

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/132/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, SEPTEMBER 18, 2024 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
D. Grabke S. Grabke	Rick Mateljan SMDA 1492 Wallace Rd Unit 9 Oakville ON, Canada L6L 2Y2	PLAN 113 LOT 50 331 Allan St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0 sp:10, Residential

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 a two-storey detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

Current zoning by-law requirements	Variance request
<i>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 25.41%.

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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on September 18, 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/132/2024 – 331 Allan Street (East District)

(OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a new two-storey detached dwelling on the subject property, 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?

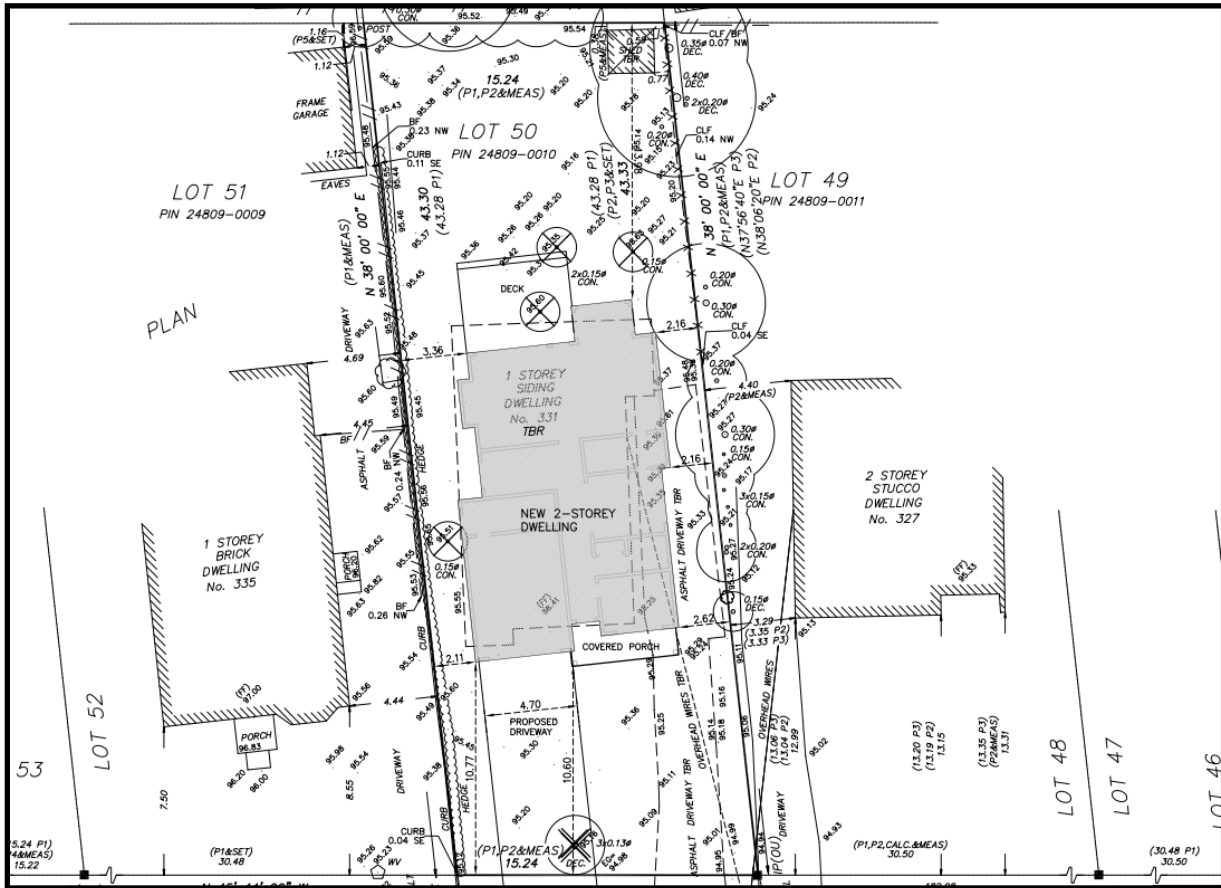
The subject property is designated Low Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposed dwelling incorporates many design elements that help to reduce the overall scale and massing impacts. These include: stepping back a portion of the second floor at the rear of the dwelling to limit shadowing and overlook conditions on adjacent properties, having no open-to-below areas, the inclusion of a one-storey front porch element and lowered roof lines which help to break up the massing of the dwelling and creates some articulation and interest along the front façade, and finally, the addition of dormer type architectural features on the portion of the second storey visible from the public realm, to help de-emphasize the height and scale of the dwelling. These design features assist in limiting any undue massing or visual impacts on abutting properties or the surrounding area. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville.

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

Variance #1 – Lot Coverage (No Objection) – increased from 19% to 25.41%

The intent of the Zoning By-law provision for lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The subject lands are located within the Brantwood neighbourhood (RL3-0 SP: 10) which has seen past variance approvals for increases in maximum lot coverage to approximately 25%.

The applicant has incorporated one-storey architectural elements and features including the front porch/entryway design, and exterior window treatments, in addition to the lowered roofline of the second storey along the front façade to help mitigate massing and scale impacts from the public realm. Additionally, placement of the dwelling provides side yard setbacks that are greater than the minimum required, and the increase in lot coverage does not present any adverse impacts to grading and drainage for the site or the surrounding area. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.



Site Plan Excerpt – 331 Allan Street



Front Elevation – 331 Allan Street

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 two-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated July 14, 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 Concerns for Fire.

Oakville Hydro: No comments to add.

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 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 detached dwelling 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). 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.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.
- 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 two-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated July 14, 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.



Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment