

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/075/2022**

**RELATED FILE: N/A**

### **DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 17, 2022 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Ravi Kulkarni 351 Allan Street Oakville ON L6J 3P4	The SCOTT Home Company c/o Scott Shedden 11-1155 North Service Road West Oakville ON L6M 3E3	PLAN 113 LOT 55 351 Allan Street Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3**

**ZONING: RL3-0 SP10  
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 detached dwelling proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.10.1 c)</b> The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19 % (125.02 m <sup>2</sup> ). (Lot area is 658.0 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 25 % (164.5 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, Policy and Heritage Planning, Urban Design and Development Engineering)

**CAV A/075/2022 - 351 Allan St (East District)** (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling subject to the variance above.

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and newly constructed two-storey dwellings. The streetscape contains mature vegetation and a sidewalk on the east side of Allan Street.

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), h) and i) 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 19% (125.02 square metres) to 25% (164.5 square metres) for an increase of 39.48 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. The property is also subject to Special Provision 10 which regulates lot coverage based on the number of storeys, lot depth, floor area for a private garage and side yards. The intent of the provision is to maintain adequate separation between dwellings and limit the size of dwellings in the area. In this instance, the requested increase in lot coverage is mitigated by the design of the dwelling through stepbacks and the roof design which assist to break up the massing. Additionally, the dwelling steps away at the rear from the smaller dwelling to the south and has significant separation from the dwelling to the north since it abuts their rear yard. The proposed lot coverage is consistent with other dwellings in the area as well as the properties across the street from the subject property which is zoned for 25% lot coverage under special provision 383.

As the applicant is requesting to increase the lot coverage beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

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 an addition that is in keeping with 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 the applicable tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan dated April 7, 2022 and elevation drawings dated February 16, 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:

- 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.
- 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:** SFD. No concerns with FD access. No impact to Fire Review items

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- 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 maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling on the subject property

**Bell Canada:** No Comments received

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

**Letter(s)/Emails in opposition:** One

**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 dwelling be built in general accordance with the submitted site plan dated April 7, 2022 and elevation drawings dated February 16, 2022.
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

Attachment:  
Letter/Email of Opposition – 1

**From:**  
**Sent:** May 6, 2022 4:01 PM  
**To:** Heather McCrae <heather.mccrae@oakville.ca>  
**Subject:** File CAV A/075/2022; 351 Allan Street

Committee of Adjustment members:

I have several concerns about the construction of the proposed two story dwelling at 351 Allan Street.

There is a very tall mature Maple tree on my property, but very close to the property line of 351 Allan. The attachment shows the approximate location of the tree; fifty percent of the roots are under 351 Allan. I am very concerned that if the tree is trimmed back to allow a second story on the proposed dwelling, the canopy will become unbalanced and therefore the tree will become unstable. As well, the root system will be negatively impacted by digging the foundation and rest of the construction. I do not want to incur any expense to deal with the tree if it becomes unhealthy due to the neighbours renovation. And I would hate to lose such a lovely old tree.

A minor concern is about the fences between my property at 366 and my neighbour at 362 Macdonald, and my fence and 351 Allan. Both fences are old and I would like assurance that if

the fences get damaged during construction, the applicant will pay for and arrange repair of the fences.

Please inform me of the decision of this application. Thanks.

Debbie Kelsall

366 Macdonald Road  
Oakville L6J 2B2

# 351 Allan Street CAV A/075/2022



4/21/2022, 4:01:48 PM

Ownership GIS NAME

Resident and Community Associations

Ownership

Wards

Parcel Address

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Essex Community Maps Contributors, City of Hamilton, Province of Ontario,  
Town of Oakville, Essex, Hamilton, Galt, Sale, Sale, Sale, Sale, Sale,  
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2021 Town of Oakville