

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAVA/117/2024

RELATED FILE: N/A

DATE OF MEETING:

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

Applicant / Owner	Authorized Agent	Subject Property
Lin Zhai	Alex Temporale ATA Architects Inc. 3221 North Service Rd Burlington ON, Canada L7N 3G2	93 Second St PLAN 19 PT LOT 32 RP 20R1932 PART 1

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

**ZONING: RL3, sp:12  
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 new attached private garage and main floor and second floor additions to the existing detached dwelling on subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 5, Column RL3)</i> The minimum interior side yard shall be 1.2 m.	To reduce the minimum easterly interior side yard to 0.68m.
2	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5m.	To reduce the minimum rear yard to 4.23m.

## 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 21, 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/117/2024 – 93 Second Street (East District) (OP Designation: Low Density Residential)**

The applicant proposes to construct a two-storey addition to the existing dwelling and a new attached private garage, subject to the variances listed above.

**Site Area and Context**

The subject property is located in an established neighbourhood consisting of one and two-storey detached dwellings with single storey front porch elements, lowered roof lines, and both attached and detached garages. The subject property currently consists of a two-storey detached dwelling with a single-storey partially enclosed carport. The subject property is also designated under Part V of the *Ontario Heritage Act* as part of the First and Second Street Heritage Conservation District. A heritage permit is required for the proposed works. The applicant had a pre-consultation meeting with Heritage Planning staff and members of the Heritage Oakville Advisory Committee which resulted in positive feedback. Heritage Planning staff have no issues with the proposed variances and will be bringing the heritage permit application for the subject property to the September 17, 2024, Heritage Oakville Advisory Committee meeting for their consideration.

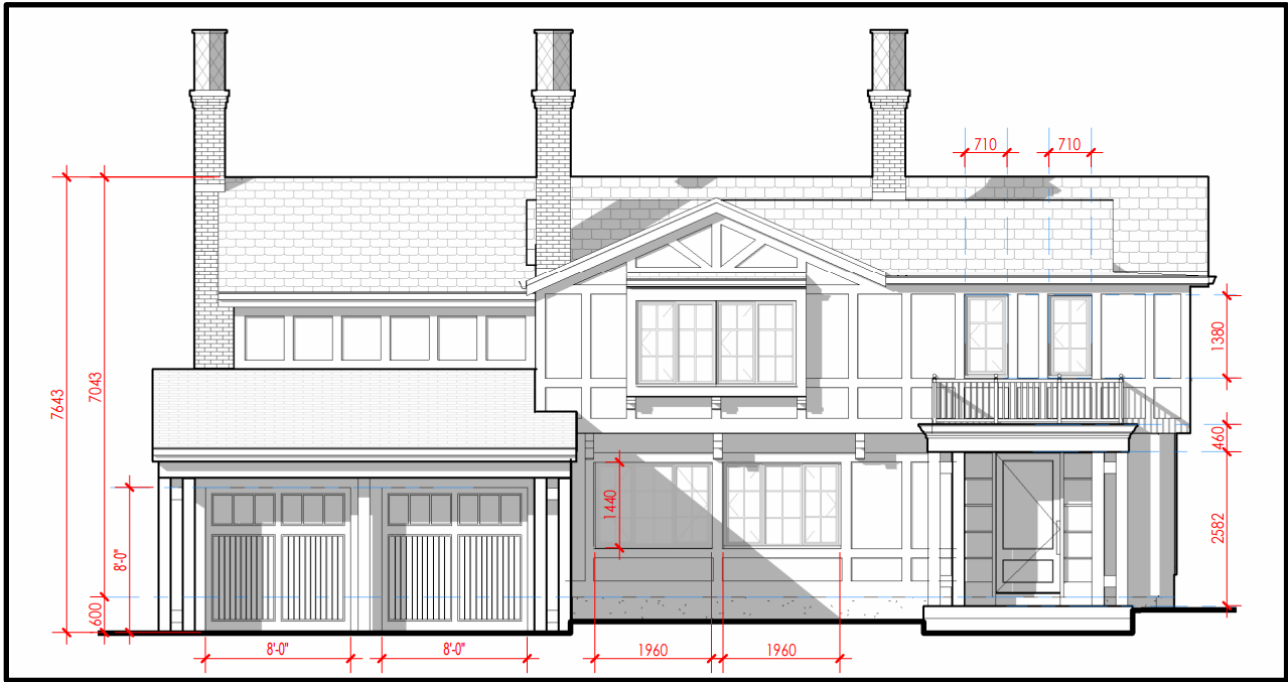


*Aerial Photo – 93 Second Street*



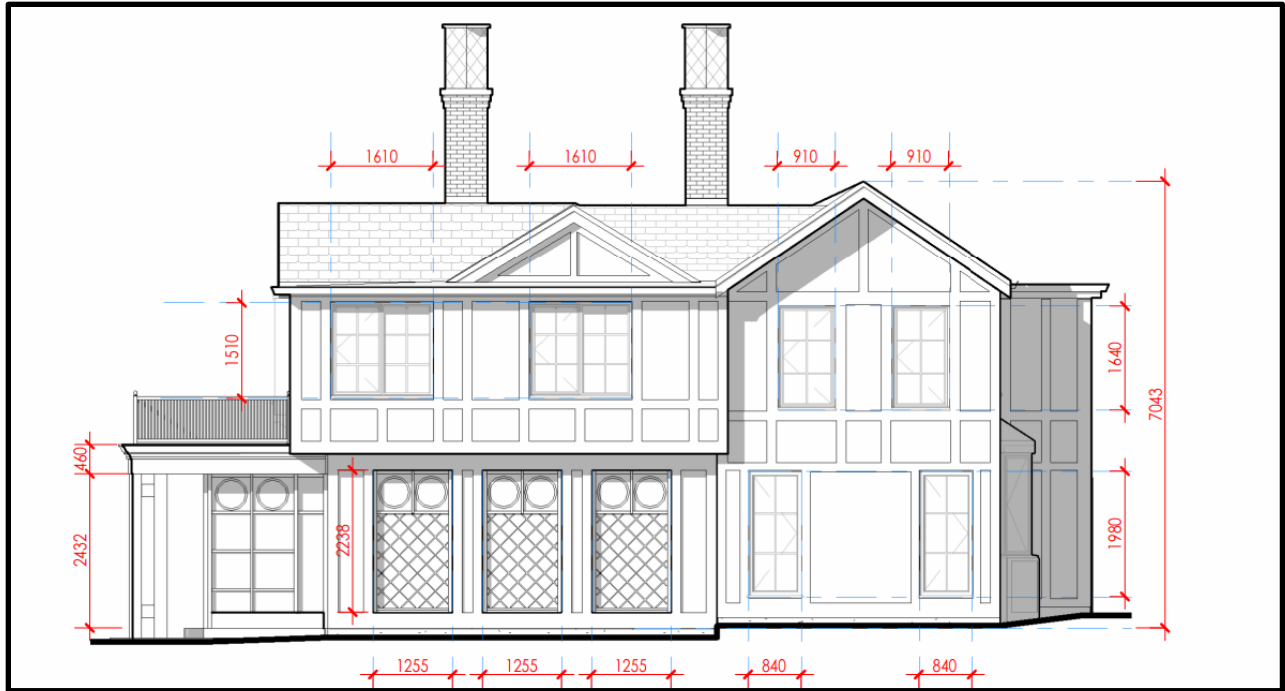
93 Second Street – Existing Detached Dwelling

The applicant proposes to construct a new 2-car integral garage and a two-storey addition to the existing dwelling which comprises second floor living space above a portion of the new garage and part of the detached dwelling as shown in the proposed elevations and rendering below.



Proposed Lakeshore Road East Elevation (North Elevation) – 93 Second Street





Proposed Second Street Elevation (West Elevation) – 93 Second Street



Proposed Architectural Rendering – 93 Second 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 staff's opinion that the proposal 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** – Minimum Interior Side Yard (No Objection) – decreased from 1.2 metres to 0.68 metres

**Variance #2** – Minimum Rear Yard (No Objection) – decreased from 7.5 metres to 4.23 metres

The intent of the Zoning By-law provision for regulating the interior side yard is to ensure adequate spatial separation between dwellings and to limit negative impacts on drainage. The intent of the Zoning By-law provision for minimum rear yard setback is to ensure that an adequate rear yard amenity space is provided, and to reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. The proposed ground floor and second floor addition is to be constructed overtop the current stairway that provides access to the rear yard from the below grade basement level. This stairway is to be enclosed as part of the proposed addition, but no works will extend beyond this existing structure. The current rear yard setback to the uncovered basement stairs is 4.23 metres, meaning the proposed addition maintains this existing setback condition. Additionally, the current interior side yard setback to the partially enclosed car port is 0.68 metres from the east lot line. The new integral two-car garage will be setback the same distance as the existing structure. The proposed works are to maintain an existing setback condition on the property and Staff is of the opinion that the proposed variances maintain the general intent and purpose of the Zoning By-law. Staff note that the subject lands are located within the Bill 97 buffer area. Therefore, the proposal will require a Minor Site Plan approval.

## 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 on adjoining properties or the existing neighbourhood character.

### Recommendation:

Staff do not object to the proposed variances. 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 and elevation drawings, and the approved Heritage Permit.

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

**Heritage:** This property is designation under Part V of the Ontario Heritage Act as part of the First and Second Street Heritage Conservation District. A heritage permit is required for the proposed works. The applicant has had a pre-consultation meeting with Heritage Planning staff and members of the Heritage Oakville Advisory Committee which resulted in positive feedback. Heritage Planning staff have no issues with the proposed variances and will be bringing the heritage permit application for the subject property to the September 17, 2024 Heritage Oakville Advisory Committee meeting for their consideration.

**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 decrease to the rear yard setback and the side yard setback, 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’ 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.

- Archeological Potential

The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. However, the subject lands have been disturbed with the existing development, as such, an archaeological assessment would not have been required.

As a caution, however, please note that during any development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must be notified immediately ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)). If human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, to be consulted.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** 2

**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 and elevation drawings, and the approved Heritage Permit.
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.



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Jennifer Ulcar  
Secretary-Treasurer

Attachment:  
Letters in Support – 2



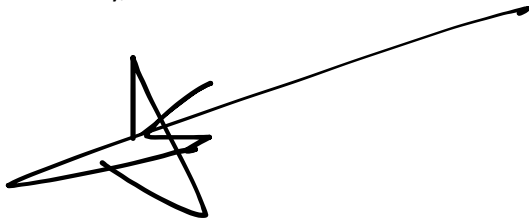
**Committee of Adjustment**

**Re: 93 Second Street, Oakville  
House Renovations and Additions**

To Whom it May Concern,

I have reviewed the drawings of the addition of a second-floor bedroom and the replacement of an existing carport with a fully enclosed garage and I have no objections to the proposal, or the variances applied for.

Yours truly,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Jas & Shelli Brar



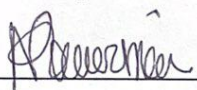
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Nicole Lauermeier & John Donny

Address

