

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/056/2022**

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>
MATTHEW D'ORSAY 914 SILVER BIRCH TRAIL MISSISSAUGA ON, L5J 4C1	RICHARD RAMLAL JRCPDESIGNS INC 1300 BLOOR ST SUITE 807 MISSISSAUGA ON, L4Y 3Z2	87 ALLAN ST PLAN 19 PT LOT 5

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL3 SP:12  
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 two-storey addition including additions to the ground floor and second floor of the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.12.1 c)</b> The maximum <i>lot coverage</i> shall be 25.0% (271.47m <sup>2</sup> ); (Lot area is 1085.88m <sup>2</sup> ).	To permit a maximum <i>lot coverage</i> of 26.93% (292.45 m <sup>2</sup> ).

### 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/056/2022 - 87 Allan St (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey addition including additions to the ground floor and second floor of the existing dwelling subject to the variances listed above.

The subject property is located just south of Lakeshore Road on Allan Street adjacent to a three-storey building that fronts onto Lakeshore Road and across from three-storey townhouses. Further south along Allan Street the neighbourhood consists of two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. Many of the existing dwellings in the area vary in design and are located on different lot sizes.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the First and Second Street Heritage Conservation District (HCD).

Heritage Planning staff have no concerns with the proposed minor variance to increase the permitted lot coverage. The proposed addition is limited in size is appropriate relative to the scale of the existing dwelling. The proposed attached garage with living space above is setback

substantially from the front elevation of the dwelling and is lower in height than the existing home. As a result, it will not have a negative impact on the property or HCD.

The approval of a heritage permit application will be required in advance of a building permit.

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 – Lot Coverage (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (271.47 square metres) to 26.93% (292.45 square metres) for an increase of 20.98 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. In this instance, the additions are complementary to the existing dwelling and will result in a dwelling that is similar in mass and scale to the surrounding dwellings. It is staff's opinion that the proposed increase in lot coverage is minor in nature, meets the intent of the Official Plan and Zoning By-law, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

#### **Subject property:**



### 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 additions be built in general accordance with the submitted site plan and elevation drawings dated February 10, 2022; 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 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 provided.

**Transit :** No comments.

### **Halton Region: 6.6 CAV A/056/2022 – M. D'orsay, 87 Allan Street, Oakville**

- As an advisory, the subject site has archaeological potential and Historic Towns overlay. 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.
- 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 minimum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two storey addition including additions to the ground floor and second floor 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 additions be built in general accordance with the submitted site plan and elevation drawings dated February 10, 2022; 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 blue ink. The signature appears to read "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment