

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/144/2024

RELATED FILE: N/A

DATE OF MEETING: October 2, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
JIHAD (JAY) GHANEM S. EL-HAYEK	N/A	PLAN M699 LOT 123 2255 Kingsmill Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Resident
WARD: 4

ZONING: RL6
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 pool and air conditioning equipment on the subject property proposing the following variance to Zoning By-law 2014-014:

Current zoning by-law requirements	Variance request
Table 4.3 (Row 2) The maximum encroachment into a minimum yard for air conditioners, heat pumps, swimming pool pumps, filters, heaters and generators including any appurtenances thereto shall be up to 0.6 m from the applicable lot line.	To increase the maximum encroachment into a minimum yard for the pool and air conditioning equipment to 0.2 m from the southerly interior side lot line.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

CAV A/144/2024 – 2255 Kingsmill Crescent (West District) (OP Designation: Low Density Residential)

The applicant is seeking the permission to permit pool and air conditioning equipment on the property, subject to the variance listed above.

An image of the location of existing air conditioner and pool equipment within the southerly interior side yard is shown below:



Existing Air Conditioner and Pool Equipment – 2255 Kingsmill Crescent

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 lands are designated “Low Density Residential” designation in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal concerns the placement of pool and air conditioning equipment to encroach within a minimum side yard. It is staff’s opinion that the proposal maintains the general intent and purpose of the Official Plan.

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

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the maximum encroachment of pool and air conditioning into the minimum southerly interior side yard from 0.6m to 0.2m to the lot line. The intent of regulating the maximum encroachment for mechanical equipment into the required yard is to ensure there is adequate spatial separation from the property for drainage along the side of the

property as well as noise mitigation. The proposed variance is necessary to address an existing condition in which the pool and air conditioning equipment is located closer to the southerly interior side lot line than what is permitted. According to the applicant, the existing air conditioner was installed in 2022 in the same location as the previous unit, and the pool equipment was installed last fall adjacent to the air conditioning unit to increase functionality of the rear yard. The equipment is situated on or above an existing concrete walkway and the abutting neighbour has no objection to the proposed variance. It is staff's opinion that the proposal 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, which reflects an existing condition.

Fire: No concerns for Fire.

Transit : No comments received.

Finance: 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 a minimum yard for the pool and air conditioning equipment to 0.2 m from the southerly interior side lot line, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the installation of pool and air conditioning equipment on the Subject Property.
- **RNHS**
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.

Halton Conservation: No comments received.

Bell Canada: No comments received.

Trans Canada Pipeline : No comments received.

CNR: No comments received.

Union Gas: No comments received.

Letter(s) in support – 3

Oakville 8 August 2024

Committee of Adjustment

Re: 2255 Kingsmill Crescent, Oakville, L6M 3X8

Pool equipment & AC location less than 0.6m from Property Line.

To Whom It May Concern,

I am aware that the pool equipment and its concrete base as well as the A/C are located less than 0.6m from the fence line and I have no objections to the proposal or the variances applied for.

Regards

MICHEL & SANDRA BABIN



Oakville 8 August 2024

Committee of Adjustment

Re: 2255 Kingsmill Crescent, Oakville, L6M 3X8

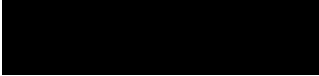
Pool equipment & AC location less than 0.6m from Property Line.

To Whom It May Concern,

I am aware that the pool equipment and its concrete base as well as the A/C are located less than 0.6m from the fence line and I have no objections to the proposal or the variances applied for.

Regards

MATHEW & AMANDA VAINO



Oakville 8 August 2024

Committee of Adjustment

Re: 2255 Kingsmill Crescent, Oakville, L6M 3X8

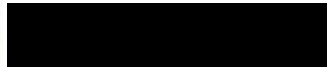
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Regards

VALDEMAR & MARIA SANTOS



Letter(s) in opposition – 0

General notes for all applications:

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.

Sharon Coyne

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Assistant-Secretary Treasurer

Committee of Adjustment