

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/142/2024

RELATED FILE: N/A

DATE OF MEETING: October 2, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
S.MCKENZIE C. TAYLOR	Emelie Vea John Willmott Architect Inc 594 Chartwell Road Unit 3 Oakville ON, CANADA L6J 4A5	PLAN 1 BLK 104 PT LOTS 5,6 30 Chisholm St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL5-0
DISTRICT: West

APPLICATION:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a one storey addition to the dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 6.3.1 (Row 4, Column RL5)</i> The minimum flankage yard shall be 3.5 m.	To reduce the minimum flankage yard to 2.54 m.
2	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area less than 557.5 m ² shall be 43%.	To increase the maximum residential floor area ratio to 43.56%.
3	<i>Section 6.4.2 a) (Row RL5, Column 3)</i> The maximum lot coverage shall be 35% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 36.32%.

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)

CAV A/142/2024 - 30 Chisholm Street (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of an addition to the existing detached dwelling on the subject property, 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:

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 and 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 addition incorporates features to blend it into the existing dwelling that contains many design elements that help to reduce the overall scale and massing impacts. Being one-storey in height and having a lowered roof line extending from the second storey, it assists in limiting any undue massing or visual impacts on abutting properties or the surrounding area. Staff are 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 – Flankage Yard (No Objection) – decreased from 3.5 m to 2.54 m

Variance #2 – Residential Floor Area (No Objection) – increased from 43% to 43.56%

Variance #3 – Lot Coverage (No Objection) – increased from 35% to 36.32%

The intent of the Zoning By-law provisions for residential floor area and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The existing dwelling further to the proposed one-storey addition, contains architectural elements such as multiple single-storey portions and design features found on surrounding dwellings to help maintain the character of the area. Additionally, the proposed flankage yard setback maintains ample landscape and amenity space separating the proposed addition from the public realm. 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.

Recommendation:

Staff do not object to the proposed development. Should this Minor Variance request be approved by the Committee, the following conditions are recommended:

1. That the addition be constructed in general accordance with the submitted site plan and elevation drawings dated July 11, 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.

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 decrease to the minimum flankage yard to 2.54 m, an increase to the maximum residential floor area to 43.56% and an increase to the maximum lot coverage to 36.32%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a one-storey addition to the dwelling on the Subject Property.
- **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.

Halton Conservation: No comments received

Bell Canada: No comments received

Trans Canada Pipeline : No comments received

CNR: No comments received

Union Gas: No comments received

Letter(s) in support – 3

Date: Sept 11/24

Committee of Adjustment
Town of Oakville
1225 Trafalgar Road, P.O. Box 310
Oakville, ON
L6J 5A6

Dear Members of the Committee:

**Regarding: Application for Minor Variance
 30 Chisholm Street**

I/We are aware of the above noted application for minor variance(s) submitted by the Owners Stuart McKenzie and Christine Taylor.

Having reviewed the design drawings proposed for the new addition and the minor variances requested, I/we do not have any objection to the request for minor variance(s) and therefore support the application as presented.

Sincerely,

Anna Keaney

Jim Keaney

Name(s) (print)

 A Keaney

 JK

Signature(s)



Date: 11-09-24

Committee of Adjustment
Town of Oakville
1225 Trafalgar Road, P.O. Box 310
Oakville, ON
L6J 5A6

Dear Members of the Committee:

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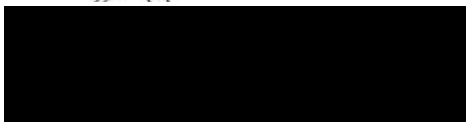
Having reviewed the design drawings proposed for the new addition and the minor variances requested, I/we do not have any objection to the request for minor variance(s) and therefore support the application as presented.

Sincerely,

JOHN ENGANO
Name(s) (print)

MARY ENGANO
MEY

[Signature]
Signature(s)



Date: 2024-09-11

Committee of Adjustment
Town of Oakville
1225 Trafalgar Road, P.O. Box 310
Oakville, ON
L6J 5A6

Dear Members of the Committee:

Regarding: **Application for Minor Variance**
30 Chisholm Street

I/We are aware of the above noted application for minor variance(s) submitted by the Owners
Stuart McKenzie and Christine Taylor.

Having reviewed the design drawings proposed for the new addition and the minor variances
requested, I/we do not have any objection to the request for minor variance(s) and therefore
support the application as presented.

Sincerely,

M. Seliskar & L. Markowitz
Name(s) (print)

M. Seliskar
Signature(s)



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, 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 addition be constructed in general accordance with the submitted site plan and elevation drawings dated July 11, 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.

Sharon Coyne
Sharon Coyne
Assistant-Secretary Treasurer
Committee of Adjustment