

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/124/2024

RELATED FILE: N/A

DATE OF MEETING:

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE
AT OAKVILLE.CA ON WEDNESDAY, AUGUST 21, 2024 AT 7:00 P.M.**

Applicant / Owner	Authorized Agent	Subject Property
Agnieszka Zukowska Nicholas Plaskos	Cara Josie Ben Homes 4325 HARVESTER RD UNIT Unit 17 Burlington ON, CANADA L7L 5M4	358 Pinehurst Dr PLAN 581 LOT 17

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3**

**ZONING: RL1-0
DISTRICT: East**

APPLICATION:

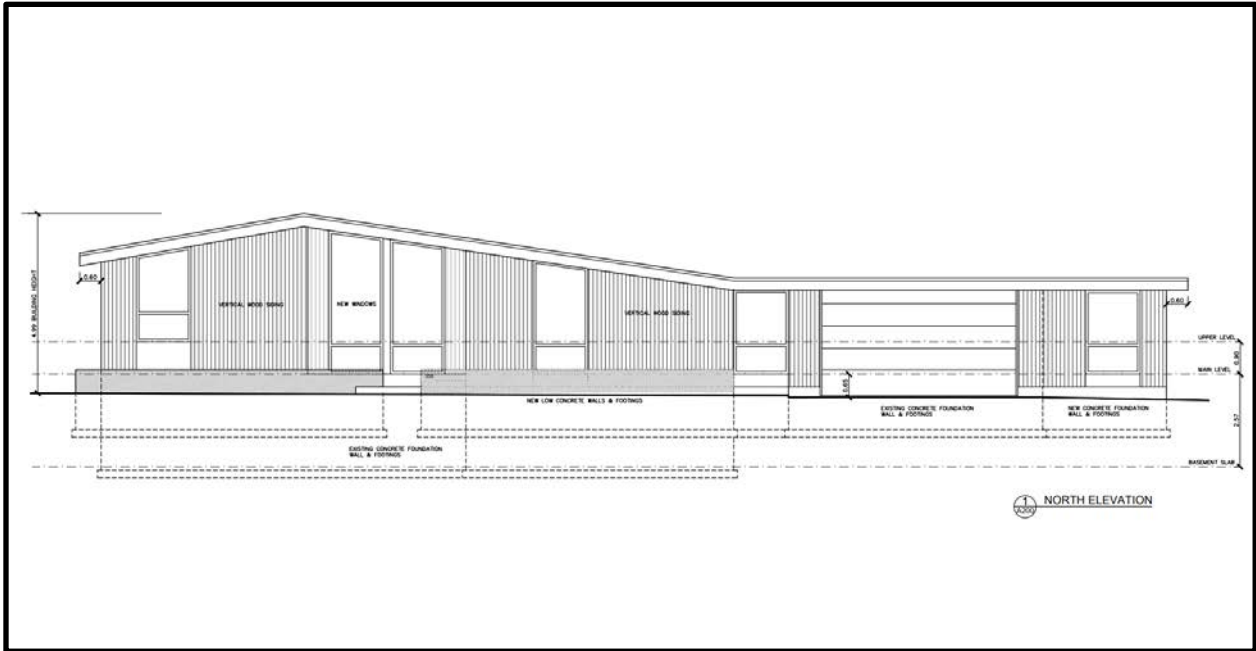
Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of front, side, and rear additions to the existing one-storey detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 3)</i> The maximum encroachment into a minimum yard for canopies and eaves shall be 0.6 m.	To increase the maximum encroachment into a minimum southerly interior side yard for the canopy /eaves to 0.75 m.
2	<i>Table 4.3 (Row 3)</i> The maximum encroachment into a minimum yard for canopies and eaves shall be 0.6 m.	To increase the maximum encroachment into the minimum rear yard for the canopy/eaves to 2.04 m.
3	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum southerly interior side yard to 2.48 m.
4	<i>Table 6.3.1 (Row 6, Column RL1)</i> The minimum rear yard shall be 10.5 m.	To reduce the minimum rear yard to 7.38 m.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

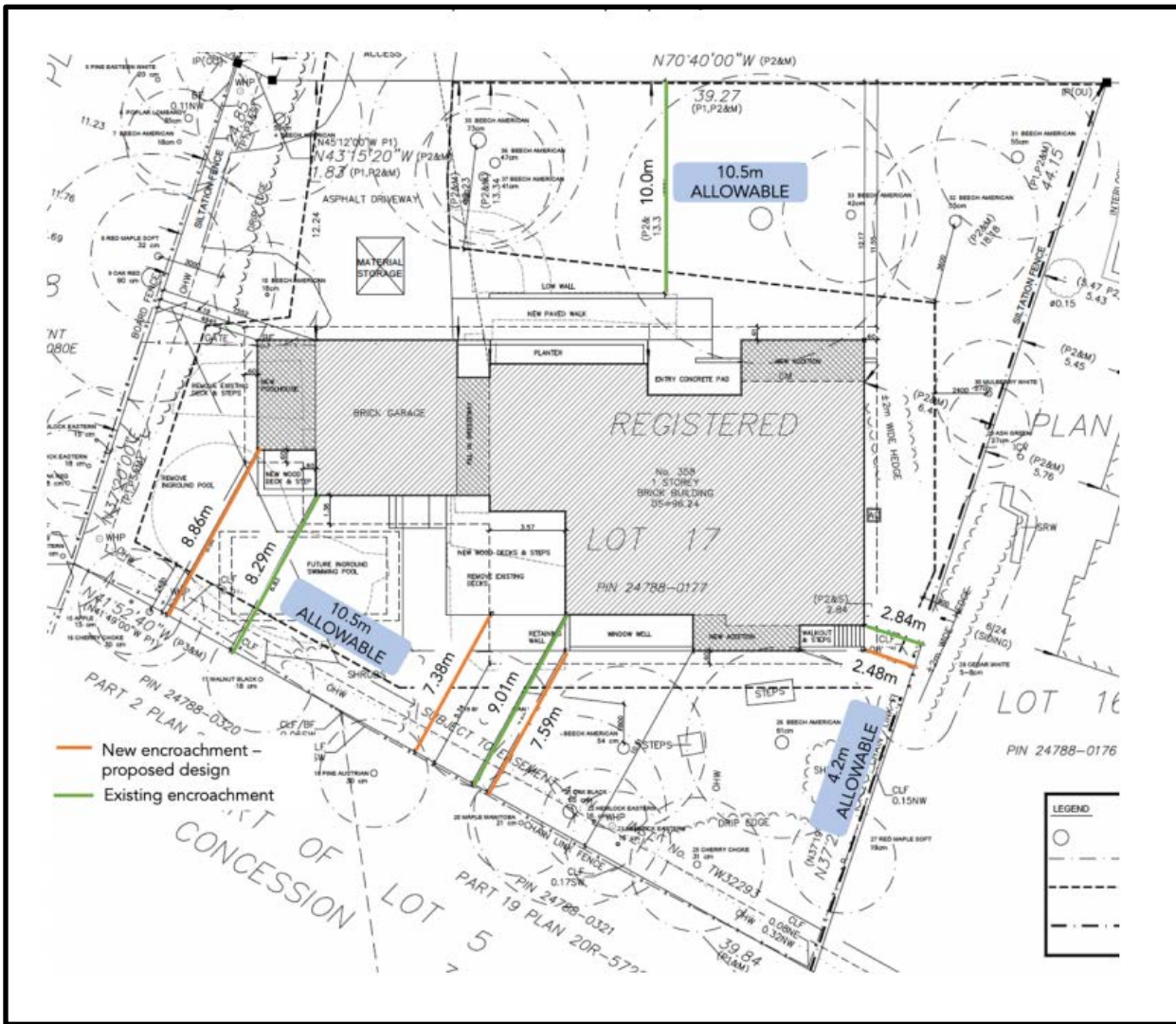
Planning Services:

Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering.



Front Elevation – 358 Pinehurst Drive

The application indicates that the existing home currently encroaches into both the rear and side yards in three places. The proposed one-storey additions will result in additional encroachment into these yards, along with a new encroachment into the front yard. The site plan diagram below illustrates the existing yard encroachments and proposed encroachments on the property.



Site Plan – 358 Pinehurst Drive

Based on a site visit of the surrounding neighbourhood, staff note that there are other properties in the surrounding area with similar variances and various architectural styles. This proposal continues to maintain and preserve the established neighbourhood character. Additionally, the unique shape of the lot and the way the existing dwelling is situated further contributes to the necessity of these variances.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff’s 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 by Livable Oakville. 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?

Variance #1 – Maximum Encroachment into a Minimum Interior Side Yard for Canopies and Eaves (No Objection) – increased from 0.6 metres to 0.75 metres

Variance #2 – Maximum Encroachment into a Minimum Rear Yard for Canopies and Eaves (No Objection) – increased from 0.6 metres to 2.04 metres

Variance #3 – Minimum Interior Side Yard Setback (No Objection) – decreased from 4.2 metres to 2.48 metres

Variance #4 – Minimum Rear Yard Setback (No Objection) – decreased from 10.5 metres to 7.38 metres

The intent of the Zoning By-law provision for regulating the interior side yard setback and canopy/eave encroachments is to ensure adequate spatial separation between dwellings and to limit negative impacts on drainage. The intent of the Zoning By-law provision for minimum rear yard setbacks and canopy/eave encroachments is to ensure that an adequate rear yard amenity space is provided, and to reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. The proposed setbacks and eave encroachments do not result in any adverse effects on to abutting properties, and the dwelling as proposed assists in maintaining and protecting the existing neighbourhood character. The one-storey additions do not contribute to any adverse massing or scale impacts from the public realm and staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law

Staff note that the site is directly upstream of a remnant channel. It appears that the subject lands are not currently subject to Bill 97, the buffer limits are to be confirmed by zoning. If the site is within the Bill 97 buffer, the application will need to go through the Minor Site Plan process. A pool permit is required for the proposed pool.

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 variances are cumulatively 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 variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan dated July 9, 2024, and elevation drawings dated June 3, 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 Concerns for Fire.

Ministry of Municipal Affairs & Housing: No comments received.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received.

Heritage: No heritage concerns.

Metrolinx: 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 to the maximum encroachment into the minimum southerly interior side yard, an increase to the maximum encroachment into the minimum rear yard, a decrease to the minimum southerly interior side yard and a decrease to the minimum rear yards, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of constructing additions to the existing one-storey detached dwelling 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’ 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.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

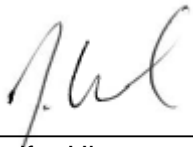
Letter(s)/Emails in opposition: None

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 dwelling be constructed in general accordance with the submitted site plan dated July 9, 2024, and elevation drawings dated June 3, 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.



Jennifer Ulcar
Secretary-Treasurer