

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/167/2024

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on December 11, 2024 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
M. DOVALE C. DOVALE	Joseph Domb JD COA Consulting 133 Torresdale Ave Unit 207 North York ON, CANADA M2R 3T2	PLAN 358 LOT 20 20 Belvedere Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL2-0, Residential

WARD: 2

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 one-storey accessory structure (cabana) on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.4.2 (Row 1, 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 27.32% where the detached dwelling is greater than 7.0 metres in height.

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/167/2024 - 20 Belvedere Dr (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a one-storey accessory structure (cabana), subject to the variance listed above.

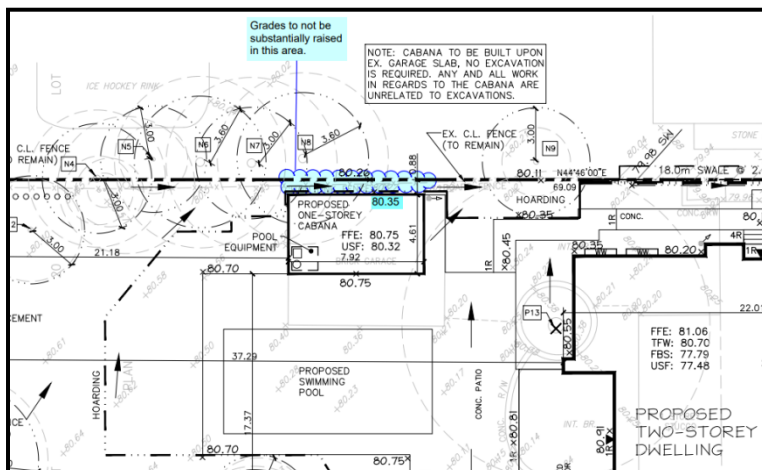
Site Area and Context

The subject property is located on a street with one and two-storey dwellings with a mix of original and new construction.



Aerial Photo of 20 Belvedere Drive

A building permit for the two-storey dwelling was issued on September 14, 2022 which included a smaller cabana that complied with the Zoning By-law per the excerpt of the August 25, 2022 Lot Servicing and Grading Plan prepared by Easgleboork Engineering included below. The applicant proceeded to build a larger cabana similar in size to a previously demolished detached garage. The requested variance is to resolve the zoning deficiency.



Aerial of Subject property in 2024



20 Belvedere Drive – Taken on December 2, 2024



20 Belvedere Drive – Accessor Building – Taken on December 2, 2024



20 Belvedere Drive – Accessor Building – Taken on December 2, 2024

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 property is designated Low Density Residential in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. In this instance, the proposed accessory building is located on an existing slab and will not introduce additional hard surfaces. Additionally, it is not visible from the public realm and will not impact the mass and scale of the existing dwelling. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with the Livable Oakville Plan.

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

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Maximum Lot Coverage (No Objection) – 25% increased to 27.32%

The intent of regulating lot coverage is to ensure the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The applicant proposes an increase in lot coverage of 36.72 square metres to accommodate a larger detached accessory building (cabana) in the rear yard. The cabana appears to be built on an existing slab consistent in size with a previously demolished detached garage that is no longer visible from the public realm.

On this basis, it is staff's opinion that the requested variance maintains the general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Minor site plan approval will be required due to the subject property's proximity to a remnant channel. A revised grading plan will be required through that process to ensure grading is consistent with the original approval for the smaller accessory building originally proposed. Subject to appropriate drainage that will not impact the adjacent property, 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 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 cabana be constructed in general accordance with the submitted site plan and elevation drawings dated 2024-09-23; 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.

Bell Canada: No comments received.

Fire: No concerns for fire. Passed.

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 purpose of permitting a one-storey accessory structure (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.
- **Archeological Potential:**
The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. However, the subject lands have been disturbed with the existing development, as such, an archaeological assessment would not have been required.

As a caution, however, please note that during any development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must be notified immediately (archaeology@ontario.ca). If human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, to be consulted.

Metrolinx: No comments received.

Oakville Hydro: We do not have any comments.

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

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 states, 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 cabana be constructed in general accordance with the submitted site plan and elevation drawings dated 2024-09-23; 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.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment