

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/205/2022

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
Anthony Pollo 167 Reynolds Street Oakville ON L6J 3K8	Stambuk Homes c/o Ozren Stambuk 15 Morland Road Toronto ON M6S 2M7	PLAN 1 BLK 91 PT LOT 1 167 Reynolds Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL4-0  
DISTRICT: East

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>Section 5.8.7 a)</b> 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 3.12 m. metres from the <i>flankage lot line</i> .
2	<b>Table 6.3.1 (Row 4, Column RL4)</b> The <i>minimum flankage yard</i> shall be 1.2 m.	To permit a <i>minimum flankage yard</i> of 3.12 m.
3	<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> 0.67 m.
4	<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> less than 557.5 m <sup>2</sup> shall be 43% (144.34 m <sup>2</sup> ); (Lot area is 335.67 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 63.52% (213.22 m <sup>2</sup> ).
5	<b>Section 6.4.2 a) (Row RL4, Column 3)</b> The maximum <i>lot coverage</i> shall be 35% (117.48 m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> . (Lot area is 335.67 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 40.22% (135.22 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)

### **CAV A/205/2022 - 167 Reynolds St (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 one side of Reynolds Street 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 subject property is designated under Part V of the Ontario Heritage Act as part of the Trafalgar Road Heritage Conservation District. The property has cultural heritage value for its two-storey c.1929 Period Revival style brick house. The proposed new addition is considered to be compatible with the heritage house and satisfies the intent of the Heritage Conservation District Plan. The proposed new addition is to the rear of the heritage house, is lower in height, and improves the Sumner Avenue streetscape by removing the existing one-storey wing next to the existing garage. The overall design of the coach style garage with its wood cladding and simple, traditional details is complementary to, and differentiated from, the heritage house. Heritage Planning staff have no significant concerns with this minor variance application. The proposed work will require a major heritage permit.

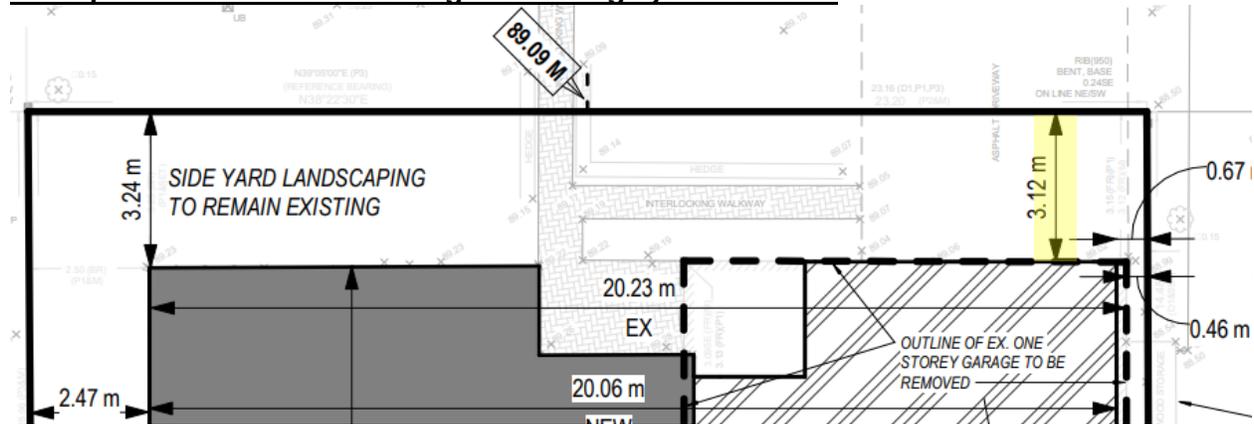
**Variance #1:** Flankage setback from Garage (Supported) & **Variance #2:** Flankage Yard setback (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum flankage yard setback from 5.7 m metres to 3.12 metres and to permit a decrease in minimum flankage yard setback from 3.50 metres to 3.12 metres.

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 setback is 3.15 m and the proposed change is minor from the existing condition having no negative impact on the surrounding properties. Staff are of the opinion that the requested variances are minor and will not have a negative impact on public realm or adjacent or surrounding properties.

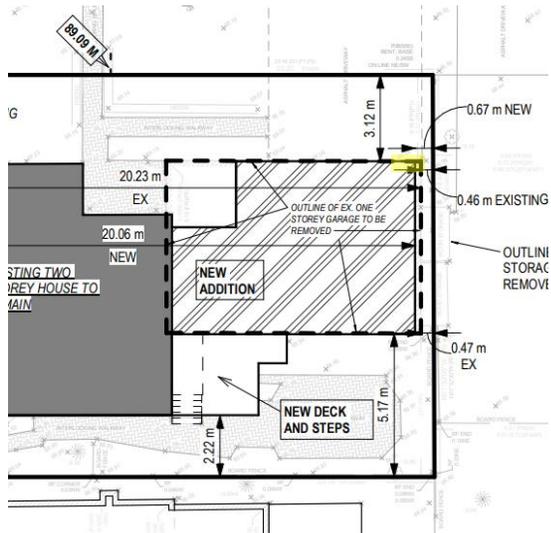
**Excerpt of the Site Plan showing the flankage yard setback:**



**Variance #3: 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 0.67 metres, which is measured from the rear lot line to the proposed garage. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. This property is a corner lot with frontages along Reynolds Street and Sumner Avenue, wherein the interior side functions as the rear yard setback, with an existing setback of 0.46 metres from the rear lot line. The applicant proposes to increase the existing rear yard setback by 0.21 metres,, wherein no windows proposed on the additional storey above the garage, thereby reducing the potential overlook and privacy concerns. Staff are of the opinion that the request for a decrease in the rear yard is minor in nature and meets the intent of the Official Plan and Zoning By-law.

**Excerpt of the Site Plan showing the Rear yard setback:**



#### **Variance #4: Residential Floor Area Ratio (Supported)**

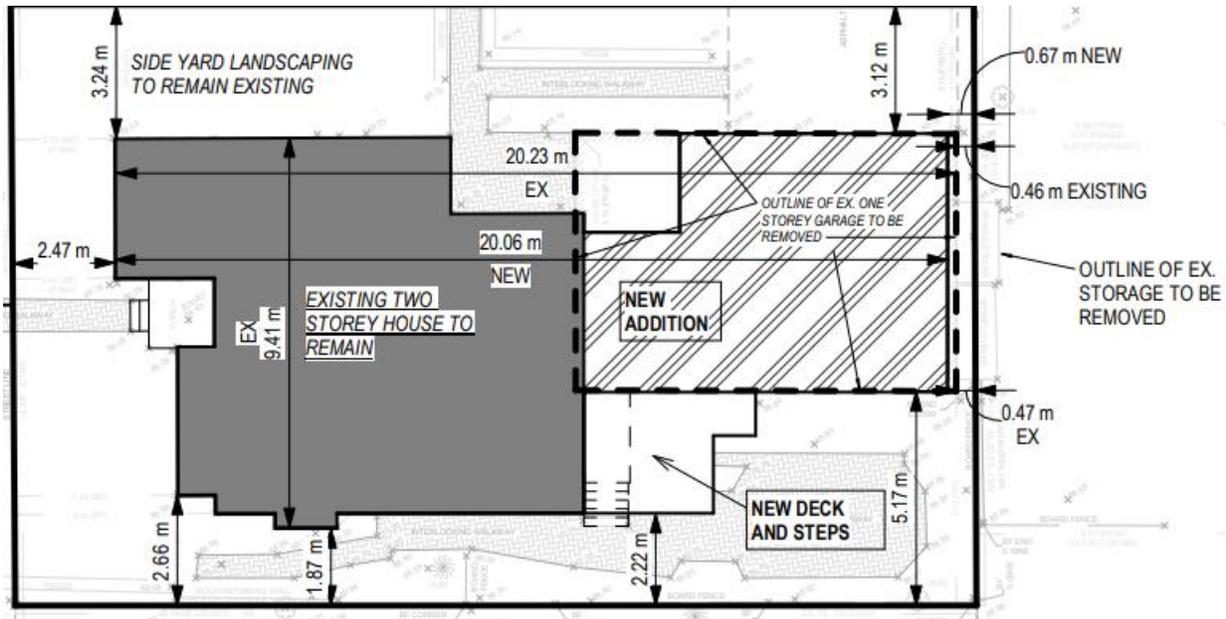
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 43% (144.34 square metres) to 63.52% (213.22 square metres) for an increase of 68.88 square metres. The existing residential floor area for the dwelling is 54.45% (182.78 square metres) and the increase is proposed by 30.44 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 increase in floor area is due to the additions to the existing dwelling which is minor in nature and maintains the heritage character, having no negative impact visually from the public realm and on the adjacent dwellings. Staff are of the opinion that the requested increase in residential floor area 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.

#### **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 35% (117.48 square metres) to 40.22% (135.22 square metres) for an increase of 17.74 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. In this instance, the existing floor area is 42.3% (142.24 square metres) while the proposed lot coverage decreases from the existing by 7.02 square metres, 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.

## Excerpt of the Site Plan by the applicant



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 additions to the existing dwelling be built in general accordance with the submitted site plan and elevation drawings along with 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

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

**Transit:** No Comments Received

**Finance:** None

**Halton Region:**

- As an advisory, the subject site has archaeological potential and 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 private garage setback from the flankage lot line, a decrease in the minimum flankage 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:** No Comments received

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

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

**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 existing dwelling be built in general accordance with the submitted site plan and elevation drawings along with the application.
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 blue ink that reads "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer