

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/101/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 26, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Yahya Mowiena & Nouran Hafez	Can-America Engineering Inc c/o Sam Ibrahim 3970 Eglinton Avenue West Mississauga ON L5M 2R9	PLAN M701 PT BLK 18 RP 20R13413 PART 1 165 Gatwick Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential
WARD: 5

ZONING: RUC
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 second-floor addition to the existing accessory building (detached garage) and an accessory dwelling unit on subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Table 5.2.1 (Row 15)</i> Accessory dwelling units require 1.0 additional parking space.	To require no additional parking spaces for the accessory dwelling unit.
2	<i>Section 6.3.7 (Row 13) Footnote (5)</i> The maximum height for an accessory structure shall be reduced to 3.5m when the lot depth is less than 29.0 meters.	To increase the maximum height of the accessory structure to 6.17m.

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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on June 26, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

CAV A/101/2024 - 165 Gatwick Dr (East District) (OP Designation: Medium Density Residential)

The applicant proposes to construct a second-floor addition to the existing accessory building (detached garage) and an accessory dwelling unit, subject to the variances 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:

Site Area and Context

The area is characterized by detached and semi-detached 2-3 storey dwellings with detached garages accessed by rear lanes. Many of the garages in the area have detached garages with additional space above the garage.



Detached garages fronting on Lane 1 – Photo taken June 14, 2024

It is also noted that on August 11, 2015, 164 Littlewood Drive which is located across the lane from the subject property, received variances to allow for a height of 6.09 metres where 3.5 metres is required and to permit a flankage setback of 1.75 metres where 2.0 metres is required.



164 Littlewood Drive detached garage – taken June 14, 2024

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

The subject property is designated Medium Density Residential and permits dwellings that are 2-4 storeys. The area is characterized by detached garages and many that have second storey additions. Staff are of the opinion that the variances maintain the general intent and purpose of the Official Plan.

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

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Accessory Dwelling Unit Parking

The applicant requests relief from the By-law No. 2014-014, as amended, to not require an additional parking space for an accessory dwelling unit. In the Uptown Core area, it is typical for detached garages on corner lots to have second storey additions that could accommodate an accessory dwelling unit since they typically have the space for an additional parking space next to the detached garage in the flankage yard. In this instance, the potential parking space is obstructed by a light pole, as shown in the photo below, resulting in an undersized parking area. Beyond these physical constraints, the parking requirements for the accessory dwelling unit will be influenced by market demand and mitigated by the availability of nearby transit options and multi-use trails.



Location of prosed addition – photo taken June 14, 2024

Variance #2 – Height of an accessory building (No Objection) - increase from 3.5 to 6.17m

The applicant requests relief from the By-law No. 2014-014, as amended, to allow for an increase in maximum height for an accessory building. Typically, within the Residential Uptown Core (RUC) Zone, the maximum height for an accessory building is 5.5 metres; however, in this instance since the lot has a depth less than 29 metres the height is capped at 3.5 metres. The applicant is requesting a maximum height of 6.17 metres which is 0.67 metres higher than other lots with units above their detached garage with a lot depth of 29 metres or greater. Staff are of the opinion that the proposed variance meets the intent 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 variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

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

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 27, 2024; 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 Concern for Fire.

Oakville Hydro: We do not have any comments or concerns for this minor variance application.

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to require no additional parking spaces for the accessory dwelling unit and to permit an increase in the maximum height of the accessory structure, under the requirements of the Town of Oakville Zoning By-law, for the purposes of constructing a second-floor addition to the existing accessory dwelling unit on the Subject Property.

Union Gas: No Comments received

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, 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.

- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - 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.
 - 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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 27, 2024.
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".

Heather McCrae, ACST
Secretary-Treasurer