

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/056/2021

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
Ian & Kiisela Grierson 150 Riverview Street Oakville ON L6L 5S4	Four Seasons Sunrooms c/o Nour Elgendy 6-240 Viceroy Road Vaughan ON L4K 3N9	PLAN M219 LOT 119 150 Riverview Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL8 sp 103
DISTRICT: West

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 sunroom addition to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	15.103.5 a) The <i>minimum rear yard</i> shall be 9.0m.	To permit a <i>minimum rear yard</i> of 7.13 m.

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/056/2021 - 150 Riverview Street (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit a one-storey rear addition to an existing two-storey dwelling. The applicant requests the variance listed above.

The neighbourhood consists of two-storey dwellings that are original to the area and has experienced minimal new development. The streetscape contains sidewalks along the west side of Riverview Street fronting the subject lands and the boulevards contain a relatively consistent spacing of trees which contribute to the character of the area. The lotting pattern is relatively consistent throughout the area which results in a similar built form of original and newly constructed dwellings.

Variance #1 – Rear Yard Setback (Supported)

The proposed reduced rear yard setback from 9 m to 7.13 m is measured from the rear lot line, to the pinch point of the proposed rear addition. The intent of regulating the rear yard setback is

to provide adequate rear yard amenity space, reduce potential overlook and privacy impacts, regulate rear yard massing impacts and maintain a generally consistent size of dwellings throughout the blocks of the special provision subdivision. The proposed rear yard setback will not create any adverse impacts as the addition is one-storey with a semi-transparent roof in place of a deck next to a pathway connecting to a natural area, which would still allow for the landscaped and paved amenity space to be retained. It should be noted that a detached accessory structure such as a gazebo would be required to be setback 2 m from the dwelling, 0.6 m from the rear lot line and 4 m in height in order to comply with the by-law to provide covered outdoor amenity space similarly found on surrounding properties. Therefore, the proposed addition is compatible with the character of the neighbourhood.

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law as it results in a dwelling that maintains the character of the neighbourhood. Further, the variance is 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 conditions are requested:

1. That the rear addition be constructed in general accordance with the submitted site plan and elevation drawings dated January 26, 2021; 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:

- The rear limits of the property boundary is designated as Regional Natural Heritage System (RNHS) with a Provincial Overlay of MNR Wooded Area in the Regional

Official Plan. When a development is within 120 metre of the RNHS, an Environmental Impact Assessment is typically required. However, given that limits of the proposed development will be contained within the disturbed portion of the rear area of the property, there are no Regional concerns.

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to reduce the minimum rear yard requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a single-storey sunroom addition onto the rear of an existing two-storey 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 and elevation drawings dated January 26, 2021.
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



Heather McCrae, ACST
Secretary-Treasurer