

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/012/2025

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>
A. TAHBOUB	Paul Guest Betz Pools Limited 5688 Main St STOUFFVILLE ON, Canada L4A 2T1	CON 3 SDS PT LOT 6 158 Maple Grove Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential - Special Policy Area

ZONING: RL1-0, Residential

WARD: 3

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 an accessory structure (pavilion) on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.5.2 c)</i> The maximum height for any accessory building or structure shall be 4.0 metres measured from grade.	To increase the maximum height for the accessory structure to 4.30 metres measured from grade.

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/012/2025 – 158 Maple Grove Dr (East District) (OP Designation: Low Density Residential - Special Policy Area)

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

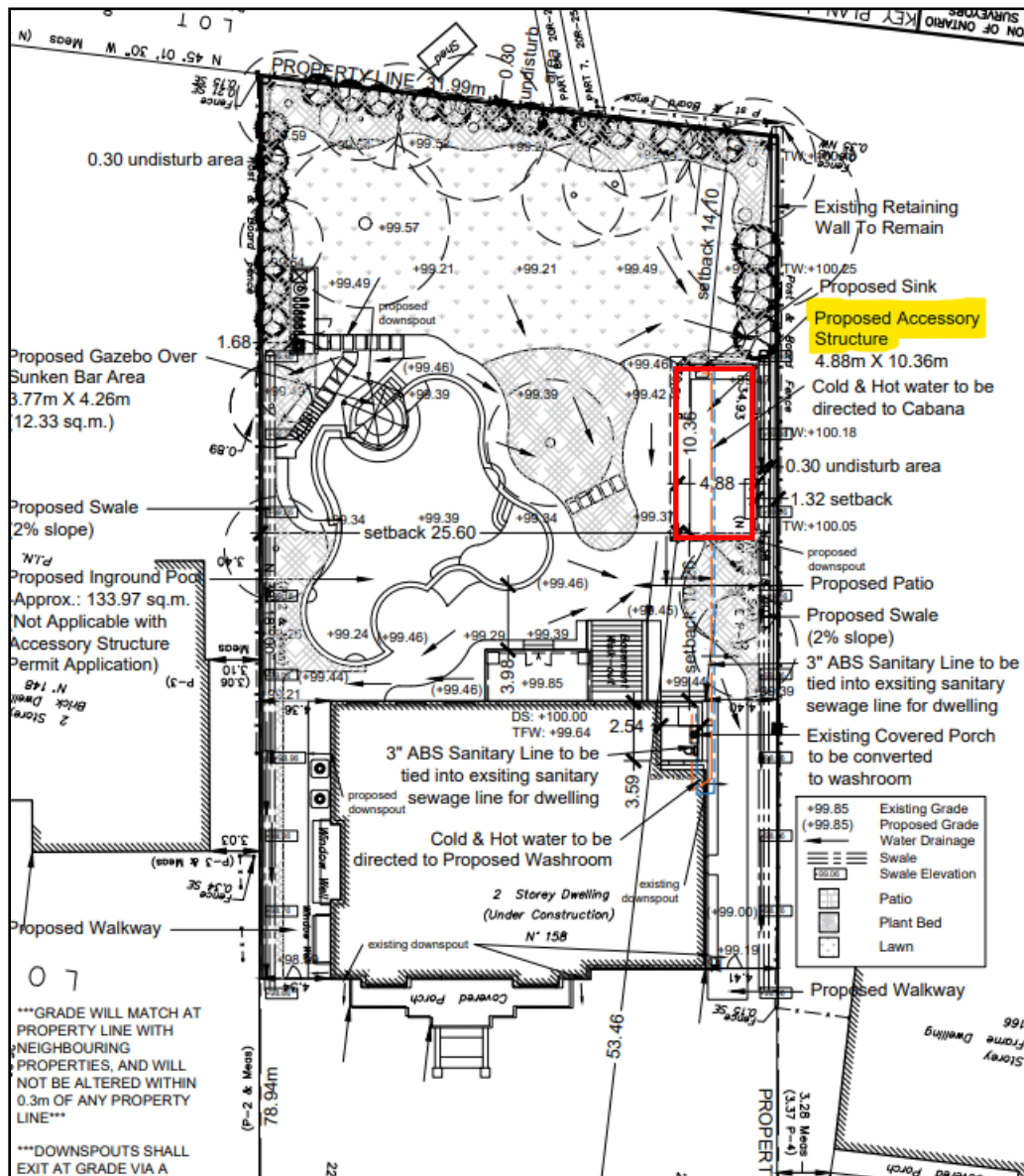
Site Area and Context

The subject lands are within a neighbourhood that predominantly consists of two-storey dwellings with some newer two-storey dwellings ranging in architectural forms and design having been constructed within recent years.



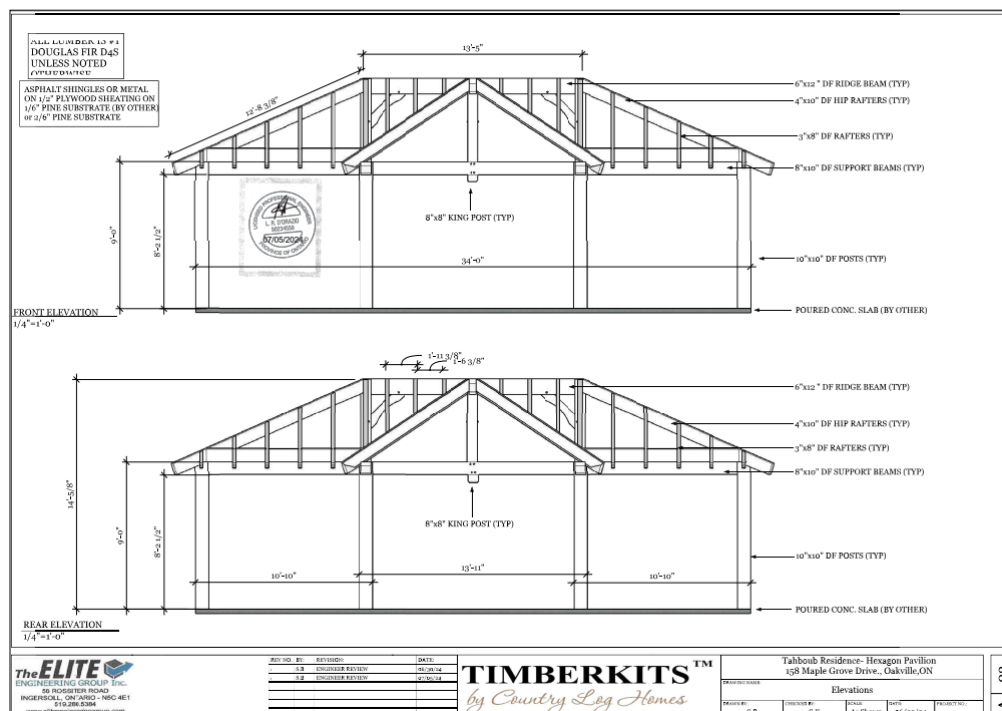
Aerial photo of 158 Maple Grove Drive

The following Site Plan illustrates the location of the proposed accessory structure (pavilion).

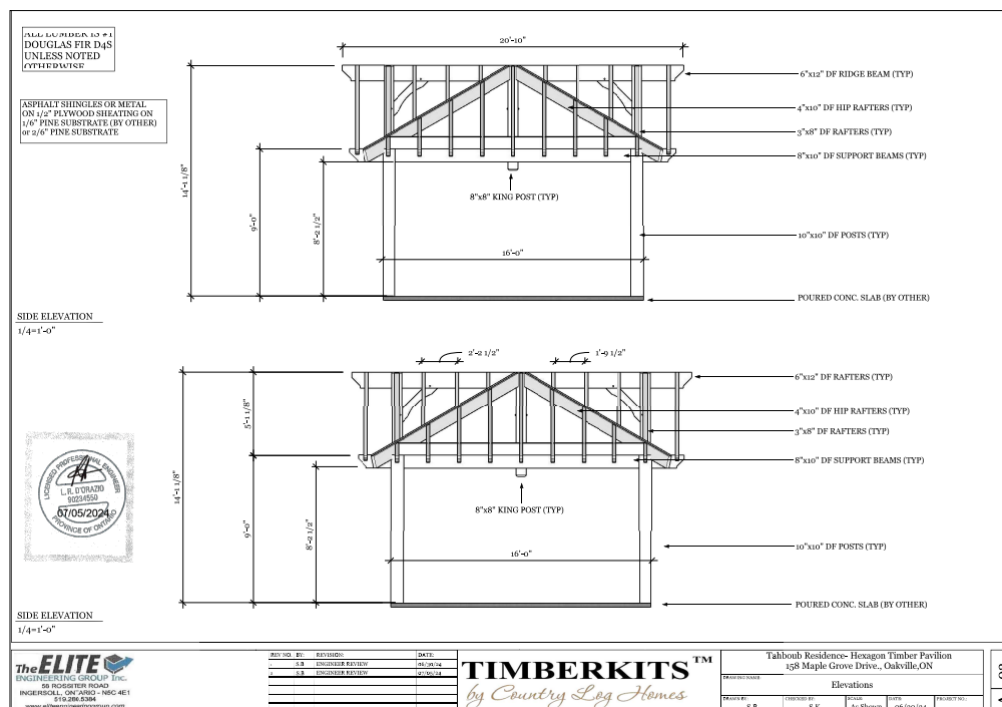


Excerpt of Site Plan for 158 Maple Grove Drive

The following elevation drawings depict the proposed accessory structure (pavilion).



Elevation drawing of the length of the proposed accessory structure (pavilion)



Elevation drawing of the width of the proposed accessory structure (pavilion)

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 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 proposal maintains the general intent and purpose of Livable Oakville.

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

The applicant is seeking relief from By-law 2014-014 to permit an increase in height of an accessory building from 4 metres to 4.3 metres for the pavilion. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property. The proposed pavilion is a pre-constructed kit that has been designed and manufactured to be 4.3 metres in height, whereas the existing single detached dwelling is two storeys in height. Staff is satisfied that the proposal is in keeping with the intent 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 as it will provide additional privacy to the adjacent rear yard of the lands to the west. 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. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The accessory structure be constructed in general accordance with the submitted site plan dated November 22, 2024 and elevation drawings dated July 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.

Note:

Development Engineering staff note that the location of the proposed pavilion may cause difficulties with drainage and grading and that proposal will require a Site Alteration Permit, which will evaluate grading and stormwater management. Plans are to be completed by a qualified professional.

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 an increase to the maximum height for the accessory structure to 4.30 m measured

from grade, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting an accessory structure (pavilion) on the Subject Property.

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

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:

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J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment