

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/093/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 12, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Dolman Holdings Inc c/o Linda Dolman	A. Soppelsa Architect Inc c/o Alessia Soppelsa 12 Paulson Road York ON M6M 2H3	PLAN 1 BLK 13 PT LOT A RP 20R9403 PART 1 75 Navy Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Main Street 1 ZONING: CBD Central Business District
WARD: 3 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 an addition to the existing building on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 8.3.1, Row 6, Column CBD</i> The minimum interior side yard abutting a lot in any Residential Zone shall be 3.0m.	To reduce the interior side yard to 2.608m.

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 12, 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. The following comments are provided:

CAV A/093/2024 - 75 Navy St (East District) (OP Designation: Main Street 1)

The applicant proposes to permit an extension to the existing elevator shaft of the building, so as to accommodate a deeper elevator cab, subject to the variance listed above. The minor variance application was also reviewed by Heritage Planning Staff as this building is designated under Part IV of the *Ontario Heritage Act* by By-law 1983-189.

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?

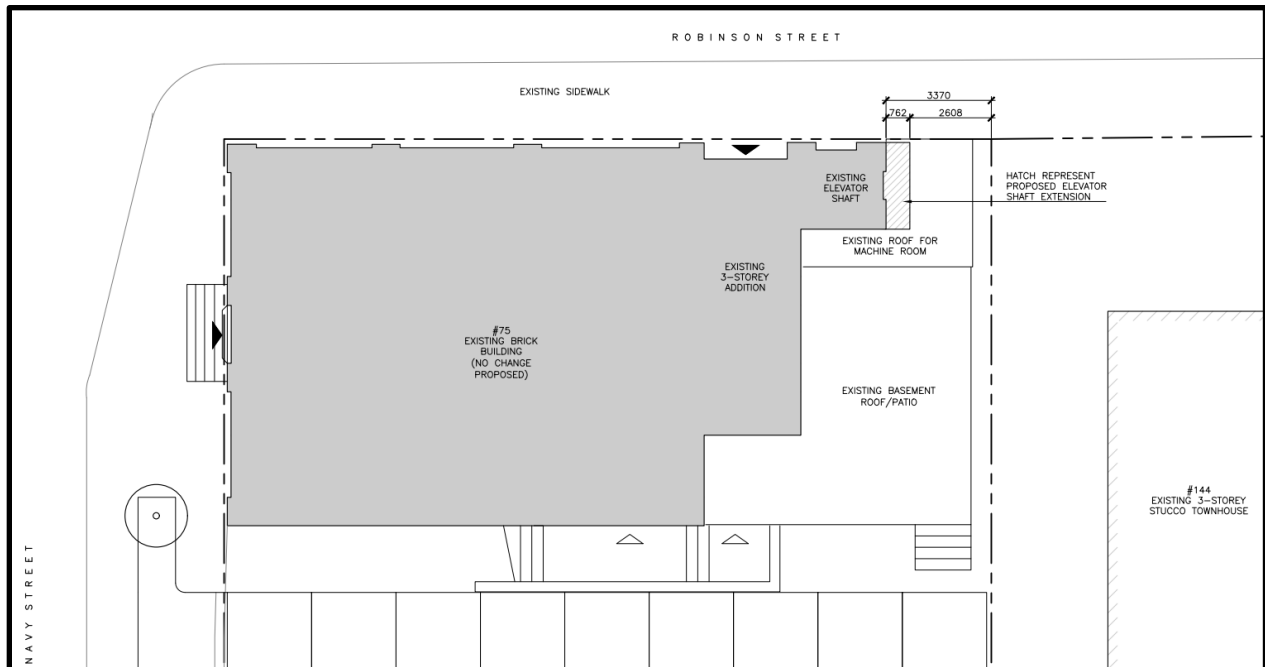
The subject property is designated Main Street 1 within the Official Plan. Development is required to be evaluated using the criteria established in Section 12.2. The proposal complies with Livable Oakville.

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 – Interior Side Yard Setback (No Objection)

The intent of regulating the interior side yard setback is to ensure adequate spatial separation between dwellings and to limit any negative impacts on drainage. The variance results in a reduction to the minimum required side yard setback of about 0.392 metres; from 3.0 metres to 2.608 metres. Additionally, the existing elevator shaft is located at the easternmost portion of the building. The proposal will result in an extension to the front main wall of the building of approximately 0.76 metres along the Robinson Street frontage. The proposed addition, being the extension of the elevator shaft to accommodate the larger elevator cab, is the only work associated with this minor variance application.



It is recognized that this proposed addition would not significantly impact the public realm, and the exterior of the elevator shaft is intended to be finished in the same material and colour as exists today.

Staff also requested the applicant retain the existing windows along the portion of the exterior main wall that encloses the elevator shaft, as the original plan contemplated their removal for the proposed building addition. The applicant agreed to retain and incorporate these windows in this section of the building to help provide visual interest along Robinson Street, and to both protect and enhance the existing heritage features of the designated portion of the building.



Google Streetview image of the existing windows that will now be retained as part of the proposed building addition.

As such, new elevation drawings will need to be submitted at building permit stage showing these windows to be included as part of the proposed building addition. Likewise, a corresponding condition of approval is to be added ensuring they are retained. Staff are of the opinion that the requested variance 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.

Heritage Planning Comments:

The subject property is designated under Part IV of the Ontario Heritage Act by By-law 1983-189. The existing elevator shaft to the rear of the building is an addition to the heritage building and has no cultural heritage value. Heritage Planning staff are therefore supportive of its removal, expansion and/or reconstruction. However, a heritage permit is required for this work. Through that process, staff would like to ensure that the north elevation of this wing retain non-functioning windows to provide interest along this wall. Staff have no concerns with the subject minor variance application.

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. That the proposed addition be built in general accordance with the submitted site plan dated February 8, 2024.
2. That the proposed addition shall maintain the existing windows along the portion of the exterior main wall that encloses the elevator shaft, and that updated elevation drawings be submitted to the satisfaction of the Director of Planning Services.
3. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

Fire: May 30/24 - Proposal to reduce sideyard for exterior elevator does not have impact to access or exposure concerns. Corner unit with driveway access to parking area. (JRO).

Oakville Hydro: Extra precaution will be required when extending the elevator shaft at 75 Navy Street due to the hydro service entering the property on that side of the lot. The appropriate Hydro locates are required to confirm the possibility of any underground plant prior to the commencement of construction.

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 permit a reduction to the interior side yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting an extension to the elevator shaft on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: One

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 proposed addition be built in general accordance with the submitted site plan dated February 8, 2024.
2. That the proposed addition shall maintain the existing windows along the portion of the exterior main wall that encloses the elevator shaft, and that updated elevation drawings be submitted to the satisfaction of the Director of Planning Services.
3. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email in Support – 1

May 30, 2024

Town of Oakville

Committee of Adjustment

Sent by Email: coarequests@oakville.ca

Re: CAV A/093/2024 – 75 Navy Street

We live at 65 Navy Street in the Old Oakville Heritage District, immediately south of 75 Navy Street.

It is our understanding that an application for a minor variance is coming before the Committee of Adjustment on June 12, 2024 for 75 Navy Street, the important historic Part IV designated Murray House.

From reviewing the drawings, it is our understanding that the application is to reduce the interior eastern side yard to 2.608 m (current zoning is 3.0 m) in order to expand the current elevator shaft structure slightly. From the drawings it is our understanding that there is no intention to change the roof height of the current structure, that stucco on this portion of the building will be replaced and matched to its current colour., and the windows on the north elevation will be retained to continue compatibility on the Robinson Street side of the historic brick building.

On this basis, we support the request for minor variance.

Respectfully submitted,

Jane Hawkrigg & Jamie Macrae

65 Navy Street, Oakville