

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAVA/119/2024

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
Patrick Shallow	GERARDO CASTILLO Keystone Home Designs Inc. 251 North Sevice Rd. West, suite 303 Rd OAKVILLE ON, Canada L6M 3E7	401 Wedgewood Dr PLAN 628 LOT 72

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

**ZONING: RL2-0  
DISTRICT: East**

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### **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 accessory building (cabana) 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 30.87%.

## 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.

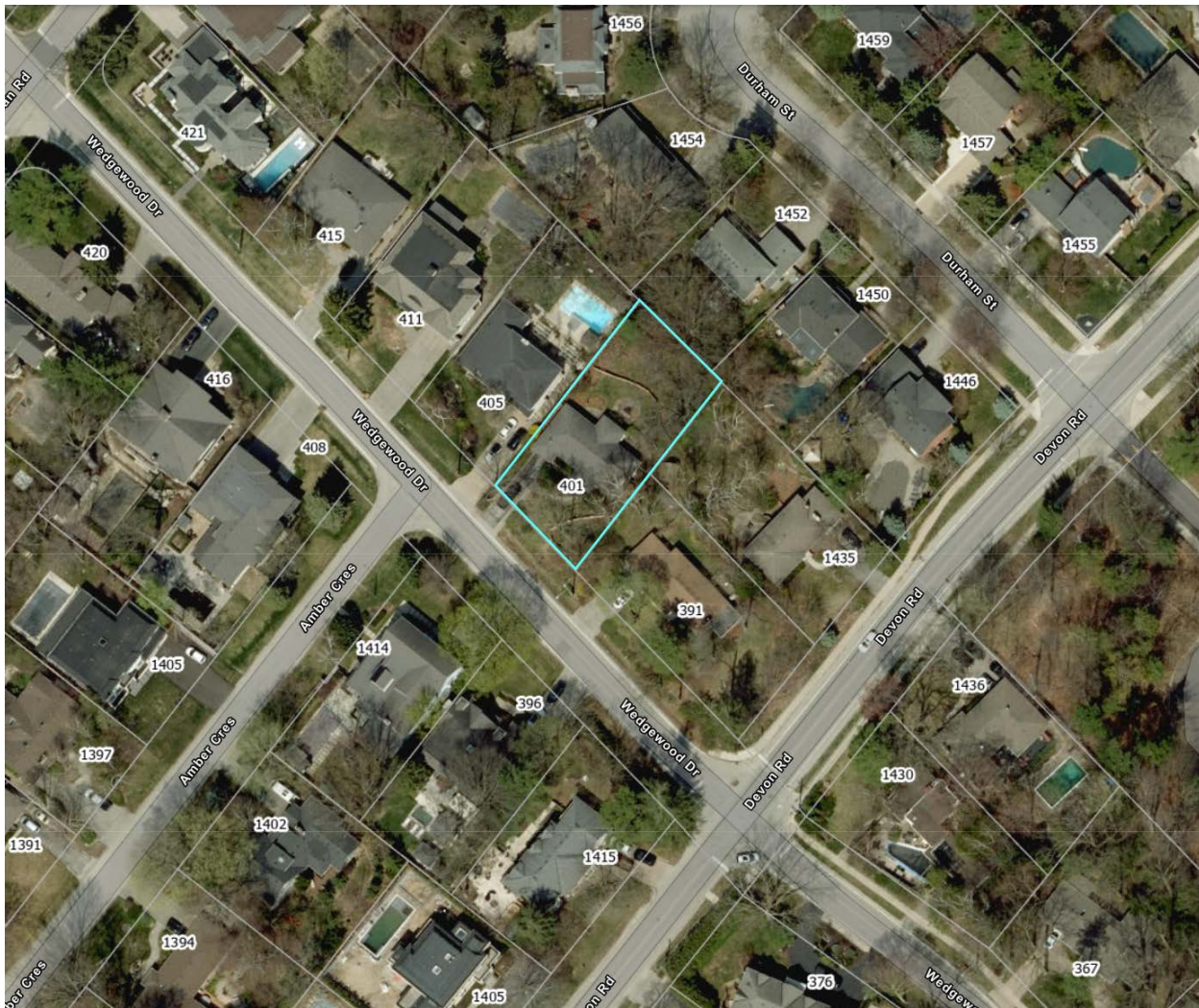
The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on August 21, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

**CAV A/119/2024 – 401 Wedgewood Drive (East District) (OP Designation: Low Density Residential)**

The applicant proposes an accessory building (cabana), subject to the variance listed above.

**Site Area and Context**

The neighbourhood has undergone redevelopment in terms of replacement dwellings as well as additions/alterations to existing dwellings. It consists of original single storey homes as well as newer two-storey homes with diverse architectural forms. The newer homes have massing that is broken up into smaller elements and façade articulation that mitigate the impacts of mass and scale.

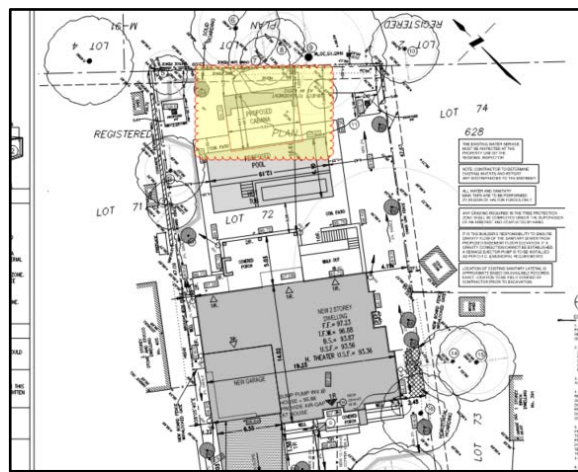


*Aerial Photo of 401 Wedgewood Drive*

A minor variance had been approved for lot coverage of 27.32% on August 16, 2022 and for revised lot coverage of 28.28% on April 05, 2023. A Development Engineering Site Alteration Permit had been approved for the subject site in May 2023 (Permit # 22 113832 REV 01 DEPA). The proposed changes will require a revision of the DEPA including revised grading and SWM. The proposed increase in lot coverage is associated with the increase in the size of the rear yard cabana. It is noted that there is no change to the detached dwelling as approved in April 2023. A comparison of the site plan approved in April 2023 and the proposed site plan from August 21, 2024 is shown below.



Approved Site Plan – April 2023



Proposed Site Plan – August 2024

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. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville.

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

Variance #1 – Maximum Lot Coverage (No Objection) – 25% increased to 30.87%

The intent of the Zoning By-law provision for lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed increase in lot coverage of 5.87% from the permitted results in approximately 63.74 m<sup>2</sup> of additional covered area on the lot and is primarily attributed to the rear yard cabana (41.24 m<sup>2</sup>). The rear cabana is not visible from the public realm and does not cause any adverse impacts of mass and scale on the streetscape. It is noted that no modification is being proposed for the detached dwelling as approved in April 2023. As such, it is staff's 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 dated June 13, 2024, and elevation drawings dated June 20, 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.

**Oakville Hydro:** We do not have any comments.

**Transit:** No Comments received.

**Finance:** No Comments received

**Metrolinx:** No Comments received

**Heritage:** No heritage concerns.

### **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 lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purposes of permitting an accessory building (cabana) 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 accessory building be constructed in general accordance with the submitted site plan dated June 13, 2024, and elevation drawings dated June 20, 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.



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Jennifer Ulcar  
Secretary-Treasurer