

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/008/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JANUARY 25, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Jonathan Starr Carol DeVarennnes 302 King Street Oakville ON L6J 1B9	Gren Weis Architect & Associates c/o Geoffrey Roche 210-341 Kerr Street Oakville ON L6K 3B7	PLAN 1 BLK 30 PT LOTS B,C RP 20R691 PARTS 1,2,3,5 302 King Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3 sp:11
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 new attached garage, ground floor and second floor additions to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 b) For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 61.23 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	Section 5.8.7 a) Where a <i>private garage</i> has a vehicle entrance facing the <i>flankage lot line</i> or <i>front lot line</i> and the applicable <i>minimum yard</i> is less than 5.7 metres, the <i>private garage</i> shall be set back a minimum of 5.7 metres from the applicable <i>lot line</i> .	To permit the <i>private garage</i> to be set back 1.29 metres from the <i>front lot line</i> .
3	Section 15.11.1 a) The <i>minimum front yard</i> shall be 6.0 m.	To permit a <i>minimum front yard</i> of 1.29 m.
4	Section 15.11.1 c) The maximum <i>lot coverage</i> for all <i>buildings</i> shall be 25% (241.16 m ²); (lot area is 964.64 m ²).	To permit the maximum lot coverage for all buildings to be 28.72% (277.06 m ²).
5	Section 15.11.1 h) The maximum <i>residential floor area</i> for a <i>dwelling</i> having two or more <i>storeys</i> shall be 30% (289.39 m ²) of the <i>lot area</i> .	To permit the maximum <i>residential floor area</i> for the two <i>storey dwelling</i> to be 36.00% (347.29 m ²) of the <i>lot area</i> .

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

CAV A/008/2022 - 302 King St (East District) (OP Designation: Low Density Residential)

The applicant proposes to construct a new attached garage, ground floor and second floor additions to the existing dwelling subject to the variances listed above.

The neighbourhood consists of a range of dwelling types and styles that are original to the area and some that are newly constructed with additions and renovations. This residential area is characterized by large mature trees and does not provide for a sidewalk along the road allowance. In addition to the large mature trees in the area a variety of other vegetation species provide a significant amount of shade and assist in forming a distinct character in the area.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District. The property contains a historic c.1859 1 1/2 storey stucco home. The proposed new garage addition is to be constructed in the same location as the existing attached garage and is therefore not a significant change to the property. While the footprint of the new garage is larger than that of the existing one, the additional coverage is to the rear of the building and not easily visible from the street. The proposed garage wing has been designed to be 1 1/2 storeys with a similar height as the existing house, with the one-storey wing remaining between the two to provide separation. The architectural style, details and materials of the new addition allow the new wing to be distinguishable from the existing historic house while remaining compatible. Heritage Planning staff, therefore, have no concerns with the proposed minor variance application.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will 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.

Existing dwelling:



Existing garage:



Rear of dwelling:



Variance #1 – Private Garage Area (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45 square metres to 61.23 square metres for a total increase of 16.23 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The additional garage floor area is proposed for additional storage and will be internal to the dwelling. It will not be a visually dominant feature of the dwelling or impact the streetscape which meets the intent of the zoning by-law. Staff are of the opinion that the requested variance will not have a negative impact on adjacent and surrounding properties.

Variance #2 – Private Garage Setback (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit the private garage to be set back 1.29 metres from the front lot line when a minimum of 5.7 metres is required. The intent of a minimum private garage setback from a front lot line is to allow for adequate space for a vehicle to park in front of the garage on the subject property without encroaching into the public right of way. In this instance, the minimum parking requirement for the dwelling is satisfied through the parking spaces located in the garage and the proposed garage is consistent with the location of the existing garage. Staff are of the opinion that the requested variance is minor and will not have a negative impact on adjacent properties or the surrounding area.

Variance #3 – Minimum Front Yard (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 6 metres to 1.29 metres. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the front yard setback continues to be consistent with the existing dwelling and is consistent with the setback of the other dwellings along the street. It is staff's opinion that the variance is minor and meets the intent of the Official Plan and zoning by-law and does not result in negative impacts on adjacent or surrounding properties.

Variance #4 – Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in lot coverage from 25% (241.16 square metres) to 28.72% (277.06 square metres) for a total increase of 35.9 square metres. Compared to existing, an increase of 28.26 square metres is

proposed. The intent of regulating lot coverage is to limit the massing of buildings and structures and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. In this instance, the increase in lot coverage is focused at the rear of the existing dwelling and will not negatively contribute to the mass and scale.

Variance #5 – Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 30% (289.39 square metres) to 36% (347.29 square metres) for an increase of 57.9 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff are of the opinion that the design of the addition is consistent with the character of the surrounding area, does not have an adverse impact on adjacent and surrounding dwellings and results in a reasonable addition to the dwelling.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a building that maintains the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following condition is requested:

1. That the additions be built in general accordance with the submitted site plan dated November 29, 2021 and elevation drawings dated November 26, 2021;
2. That the approval be subject to Heritage Permit approval;
3. 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. Building in general accordance with the submitted final approved Site Plan 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.
2. This will ensure that all materials and details have been approved by the Heritage Permit Committee.
3. 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.

Fire: SFD. FD Access Acceptable. No concerns to submit

Transit: No Comment

Finance: None

Halton Region:

- As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- A portion of the subject property falls within Conservation Halton (CH) regulated area. Conservation Halton (CH) Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 in the maximum total floor area for a private garage, a decrease in the minimum yard where a private garage has vehicle entrance facing the flankage/front lot line, a decrease in the minimum front yard, an increase in the maximum lot coverage, and an increase in the maximum residential floor area for a dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a new garage, ground floor and second floor additions to an existing dwelling on the subject property.

Conservation Halton:

Re: Minor Variance Application
File Number: CAV A/008/2022
302 King Street, Oakville
Geoffrey Roche, Gren Weis Architect & Associates (Agent)
Jonathin Starr & Carol DeVarennes (Owner)

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06

Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances
River and Stream Valley Hazards (flooding/erosion) &/or allowances
Wetlands &/or Other Areas*
Hazardous Lands (Unstable Soil/Unstable Bedrock)
CH Permit Requirements

Applicable

☒
☐
☐
☐
☐

One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒

CA/MOU

Impacts on Lakes and Rivers
Wildlife Habitat

☐
☐

Endangered & Threatened Species	<input type="checkbox"/>
Fish Habitat	<input type="checkbox"/>
Stormwater Management (as per Schedule I)	<input type="checkbox"/>
Sub-watershed Planning/Master Drainage Planning	<input type="checkbox"/>

Other Comments (as a Public Body)

Niagara Escarpment Plan	<input type="checkbox"/>
Watershed Plan	<input type="checkbox"/>
Greenbelt Plan	<input type="checkbox"/>
Source Protection Plan	<input type="checkbox"/>
Hamilton Harbour Remedial Action Plan	<input type="checkbox"/>

Proposal

To permit the construction of a new attached garage, ground floor and second floor additions to the existing dwelling on the subject property proposing the following variances:

1. To permit the maximum total floor area for the private garage to be 61.23 square metres on a lot having greater than or equal to 12.0 metres in lot frontage.
2. To permit the private garage to be set back 1.29 metres from the front lot line.
3. To permit a minimum front yard of 1.29 m.
4. To permit the maximum lot coverage for all buildings to be 28.72% (277.06m²).

Ontario Regulation 162/06

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is within close proximity to the shoreline of Lake Ontario and contains the associated erosion hazards. Under *Ontario Regulation 162/06*, except where allowed under CH Policies, development is prohibited within lands adjacent to the shoreline of Lake Ontario that may be affected by flooding, erosion, or dynamic beach hazards. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

While the property is considered to be partially within the erosion hazard of Lake Ontario based on our Approximate Regulation Limit (ARL) mapping, staff are of the opinion that the proposed works are beyond the lands regulated by CH. A CH No Objections letter is not required for the proposed development.

One Window Delegated Authority under PPS

As per CH Policy 3.2.2, staff work with the applicant and municipality to ensure no new development is permitted within the flooding and erosion hazard limits that would be contrary to the Provincial Policy Statement (PPS) and/or CH Policies. Policy 3.1.1 of the PPS states that "development shall generally be directed to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards, and/or dynamic beaches."

Given the above, from a PPS perspective CH raises no concerns with this Minor Variance application.

Recommendation

Per the comments above, CH staff have **no objection** to the approval of this Minor Variance application, a CH No Objections letter is not required. Should designs change CH should be contacted for possible permit requirements.

Bell Canada: No Comments Received

Letter(s)/Emails in support: Three

Letter(s)/Emails in opposition: None

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 Services, 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.

Requested conditions from circulated agencies:

1. That the additions be built in general accordance with the submitted site plan dated November 29, 2021 and elevation drawings dated November 26, 2021.
2. That the approval be subject to Heritage Permit approval.
3. 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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails in Support – 3

From: Bill Podolsky
Sent: January 20, 2022 2:56 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Subject: Notice of Public Hearing, Committee of Adjustment Application (302 King Street)

Dear Ms. McCrae:

Please accept this message as confirmation that on review of the information provided regarding the above noted Hearing and Application we do not have any objections to the minor variances requested and therefore support the Application as presented.

Thank you for your attention to this matter.


Arlene Donovan & William Podolsky
23 Reynolds Street
Oakville, Ontario

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON L6J 5A6

To Whom it May Concern,

We have reviewed drawings for the proposed additions and renovation to the residence of John Starr and Carol DeVarennas at #302 King Street, Oakville as shown to us by Gren Weis Architect & Associates. We understand these drawings were submitted to the Town of Oakville for a Minor Variance Application. We have no objections to the proposal.

Sincerely,


Signature
current renter

PATRICIA ANNE SUSO
Please Print

290 King St
Address

-288 also
empty

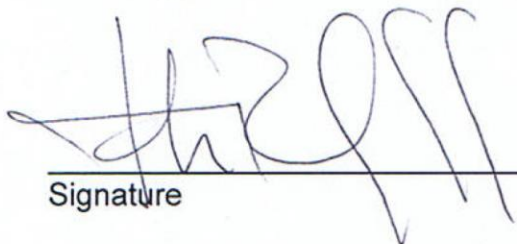
Jan 20th 2022
Date

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, ON L6J 5A6

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Sincerely,


Signature

MUMFORD
Please Print

312 King Street
Address

January 20th, 2022
Date