

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/028/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M

Owner (s)	Agent	Location of Land
MYLES GALLOWAY HEATHER O'BRIAN	MATTHEW FRATARCANGELI TENHOUSE BUILDING WORKSHOP 107 GLADSTONE AVE HAMILTON ON, L8M 2H8	1314 ROYLEN RD PLAN M34 PT LOT 173

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5**

**ZONING: RL7 SP 78
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 an accessory dwelling unit on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 5.2.1 (Rows 15 and 16)</i> The minimum number of parking spaces required on the lot shall be 2.0 for a detached dwelling plus 1.0 for an accessory dwelling unit for a total of 3.0 parking spaces.	To decrease the minimum number of parking spaces to 2.0.

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/028/2024 – 1314 Roylen Road (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct an accessory dwelling unit within the existing semi-detached dwelling, subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential within the Official Plan. Section 11.1.3 of the Livable Oakville Plan provides policies enabling the creation of second units within the Town and through regulations in the Zoning By-law. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of the Zoning By-law provision for minimum parking spaces for dwellings and accessory dwelling units is to ensure that all parking needs can be accommodated on each individual lot as intended, with no negative impacts on neighbouring property owners, and to ensure the availability of shared on-street parking for the community.

Staff note that on-street parking is permitted within the immediate area of the subject lands, being on the west side of Roylen Road. There is also one bus stop located within a five-minute walk of the subject lands (Culham Street & Oxford Avenue). The subject lands are also in close proximity to the Town's comprehensive network of bike lanes and multi-use trails, which provides easily accessible active transportation infrastructure. The Sixth Line and McCraney Street bicycle lanes are located near the subject lands and provide multiple connections throughout the Town. The Upper Middle Road West Multi-Use Trail also provides adequate connections throughout the Town for active transportation users. Given the foregoing, no off-site impacts are expected, or non-compliance with the Town's Parking By-law (2015-071). Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The accessory dwelling unit be constructed in general accordance with the submitted site plan and elevation drawings dated December 4, 2023; 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.

Fire: No concerns for fire.

Transit : Comments not received.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Halton Region: 6.3 CAV A/028/2024 – H. O'Brian & M. Galloway, 1314 Roylen Road, Oakville

- 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 minimum number of parking spaces, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of an accessory dwelling unit on the Subject Property.

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. The accessory dwelling unit be constructed in general accordance with the submitted site plan and elevation drawings dated December 4, 2023; 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