

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/054/2021

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Annette Gilgan 340 Watson Avenue Oakville ON L6J 3V6	PermaWood Solariums c/o Werner Kram 170 Esna Park Drive Markham ON L3R 1E3	PLAN 113 LOT 196 PT LOT 195 340 Watson Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL3-0 SP: 10  
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 one storey rear addition to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.10.1 c)</b> Maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19% (150.06 m <sup>2</sup> ); (Area of the <i>lot</i> is 789.8 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 24.72% (195.24 m <sup>2</sup> ) for a <i>dwelling</i> having two <i>storeys</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/054/2021 - 340 Watson Avenue (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a rear addition to the existing dwelling. The applicant requests the variance listed above.

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The well established residential area has a sidewalk along both sides of Watson Avenue and large mature trees that provide a significant amount of shade and form a distinct character to the area.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all 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.*

#### **Variance #1 – Lot Coverage (Supported)**

The request for an increased lot coverage from 19% to 24.72% adds an additional 45.18 square metres (486.31 square feet) of floor area. This includes the existing garage, which contributes 45.62 square metres (491.04 square feet) or 5.77% lot coverage, while the remainder of the proposed dwelling and proposed addition will contribute 18.95%. The additional coverage is proposed to be added to the rear of the existing dwelling and would not alter the massing or design of the building that is oriented towards the street. The intent of regulating the lot coverage in the Zoning By-law is to prevent a dwelling from having a mass and scale that appears larger than surrounding dwellings. Therefore, the request for the additional coverage in the rear yard in the form of a one-storey addition is not expected to adversely impact the surrounding neighbourhood or abutting properties, furthermore noting the rear yard projection of the abutting homes on adjacent properties from a mass and scale perspective.

#### **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 conditions are requested:

1. That the rear addition be constructed in general accordance with the submitted site plan dated MAY 20, 2020 and elevation drawings submitted with the application; 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 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.
2. A two (2) year timeframe allows the owner to construct what is ultimately approved within a reasonable timeframe of the application being processed to 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 the construction does not take place within this timeframe, a new application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

**Fire:** SFD. No concerns to submit

**Transit:** No Comment

**Finance:** None

**Halton Region:**

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order increase the maximum lot coverage requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a single-storey rear addition onto an existing detached dwelling on the subject property.

**Bell Canada:** No Comments Received

**Letter(s)/Emails in support:** None

**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 rear addition be constructed in general accordance with the submitted site plan dated MAY 20, 2020 and elevation drawings submitted with the application.
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.



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Heather McCrae, ACST  
Secretary-Treasurer