

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/109/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JULY 24, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Gurleen Pannun	Pamela Pozes Lumon Canada Inc. 600 ZENWAY BLVD UNIT 5 Vaughan ON, Canada L4H 3M9	235 Willowridge Crt PLAN 1524 LOT 18

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2**

**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 construction of two covered porch additions on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 6, Column RL2, Footnote 6)</i> The minimum rear yard shall be reduced to 3.5 metres on a corner lot where an interior side yard of 3.0 metres is provided.	To reduce the minimum rear yard to 1.04 m.
2	<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 25.87%.

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 July 24, 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.

CAV A/098/2024 - 295 Morden Rd (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a new three-season sunroom over the existing rear covered porch and recognize an existing new roof over an existing basement access stairs at the southern

side of the dwelling, subject to the variances listed above.

Site Area and Context

The subject lands contain a newly constructed two-storey detached dwelling in a neighbourhood that consists predominantly of the original housing stock. The original housing stock is primarily two-storey dwellings. The dwelling is also situated within a court, and is defined as being a corner lot due to the road allowance configuration, as shown in Figure 1 below. Due to the lot's irregular shape, the rear lot line is considered to be the southern most lot line.



Figure 1 – Aerial Photo

Staff also note that the property is regulated by Conservation Halton, and a permit from the Conservation Authority is required for the proposed works. Additionally, pursuant to Bill 23, a new regulation (O. Reg. 254/23) was filed on August 9, 2023 under Section 41 of the *Planning Act* which clarifies that development with 10 or fewer residential units may be subject to site plan control, subject to meeting the criteria prescribed in the regulation. In this case, the development is located within 120m of a watercourse and in accordance with the town's Site Plan Control By-law would be subject to minor site plan approval. However, since the proposed modifications are less than 50m² in size they are exempt from minor site plan approval.

In Figure 1, and as verified by a site visit, it appears that the proposed access stair roof is already constructed. It is not known if the proposed sunroom is also constructed. As provided in Figure 2, both the basement access stair roof and the sunroom are deficient in the rear yard setback (1.04m and 3.09m respectively where 3.5m is required), and both contribute to the proposed increase in lot coverage from 25% to 25.87%.

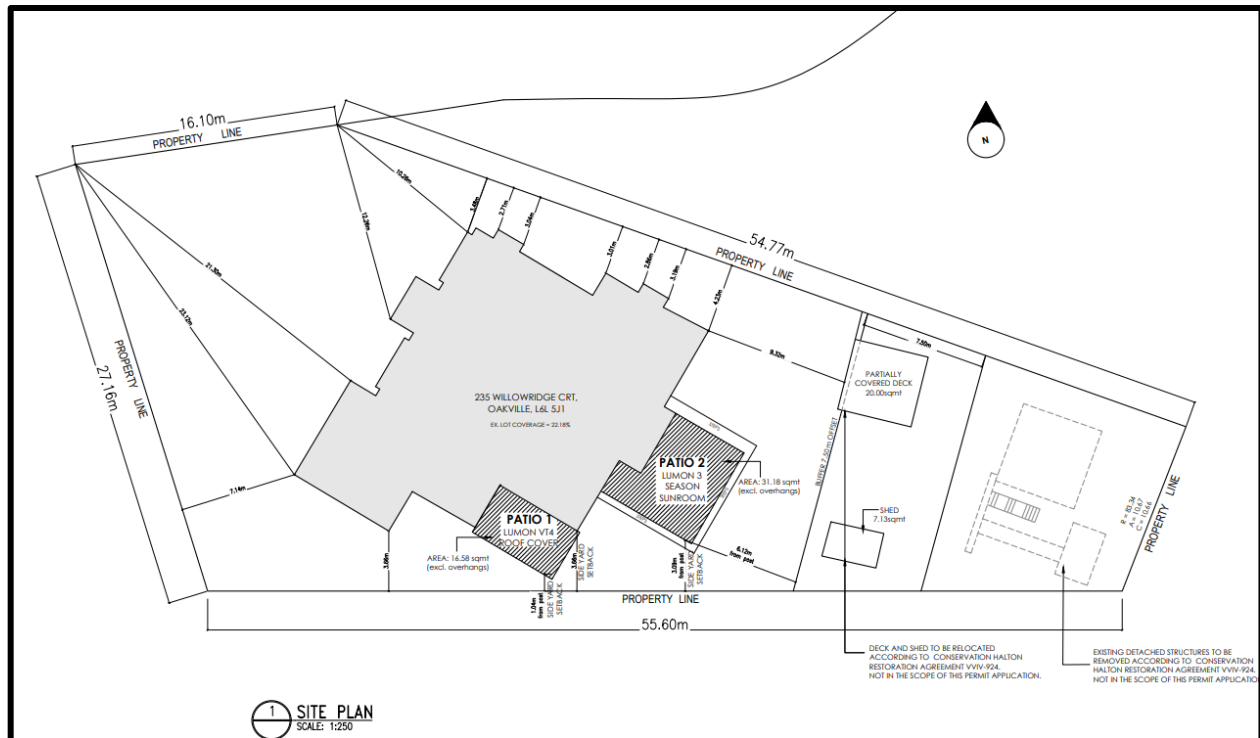


Figure 2 – Proposed site plan

Staff note that if the property were considered an interior lot, the southerly lot line would actually be an interior lot line and would require a minimum setback of 1.2m. Staff acknowledge that the orientation of the dwelling would suggest that the southerly lot line does function as an interior lot line, and the rear yard amenity area is located towards the east of the property. It is appropriate to consider the irregular shape of the lot and how it is defined when assessing the setback variance requested. Similarly, both Patio 1 and Patio 2 (as noted in Figure 2 above) are predominantly over existing covered or hardscaped areas and do not appear to present any significant drainage concerns. Additionally, the proposed roof and sunroom does not present any negative impacts to the streetscape or surrounding properties.

Staff consider these deficiencies to be a minor deviation from the Zoning By-law regulations and are of the opinion that the application is appropriate to be handled through the minor variance process. Based on staff's review the application meets the four tests and the application raises no concerns of a planning nature.

Recommendation:

Staff do not object to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The access stair roof and sunroom be constructed in general accordance with the submitted site plan dated January 9, 2024 (Issue #6) and elevations dated January 9, 2024 (Issue #5); 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 Concerns for Fire.

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

Transit: No Comments received.

Finance: No Comments received

Metrolinx: There are no applicable comments for this application.

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 reduction of the minimum rear yard and an increase to the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of constructing two covered porch additions on the Subject Property.
- General ROP Policy: The Region’s Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as ‘Urban Area’ and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.
- Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region’s EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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. The access stair roof and sunroom be constructed in general accordance with the submitted site plan dated January 9, 2024 (Issue #6) and elevations dated January 9, 2024 (Issue #5); 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.



FOR

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email in Opposition – 1

From: [REDACTED]
To: [coarequests](#)
Subject: [EXTERNAL] File # CAV A/109/2024
Date: July 19, 2024 8:20:00 AM

I have read the applicable by-law quoted in the Notice, which confirms that because the subject property is a corner lot, the minimum rear yard can be as little as 3.5 metres.

What I would like to know is the criteria used to determine that minimum. In other words, what is the purpose of that space between the house and the lot line? Does the by-law take into account what borders that rear lot line? Would the minimum vary if the lot borders on a rail line, a road, a ravine, etc? If not, presumably this is a factor we should be considering at the hearing, and that would be easier if we had advice on this aspect. Of course, any deleterious effect of a smaller rear yard will be felt most by the property owner, but how might it affect the neighbours?

Ross Connell

