

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/131/2022

RELATED FILE: B22/05;B22/06 AND CAV A/132/2022

DATE OF MEETING: August 30, 2022

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
CONOR MCGLYNN 64 FIRST ST OAKVILLE ON, L6J 3R3	DAVID ASHBOURNE LAKESHORE GROUP 10 MORISON ST TH #3 TORONTO ON, M5V 2T8	64 FIRST ST PLAN 19 LOT 11

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 3**

**ZONING: RL3 SP12
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 severance of the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 5, Column RL3) The <i>minimum interior side yard</i> shall be 1.2 m	To permit a <i>minimum interior side yard</i> of 1.03 m.

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/131/2022 – 64 First Street (East District) (OP Designation: Low Density Residential)

The applicant proposes to convey a portion of land from 64 First Street to be merged with the abutting property known as 52 First Street through a concurrent Consent Application B22/05 (1712) subject to the variance listed above to recognize a side yard setback to the existing dwelling.

The subject lands are located south of Lakeshore Road with an area of 1413.06 square metres with frontage along First Street. The subject lands contain a 1.5 storey detached dwelling and a detached garage.

The subject land is designated under Part V of the *Ontario Heritage Act* and is identified as a 'non-contributing' property within the First and Second Street Heritage Conservation District. Heritage Staff have no objection to the proposed variance.

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.

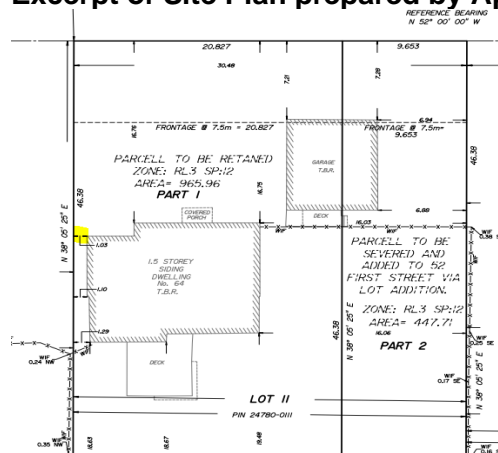
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

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 – Minimum Interior Side Yard (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to recognize a reduced interior side yard setback for the existing dwelling from a minimum of 1.2 metres to 1.03 metres. The side yard is measured from the interior lot line to the main wall of the dwelling. The intent of regulating the interior side yard setback is to ensure adequate spatial separation between dwellings and to accommodate access and drainage. The reduced side yard of 0.17 metres is a minor reduction for a small portion of the area as it is inconsistent along the wall and the setback increases at the end of the wall. Staff are of the opinion that there an adequate separation is maintained with the adjacent dwelling with the existing side yard and the requested decrease is minor in nature and will not have a negative impact on adjacent properties or the surrounding area as it is an existing condition.

Excerpt of Site Plan prepared by Applicant:



The existing garage on the site has been demolished and a permit issued for a new two-storey addition including an attached garage in compliance with the zoning by-law.

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 development 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 all four tests under the Planning Act. No conditions are proposed as it is an existing condition that will not require a building permit.

Fire: Clearance greater than 1.2m on one side of property - No issues noted for Fire. DL

Transit : Comments not received.

Halton Region: CAV A/131/2022 – C. McGlynn, 64 First Street

- Regional staff note the proposed Minor Variance application was reviewed by staff within the Regional comment letter (dated August 8, 2022) for the associated Consent application B22/05(1712).
- Regional staff noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

Bell Canada: Comments not received.

Oakville Hydro:

We do not have any objection with these Minor Variance Applications. Please make note that the new lot with the proposed new dwelling identified as 60 First Street will require their own separate underground hydro service from First Street.

Union Gas: Comments not received.

Letter(s) in support – 5

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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

July 25, 2022

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 03H

jasmine.radomirovic@oakville.ca

Hello,

This letter is regarding the COA Applications submitted for 64 First St and 53 First Street. We understand that there are two separate applications for each property. One for a Consent to Sever, and the other for variances to recognize the current buildings, their site layout, and build form.

Consent to Sever

We understand that 64 First Street will sever and convey approximately 32 feet of frontage to 52 First Street. The remaining lot at 64 First Street will be 68.3 feet in width with the depth unchanged.

We also understand that once the frontage is joined to 52 First Street, the new larger lot at 52 First St. will be divided into two equal lots that will have a frontage of 68.4 feet with the depth unchanged.

The result will be 3 lots, 52 First, 64 First and a newly formed lot, all near equal size at approximately 68 ft wide x 150 feet in depth.

Variance Applications

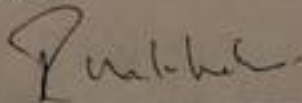
We understand that the variance requests at 64 First St and 52 First Street are to acknowledge the existing site conditions at each property. Building set back conditions, accessory building (garage at 52) height, coverage and projection, are all existing and were legally constructed under and older set (s) of Township Building By Laws. As explained, the current buildings are "grandfathered" or "existing but non-conforming" and the variance requests bring these conditions into light under current By Laws.

We also understand that no new variance request has been made to expand the homes at 52 & 64 First, and, that no variance request has been made for the proposed home for the newly created lot described in the Consent portion above.

Please accept this letter as support for the applications submitted for 64 First St and 52 First Street.

Thank you,

Address



46 First St

Print Name/Signature

Rob Mollenhauer

July 25, 2022

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment
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We understand that 64 First Street will sever and convey approximately 32 feet of frontage to 52 First Street. The remaining lot at 64 First Street will be 68.3 feet in width with the depth unchanged.

We also understand that once the frontage is joined to 52 First Street, the new larger lot at 52 First St. will be divided into two equal lots that will have a frontage of 68.4 feet with the depth unchanged.

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Thank you,
Address

David Corbeth
L6J 1E7

DocuSigned by:
David H. Corbeth
86488E3DA810499...

395 Union Street, Oakville, ON

Print Name/Signature

July 25, 2022

Jasmina Radomirovic
Assistant Secretary-Treasurer
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We understand that 64 First Street will sever and convey approximately 32 feet of frontage to 52 First Street. The remaining lot at 64 First Street will be 68.3 feet in width with the depth unchanged.

We also understand that once the frontage is joined to 52 First Street, the new larger lot at 52 First St. will be divided into two equal lots that will have a frontage of 68.4 feet with the depth unchanged.

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Thank you,

Address

BIMAL FERNANDO
Print Name/Signature



417 UNION ST

July 25, 2022

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
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Print Name/Signature

MARIO BOTELHO

49 FIRST ST.

July 25, 2022

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Gerald E. Denomme
Print Name/Signature

88 FIRST ST.

Megan C. Denomme / Megan Denomme

July 25, 2022

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Print Name/Signature



417 UNION ST

Certificate Of Completion

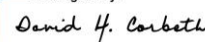
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First COA Letter.d Source Envelope: Signatures: 1	
Document Pages: 2	Envelope Originator:
Certificate Pages: 1	David H. Corbeth
AutoNav: Disabled	dcorbeth@sympatico.ca
Envelopeld Stamping: Disabled	IP Address:
Time Zone: (UTC-08:00) Pacific Time	176.115.170.199
(US & Canada)	

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dcorbeth@sympatico.ca
Worldsource Advisor (Gryphin Advantage)
WorldSource Wealth
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Using IP Address: 176.115.170.199

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Dave Corbeth
dcorbeth@sympatico.ca
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Authentication (None)
Electronic Record and Signature
Disclosure: Not Offered via
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	7/28/2022 3:01:11 PM
Certified Delivered	Security Checked	7/28/2022 3:02:18 PM
Signing Complete	Security Checked	7/28/2022 3:07:27 PM
Completed	Security Checked	7/28/2022 3:07:28 PM

Payment Events	Status	Timestamps
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