

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/198/2022

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
WILLIAM HAINES MARGO HAINES 304 SUMNER AVE OAKVILLE ON, L6J 1S5	JASON HUETHER HDS DWELL INC 20 GILMOUR RD PUSLINCH ON, N0B 2J0	304 SUMNER AVE PLAN 1 BLK 90 LOT 3 PT LOT 4

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL4-0  
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 construction an attached garage and a first and second storey addition to the two-storey detached 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> (westerly) <i>interior side yard</i> of 0.62 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 1.26 m.
3	<b>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41% (267.79 m <sup>2</sup> ); (Lot area is 684.27 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 48.08% (329.00 m <sup>2</sup> ).
4	<b>Section 6.4.2 a) (Row RL4, Column 3)</b> The maximum <i>lot coverage</i> shall be 35% (239.49 m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> . (Lot area is 684.27 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 38.59% (264.06 m <sup>2</sup> ) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

### 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/198/2022 - 304 Sumner Ave (East District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of an attached garage and a first and second storey addition to the two-storey detached dwelling subject to the variances listed above.

The neighbourhood consists of a variety of dwelling types and built forms with original dwellings to the area and renovated dwellings with additions. The established residential area has a sidewalk along both sides of Sumner Avenue and dwellings in close proximity to the street, which contributes to a distinct character of the area. The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Trafalgar Road Heritage Conservation District.

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.”*

According to Section 5.1.1 of the Official Plan, one of the general objectives for cultural heritage are:

*a) to conserve cultural heritage resources through available powers and tools and ensure that all new development and any site alterations conserve cultural heritage resources.*

The property has cultural heritage value for its c.1904 two-storey Edwardian style brick house. The proposed new addition has been reviewed against the District Plan for the heritage district and the proposed changes meet the guidelines of this Plan.

The majority of the new addition is proposed to be located on the existing footprint dwelling and detached garage. Both the one and two-storey portions of the new addition are lower than the height of the heritage house and located to the rear and sides of the heritage house, allowing it to remain the prominent feature on the site. The location and massing of the new addition has been designed in a way that minimizes its impact on the character of the Sumner Avenue streetscape. The addition has been designed with a more contemporary aesthetic but traditional materials, ensuring that it is both distinguishable from, and complementary to, the heritage house.

Heritage Planning staff have no concerns with the proposed application. A major heritage permit will be required for this work.

**Variance #1:** Interior (Westerly) Side 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 0.71 metres. The side yard is measured from the westerly 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 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 setback is proposed on the side of the one storey accessory structure from the lot line which does not have any negative impact on the adjacent property.

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 1.26 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey garage. 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 is for the portion of the accessory structure (garage) which is an existing condition and rest of the portion of the house has sufficient separation distance from the dwelling at the rear to provide any overlook concerns. 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.

HALTON CONDOMINIUM PLAN 144

CONDO BLOCK 08043

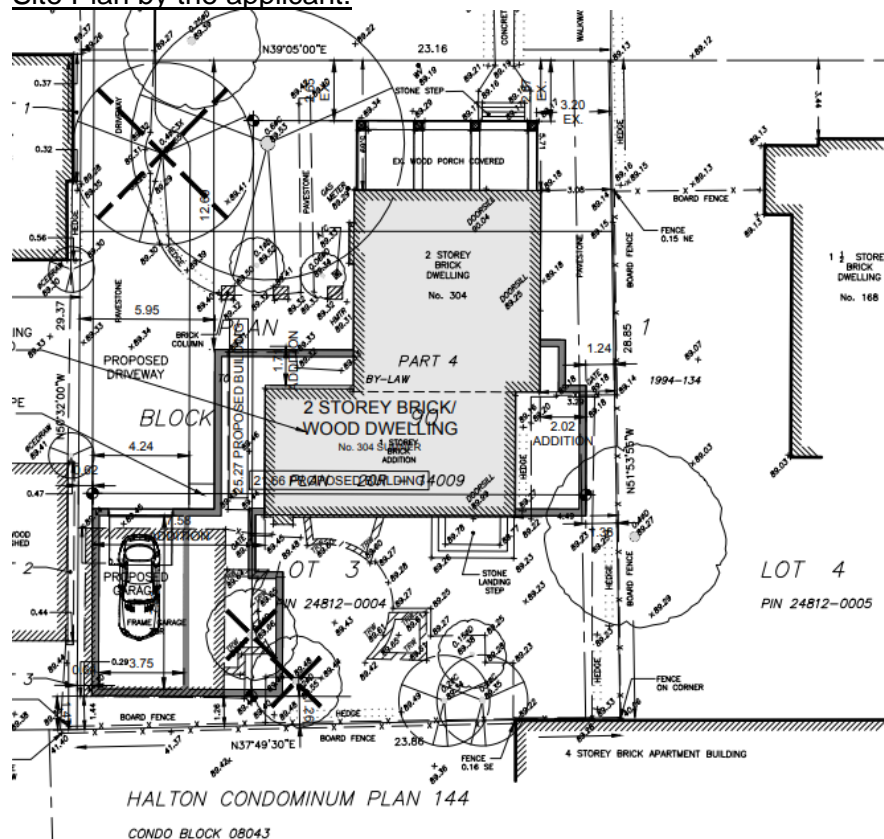
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (267.79 square metres) to 48.08% (329.00 square metres) for an increase of 61.21 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. In this instance the additions are to the existing heritage structure which are not dominant and visible from the public realm. The proposed additions which helps mitigate the massing of the building while maintaining the cultural heritage of the structure. 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.

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (239.49 square metres) to 38.59 % (264.06 square metres) for an increase of 24.57 square metres. The intent of regulating lot coverage is to prevent the

construction of a dwelling with a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The requested lot coverage is attributed to the front porch and additions to the existing structure which is consistent with the dwellings in the surrounding area which will not result in a dwelling that appears larger than others in the area. Staff are of the opinion that the requested variance will not have a negative impact on surrounding properties, or the public realm and the development will be compatible with the surrounding neighbourhood

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 a dwelling 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.

#### 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 the additions to the dwelling be built in general accordance with the submitted site plan and elevation drawings dated August 31, 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.

**Transit :** Comments not received.

**Halton Region: CAV A/198/2022 – W. & M. Haines, 304 Sumner Avenue, 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 works 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.
- As an advisory, the subject site has archaeological potential and is within the 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately.
- 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, a decrease in the minimum rear yard, an increase in the maximum residential floor area ratio, and an increase in the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an attached garage and a first and second storey addition to the two storey detached dwelling on the subject property.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**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 the additions to the dwelling be built in general accordance with the submitted site plan and elevation drawings dated August 31, 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.



---

Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment