

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/174/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
KASHIF KHAN MARINA KHAN 2052 BRAYS LANE OAKVILLE ON, L6M 2S7	NOUR ELGENDY FOUR SEASONS SUNROOMS 240 VICEROY RD UNIT UNIT 6 VAUGHAN ON, L4K 3N9	2052 BRAYS LANE PLAN M445 BLK PT 147 RP 20R9095 PARTS 24,25

**OFFICIAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
WARD: 4**

**ZONING: RM1
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 one storey rear addition (sunroom) to the existing dwelling on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.8 (Row 7, Column RM1) The <i>minimum rear yard</i> shall be 6.0 m.	To permit a <i>minimum rear yard</i> of 5.17 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/174/2022 - 2052 Brays Lane (West District) (OP Designation: Medium Density Residential)

The applicant is proposing to construct one storey rear addition (sunroom) to the existing dwelling subject to variances above.

The neighbourhood is characterized by mostly two-storey dwellings and sidewalks on both sides along the Brays Lane.

The subject lands are designated Medium 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.

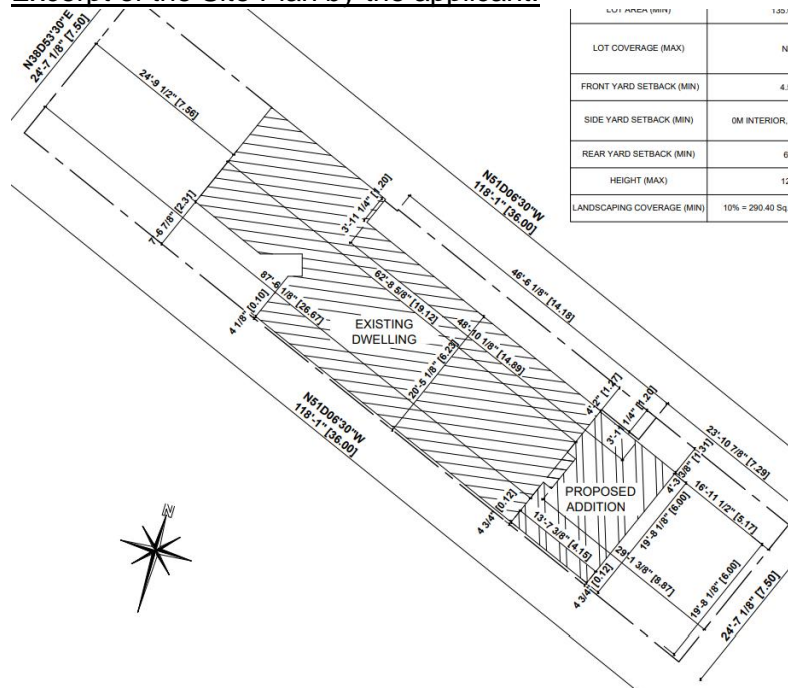
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

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.”

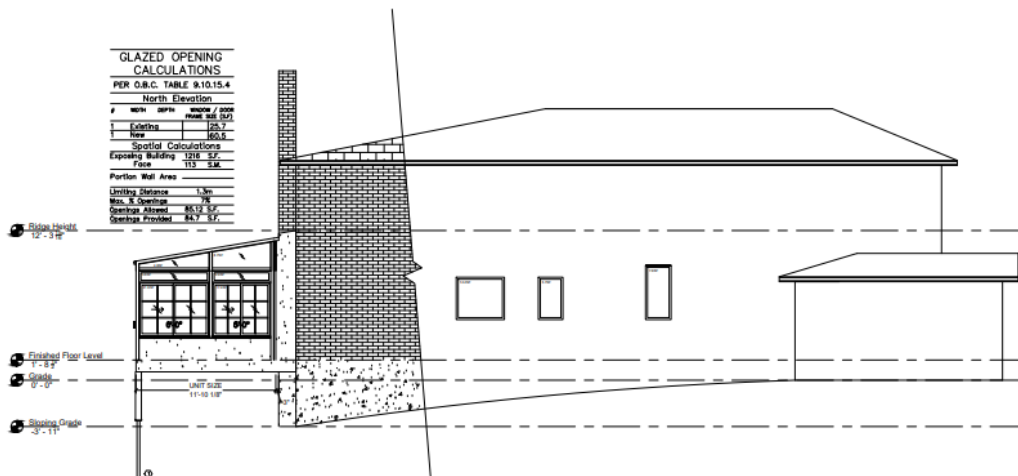
Variance #1- Rear Yard (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 6.0 metres to 5.17 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey sunroom. 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 proposed rear yard setback has sufficient space from the rear lot line with open space (Fourteen-mile creek) to the rear of the subject property providing no concerns for overlook and privacy. The proposed decrease of the rear yard setback is 0.83 metres which is minor in nature. Staff are of the opinion that the request for decrease in the rear yard is minor in nature and meets the intent of the Official Plan or Zoning By-law.

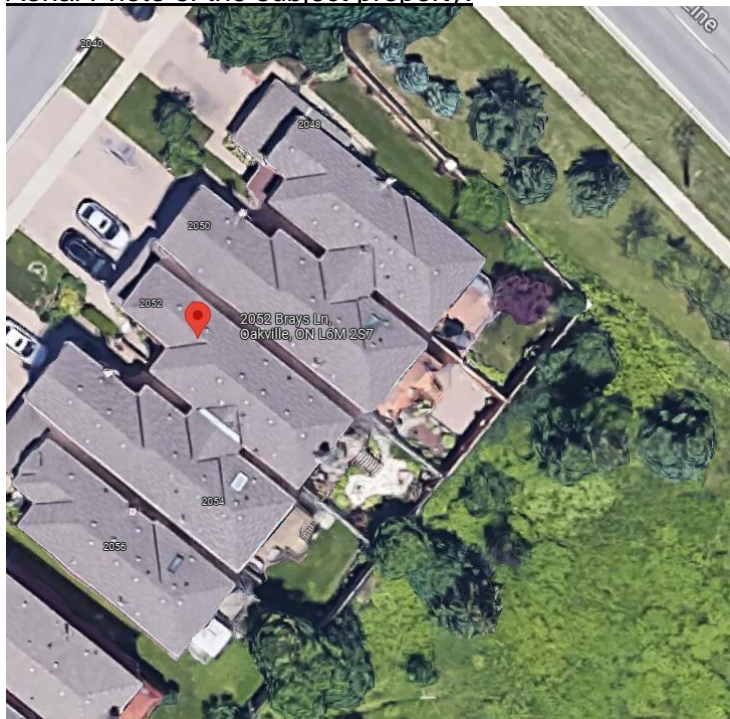
Excerpt of the Site Plan by the applicant:



North/Side Elevation of the Proposed Sunroom by the applicant:



Aerial Photo of the subject property:



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 sunroom (one storey addition) be built in general accordance with the submitted site plan and elevation drawings as part of the application; 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: No Concerns for Fire. DL

Transit : No comments.

Halton Region: CAV A/174/2022 – K. & M. Khan, 2052 Brays Lane, Oakville

- The subject property is within 120 meters of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will be within the existing deck footprint and the manicured lawn, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System. The following comments should be added as notes to the Committee of Adjustment decision for the subject lands:
 - Construction should be avoided during unusually wet, rainy or winter thaw conditions.
 - Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - The stockpile of materials and/or equipment should be located outside of the natural heritage system and/or any woodland. No fill is to be dumped within the woodland.
 - The Owner agrees to install erosion and sediment control fencing prior to construction commencing. The fencing should remain until all construction works are complete and the area is stabilized.
- 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 rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a one storey rear addition (sunroom) to the existing dwelling on the subject property.

Bell Canada: Comments not provided.

Union Gas: Comments not provided.

Letter(s) in support – 2.

Letter(s) in opposition – 3

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.

Requested conditions from circulated agencies:

1. That the sunroom (one storey addition) be built in general accordance with the submitted site plan and elevation drawings as part of the application; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of Objections:

Dear Ms Radomirvic,

This application for a variance for an extension to 2052 Brays Lane must not be allowed as it will set a precedent.

The extension will devalue the use of adjacent rear decks will encourage further extensions resulting in the degradation of the street character.

Sincerely,
Thomas Tokarchuk
2055 Brays Lane
Oakville.

Letter of Objections:

Nancy

On Oct 22, 2022, at 10:00 AM,

Dear Jasmina Radomirovic

Re: minor variance adjustment
For 2052 Brays Lane

My name is Nancy Wallace and I live next door to Mr. and Mrs. Khan. I have lived at 2054 Brays Lane since 1991 and have enjoyed my townhouse very much.

I have several objections to the minor adjustments and will list them below.

Our townhouses have natural light only from the North and South ends of the building. Neither the Khans nor I have outside side windows. Therefore sunlight is an essential ingredient for healthy living. The townhouses face North and the decks facing South get extremely hot in summertime so many of us have umbrellas or retractable awnings to help us enjoy the green space behind our properties.

The extended sun room will be made of glass and get unbearably hot in summertime. Therefore blinds will be needed and the extended size will block the light from, the East every day from my deck vantage point.

The extra 2 1/2 feet, approximately, into the yard will require air conditioning. The noise currently from their unit is loud and a bigger unit or an additional unit will cause major noise pollution.

To my knowledge, none of the townhouses on my block have been offered extensions into their yards and I do not feel this precedent is good for resale.

Unfortunately I will be out of town on November 1 st so cannot attend the hearing but would very much appreciate my issues being presented.

Thank you.
Nancy Wallace
2054 Brays Lane

Letter of Supports:

Committee of Adjustment/ Minor Variance Hearing

Application File No. CAV A - 174 - 2022 (attached)

2052 Brays Ln
Oakville, ON L6M 2S7

Re:

I/We have seen the proposed drawings for the property address 2052 Brays Ln Oakville, ON L6M 2S7 owned by Kashif Khan and Marina Khan.

I/We have no objections with respect to the proposed Solarium/Sunroom Addition.

Name (print) AMEYA & JYOTI NAMJOSHI

Address 2050 BRAYS LANE

Signature

Ameya

Jyoti A Namjoshi

Date: 22 OCT 2022

Committee of Adjustment/ Minor Variance Hearing

Application File No. CAV A - 174 - 2022 (attached)

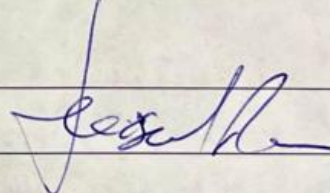
2052 Brays Ln

Oakville, ON L6M 2S7

Re:

I/We have seen the proposed drawings for the property address 2052 Brays Ln Oakville, ON L6M 2S7 owned by Kashif Khan and Marina Khan.

I/We have no objections with respect to the proposed Solarium/Sunroom Addition.

Name (print) LISANIAS ZANJAN
Address 2048 BRAYS LANE Signature 
Date: 10/22/2022

Letter of Objections:

October 27, 2022

Jasmine Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment
1225 Trafalgar Road
Oakville ON L6H 0H3
Via E-mail: jasmina.radomirovic@oakville.ca

RE: File No.: CAV A-174-2022

For applicant Kashif Khan, Marina Khan, 2052 Brays Lane, Oakville ON, L6M 2S7

Following are our reasons and concerns why we DO NOT support the application for the above property.

- Sets a precedent for future adjustments
- We moved here partially to enjoy the scenery. Now this will be ruined by a wall directly in our vision from our deck
- There is the possibility that this wall could impede air flow

Should you have any questions please feel free to contact us.

Yours truly

Brenda and Paul Clare
2056 Brays Oakville ON, L6M 2S7