

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/148/2024

RELATED FILE: N/A

DATE OF MEETING: October 16, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
M. AKHOKAIL	STEVEN BROUSSEAU Steven Brousseau Design Inc. 18 BEVERLY St E ST. GEORGE ON, N0E 1N0	1315 Cleaver Dr Town of Oakville PLAN 1008 LOT 58

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 a one storey addition to the existing dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.20 m.	To reduce the minimum westerly interior side yard to 2.51 m.

### 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/148/2024 - 1315 Cleaver Drive (East District)** (OP Designation: Low Density Residential)

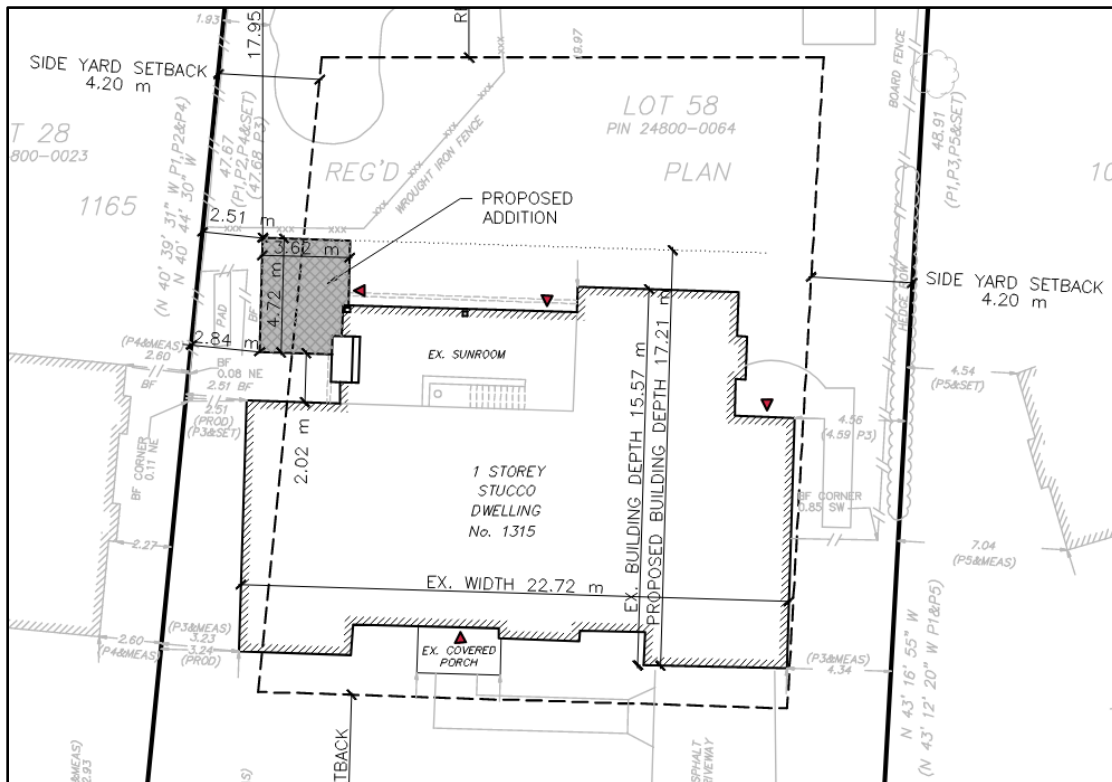
The applicant proposes to construct an addition to the main floor of the existing dwelling, subject to the variance listed above.

#### **Site Area and Context**

The subject property is located in an area that has experienced some redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of two-storey and one-storey existing housing stock and newer two-storey replacement dwellings. Dwellings in the surrounding area consist of a variety of architectural styles and design elements that maintain and contribute to the established neighbourhood character.



Aerial Photo – 1315 Cleaver Drive



Site Plan – 1315 Cleaver Drive

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 addition does not contribute to the establishment of a dwelling that appears larger than those in the surrounding area. 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** – Minimum interior side yard (No Objection) – reduced from 4.2 m to 2.51 m

The intent of the Zoning By-law provision for regulating the minimum interior side yard is to ensure adequate spatial separation between dwellings and that there are no negative impacts on drainage. The proposed variance maintains adequate spatial separation between dwellings and maintains appropriate space to facilitate effective drainage. A future site alteration permit may be required to demonstrate that there are no negative impacts on existing drainage. Staff is 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 established 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 dwelling be constructed in general accordance with the submitted site plan dated September 5, 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. Passed.

**Transit:** No comments received.

**Finance:** The tax account is not clear. There is an outstanding balance of \$174.27

### **Halton Region:**

6.3 CAV A/148/2024 – M. Akhokhail, 1315 Cleaver Drive, Oakville

- 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 a decrease to the minimum westerly interior side yard to 2.51 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a one-storey addition to the 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.

**Halton Conservation:** We will not be providing comments.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

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

**Letter(s) in support – 0**

**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 Services, 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 September 5, 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.

Sharon Coyne  
Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment