

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/058/2022

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>
JOHN MUMFORD REGINA MUMFORD 312 KING ST OAKVILLE ON, L6J 1B9	EMELIE VEA JOHN WILLMOTT ARCHITECT INC. 594 CHARTWELL RD SUITE 3 OAKVILLE ON, L6J 4A5	312 KING ST PLAN 1 BLK 30 PT LOT C

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 ground floor and second floor additions and renovations of the existing dwelling on the subject property proposing the following variances:

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 3.50 m.	To permit a <i>minimum flankage yard</i> of 1.07 m.
2	<b>Section 15.11.1 c)</b> The maximum <i>lot coverage</i> for all <i>buildings</i> shall be 25% (232.78 m <sup>2</sup> ); (Lot area is 931.1 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for all <i>buildings</i> to be 25.69% (239.22 m <sup>2</sup> ).
3	<b>Section 15.11.1 h)</b> The maximum <i>residential floor area ratio</i> for a <i>dwelling</i> having two or more storeys shall be 30% (279.33 m <sup>2</sup> ). (Lot area is 931.1 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>dwelling</i> having two <i>storeys</i> to be 37.47% (348.91 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/058/2022 - 312 King St (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct ground floor and second floor additions and renovations of the existing dwelling subject to the variances listed above.

The subject property is located at the corner of King Street and Renolds Street. 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 existing dwelling encroaches into the public right-of-way. Transportation and Engineering Staff have indicated that the owner will be required to remove the existing wire fence from the King Street right-of-way.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District (HCD). Heritage Planning staff have no concerns with the proposed minor variances as no significant heritage elements are being removed. The footprint is very similar to the current footprint and there will be no significant visual changes from the street. Additionally, the new design and materials are supported by heritage staff. The approval of a heritage permit application will be required prior to 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 – 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 1.07 metres. 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. In this instance, the requested relief is to allow for a reconstruction of the existing one-storey portion of the dwelling fronting on Reynolds Street which has an existing flankage yard setback of 1.07 metres. It is staff's opinion that the requested decrease in flankage yard will not have a negative impact on adjacent properties nor the streetscape.

#### **Variance #2 – 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% (232.78 square metres) to 25.69% (239.22 square metres) for an increase of 6.44 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 requested increase in lot coverage will not be visible from the public realm and will not have a negative impact on the usability of the outdoor amenity space. 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.

#### **Variance #3 – 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% (279.33 square metres) to 37.47% (348.47 square metres) for an increase of 69.58 square metres. The existing dwelling already has a floor area ratio of 36.89% so the actual increase is 0.58%. 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. In this instance, the increase will be minor and will not have a negative impact on the public realm. The proposed additions are complementary and the additional floor area ratio is compatible and in keeping with the pattern of new development in the area. Staff are of the opinion that the requested increase in residential floor area meets the intent of the Official Plan and Zoning By-law.

**Frontage on King Street:**



**Frontage on Reynolds Street:**





**Frontage on Reynolds Street:**



**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 ground floor and second floor additions and renovations of the existing dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 17, 2022, subject to the removal of the existing wire fence from the King Street 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 dwelling encroaches into the municipal right-of-way.

**Fire:** Comments not received.

**Transit :** No comments.

**Halton Region: 6.8 CAV A/058/2022 – J. & R. Mumford, 312 King 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.
- A portion of the subject property falls within Conservation Halton (CH) regulated area, floodplains and watersheds. 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 a decrease in the minimum flankage yard, an increase in the maximum lot coverage, and an increase in the maximum residential floor area ratio for a detached dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing ground and second floor additions and renovations of the existing dwelling on the subject property

**Halton Conservation:**

**Re: Minor Variance Application**

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 Memorandums of Understanding (MOU, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) 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 and IESA may also apply to areas regulated under Ontario Regulation 162/06. Comments under the Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

### **Proposal**

The applicant is seeking to permit the construction of ground floor and second floor additions and renovations of the existing dwelling on the subject property through the following variances:

1. To permit a *minimum flankage* yard of 1.07 m.
2. To permit the maximum *lot coverage* for all *buildings* to be 25.69% (239.22 m<sup>2</sup>).
3. To permit the maximum *residential floor area ratio* for the *dwelling* having two *storeys* to be 37.47% (348.91 m<sup>2</sup>).

### **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**

Given the above, CH staff has no objection to the requested minor variance.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

**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 questions, please contact the undersigned.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – 1**

**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 ground floor and second floor additions and renovations of the existing dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 17, 2022, subject to the removal of the existing wire fence from the King Street 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  
Letter of Supports:

**Re: File Number: CAV A/058/2022**

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.

William Podolsky & Arlene Donovan  
23 Reynolds Street  
Oakville, Ontario