discuss and apply certain mitigation measures. The Applicant is required to submit Appendix D-1 (please include checking the box that says this project is eligible for

waiving in Step 1). The Applicant is required to reach out to Regional staff to resolve the Region's concerns in relation to the RNHS prior to submission of the Planning Act application.

- The Region of Halton's 2024 fee by-law has come into force and effect, which includes applications requiring natural heritage review and their associated fees.
- A copy of the Environmental Impact Assessment Guideline can be found here: <https://www.halton.ca/The-Region/Regional-Planning/Regional-Plans,-Strategies-and-Studies/Environmental-Impact-Assessment-Guide-Update>
- Regional staff request the following condition be added to the Committee of Adjustment's decision for the subject lands:
 - That the Applicant shall submit a completed Waiving Assessment Tool, to the satisfaction of Halton Region and pay all associated Regional fees. Furthermore, should mitigation measures be determined as an outcome of the Waiving Assessment Tool, the applicant shall implement and adhere to the noted mitigation measures.
- Regional staff has no objection, subject to the above-noted condition being included, 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, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of an accessory structure 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.

Requested conditions from circulated agencies:

1. The accessory building be constructed in general accordance with the submitted site plan and elevation drawings dated February 23, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.
3. That the Applicant shall submit a completed Waiving Assessment Tool, to the satisfaction of Halton Region and pay all associated Regional fees. Furthermore, should mitigation measures be determined as an outcome of the Waiving Assessment Tool, the applicant shall implement and adhere to the noted mitigation measures.

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

Heather McCrae, ACST
Secretary-Treasurer