

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/209/2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, DECEMBER 13, 2022 AT 7:00 P.M.

| Owner/Applicant  | Agent  | Location of Land  |
|--|--|---|
| Lula Lekaj<br>1367 Rebecca Street<br>Oakville ON L6L 1Z3 | JD COA Consulting<br>c/o Joseph Domb<br>207-133 Torresdale Avenue<br>North York ON M2R 3T2 | PLAN 641 LOT 9<br>1367 Rebecca Street<br>Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL2-0  
DISTRICT: West

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 rear porch addition to the two-storey detached dwelling under construction on the subject property proposing the following variance:

| No. | Zoning By-law Regulation  | Variance Request   |
|-----|---|--|
| 1   | <b>Section 6.4.2 a) (Row RL2, Column 3)</b> The maximum <i>lot coverage</i> shall be 25% (260.72 m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 1042.86 m <sup>2</sup> ). | To permit the maximum <i>lot coverage</i> to be 28.54% (297.60 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, Policy and Heritage Planning, Urban Design and Development Engineering)

**A/209/2022 - 1367 Rebecca St (West District)** (OP Designation: Low Density Residential)

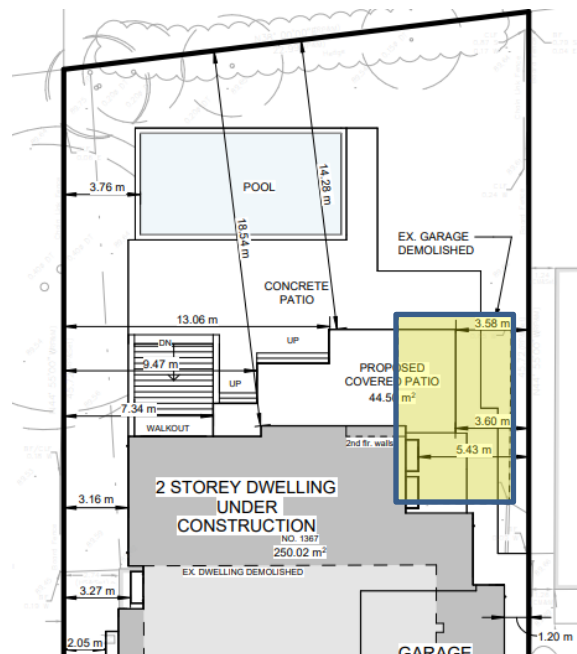
The applicant is proposing to construct a rear porch addition to the two-storey detached dwelling under construction subject to the variance above.

The increase in maximum lot coverage (for all buildings on the lot) from 25% (260.72 square metres) to 28.54% (297.60 square metres) for an increase of 36.88 square metres will not have any visible negative impact from the public realm as the lot coverage is attributed to the rear addition of the proposed covered patio of 44.50 square metres.

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, the variance is minor in nature and appropriate

for the development of the site as there is no negative impact to abutting properties or the streetscape.

**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 the rear porch addition be built in general accordance with the submitted site plan, floor plans and elevation drawings dated October 26, 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

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application.

**Transit:** No Comments Received

**Finance:** None

**Halton Region:**

- 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 lot coverage for the detached dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a rear porch addition to the two-storey detached dwelling under construction on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

**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 rear porch addition be built in general accordance with the submitted site plan, floor plans and elevation drawings dated October 26, 2022.
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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails of Opposition – 1

**From**

**Sent:** Thursday, December 8, 2022 9:30 AM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** File# CAV A/209/2022 (1367 Rebecca Street, Oakville - PLAN641 LOT 9)

I just received the notice for the minor variance. While I have no objections to this request I believe that the Town in granting the minor variance should include a provision that the said rear porch will never be allowed to be enclosed. This condition should be added on title to ensure future owners will abide by the limitation.

Thank you

John Kushar  
1356 Rebecca Street