

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/104/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 07, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Alan Oliver	Tomasz Goral 720 King St W Unit 411 Toronto ON, CANADA M5V 3S5	433 Allan St PLAN 127 LOT 59

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3**

**ZONING: RL3-0, sp:10
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 to permit a two-storey addition to the existing dwelling and the existing accessory building on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 15.10.1 c)</i> The maximum lot coverage shall be 19% for a dwelling having two storeys.	To increase the maximum lot coverage to 29.23%.

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 August 7, 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/104/2024 - 433 Allan St (East District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey addition to the existing dwelling and to permit an existing accessory building, subject to the variance listed above.

Site Area and Context

The subject property is located in an established neighbourhood consisting of one, two, and two-and-a-half storey detached dwellings with single storey front porch elements, lowered roof lines, and both attached and detached garages. The property is located approximately 115m south of the Midtown Oakville Growth Area. The site is Zoned RL3-0; SP:10. Special Provision 10 (SP:10) permits a maximum lot coverage of 25% for single-storey detached dwellings and a maximum lot coverage of 19% for two-storey detached dwellings as shown in the image below. The subject property currently consists of a single-storey detached dwelling with a single-storey accessory building in the rear yard. The existing lot coverage of the subject site is approximately 23.23% which includes the accessory building (4.99% lot coverage), and the single-storey dwelling (18.24% lot coverage).



Aerial Photo – 433 Allan Street

10	Former Detached Dwellings R10 Zone	Parent Zone: RL3-0
Map 19(8)	(Part of Lot 11, Concession 4 S.D.S. and Part of Lots 12 and 13, Concession 3 S.D.S.)	(1984-49) (1989-209) (1999-78) (2016-013)
15.10.1 Zone Provisions		
The following regulations apply:		
a)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having one <i>storey</i>	25%
b)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having one and one half <i>storeys</i>	22%
c)	Maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i>	19%
d)	Minimum <i>lot depth</i>	30.0 m
e)	Maximum total <i>floor area</i> for a <i>private garage</i>	38.0 sq.m
f)	Minimum <i>interior side yard</i> for a <i>detached dwelling</i> having one and one half <i>storeys</i> and an attached <i>private garage</i>	1.5 m on both sides
e)	Minimum <i>interior side yard</i> for a <i>detached dwelling</i> having two <i>storeys</i> and an attached <i>private garage</i>	1.8 m on both sides

Special Provision 10



433 Allan Street – Existing Detached Dwelling

The applicant proposes to construct a two-storey addition to the existing one-storey detached dwelling which comprises of a carport, a one-car garage, and a second floor living space above the new carport, garage, and part of the detached dwelling as shown in the proposed front elevation below.



Proposed Front Elevation – 433 Allan Street

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. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is suggested that the applicant consider shifting the entire second storey of the addition to cover the footprint of the existing dwelling, while maintaining the proposed carport and attached garage at a single storey to help balance the massing, resulting in a more harmonious width-to-height proportion.

Notwithstanding the above, it is staff's opinion that the proposal as described above maintains the general intent and purpose of the Official Plan.

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

Variance #1 – Maximum Lot Coverage (No Objection) – increased from 19% to 29.13%
The intent of the Zoning By-law provision for regulating the maximum 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. As mentioned above, the subject property has an existing lot coverage of 23.23% (174.6 m²) which includes 18.24% (137.12 m²) of lot coverage for the main dwelling, and 4.99% (37.48 m²) of lot coverage for the accessory building. The proposed lot coverage of 29.23% is the result of a new carport and garage which is approximately 6% (45.10 m²) of the total lot coverage. The total proposed lot coverage of the main dwelling excluding the accessory building is approximately 24.24% (182.22 m²). For context, it is noted that the subject property abuts two storey dwellings, and the proposed addition would not extend past the existing dwelling. Staff is of the opinion that the massing and scale of the proposed dwelling is comparable to other dwellings in the neighbourhood and therefore, the proposed 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 on 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 dwelling be constructed in general accordance with the submitted site plan dated June 8, 2024, and elevation drawings dated April 29, 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.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received

Metrolinx: 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 an increase to the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey addition to the existing dwelling and the existing accessory building on the Subject Property.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

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. The dwelling be constructed in general accordance with the submitted site plan dated June 8, 2024, and elevation drawings dated April 29, 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.



Jennifer Ulcar
Secretary-Treasurer