

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/171/2024

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.

Owner (s)	Agent	Location of Land
C. KEAN G. GENTLEMEN	Nour Elgendy Four Seasons Sunroom 240 Vice Roy Rd Unit 6 Vaughan ON, CANADA L4K 3N9	PLAN M701 PT BLK 5 RP 20R13359 PARTS 34,35,36 115 Glenashton Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential

ZONING: RUC, Residential

WARD: 5

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 a one storey rear addition to the existing two-storey semi-detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.7 footnote (3)</i> The minimum rear yard shall be 13.0 metres for lots having a lot depth equal to or greater than 30.0 metres.	To reduce the minimum rear yard to 12.42 metres.

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)

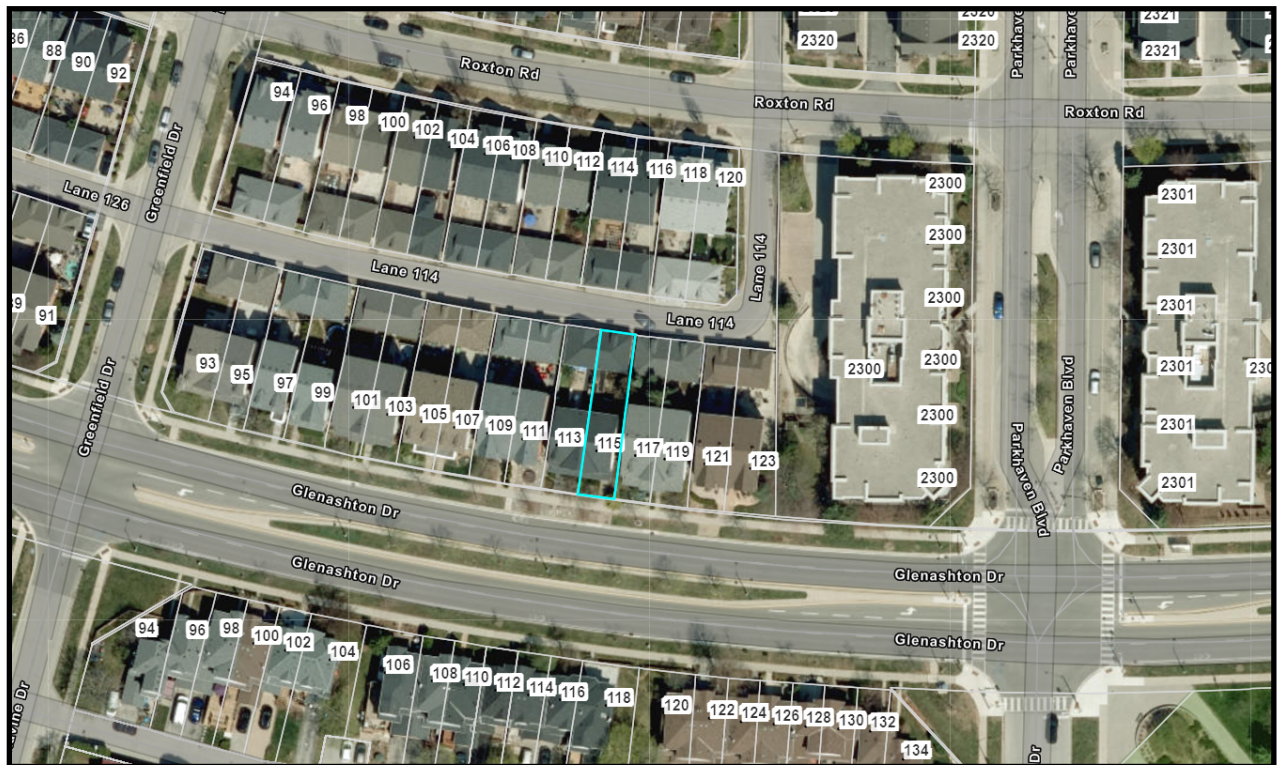
CAV A/171/2024 – 115 Glenashton Drive (East District) (OP Designation: Medium Density Residential)

The applicant proposes to construct a rear addition to the existing semi-detached dwelling, subject to the variance listed above.

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:

Site and Area Context

The subject property is located in the Uptown Core neighbourhood, which has been identified as a growth area. Surrounding housing types consist of townhouses, semi-detached homes with rear lane access and garages, four-storey mid-rise residential buildings, high-rise residential buildings, and single detached dwelling units. The area around the subject property is in close proximity to numerous retail and commercial uses and is highly accessible by transit. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



Aerial Photo of subject lands – 115 Glenashton Drive



Photograph of subject lands – 115 Glenashton Drive (taken November 26, 2024)



Photograph of subject lands (115 Glenashton Drive) and neighbouring dwellings – (taken November 26, 2024)



Photograph of the dwellings located on the south side of Glenashton Drive, opposite the subject lands (taken November 26, 2024)

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Medium Density Residential within the 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, specifically:

- “a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

Furthermore, the Urban Design Guidelines for Stable Residential Communities states:

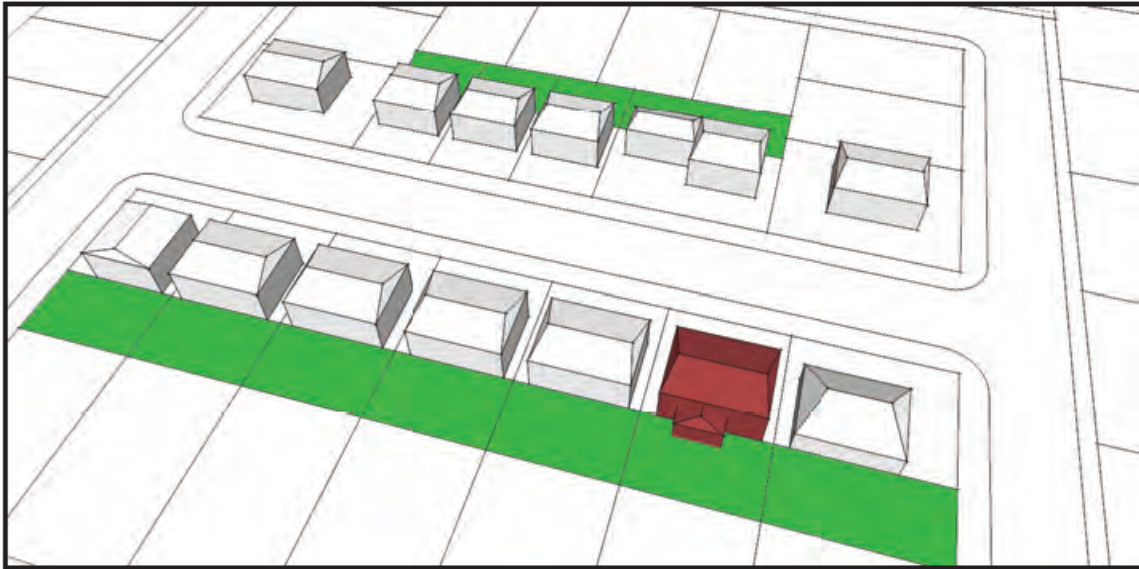
“3.1.5 Rear Yard Privacy

The design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.

Design Guidelines:

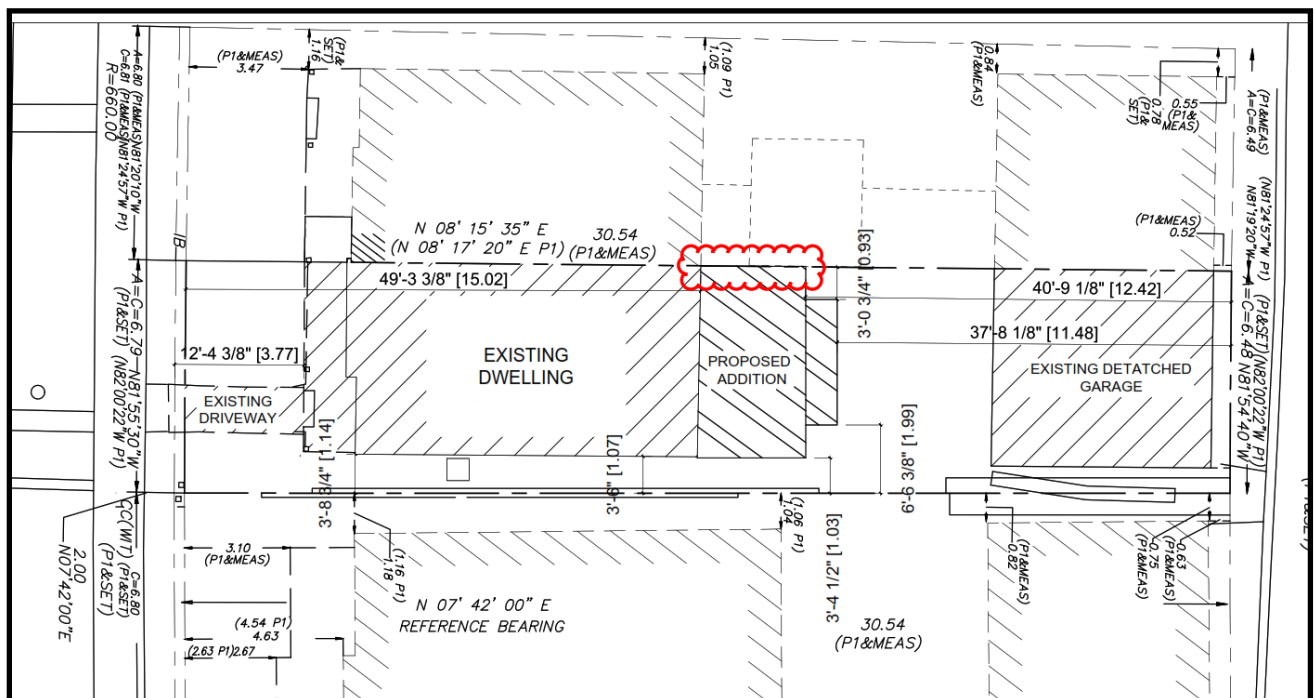
- 1. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.*

2. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.
3. New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.
4. New development is encouraged to incorporate appropriate fencing, screening, landscaping and other mitigative design measures that can assist in maintaining the privacy of adjacent dwellings and rear yards."



Preferred. An addition that projects minimally into the rear yard and maintains ample setbacks from the side lot lines can be appropriate.

Based on the application, as submitted, the applicant is proposing to construct the rear addition following the semi-detached partition wall on the property line:



Accordingly, Staff are of the opinion that without an appropriate setback provided along the westerly interior side yard for the proposed addition, the proposal does not maintain the general intent and purpose of the Livable Oakville Plan or implement the Urban Design Guidelines for Stable Residential Communities.

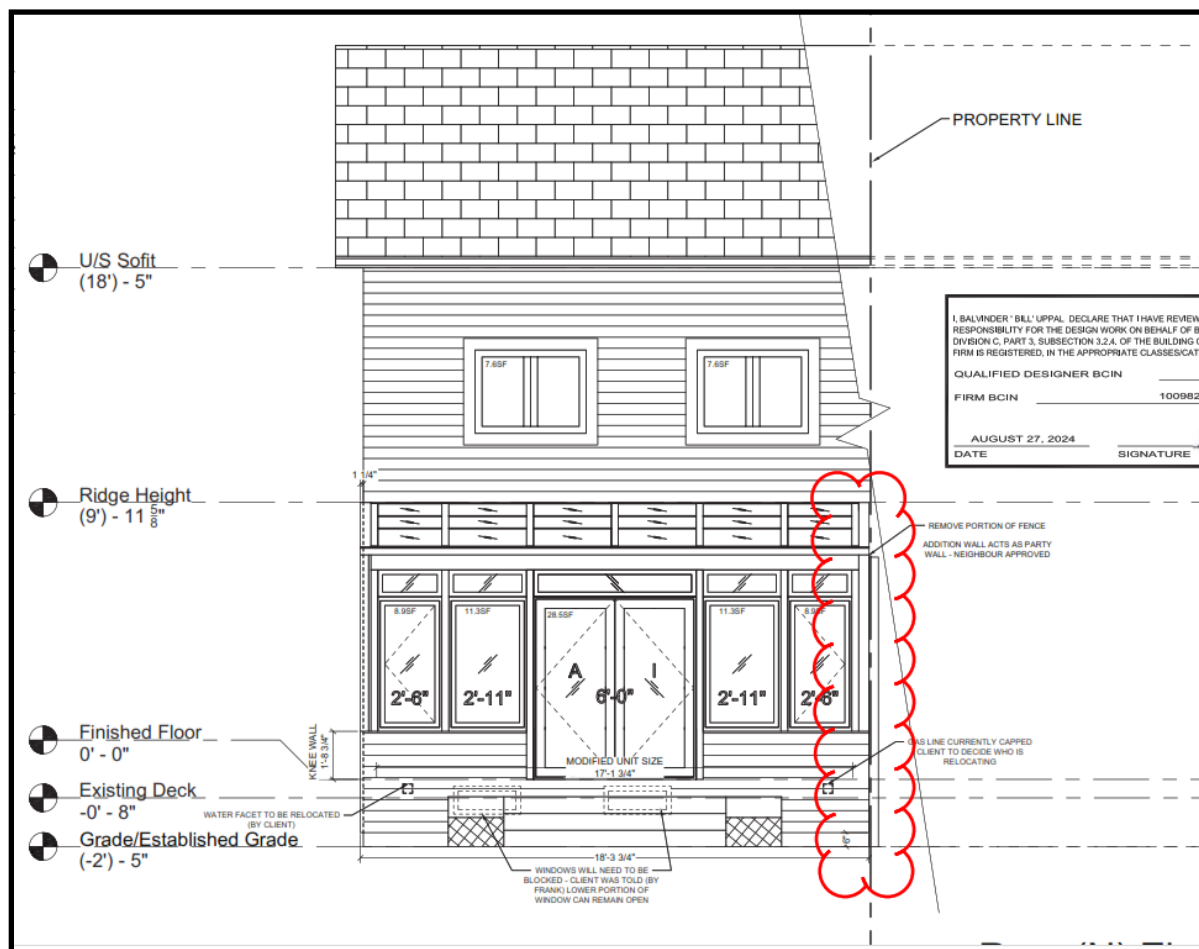
Does the proposal maintain the general intent and purpose of the Zoning By-law?

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

Variance #1 – Minimum Rear Yard Setback (Objection) – decrease from 13.0 m to 12.42 m

The intent of regulating the rear yard setback is to ensure appropriate separation of dwellings and provide rear yard amenity space. The subject property is a semi-detached dwelling unit, and accordingly has a demising wall shared with the unit to the west with a 0.0 m setback. It is noted that the Zoning By-law permits accessory buildings in the rear yard however, a minimum 0.6 m setback to a rear or interior side yard is required.

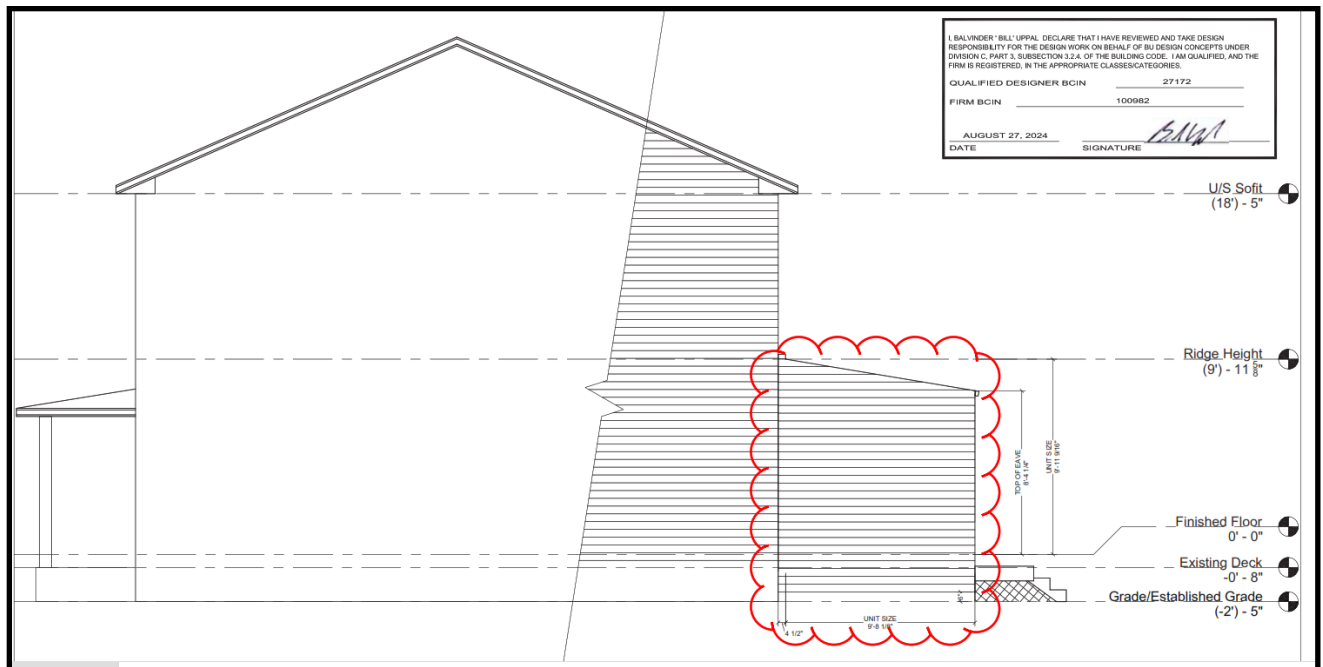
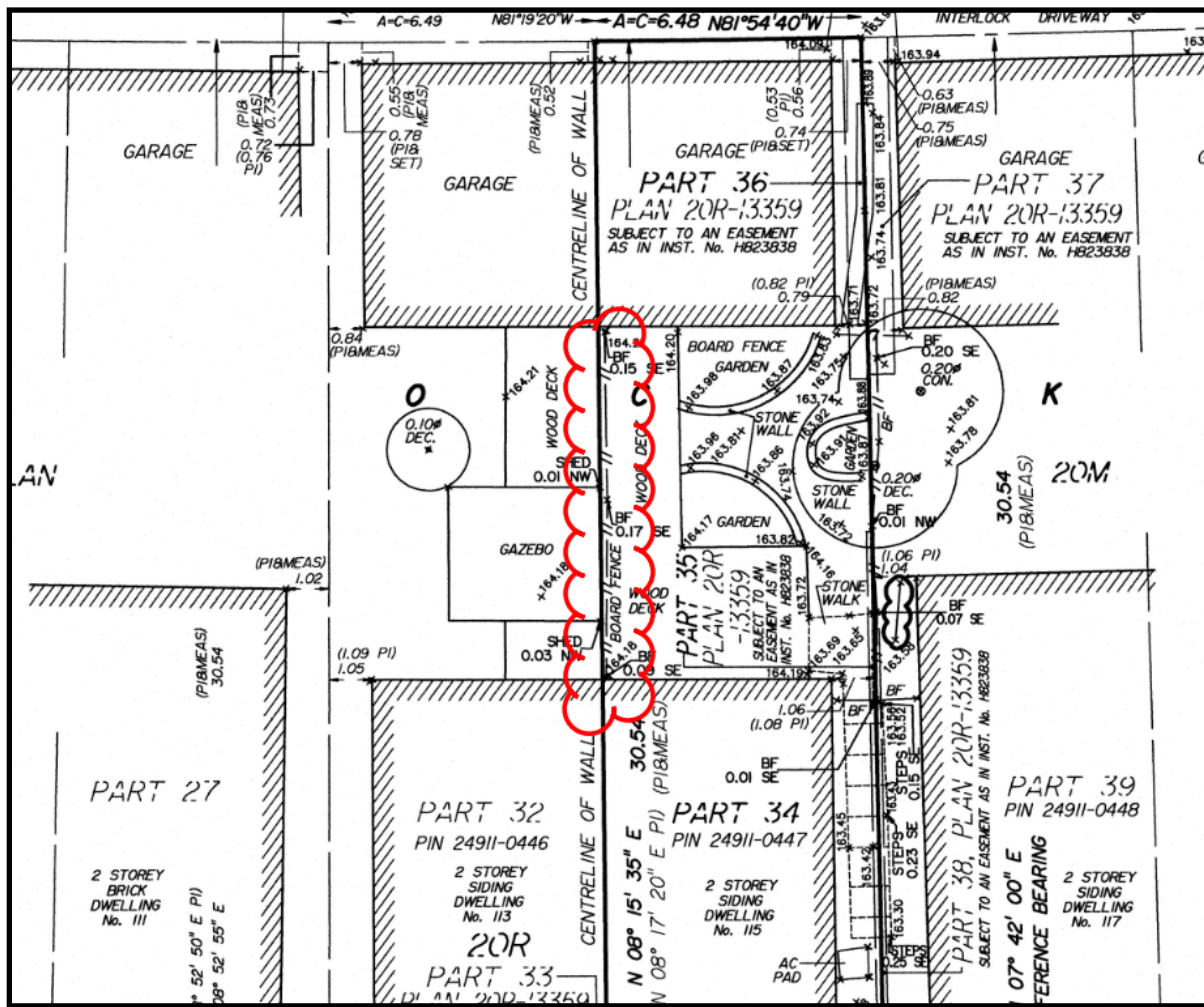
Based on a site inspection and observation of rear yard amenity spaces in the surrounding neighbourhood (consisting of other semi-detached dwellings, townhouses, and single detached homes) decks and patios are commonly found in rear yard amenity areas with landscaped green space. However, Staff did not observe any rear yard additions similar to the proposed sunroom while examining aerial maps and photographs. The proposed location of the sunroom in the rear yard, with a 0.0 m interior side yard setback has potential impacts on the abutting property to the west. This would result in no access for construction, maintenance, or repairs along the westerly side yard based on the submitted materials:



Staff are of the opinion that the location of the addition in the rear yard, including the 0.0 m setback provided along the southerly interior side yard does not maintain 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?

Based on the materials submitted and further to the comments above, Staff also observed that the existing fence located between the neighbours' rear yard amenity area is located wholly on the subject lands:



As seen above, the addition is proposed to be built on the property line and it is not clear if the existing fence will be relocated, replaced or removed. Furthermore, Staff are not aware of any agreements between the owner and abutting neighbour to provide access for construction, maintenance, or repairs as previously mentioned. There are

also no details in the submitted materials as to how drainage and grading will be managed along the shared property line, noting that any stormwater runoff or spill from rain or snow melt that runs down the wood/aluminium siding of the addition would not be accessible for the owner to manage from their property.

Staff are of the opinion that the proposal does not represent an appropriate development of the subject property. The development as proposed may result in undue adverse impacts on the abutting property to the west and could pose a concern within the existing neighbourhood related to other semi-detached or townhouse dwelling units in the area and their rear yard amenity spaces.

On this basis, it is Staff's opinion that the application does not meet the four tests and Staff recommends that the application as submitted be denied.

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 a decrease to the minimum rear yard to 12.42 m, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a one-storey rear addition to the existing two-storey semi-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.

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

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment