

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: *Section 45 of the Planning Act, 1990*

APPLICATION: A/008/2025 – Deferred from February 5, 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, May 28, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
R. Sargeant M. Sargeant	Sandra Gava Sandra Gava Architect Inc. 669 Montego Cres Burlington ON, 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 & Development:

(Note: Planning & Development 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 Road (Deferred from February 2, 2025) (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.

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's comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

A minor variance application was previously submitted and considered by the Committee on February 5, 2025. This application was deferred, at the request of the applicant, to provide an opportunity to address staff concerns with the proposed application.

Staff were concerned that the proposed development had not been properly reviewed for grading, drainage, and tree protection, since the approved grading plan on file with the town at the time (24-160021 000 00 DEPA) did not include the proposed cabana. The applicant has since submitted and received approval of a revised Site Alteration Permit (25-105304 000 00 DEPA) that includes the proposed cabana, as well as the removal of one private tree on the subject lands.

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.

Figure 1, below, is an excerpt of the submitted Site Plan that depicts the location of the proposed accessory structure (cabana):

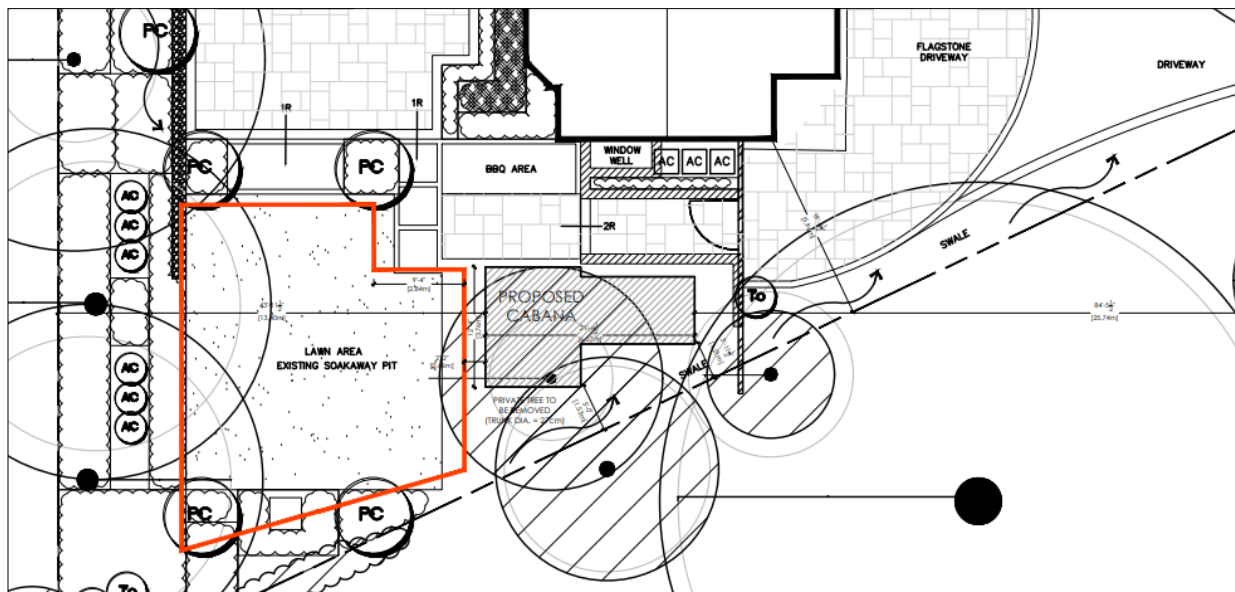


Figure 1: Excerpt of Tilford Cabana Site Plan for 190 Tilford Road

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. Staff note that, due to the irregular shape of the yard and other facilities already in place within the rear yard (i.e., pool and soakaway pit), the proposed accessory structure (cabana) is located within the side yard and is subject to an increased setback than if it was in the rear yard. It is staff's opinion that the proposal is compatible with the existing neighbourhood character and that it maintains the general intent and purpose of the Official 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 easterly interior side yard adjacent to the proposed

accessory structure, and that the proposed reduction addresses a pinch point, where the structure is closest to the property line. Through the approval of the associated Site Alteration Permit, staff is satisfied there will be no negative impacts on the adjacent property to the east. Therefore, 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?

It is staff's opinion that the variance is minor in nature, is appropriate for the development of the site, as grading and drainage has been properly addressed, and there will be no negative impacts to abutting properties or the streetscape.

Recommendation:

Staff do not object to the proposed development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the accessory structure (cabana) be constructed in general accordance with the submitted site plan and elevation drawings dated April 25, 2025, 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.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns for the application.

Oakville Hydro: No comments.

Halton Region:

- It is understood that this application was deferred from February 5, 2025. Regional comments provided on January 31, 2025, still apply.
- 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 to 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.

Transit: No comments.

Union Gas: No comments received.

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, 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.
- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Funeral, Burial and Cremation Services Act—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.
- 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. That the accessory structure (cabana) be constructed in general accordance with the submitted site plan and elevation drawings dated April 25, 2025, 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

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment