

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/200/2022**

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>
GEORGE NIBLOCK 78 ALLAN ST OAKVILLE ON, L6J 3M8	TERRY MARTINO GREN WEIS ARCHITECT & ASSOCIATES 341 KERR ST SUITE 210 OAKVILLE ON, L6K 3B5	78 ALLAN ST PLAN 1 BLK 34 PT LOT C

OFFICIAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL
WARD: 3

ZONING: RL6 SP:11
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 construction of an accessory building (detached garage), and first and second storey additions to the existing two storey detached dwelling proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 16) – The maximum encroachment into a <i>minimum front yard</i> for an <i>uncovered platform</i> having a floor height equal to or greater than 0.60 metres measured from <i>grade</i> shall be 1.5 metres; (minimum front setback 4.5 m).	To permit a maximum encroachment of 4.82 m into the <i>minimum front yard</i> for the <i>uncovered platform</i> that replaced an existing <i>uncovered platform</i> having a floor height equal to or greater than 0.60 metres measured from <i>grade</i> . (minimum front setback 1.18 m).
2	Section 5.8.7 a) Where a <i>private garage</i> has a vehicle entrance facing the <i>flankage lot line</i> or <i>front lot line</i> and the applicable <i>minimum yard</i> is less than 5.7 metres, the <i>private garage</i> shall be set back a minimum of 5.7 metres from the applicable <i>lot line</i> .	To permit the <i>private garage</i> to be set back 2.6 metres from the <i>flankage lot line</i> .
3	Table 6.3.1 (Row 4, Column- RL6) The <i>minimum flankage yard</i> shall be 3.0m.	To permit the existing <i>detached dwelling</i> to remain with a <i>minimum flankage yard</i> of 1.86 m, and to permit the proposed addition with a <i>minimum flankage yard</i> of 1.5 m.
4	Section 6.5.2 d) For an <i>accessory building</i> the maximum <i>height</i> shall be reduced to 2.5 metres measured from <i>grade</i> where the <i>accessory building</i> is located less than 3.5 metres from a <i>flankage lot line</i> .	To permit a maximum <i>height</i> for the <i>accessory building</i> to be 4.2 metres measured from <i>grade</i> .
5	Section 15.11.1 c) The maximum <i>lot coverage</i> for all <i>buildings</i> shall be 25%. (73.3 m ²); (Lot area is 293.18 m ²).	To permit the maximum <i>lot coverage</i> to be 37.85%. (110.96 m ²).
6	Section 15.11.1 h) The maximum <i>residential floor area</i> for a <i>dwelling</i> having two or more <i>storeys</i> shall be 30% of the <i>lot area</i> (87.95 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>dwelling</i> having two or more <i>storeys</i> to be 54.18% (158.84 m ²).

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/200/2022 – 78 Allan St (East District) (OP Designation: Medium Density Residential)

The applicant proposes to construct a two-storey addition with an attached garage and a one-storey addition (enclosed porch) to the existing dwelling subject to the variances listed above.

The subject lands are designated Medium Density Residential in the Official Plan. The Medium Density Residential land use designation may permit a range of medium density housing types including multiple-attached dwelling units, apartments, retirement homes and long-term care homes; however, existing detached and semi-detached dwellings are permitted. The area is characterized by single detached dwellings to the south and east of the subject property, three storey residential buildings to the north and a mix of single detached dwellings and three storey residential buildings to the west.

The subject property is designated under Part IV of the *Ontario Heritage Act* for its late 19th century Classical Revival style frame home. The proposed addition has been located to the rear of the heritage house and does not require the removal of any portion of the dwelling. The addition is minimal in size and lower in height than the heritage house, minimizing its impact on the historic house. It has been designed with a contemporary aesthetic that distinguishes it from the heritage house, but with traditional materials that allow it to be complementary to the historic structure.

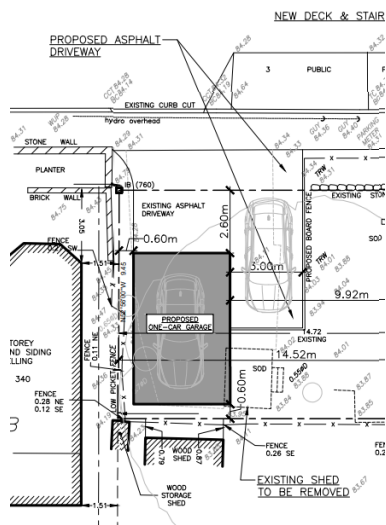
The Allan Street streetscape, which contains numerous heritage properties and is part of the adjacent Old Oakville Heritage Conservation District, will not be impacted by the proposed new addition and detached garage.

Variance #1: Front Yard Encroachment (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum encroachment of 4.82 metres into the minimum front yard for the uncovered platform that is proposed to replace an existing uncovered platform having a height greater than 0.6 metres resulting in a minimum setback of 1.18 metres when the maximum permitted encroachment is 1.5 metres. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the front yard setback continues to be consistent with the setback of the other dwellings along the street. It is staff's opinion that the variance is minor and meets the intent of the Official Plan and zoning by-law and does not result in negative impacts on adjacent or surrounding properties.

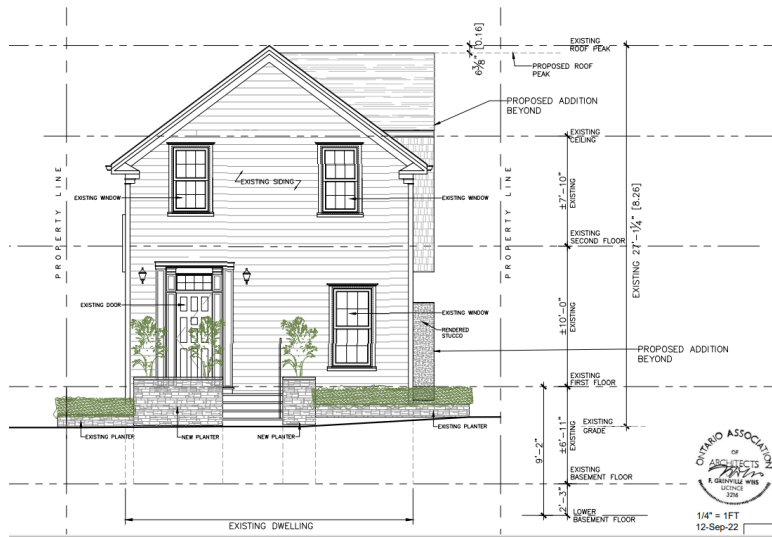
Excerpt of Site Plan prepared by Applicant:

Excerpt of Site Plan prepared by Applicant:



The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum flankage yard setback from 3.0 metres to 1.86 metres for the existing dwelling and 1.5 metres to the proposed addition. The intent of regulating the flankage yard is to ensure adequate separation from the street, provide a safe distance for visibility at the corner and ensure that a dwelling does not dominate the streetscape. In this instance, the existing dwelling has a flankage yard setback of 1.86 metres and the proposed additions will extend 0.36 metres beyond the existing condition. The east elevation provides a visual representation of the projection of the proposed addition beyond the existing condition. Staff are of the opinion that the requested variance is minor and will not have a negative impact on public realm or adjacent or surrounding properties.

East Elevation prepared by applicant:



Variance #4: Accessory Building Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building from 4 metres to 4.2 metres for the detached garage. 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. In this instance, staff are of the opinion that the accessory building will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties.

Variance #5: Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (73.3 square metres) to 37.85% (110.96 square metres) for an increase of 37.66 square metres. The existing dwelling has a lot coverage of 29.8% (87.47 square metres) so an increase of 23.49 square metres is being requested above what is existing. The intent of regulating lot coverage is to prevent the construction of a dwelling that has 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. In this instance, the increase in lot coverage can be attributed to the proposed detached garage. 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.

The applicant is advised that the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #6: Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 30% (87.95 square metres) to 54.18% (158.84 square metres) for an increase of 70.89 square metres. The existing dwelling already has a floor area ratio of 46% (134.89 square metres) so the addition will result in an increase of 23.95 square metres above what is existing. 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.

Residential Floor Area Ratio is a function of the size of the lot and in this instance, this is one of the smaller lots in the area which means there are other dwellings in the area that are larger as they are located on a larger lot. In the context of the area, staff are of the opinion that the dwelling will not appear larger than others in the area and the proposed additions will still maintain the intent of a visually smaller dwelling. It is staff's opinion that the proposed additions allow for the preservation of heritage attributes associated with the existing dwelling while allowing the opportunity for increased usability of the property. The proposal would maintain the character of the neighbourhood and is an appropriate form of development.

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 they result in a dwelling that is in keeping with the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape. Heritage Planning staff have no concerns with the subject application. The proposed works will require a major heritage permit.

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 and accessory building be built in general accordance with the submitted site plan and elevation drawings dated September 12, 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/200/2022 – G. Niblock, 78 Allan Street, Oakville

- 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 an increase in the maximum encroachment into a minimum front yard for an uncovered platform, a decrease in the private garage setback from the flankage lot line, a decrease in the minimum flankage yard, an increase in the maximum height for the accessory building, an increase in the maximum lot coverage, and an increase in the maximum residential floor area ratio, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an accessory building (detached garage), and first and second storey additions to the existing two storey detached dwelling on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 3.

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 and accessory building be built in general accordance with the submitted site plan and elevation drawings dated September 12, 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

Letter of Supports:

November, 2022

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, Ont. L6J- 5A6

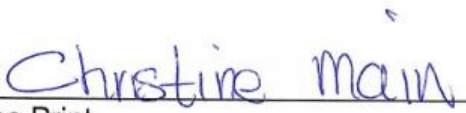
To Whom it May Concern,

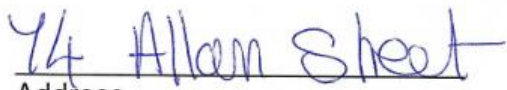
We have reviewed the drawings as shown to us by Mr. Niblock for his proposed addition at 78 Allan Street, Oakville, Ontario.

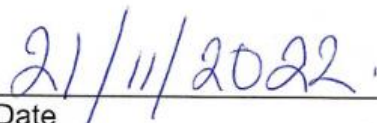
We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,


Signature


Please Print


Address


Date

November, 2022

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, Ont. L6J- 5A6

To Whom it May Concern,

We have reviewed the drawings as shown to us by Mr. Niblock for his proposed addition at 78 Allan Street, Oakville, Ontario.

We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,

Andrea Gardner
Signature

Andrea Gardner
Please Print

340 Robinson St. Oakville
Address

Nov. 18 / 22.
Date

November, 2022

Committee of Adjustment
Corporation Town of Oakville
1225 Trafalgar Road
Oakville, Ont. L6J- 5A6

To Whom it May Concern,

We have reviewed the drawings as shown to us by Mr. Niblock for his proposed addition at 78 Allan Street, Oakville, Ontario.

We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,


Signature

JOANNA de LECQ MARQUERIE
Please Print

333 William Street
Address

18th November 2022
Date