

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/117/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 19, 2022 AT 7:00 P.M.

| Owner/Applicant | Agent | Location of Land |
|--|---|--|
| Hilary Maile 262 King Street Oakville ON L6J 1B7 | Clive Maile 262 King Street Oakville ON L6J 1B7 and Jennifer Frivalt 10 Front Street South Mississauga ON L5H 2C4 | PLAN 1 PT BLK 24 PT LOT B RP 20R20862 PART 1 262 King Street Town of Oakville |

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 proposed construction of a barrier free elevator proposing the following variance(s):

| No. | Zoning By-law Regulation | Variance Request |
|-----|--|--|
| 1 | Section 15.11.1 b) The <i>minimum interior side yard</i> shall be 2.4 m | To permit a minimum (easterly) <i>interior side</i> of 1.65 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/117/2022– 262 King Street (OP Designation: Low Density Residential)

The applicant is proposing to construct an addition (barrier free elevator) to the existing heritage home subject to the variance above.

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. This residential area is characterized by large mature trees and does not provide for a sidewalk along the road allowance. In addition to the large mature trees in the area a variety of other vegetation species provide a significant amount of shade and assist in forming a distinct character in the area.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District. Heritage Planning staff have reviewed the application against the guidelines of the Old Oakville Heritage Conservation District Plan and are satisfied

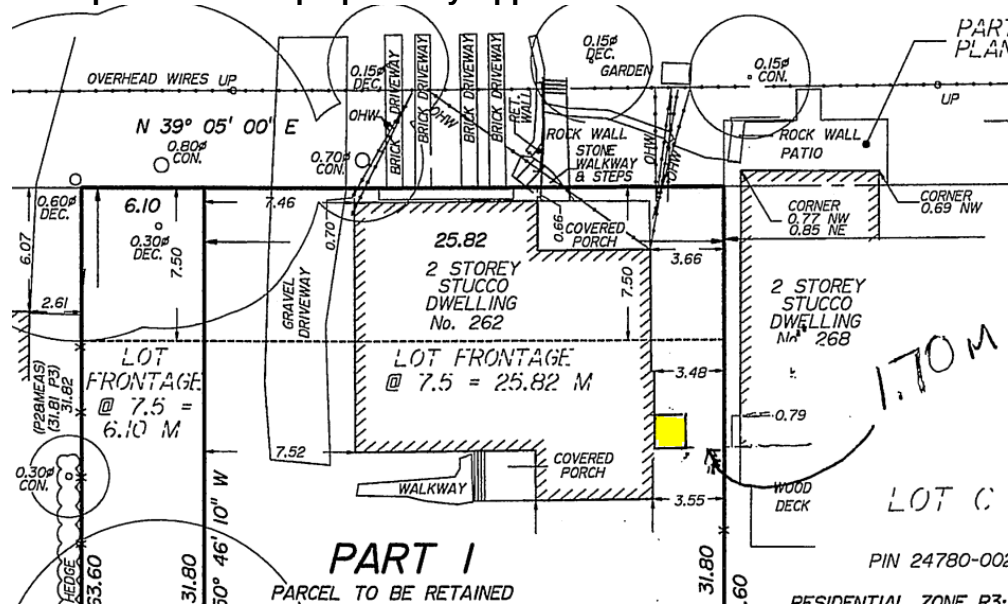
that the proposed variance will not have a significant negative impact on the character of the existing historic residence or the streetscape of the heritage conservation district. A heritage permit application is required for the proposed work, which the owners have applied for and will be considered following the Committee of Adjustment decision.

Variance #1 –Interior Side Yard (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a minimum (easterly) interior side of 1.65 metres whereas 2.40 metres is required, for a reduction of 0.75 m. The intent of regulating the interior side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. The reduced side yard is proposed to accommodate the construction of a barrier free elevator on the east side of the dwelling. The reduction is for a 6 foot by 6 foot (1.8 metres by 1.8 metres) elevator shaft with the remainder of the dwelling complying with a setback of 3.48 metres from the easterly interior lot line which is greater than the minimum required setback. See excerpt of the site plan prepared by the Applicant below.

The requested variance does not have an adverse impact on the surrounding area. The extended block on the east side with the elevator will be designed to match the existing character of the building, which will help to maintain the character of the area. Staff are of the opinion that the requested variance is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

Excerpt of Site Plan prepared by Applicant:



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 addition (barrier free elevator) be built in general accordance with the submitted site plan and elevation drawings submitted with the application on June 3, 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: SFD. Adequate access provided. No concerns

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.
- A portion of the subject property falls within Conservation Halton (CH) regulated area 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 interior side yard under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a barrier free elevator to the existing two-storey detached dwelling on the subject property.

Conservation Halton:

The subject property is regulated by CH as it is near the shoreline of Lake Ontario and contains portions of 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>).

The proposed development is located outside of CH's regulated area.

Given the above, CH staff has **no objection** to the requested minor variance provided the applicant apply for a CH No Objections letter prior to the initiation of development.

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

Bell Canada: No Comments received

Letter(s)/Emails in support: Six

Letter(s)/Emails in opposition: Two

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 addition (barrier free elevator) be built in general accordance with the submitted site plan and elevation drawings submitted with the application on June 3, 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.

A rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer

Attachment:

Letters/Emails in Support – 6

Letters/Emails of Opposition – 2

From:**Sent:** Thursday, July 14, 2022 3:40 PM**To:** coarequests <coarequests@oakville.ca>; Susan Schappert <susan.schappert@oakville.ca>**Subject:** RE: CAV A/117/2022 - 262 King Street

To whom it may concern:

262 King Street underwent a major restoration to the historic coach house in the last ten years which saw the removal of poorly planned additions from the 1960's and 1970s. The new owners now want to add an elevator shaft to the exterior of the home that encroaches into the required 3.5m side yard setback between the subject property and our family home at 268 King Street. This side yard setback space is intended, among other things, to allow for proper drainage from the homes run off toward the lake and separation in case of fire.

The minor variance setback application at 262 King Street is not reasonable given the space (building envelope) available to the south and west of subject property for additions. The elevator shaft could be incorporated inside the house or in another more appropriate location.

The awkwardly shaped structure to accommodate the elevator will be visible from King St between the homes and very much from the Dingle Park lakefront trail (especially when the trees lose their foliage). This has been a historic vista where you catch glimpses of the lake at different times of year. The request will eliminate the intended spacing between the heritage houses and the associated vistas that are critical to maintaining the heritage character of the neighbourhood.

The addition would impose greatly on our family home at 268 King St located directly to the east of this property. The proposal would only allow 2.49m total between the two heritage structures as the heritage home at 268 King St was sited on a small lot with only 0.79m setback on its west side.

It is a bad precedent that someone could say they need an elevator and therefore can add it on the outside of their heritage home imposing into the side yard setback, imposing on their neighbours, rather than incorporating it into their existing space or within the allowable building envelope.

The restoration of the historic coach house a few years ago was meticulously and professionally planned by previous owners and a renowned local architect. It would be a great shame for that to be dismantled when there are professional architects and planners who could incorporate the proposed elevator within the structure in a much more appropriate and sympathetic manner.

The plans submitted have inconsistencies and do not appear professionally executed. They are vague in detail and difficult to read.

We strongly object to this Minor Variance application and associated Heritage application

George Niblock

268 King Street

Oakville Ontario

From:**Sent:** Thursday, July 14, 2022 6:56 PM**To:** Heather McCrae <heather.mccrae@oakville.ca>**Subject:** Fwd: Application CAV A 177 2022 for a Side Variance for addition of an External Elevator to the property, Marlatt Coach House, at at 262 King Street, Oakville.**To Whom it May Concern**

My name is Michael Niblock and I live at 268 King Street, neighbouring Mr. Maile on the east side of the above property.

I have several concerns with Mr. Maile's application regarding side yard setback, heritage, ground water and noise.

Side Yard Setback

My property was built in 1874 and has a .79m side yard setback on the west of the property. The proposed external elevator would reduce the distance between the two houses from 4.24m to 2.44m.

Ground Water

The corridor between my house and No. 262 is important to the structure of my building in shedding underground and surface water towards the lake. We are in a swale that affects all the properties in our block. One of the unique features of my property is that it was built on a lake stone foundation. Restricting water flow between our houses could damage my property if new foundations stem the natural flow of any runoff or underground streams.

Heritage Buildings

I am not aware of any heritage residence in our area having had an external elevator tacked onto their building. Granting this application would be setting a negative precedent.

It would be extraordinary if all the effort and costs by a previous owner and the Heritage Committee to restore the Marlatt Coach House to its original design could be spoiled and a precedent set when there are other options.

An elevator tower would restrict the space between the buildings and damage the look of the Coach House as viewed from King St and the Lakeshore path.

Please note that the drawings submitted appear to be inaccurate or partially missing:

The South Elevation is misleading - no detailing around the roof and chimney

The East Elevation drawing is not there.

The drawing, Garden Wall, shows changes to the external finish to the dormers, front elevation and tower from Shingle to Shiplap. It is not clear if this is part of this application.

Noise

The potential for noise from the proposed elevator gives me further concern as my bedroom would be within three metres of the structure.

Please take into consideration that no Heritage Approval would be required if this elevator was placed inside the building and no variance would be required if the proposal were for it to be built on the south or west elevations.

I trust that this application for a minor variance and heritage approval will be rejected.

Yours sincerely

Michael Niblock
268 King Street
Oakville, ON

RE:

262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator

Name:

Patti Nedo.

Address:

260 King

I/We have seen the plans for the elevator extension to 262 King St,
Oakville and I/We have no objections to this addition.

Date:

July 7 / 2022.

Signature:

P. Nedo.

RE:

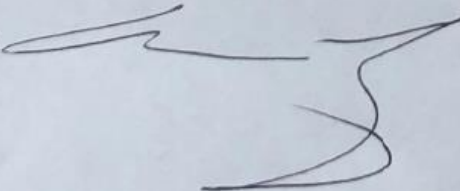
262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator

Name: GLENN HARVEY

Address: 26 TRAFALGAR RD
OAKVILLE

I/We have seen the plans for the elevator extension to 262 King St,
Oakville and I/We have no objections to this addition.

Date: July 8/22

Signature: 

RE:

262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator

Name:

Christine Markus

Address:

250 King Street

I/We have seen the plans for the elevator extension to 262 King St,
Oakville and I/We have no objections to this addition.

Date:

July 8, 2022

Signature:

Christine Markus
Taka Markus

RE:

262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator

Name: DONNA WARD

Address: 274 KING ST.

I/We have seen the plans for the elevator extension to 262 King St, Oakville and I/We have no objections to this addition.

Date: July 8/22

Signature: D Ward .

RE:

262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator

Name: Noelle Sargeant

Address: 263 King Street

I/We have seen the plans for the elevator extension to 262 King St, Oakville and I/We have no objections to this addition.

Date: N. July 8/2022.

Signature: N Sargeant

RE:

**262 King St, Oakville, ON L6J 1B7
Minor Variance for Elevator**

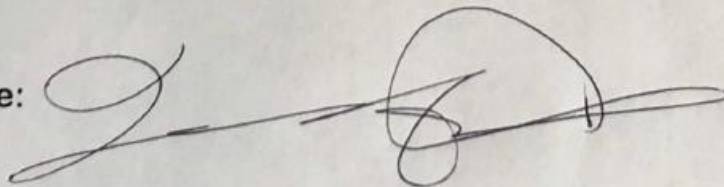
Name: Jennifer Graham

Address: 43 Dunn St, Oakville

**I/We have seen the plans for the elevator extension to 262 King St,
Oakville and I/We have no objections to this addition.**

Date: July 8 / 2022

Signature:

A handwritten signature in black ink, appearing to be 'Jennifer Graham', written over a horizontal line.