

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/180/2021

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
Adam Laird 50 Bond Street Oakville ON L6K 1L7	WeirFoulds LLP c/o Denise Baker 10-1525 Cornwall Road Oakville ON L6J 0B2	PLAN 1 BLK 98 PT LOT 8 RP 20R20084 PART 1 50 Bond Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL8 SP:128

WARD: 2

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 covered porch and uncovered platform on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 4.3 (Row 16)</b> <i>Uncovered platforms</i> having a floor <i>height</i> equal to or greater than 0.6 metres measured from <i>grade</i> shall be located in a <i>front or rear yard</i> with a maximum total encroachment of 1.5m into a minimum <i>yard</i> .	To permit an <i>uncovered platform</i> to be located in the <i>flankage yard</i> with a maximum total encroachment of 0.92 m into the minimum <i>yard</i> . (Minimum required <i>flankage yard</i> is 3.00m)
2	<b>Section 4.24.2</b> Notwithstanding any other provision of this By-law, no <i>building</i> or <i>structure</i> , that has a <i>height</i> of greater than 1.0 metre shall be permitted in a <i>sight triangle</i> according to the provisions of Table 4.24. Intersection of two <i>Local Roads</i> requires a <i>sight triangle</i> of 7.50 metres.	To permit a <i>sight triangle</i> of 5.26 metres at the intersection of two <i>Local Roads</i> .
3	<b>Section 15.129.2 a)</b> The <i>minimum front yard</i> for <i>dwellings</i> legally existing on July 5, 1983 shall be, as legally existed on July 5, 1983 (5.24 m)	To permit a <i>minimum front yard</i> of 2.17 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/180/2021 - 50 Bond St (West District)** (OP Designation: Low Density Residential)  
(Deferred from November 23, 2021)

This application was deferred at the November 23, 2021, meeting at the request of the applicant in order to address staff concerns. Staff expressed concerns from a safety and liability perspective with the porch encroaching into the required site line triangle. In response to staff's concerns, the applicant submitted a Sightline Analysis prepared by LEA Consulting Ltd. to demonstrate that the requested variances would not have an adverse impact. The Staff comments previously provided are revised as follows:

The applicant proposes to construct a covered porch and uncovered platform subject to the variances listed above.

The subject property is located at the corner of Bond Street and Wilson Street. Both sides of Bond Street do not have sidewalks and only the west side of Wilson Street across from the subject property has sidewalks. Both Wilson Street and Bond Street are characterized by varied setbacks along the street and various designs in housing ranging from one and two-storey dwellings original to the area and some newly constructed two-storey dwellings.

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 – Uncovered Platform to be located in Flankage Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit an uncovered platform to be located in the flankage yard with a maximum total encroachment of 0.92 metres into the minimum yard when the maximum permitted encroachment is 0.6 metres for an increase of 0.32 metres. Staff are of the opinion that the stairs and platform leading up to the dwelling's main entrance will not have a negative impact on adjacent and surrounding properties and the variance request is minor in nature.

**Variance #2 – Sight Triangle (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a sight triangle of 5.26 metres at the intersection of two Local Roads when a minimum of 7.50 metres is required. The intent of regulating sight triangles is to ensure public safety. Transportation staff have reviewed the Sightline Analysis prepared by LEA Consulting Ltd. and are satisfied that the proposed encroachment into the sight triangle will not have an unacceptable adverse impact.

**Variance #3 – Front Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a reduced minimum front yard setback measured from the lot line to the proposed covered porch. Variances #2 and #3 are interconnected since they work together to permit a covered porch in the front yard. Transportation staff have reviewed the Sightline Analysis prepared by LEA Consulting Ltd. and are satisfied that the proposed encroachment into the sight triangle will not have an unacceptable adverse impact. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The setback along Wilson Street is irregular and the proposed covered porch will not extend closer to the street than other dwellings along the street and will be a desirable addition to the dwelling from an urban design perspective. Staff are of the opinion that the variance meets the intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the development of the property.

**Context:**



**Subject property front yard:**



**Subject property flankage yard:**



**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 covered porch and uncovered platform be built in general accordance with the submitted site plan dated 2021.10.25 and elevation drawings dated 2021.07.05; 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:** SFD. No concerns with FD access. No impact to Fire Review items

**Oakville Hydro:** That, prior to the initiation of works, a revised Permit be obtained from Conservation Halton for the proposed development

**Transit:** Oakville Transit staff would like to remind the applicant that Bond Street is an existing transit corridor. Any existing bus stop locations will remain. New bus stop locations and amenities such as bus shelter can be installed at any time. Existing bus stop is located 22m from the site at Wilson Street.

**Finance:** None

**Halton Region:**

- It is understood this application was deferred from November 23, 2021. Regional comments provided on November 23, 2021 still apply.
- 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 uncovered platform to be located in the flankage yard, a decrease in the minimum sight triangle of two local roads, and a decrease in the minimum front yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a covered porch and uncovered platform on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Five

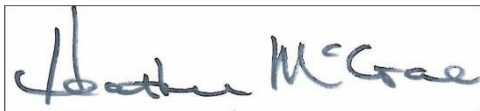
**Letter(s)/Emails in opposition:** None

**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 covered porch and uncovered platform be built in general accordance with the submitted site plan dated 2021.10.25 and elevation drawings dated 2021.07.05.
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:  
Letters/Emails in Support – 5

**From:** Jordan Morelli  
**Sent:** May 8, 2022 12:08 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Subject:** 50 Bond Street

Good morning Heather,

I am contacting you today with respect to the 50 Bond Street application for minor variance is CAV A/180/2021. I live around the corner at 431 River Side Dr, Oakville and am a frequent passerby'er of this property. From my perspective, this proposal will create enhanced character and improves community safety as we will now have "eyes on the corner". The street scape will certainly be enhanced by such a change.

In the event that you have any questions, do not hesitate to contact me.

Regards,

Jordan Morelli

**From:** Keith Matcham  
**Sent:** Tuesday, May 10, 2022 8:44 AM  
**To:** coarequests <coarequests@oakville.ca>  
**Cc:**  
**Subject:** Minor Variance - 50 Bond St A/180/2021

Dear Heather,

We are writing to support the Laird's application to the Committee of Adjustment for a minor variance on an addition to 50 Bond Street (Reference: CAV A/180/2021).

We are Oakville residents that live nearby at 250 Carolyn Drive, Oakville. We have just completed a new house build and understand and value the careful thought and consideration by the Town in the planning process.

We have walked and driven past 50 Bond Street many times, including the Westbound turn from Wilson Street on to Bond Street. We do not believe that the addition of a verandah at 50 Bond with minor encroachment into the sight line triangle will impact the line of sight or vehicle safety. Further if the line of sight triangle were measured from the intersection of Bond and Wilson, instead of the property boundary of 50 Bond, the addition would likely not encroach in the sight line triangle.

We know the family at 50 Bond and know that any proposed changes to their property will have been done with thought and consideration to their neighbours and the community.

We also appreciate the commitment they have shown to the safety of the community by having a traffic audit completed.

In summary, we fully support the variance request for the addition to 50 Bond Street.

Regards,

Keith and Lyanne Matcham

**From:** Taryn Borg  
**Sent:** Tuesday, May 10, 2022 8:07 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Subject:** 38 Bond Street - Email in support of variance

Hello Heather,

Our names are Taryn Borg & Greg Elliott, and we are the owners of 38 Bond Street. We are writing this email in support of our neighbour's trying to receive approval to build a covered wrap around porch at the corner of Wilson and Bond Street. We do not believe that this proposal will be a detriment to the neighbourhood. It will neither reduce visibility or create an unsafe environment for our family.

We hope that you will support their variance, so that they can enjoy time outside as a family.

Thank you.

Taryn & Greg

**From:** Marshall Eiding  
**Sent:** Tuesday, May 10, 2022 8:07 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Cc:**  
**Subject:** Variance Request Wilson and Bond St.

Dear Heather,

My family and I are residents of 11 Head Street, Oakville, Ontario L6K 1L3. In respect of the variance request proposed by the Laird family at Wilson and Bond Street, we do not believe the aforementioned proposal will reduce visibility or create an unsafe environment for us and our family. Rather, we believe the variance would allow a young family to better interact with the streetscape and enhance the community.

Should you have any questions, I would be happy to discuss at your earliest convenience.

Thank you.

Marshall Eiding

**From:** Chris Evans  
**Sent:** Wednesday, May 11, 2022 1:10 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Cc:**  
**Subject:** 50 Bond St., Oakville, ON, application for minor variance CAV A/180/2021

Hello Heather,

We are registered owners of and reside at nearby 129 Deane Avenue.

We have walked, cycled and driven frequently through the subject intersection, including northbound on Wilson Street (turning both eastward and westward) and westbound on Bond Street, turning southward on Wilson Street.

We are aware of the planned extension to the main structure at 50 Bond, reducing the sight triangle from 7.5m to 5.26m. Our opinion is that this will not reduce visibility below that of the current sightlines, nor will it impact safety issues there, a view shared in the professional opinion of the owners' traffic flow consultants.

Further, the nature of the extension as a wrap-around porch will enhance community interaction, you know what we mean...a greeting or spontaneous conversation with passing neighbours in the warmer months, an example of the authentic community feeling that the Town is seeking to foster!

We therefore support the request for approval of all related minor variances for 50 Bond Street currently before the Town's Committee of Adjustment.

Heather, there is a separate traffic issue we would like to raise with the Town regarding visibility and safety for eastbound traffic at the intersection of Deane Avenue and Kerr Street on which we would like your advice. We shall address this separately with you Heather.

Regards,

Chris Evans & Diane Brannigan-Evans