

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/063/2021

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 04, 2021 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
MARK RINAS PETRA RINAS 55 PARK AVE OAKVILLE ON, L6J 3Y1	GEOFF ROCHE GREN WEIS ARCHITECT & ASSOCIATES 341 KERR ST SUITE 210 OAKVILLE ON, L6K 3B7	176 FRONT ST PLAN 1 BLK 78 LOTS 1,2

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 one-storey additions and reconstruction of an existing garage to the existing detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.1 d)</b> A maximum of one attached <i>private garage</i> per <i>dwelling</i> shall be permitted.	To permit two attached <i>private</i> garages.
2	<b>Section 5.8.7 a)</b> 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 minimum <i>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 a vehicle entrance facing the <i>front lot line</i> of 5.24 m (westerly garage) and 1.72 m (easterly garage).
3	<b>Table 15.11.1 a)</b> The minimum <i>front yard</i> shall be 6.0 m.	To permit a <i>minimum front yard</i> of 5.24 m (westerly addition) and 1.43 (easterly reconstruction).

### 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/063/2021 - 176 Front St (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct additions to the existing dwelling. The applicant requests 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. The well established

residential area has no sidewalk along the road allowance and large mature trees with a variety of other vegetation species provide a significant amount of shade and form a distinct character to the area. The subject property is designated under Part V of the Ontario Heritage Act as part of the Old Oakville Heritage Conservation District. Heritage Planning Staff have reviewed the proposed variances and overall development proposal and have no significant concerns with the subject application. The proposed work will require a major heritage permit. The property is also subject to a Site Plan application (SP. 1714.078/01) as the property abuts Lake Ontario, which is currently awaiting its third submission.

#### **Variance #1 – Number of Garage (Supported)**

The request to permit 2 private garages whereas 1 is permitted per dwelling, is a result of renovating one of the existing double car garage bays into living space. This results in one of the two bays remaining, and thusly a new garage addition being proposed on the opposite side of the dwelling. The intent of limiting the number of garages per dwelling is to reduce the number of conflict points with pedestrians and reduce the amount of paved surface and parking in the front yard. Through the Site Plan process, the applicant has worked with Staff to reduce the amount of paving in front of the existing garage and limit the amount of new paving to facilitate relocating the renovated garage bay to the west side of the dwelling. Staff are supportive of the request in this particular instance, noting the close proximity of the dwelling to the front lot line, which creates vehicle overhang onto the public right-of-way on the existing driveway. The new garage and related driveway would wholly contain a vehicle on the property and reduce conflicts with pedestrian circulation.

#### **Variance #2 – Garage Face Setback (Supported)**

The request to reduce the setback for the private garages are from 5.7 m to 5.24 for the proposed garage addition and 1.43 m for the renovated existing garage. The intent of regulating the garage face setback is to ensure that sufficient area exists to accommodate vehicle parking in the driveway. Staff note that the garage would be large enough to accommodate parked vehicles, which satisfies the Zoning By-law requirements. Furthermore, the existing driveway entrance will be reduced and the proposed driveway will be limited to facilitate the parking of one vehicle. Therefore, there does not appear to be any conflicts with the parking of vehicles on the property and the public right of way as it relates to the existing on site conditions and proposed new garage.

#### **Variance #3 – Front Yard Setback (Supported)**

The proposed reduced minimum front yard setback from 6 m to 5.24 for the proposed garage addition and 1.43 m for the renovated existing garage. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the required setback is measured from the Front Street lot line to the proposed new construction and the proposed setbacks would generally maintain the alignment of the existing dwelling along the street. The proposed front yard setbacks would recognize the existing garage in its current location on the east side of the dwelling, while the west side addition will facilitate the relocation of one garage bay without encroaching too far into the rear yard based on the Conservation Halton regulations.

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 constructed in accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services; 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.

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. 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:** Comments not received.

**Transit :** No comments.

**Halton Region: CAV A/063/2021 – M. and P. Rinas, 176 Front Street, Oakville**

- The entirety of the subject property falls within Conservation Halton (CH) regulated area, CH should be consulted for their comments prior to approval of the variance.
- Provided CH comments have been satisfied by the applicant, Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum number of attached private garage requirement, and to reduce the minimum front yard requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a single-storey additions onto an existing two-storey detached dwelling on the subject property.

**Halton Conservation: Re: Minor Variance Application  
File Number: CAV A/063/2021  
176 Front Street, Town of Oakville  
Mark & Petra Rinas (Owners)**

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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****Applicable**

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

**One Window Delegated Authority under PPS**

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)	<input checked="" type="checkbox"/>
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**CA/MOU**

Impacts on Lakes and Rivers	<input type="checkbox"/>
Wildlife Habitat	<input type="checkbox"/>
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 one-storey additions and reconstruction of an existing garage to the existing detached dwelling on the subject property proposing the following variance(s):

1. To permit two attached private garages.
2. To permit a vehicle entrance facing the front lot line of 5.24 m (westerly garage) and 1.72 m (easterly garage).
3. To permit a minimum front yard of 5.24 m (westerly addition) and 1.43 (easterly reconstruction).

Please note that CH does not consider the proposed works to be additions, rather the alteration of habitable space within the building. CH does not have policies that would support additional habitable space at this location.

**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 located within the regulated erosion and flooding hazard associated with the Lake Ontario shoreline. 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>).

The existing dwelling is within the regulated erosion hazard associated with the Lake Ontario shoreline. CH policies allow for the reconfiguration of an existing dwelling within shoreline erosion hazards so long as there is no reasonable alternative location on the subject property, and no additional habitable space is proposed. Given the size of the subject property, it is understood that there is no feasible opportunity to locate the dwelling outside the shoreline hazards. Based on our review, staff understand that the proposed additions are no closer to the shoreline than the existing dwelling, and existing habitable portions of the main floor, second floor, and basement are being removed so that the proposed additions will not result in any additional habitable space. The proposed works meet CH policy.

CH staff have previously reviewed the proposed development through Site Plan Application SP 1714.078/01. Staff note that the applicant has submitted a CH permit application for the

proposed works (CH file number A/20/O/54), which is on hold until other approvals are granted (i.e. Site Plan application, Minor Variances). CH staff will continue to confirm through any resubmissions of the requisite planning applications (should they be required), and CH's permitting process, that there is no increase in habitable space proposed. Staff have no objection to this application, subject to the applicant obtaining a CH Permit prior to the commencement of works.

#### **One Window Delegated Authority under PPS**

As per CH Policy 4.2.3, 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."

Through review of this Minor Variance application, SP 1714.078/01, and the required CH Permit application, CH staff will ensure the development conforms to the PPS and CH Policy. Given the above, from a PPS perspective CH staff raises no concerns with this application.

Additionally, it is the understanding of CH staff that the subject site contains two lots under a single ownership. While no development is currently proposed on the north-eastern vacant lot, staff notes to the owners that CH would not permit a new dwelling on this lot, as it would not meet PPS or CH policies.

#### **Recommendation**

CH staff have **no objection** to this application, subject to the following condition:

1. That, prior to the initiation of works, a Permit revision be obtained from Conservation Halton for the proposed development.

**Please note that CH has not circulated these comments to the applicant and we trust that you will provide them as part of your report.**

We trust the above is of assistance. If you have any further questions, please contact the undersigned at extension 2257.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not 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 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 constructed in accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services; 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.

A rectangular box containing a handwritten signature in cursive script, which appears to read "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment