

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/025/2021 *Deferred from March 9, 2021*

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 04, 2021 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
JULIAN BEUCK 2137 GHENT AVE BURLINGTON ON, L7R 1Y4	GRAHAM BARRETT 1575 DUNDAS ST W UNIT 2 TORONTO ON, M6K 1T9	1177 SUMMERLEA ST PLAN 716 LOT 68

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2**

**ZONING: RL2-0
DISTRICT: WEST**

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 new two storey detached dwelling on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 b) For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 57.62 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (273.20 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Area of the lot is 1,092.78 m ²).	To permit the maximum <i>lot coverage</i> to be 28.32% (309.43 m ²) 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/025/2021 - 1177 Summerlea St (West District) (OP Designation: Low Density Residential) (*Deferred from March 9, 2021*)

This application is being presented to the Committee for the second time after being deferred at the March 9, 2021 meeting by the applicant due to the comments provided by Conservation Halton. A revised set of plans have been submitted with a slight change to only the front elevation, which maintains the previously requested variances. The Staff comments previously provided remain as follows:

The applicant proposes to demolish the existing dwelling and construct a new two-storey dwelling. The applicant requests the variances listed above.

The neighbourhood consists of one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. There are no sidewalks along Summerlea Street and driveways along the street contain culverts to maintain the drainage patterns within the road allowance. The lotting pattern is fairly consistent throughout the area, which results in a relatively similar built form of new and existing dwellings.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all 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 – Garage Area (Supported)

The request to increase the floor area of the proposed private garage from 45 square metres to 57.62 square metres would be internal to the building due to the double car garage and storage configuration. Therefore, it would not be a visually dominant feature of the dwelling, which meets the intent of the by-law.

Variance #2 – Lot Coverage (Supported)

The request for additional lot coverage from 25% to 28.32% adds an additional 36.23 square metres (389.97 square feet) of covered area. This includes the proposed covered front and rear porches, which contributes 41.61 square metres (447.88 square feet) or 3.8% lot coverage, while the remainder of the proposed dwelling contributes 24.52%. The applicant's pre-submission plans originally consisted of a lot coverage of 30.88%, residential floor area of 38.38%, a large rear yard projection and undesirable two-storey massing on the side elevations. The applicant's plans have been revised to better reflect the Staff feedback. 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. Staff are of the opinion that the current design is appropriate as it would not have a negative impact on adjacent properties or the surrounding area since the covered porches which contribute the additional lot coverage are one-storey elements from a massing perspective. Further, the dwelling incorporates step backs from the first to second floor, dormers with floor space built into the attic area, single storey elements and a multiple mix of materials to visually reduce the mass and scale of the building. Therefore, the request for additional lot coverage would maintain and protect the character of the area.

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 it results 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 to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated 2021-04-06; 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: Comments not received.

Transit : No comments.

Halton Region: CAV A/025/2021 – Julian Beuck, 1177 Summerlea Street, Oakville

- It is understood that this application is a deferral from the March 9, 2021 Committee of Adjustment meeting.
- Provided CH comments have been satisfied by the applicant, Regional Staff still has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum garage floor area, and to increase the maximum lot coverage requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling.

Halton Conservation: Re: Minor Variance Application
File Number: CAV A/025/2021
1177 Summerlea Street, Town of Oakville
Julian Beuck (Owner)

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06**Applicable**

Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances

☐

River and Stream Valley Hazards (flooding/erosion) &/or allowances

☒

Wetlands &/or Other Areas*

☐

Hazardous Lands (Unstable Soil/Unstable Bedrock)

☐

CH Permit Requirements

☒**One Window Delegated Authority under PPS**

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

☒**CA/MOU**

Impacts on Lakes and Rivers

☐

Wildlife Habitat

☐

Endangered & Threatened Species

☐

Fish Habitat

☐

Stormwater Management (as per Schedule I)

☐

Sub-watershed Planning/Master Drainage Planning

☐**Other Comments (as a Public Body)**

Niagara Escarpment Plan

☐

Watershed Plan

☐

Greenbelt Plan

☐

Source Protection Plan

☐

Hamilton Harbour Remedial Action Plan

☐**Proposal**

The applicant is proposing to construct a new two storey detached dwelling, subject to the following variances:

1. To permit the maximum total floor area for the private garage to be 57.62 square metres on a lot having greater than or equal to 12.0 metres in lot frontage instead of the maximum 45.0 square metre total floor area.
2. To permit the maximum lot coverage to be 28.32% (309.43 m²) for the detached dwelling which is greater than 7.0 metres in height instead of the maximum 25% (273.20 m²) lot coverage.

Ontario Regulation 162/06

Pursuant to *Ontario Regulation 162/06*, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is near lands traversed by Fourteen Mile Creek and contains the flooding hazard associated with that watercourse. CH regulates a distance of 7.5 metres from the limit of the flooding hazard for this particular site. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

Proposed Development

It is staff's understanding that the applicant is seeking variances to allow for the construction of a new two storey detached dwelling that exceeds the maximum total floor area for a private garage, and the maximum lot coverage for a detached dwelling greater than 7.0 metres in height. Based on a review of the topographic survey, the proposed dwelling is within the 7.5 metre allowance from the flood plain hazard. Based on CH's regulatory policies, the proposed dwelling can be no closer to the flood hazard than the existing dwelling. As such, the applicant will be required to make minor revisions to the drawings to ensure the western limit of the dwelling is appropriately setback.

CH has no objection to the approval of the requested minor variances, provided that the applicant obtains a CH Permit (Private Landowner – Minor), that incorporates the above revision, prior to the initiation of works.

One Window Delegated Authority under PPS

As per CH Policy 4.2.3, staff work with the applicant and municipality to ensure no new development is permitted within the flooding and erosion hazard limits that would be contrary to the Provincial Policy Statement (PPS) and/or CH Policies. Policy 3.1.1 of the PPS states that “development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.”

Given the above, from a PPS perspective CH raises no concerns with the variances requested through this application.

Recommendation

Per the comments above, CH staff have **no objection** to the approval of this Minor Variance application, subject to the following condition:

1. That, prior to the initiation of works, a **Permit (Private Landowner – Minor)** pursuant to Ontario Regulation 162/06 be obtained from Conservation Halton.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

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 dwelling be built in general accordance with the submitted site plan and elevation drawings dated 2021-04-06; 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 handwritten signature in cursive script, enclosed in a rectangular box. The signature appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment