

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/176/2022**

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>
MALLORY CARMICHAEL 407 TRAFALGAR RD OAKVILLE ON, L6J 3H8	ATELIER DPC INC 127 MOUNTJOY AVE TORONTO ON, M4J 1J9	407 TRAFALGAR RD PLAN 126 LOT 13 PT LOT 14 RP 20R4773 PARTS 1,5

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL4-0  
DISTRICT: EAST

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### 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 attached garage and rear addition to the existing dwelling proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 5, Column RL4)</b> The <i>minimum interior side yard</i> shall be 1.2 m	To permit a <i>minimum</i> (northerly) <i>interior side yard</i> of 0.613 m.
2	<b>Table 6.3.1 (Row 6, Column RL4)</b> The <i>minimum rear yard</i> shall be 7.5 m	To permit a <i>minimum rear yard</i> of 0.763 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/176/2022 - 407 Trafalgar Rd (East District)** (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of one storey attached garage and the rear addition to the existing dwelling subject to the variances listed above.

The neighbourhood is characterized by mostly one-storey and two storey dwellings with sidewalks on one side along the Trafalgar Road.

The subject property is a large lot located on a private lane not visible from Lakeshore Road East.

The subject property is designated under Part V of the Ontario Heritage Act as part of the Trafalgar Road Heritage Conservation District. The proposed additions are not considered to

have a significant negative impact on the heritage property. Heritage Planning staff therefore have no concerns with 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.”*

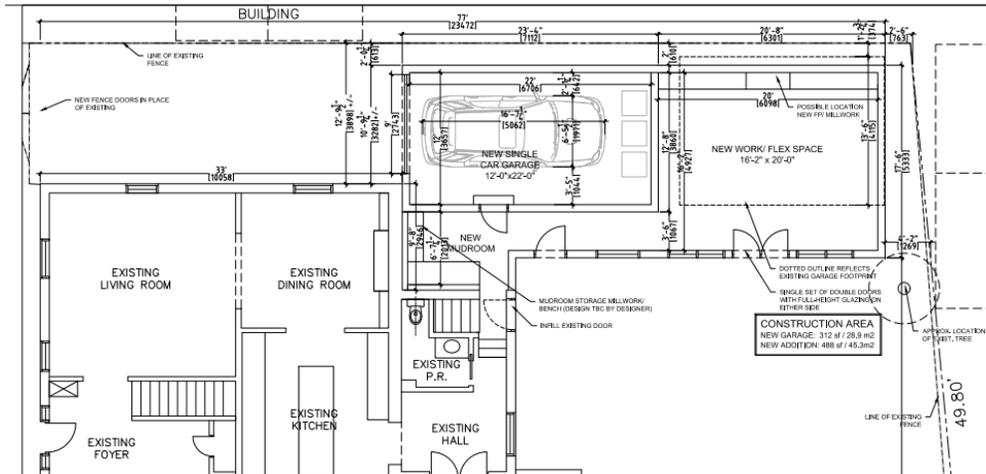
**Variance #1 – Interior Side (Northerly) Yard (Supported)**

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced southerly interior side yard setback from a minimum of 1.2 metres to 0.613 metres with a decrease of 0.58 m. The side yard is measured from the southerly lot line to the main wall of the dwelling. The intent of regulating the 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. In this instance, the decrease in setback is on the north side of the garage to allow for garage door width which does not have any negative impact on the adjacent property with respect to adequate separation. Staff are of the opinion that the requested decrease in the side yard setback is minor in nature and would not have any negative impact on the adjacent property.

**Variance #2 – Rear Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 0.763 metres, which is measured from the rear lot line to the closest point of the new storey addition (east side). 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 reduction in the rear yard setback will not have any negative effect on the adjacent property with an existing garage structure abutting rear property line. On this basis, staff are of the opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law.

Excerpt of the Site plan by the 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 one storey attached garage and the rear addition be built in general accordance with the submitted site plan and elevation drawings dated September 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:** No Concerns for Fire. DL

**Transit :** No comments.

**Halton Region: CAV A/176/2022 – M. Carmichael, 407 Trafalgar Road, 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 setback sufficiently with adjacent residential properties between the sensitive natural features or areas and will not likely result in any impacts on the features or ecological functions of the RNHS.

- 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 (northerly) interior side yard and 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 attached garage and rear addition to the existing dwelling on the subject property.

**Halton Conservation:** Comments not provided.

**Bell Canada:** Comments not provided.

**Union Gas:** Comments not provided.

**Letter(s) in support – None.**

**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.

Requested conditions from circulated agencies:

1. That one storey attached garage and the rear addition be built in general accordance with the submitted site plan and elevation drawings dated September 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.

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and reads "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment