# **COMMITTEE OF ADJUSTMENT**

# **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990 APPLICATION: CAV A/132/2022 RELATED FILE: B22/06; B22/05 AND CAV A/131/2022

# DATE OF MEETING: August 30, 2022

Owner (s)	Agent	Location of Land
TAILORMADE HOLDINGS INC	DAVID ASHBOURNE	52 FIRST ST
5 CAMPBELL CRES	LAKESHORE GROUP	PLAN 19 LOT 12 PT LOT 15
NORTH YORK ON, M2P 1P1	10 MORISON ST TH #3	
	TORONTO ON, M5V 2T8	

# 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	Section 5.8.7 c) Attached private	To permit the attached <i>private garage</i> to
	garages shall not project more than	project not more than 18.5 metres from
	1.5 metres from the face of the longest	the face of the longest portion of the main
	portion of the main wall containing residential	wall containing residential floor area that
	floor area that is on the first storey of	is on the first storey of
	the dwelling oriented toward the front lot	the <i>dwelling</i> oriented toward the <i>front lot</i>
	line.	line.
2	Table 6.3.1 (Row 5, Column	To permit a <i>minimum interior side yard</i> of
	<b>RL3)</b> The <i>minimum interior side yard</i> shall be	2.0 m to the detached garage.
	2.4 m.	
3	Table 6.3.1 (Row 6, Column	To permit a <i>minimum rear yard</i> of 4.0 m.
	<b>RL3)</b> The <i>minimum rear yard</i> shall be 7.5 m.	
4	Section 6.5.2 c) The maximum height for	To permit a maximum <i>height</i> for
	any accessory building or structure shall be	the accessory building to be 5.0
	4.0 metres measured from grade.	metres measured from grade
5	Section 6.5.2 e) For an accessory	To permit the maximum <i>lot coverage</i> of
	<i>building</i> the maximum <i>lot coverage</i> shall be	the accessory building(s) to be 11%
	the greater of 5% of the lot area or 42	(105.72 m <sup>2</sup> ).
	square metres of <i>building</i> area.	(Lot Area is 961.09)

# 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/132/2022 - 52 First Street (East District) (OP Designation: Low Density Residential)

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.7 c) Attached private garages shall not	To permit the attached <i>private garage</i> to project not
	project more than 1.5 metres from the face of the	more than 18.5 metres from the face of the longest
	longest portion of the main wall containing residential	portion of the main wall containing residential floor
	floor area that is on the first storey of	area that is on the first storey of the dwelling oriented
	the dwelling oriented toward the front lot line.	toward the front lot line.
2	Table 6.3.1 (Row 5, Column	To permit a minimum interior side yard of 2.0 m to the
	RL3) The minimum interior side yard shall be 2.4 m.	detached garage.
3	Table 6.3.1 (Row 6, Column RL3) The minimum rear	To permit a minimum rear yard of 4.0 m.
	yard shall be 7.5 m.	
4	Section 6.5.2 c) The maximum height for	To permit a maximum height for the accessory
	any accessory building or structure shall be 4.0 metres	building to be 5.0 metres measured from grade
	measured from grade.	
5	Section 6.5.2 e) For an accessory building the	To permit the maximum lot coverage of the accessory
Ŭ,	maximum <i>lot coverage</i> shall be the greater of 5% of	building(s) to be 11% (105.72 $\text{m}^2$ ).
	the lot area or 42 square metres of building area.	(Lot Area is 961.09)
	and for an our of the organic motion of building aroun	

The applicant proposes to create a new lot through a concurrent Consent Application B22/06 (1712) subject to the variances listed above to recognize the existing dwelling and accessory building.

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 variances.

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 – Private Garage Projection (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to recognize the location of the existing detached garage which has a projection of 18.5 m from the face of the longest portion of the main wall whereas 1.5 metres is permitted. The intent of regulating the garage projection is to prevent the garage from being a visually dominant feature of the dwelling. In this instance, the garage is detached located at the front portion of the lot in front of the dwelling and has been existing in the same position since the construction of the building in 1940's. Staff are of the opinion that the variance meets the intent of the official plan and zoning by-law, is desirable as it is an existing condition on the property and will not have a negative impact on adjacent or surrounding properties.

### Site Photos of the Subject Property (Existing Garage at the front)



# Variance #2 – Interior Side Yard (Supported)

The applicant requests relief from By-law 2014-014, as amended, to recognize a reduced existing easterly interior side yard setback to the existing dwelling from a minimum of 2.4 metres to 2 metres. The intent of regulating the interior side yard setback is to ensure adequate spatial separation between dwellings and reduce impacts of privacy and overlook. The reduced side yard is for a small portion at the corner of the dwelling due to the orientation of the building against the boundary. Staff are of the opinion that adequate access and open space is still maintained and there will not be negative impacts on adjacent and surrounding properties.

# Variance #3 – Accessory building Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to recognize the height of the existing accessory building (garage) of 5 metres, whereas 4 meters is permitted. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property. The accessory structure is located at proper separation from the adjacent properties on the west and the east. In this instance, staff are of the opinion that the accessory building (Garage) will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties as the structure has been in existence since the 1940's.

# Variance #4 - Rear Yard (Supported)

The applicant is seeking relief from By-Law 2014-014 as amended, to recognize the minimum rear yard setback of 4.0 metres to the existing dwelling whereas 7.5 metres is required.. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. In this instance, the reduced rear yard is for a small portion of the main wall of the dwelling which is due to the orientation of the building and further the building gets away from the rear lot line, which would not create any privacy impacts or overlooking concerns. Staff are of the opinion that the requested variance is an existing condition and is minor in nature, meets the intent of the Official Plan and Zoning By-law and will not have a negative impact on adjacent properties.

# Variance #5 – Lot Coverage (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to recognize the lot coverage of the existing accessory building(s) (garage/shed) of 105.72 square metres, whereas 48.05 square metres is permitted. The intent of regulating lot coverage is to prevent the construction of an accessory building that has a mass and scale that appears larger than other structures in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. In this instance, the accessory buildings have been an existing structure for a long time, ensuring adequate open space. Staff are of the opinion that the increase in lot coverage for the accessory structure is minor in nature, meets the intent of the Official Plan and Zoning By-law, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

As per staff's opinion the requested variances are not a consequence of severance, and no physical development is proposed but an existing condition of the subject lands. On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it is an existing condition for a long time being legally non-conforming. Further, the variances are 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: o issues noted for Fire. DL

-To permit the attached private garage to project not more than 18.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.

-To permit a minimum interior side yard of 2.0 m to the detached garage.

-To permit a minimum rear yard of 4.0 m.

-To permit a maximum height for the accessory building to be 5.0 metres measured from grade. -To permit the maximum lot coverage of the accessory building(s) to be 11% (105.72 m2).(Lot Area is 961.09)

# Transit : Comments not received.

# Halton Region: CAV A/132/2022 – Tailormade Holdings Inc., 52 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 B22/06(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:

<u>Note:</u> 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.

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Jasmina Radomirovic Assistant Secretary-Treasurer Committee of Adjustment

Jasmina Radomirovic Assistant Secretary-Treasurer Committee of Adjustment Town of Oakville 1225 Trafaigar Road Oakville, ON L6H O3H jasmine.radomirovic@oakville.ca

Helio,

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 If 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

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Ab First St

Print Name/Signature

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jasmine.radomirovic@oakville.ca

Jasmina Radomirovic Assistant Secretary-Treasurer Committee of Adjustment Town of Oakville 1225 Trafalgar Road Oakville, ON L6H O3H

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Thank you, Address

David Corbeth L6J 1E7

DocuSigned by: David 4. Corbeth -86488E3DA810499..

395 Union Street, Oakville, ON

Jasmina Radomirovic Assistant Secretary-Treasurer Committee of Adjustment Town of Oakville 1225 Trafalgar Road Oakville, ON L6H O3H jasmine.radomirovic@oakville.ca

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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.

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FERNANDO Print Name/Signature

417 UNION ST

jasmine.radomirovic@oakville.ca

Jasmina Radomirovic Assistant Secretary-Treasurer Committee of Adjustment Town of Oakville 1225 Trafalgar Road Oakville, ON L6H O3H

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Gerald E. Denommé Print Name/Signature Megan C. Denommé

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# DocuSign

Certificate Of Completion				
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Subject: Please DocuSign: 52&64 First COA Letter.d Source Envelope: Document Pages: 2	ocx Signatures: 1	Envelope Originator:		
Certificate Pages: 1	Initials: 0	David H. Corbeth		
AutoNav: Disabled EnvelopeId Stamping: Disabled Time Zone: (UTC-08:00) Pacific Time (US & Canada	e )	dcorbeth@sympatico.ca IP Address: 176.115.170.199		
Record Tracking				
Status: Original 7/28/2022 3:00:14 PM	Holder: David H. Corbeth dcorbeth@sympatico.ca	Location: DocuSign		
Signer Events	Signature	Timestamp		
David H. Corbeth dcorbeth@sympatico.ca Worldsource Advisor (Gryphin Advantage)	DocuSigned by: Denid 4. Corbeth	Sent: 7/28/2022 3:01:11 PM Viewed: 7/28/2022 3:02:18 PM Signed: 7/28/2022 3:07:27 PM Freeform Signing		
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Dave Corbeth dcorbeth@sympatico.ca Worldsource Advisor (Gryphin Advantage) WorldSource Wealth Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature</b> <b>Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 7/28/2022 3:07:28 PM Resent: 7/28/2022 3:07:31 PM Viewed: 7/28/2022 3:08:43 PM
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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