

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/055/2022**

RELATED FILE: **N/A**

DATE OF MEETING: April 5, LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 05<sup>TH</sup>, 2022 AT 7:00 P.M.

| <u>Owner (s)</u>   | <u>Agent</u>   | <u>Location of Land</u>            |
|--|--|------------------------------------|
| JUDY BUNN<br>MICHAEL BUNN<br>518 MORRISON RD<br>OAKVILLE ON, L6J 4K5 | ENZO LOCCISANO<br>ARCH.DWG INC<br>130 BRIDGELAND AVE UNIT<br>SUITE LL1<br>TORONTO ON, CANADA M6A 1Z4 | 518 MORRISON RD<br>PLAN 737 LOT 15 |

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL3-0  
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 second storey addition and a roof over the existing uncovered platform of the detached dwelling on the subject property proposing the following variance(s):

| No. | Zoning By-law Regulation  | Variance Request   |
|-----|---|--|
| 1   | <b>Table 6.3.1 (Row 4, Column RL3)</b> The <i>minimum flankage yard</i> shall be 3.5 m.   | To permit a <i>minimum flankage yard</i> of 1.21m to the proposed second storey addition and 0.0m to the porch.                                    |
| 2   | <b>Section 6.5.2 d)</b> The maximum <i>height</i> of <i>accessory building or structure</i> shall be reduced to 2.5 metres measured from <i>grade</i> where the <i>accessory building or structure</i> is located less than 3.5 metres from a flankage lot line | To permit the maximum <i>height</i> of the relocated existing <i>accessory building or structure</i> to be 2.6 metres measured from <i>grade</i> . |

### 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/055/2022 - 518 Morrison Rd (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a second storey addition and a roof over the existing uncovered platform of the detached dwelling subject to the variances listed above.

The subject property is located at the corner of Morrison Road and Cynthia Lane. The neighbourhood consists of one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed.

An existing uncovered porch, shed and fence encroaches into the public right-of-way. Transportation and Engineering staff have indicated that the owner will be required to

remove/relocate the existing shed and fence from the Morrison Road right-of-way. The owner will be required to enter into an encroachment agreement with the Town to allow the existing porch and steps to remain within the Morrison Road right-of-way. Should the variance be approved, that would allow a roof over the existing porch, the encroachment agreement would also include this element.

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.”*

#### **Variance #1 – Flankage Yard (Supported)**

The applicant is seeking relief from Zoning By-law 2014-14, as amended, to permit a decrease in minimum flankage yard setback from 3.5 metres to 1.21 metres to the proposed second storey addition and 0.0 metres to the porch. The intent of regulating the flankage yard is to ensure adequate separation from the street, provide a safe distance for visibility at the corner and ensure that a dwelling does not dominate the streetscape.

On May 3, 2005, a Committee of Adjustment decision permitted a setback of 1.32 metres to the existing garage and addition. The applicant is now requesting relief for another addition and a setback of 1.21 metres to the existing building and second storey addition. The applicant is also requesting relief to cover the existing uncovered porch which encroaches into the municipal right-of-way. Transportation and Engineering staff have no objections to the covered porch being added to the required encroachment agreement.

In this instance, the dwelling complies with residential floor area requirements and lot coverage and will not dominate the streetscape. The addition of the covered porch will break up the massing of the dwelling further and compliment the streetscape. The location of the covered porch will not impact sightlines at the intersection nor have a negative impact on the streetscape. Staff are of the opinion that the requested variance is minor as it is a small addition to an existing dwelling

It is staff's opinion that the requested decrease in flankage yard will not have a negative impact on adjacent properties nor the streetscape.

#### **Subject property:**









### **Variance #2 – Accessory Building Height (Supported)**

The applicant is seeking relief from Zoning By-law 2014-14, as amended, to permit an accessory building height of 2.6 metres when the maximum permitted height within 3.5 m of the flankage yard is 2.5 metres. The intent of regulating the height of accessory buildings in proximity to the flankage yard is to reduce the impact of the accessory building on the public realm. In this instance, the accessory building is located 0.61 metres from the property line which meets the minimum required setback and staff are of the opinion that the increase in height is minor and will not have a negative impact on the public realm.

### **Conclusion:**

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

1. That the second storey addition and roof over the existing uncovered platform be built in general accordance with the submitted site plan and elevation drawings dated January 20, 2022, subject to the removal of the existing shed and fence from the Morrison Road municipal property ; 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.
3. That the owner enter into an encroachment agreement with the Town of Oakville to the satisfaction of the Director of Transportation and Engineering.

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 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.
3. The proposed covered porch encroaches into the municipal right-of-way.

**Fire:** Comments not provided.

**Transit :** No comments.

**Halton Region: 6.5 CAV A/055/2022 – J. & M. Bunn, 518 Morrison Road, Oakville**

- The subject property is within 120 metre of the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will be constructed within the manicured lawn area and partially within the existing dwelling footprint, and will be setback sufficiently from any sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- 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 in the minimum flankage yard and an increase in the maximum height of an accessory building or structure, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a second storey addition and a roof over the existing uncovered platform of the detached dwelling on the subject property.

**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 second storey addition and roof over the existing uncovered platform be built in general accordance with the submitted site plan and elevation drawings dated January 20, 2022, subject to the removal of the existing shed and fence from the Morrison Road municipal property ; 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.
3. That the owner enter into an encroachment agreement with the Town of Oakville to the satisfaction of the Director of Transportation and Engineering.




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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment