

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/062/2021**

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
367 DOUGLAS AVE OAKVILLE ON, L6J 3S8	DRAGAN ACIMOVIC D.A. DESIGN 1407 HURONTARIO ST MISSISSAUGA ON, L5G 3H4	367 DOUGLAS AVE PLAN 113 LOT 179

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 3

ZONING: RL3-0 SP10
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 of a one-storey rear addition on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 4, Column RL3) The <i>minimum flankage yard</i> shall be 3.5 m.	To permit a <i>minimum flankage yard</i> of 3.14 m.
2	Section 15.10.1 c) The maximum <i>lot coverage</i> for a dwelling having two storeys shall be 19% (134.18 m ²) (Area of the lot is 706.19 m ²).	To permit the maximum <i>lot coverage</i> to be 26.06% (184.07 m ²)
3	Section 6.5.2 c) For an <i>accessory building</i> located in a <i>rear yard</i> , the <i>minimum yard</i> from any <i>lot line</i> shall be 0.6 metres, provided that the <i>accessory building</i> or <i>structure</i> has a minimum <i>separation distance</i> of 2.0 metres from the <i>dwelling</i> .	To permit the existing <i>accessory building</i> (detached garage) to remain in its present location with a minimum <i>rear yard</i> of 0.35 m.

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/062/2021 - 367 Douglas Ave (East District) (OP Designation: Low Density Residential)
The applicant proposes to construct a rear addition to the existing dwelling. The applicant requests the variance listed above.

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The surrounding neighbourhood contains varying sizes of homes related to the relatively consistent lotting pattern. The established residential area has a sidewalk along both sides of Douglas Avenue and Macdonald

Road at the edge of the boulevards abutting the roads, with large mature trees that provide a significant amount of shade which form a distinct character to the area.

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 – Flankage Yard Setback (Supported)

The request to reduce the flankage yard setback from 3.5 m to 3.14 m, would be measured from the MacDonald Road lot line, to the proposed front addition. The intent of regulating the flankage setback is to ensure that adequate spatial separation is provided from the public realm. It should be noted that the remainder of the proposed dwelling would be setback 3.7 m from the flankage lot line, which is separated from the street by a driveway, the Town boulevard and sidewalk. Therefore, the reduced flankage yard setback will not create any negative adverse impacts on abutting properties or the streetscape, which maintains and protects the character of the area.

Variance #2 – Lot Coverage (Supported)

The request for an increased lot coverage from 19% to 26.06% adds an additional 49.89 square metres (537.01 square feet) of floor area. This includes the existing garage, which contributes 26.97 square metres (290.3 square feet) or 3.82% lot coverage, while the remainder of the proposed dwelling and proposed addition will contribute 22.24%. The additional coverage is proposed to be added to the rear of the existing dwelling and would not cause negative adverse mass or scale impacts in the rear yard noting its proposed one-storey stature. The intent of regulating the lot coverage in the Zoning By-law is to prevent a dwelling from having a mass and scale that appears larger than surrounding dwellings. Therefore, the request for the additional coverage in the rear yard in the form of a one-storey addition is not expected to adversely impact the surrounding neighbourhood or abutting properties, furthermore noting the two-storey home on the adjacent property from a mass and scale perspective.

Variance #3 – Accessory Building Setback (Supported)

The request to permit a reduced setback for the existing accessory building of 0.35 m whereas 0.6 m is permitted, is measured from the rear lot line to the existing garage. The intent of the by-law is to provide adequate access for maintenance and repairs in addition to lot drainage. In this instance, noting that the setbacks are originally existing, it was observed through photos submitted by the applicant prior to submission, that the location of the building is similar to accessory buildings on abutting and nearby properties and a swale is able to be maintained between it and the property lines. Furthermore, the space between the garage and fence appears free and clear of any obstructions, which would allow area to access the garage if repairs or maintenance is required. Therefore, the request for a reduced setback would not cause negative adverse impacts on abutting properties or the subject lands.

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 and accessory building that are 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 additions be constructed and the garage be permitted in general accordance with the submitted site plan and elevation drawings No. 01 dated ARP/21; 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 : CAV A/062/2021 (367 Douglas Ave)

Oakville Transit staff would like to remind the applicant that Macdonald Road is an existing transit corridor. Any existing bus stop locations will remain. New bus stop locations and amenities can be installed at any time. Existing bus stop is located on Macdonald Road between Douglas Avenue and Watson Avenue, within 50m from the site.

Halton Region: CAV A/062/2021 –
Oakville

367 Douglas Avenue,

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the lot coverage requirement, and to reduce the minimum yard requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a single-storey rear addition onto the rear of an existing two-storey detached dwelling on the subject property, and also to permit the existing location of a detached garage.

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 be constructed and the garage be permitted in general accordance with the submitted site plan and elevation drawings No. 01 dated ARP/21; 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