

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/008/2025

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 Wednesday, February 05, 2025 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|--------------------------|--|---|
| R. SARGENT M. SARGENT | Sandra Gava Sandra Gava Architect Inc. 669 Montego Cres Burlington ON, Canada L7N 2Y9 | PLAN 530 LOT 14 190 Tilford Rd Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area

ZONING: RL1-0, 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 construction of a one-storey accessory building (cabana) on the subject property proposing the following variance to Zoning By-law 2014-014:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 metres. | To reduce the minimum easterly interior side yard to 1.21 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)

A/008/2025 – 190 Tilford Rd (West District) (OP Designation: Low Density Residential – Special Policy Area)

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

Staff note that the required interior side yard is the same as the principal dwelling because the proposed accessory structure is in the side yard and not the rear yard and that there is an approved grading plan on file with the town that is associated with the Site Alteration Permit for the existing swimming pool (24-160021 000 00 DEPA)

Site Area and Context

The neighbourhood consists of both one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The streetscape contains mature vegetation which is a character feature of the neighbourhood. Tilford Road is a cul-de-sac accessed from West Lynn Road.



Aerial photo of 190 Tilford Road

The following images illustrate the subject lands.

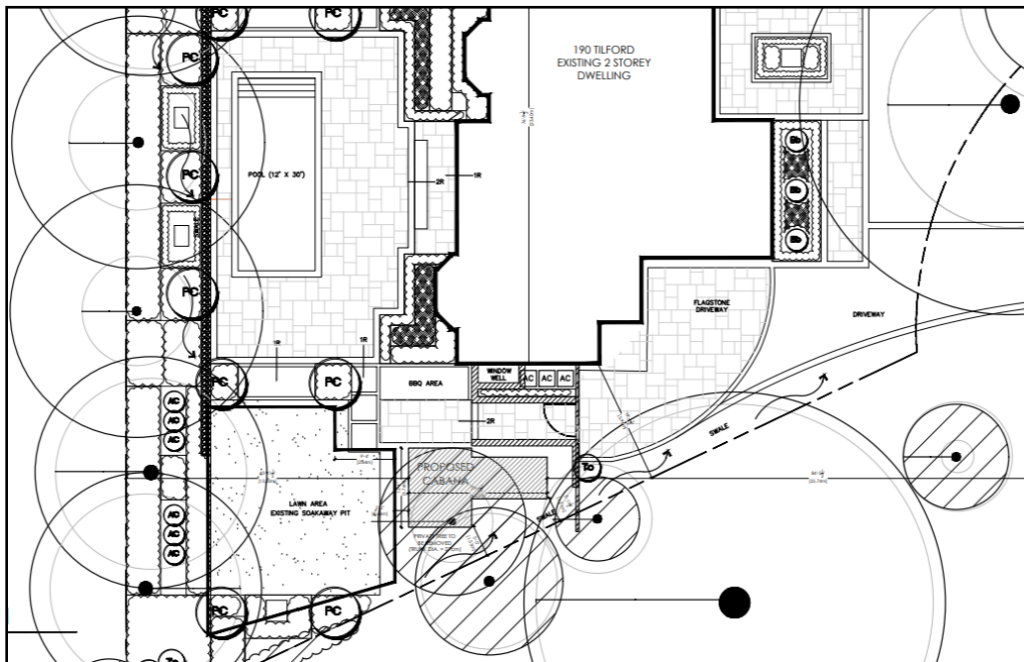


Photo of the subject lands – 190 Tilford Road

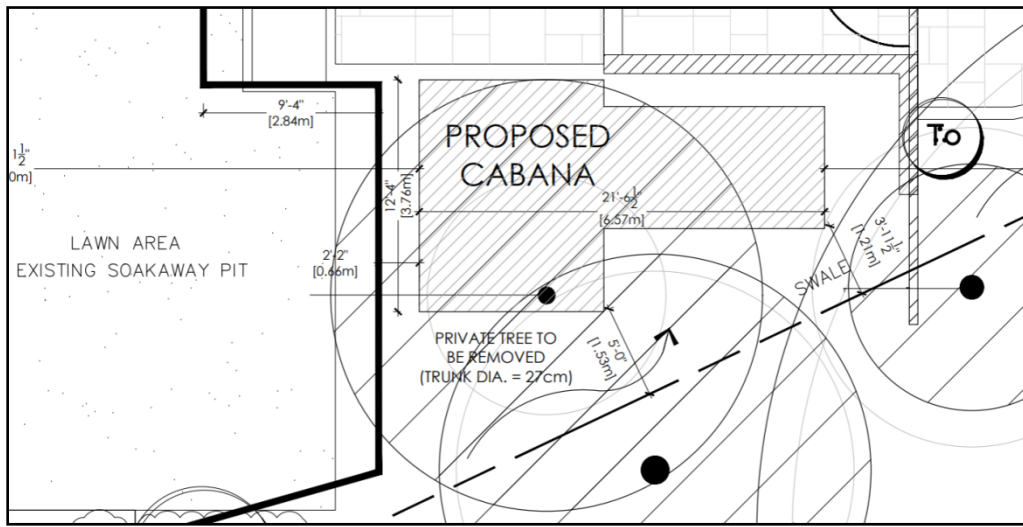


Photo of easterly interior side yard of 190 Tilford Road

The following images of the Site Plan, close up, and photo illustrate the location of the proposed accessory structure (cabana) within the existing side yard.



Excerpt of Cabana Site Plan for 190 Tilford Road



Excerpt of Cabana Site Plan Close Up for 190 Tilford Road



Photo of location of proposed accessory structure (cabana)

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 – Special Policy Area 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. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

- “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.”*

The proposed accessory structure is to be located within a sodded area of the side yard and will introduce additional hard surfaces on a property that already has a significant amount of impervious surface. Furthermore, the proposed accessory structure was not identified on the approved Grading Plan for the property and the proposal will impact trees in the immediate area, both on the subject lands as well as the abutting lands to the east. The applicant has not demonstrated through a revised grading plan that the proposed development will not impact drainage. Therefore, staff cannot confirm that the proposal maintains the general neighbourhood character or that it complies with the Livable Oakville Plan.

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

The applicant is requesting relief from By-law 2014-014 to permit a decrease in the side yard setback for an accessory building from 4.2 metres to 1.2 metres. The intent of regulating the side yard setback for accessory buildings is to ensure there are no negative impacts onto abutting properties and to ensure adequate drainage along the property line. Staff note that there is an existing swale along the southerly interior side yard adjacent to the proposed accessory structure. Without the submission of a revised Grading Plan, staff cannot confirm that there will be no negative impacts on the adjacent property to the east. Therefore, staff cannot confirm 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 note that the proposed accessory structure has the potential to impact the existing grading of the subject lands by blocking the drainage path of surface water flow to the adjacent swale, but the proposed location will require the removal of one private tree on the subject lands and has the possibility of impacting up to three (3) other private trees on the abutting lands to the east. Urban Forestry does not support the proposed cabana location at this time as insufficient information has been provided on the subject site and neighbouring trees to provide a thorough evaluation on the impacts and the survivability of said trees. Tree species, size, and condition of all three trees are required for Urban Forestry to assess these trees for a proper recommendation. Details regarding the final grading along the property line should also be provided for the tree assessments.

Therefore, without the submission of a revised Grading Plan and an Arborist's Report, staff cannot confirm that the proposal is desirable for the appropriate development of the subject lands and is minor in nature.

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Bell Canada: No comments received.

Fire: No Concerns for Fire.

Halton Region:

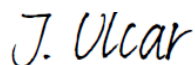
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit a decrease the minimum easterly interior side yard to 1.21 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a one-storey accessory building (cabana) on the Subject Property.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None



Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment