

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/145/2024

RELATED FILE: N/A

DATE OF MEETING: October 2, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
RUTNAISH PRIHAR  A. PRIHAR	N/A	PLAN 1009 LOT 83 349 Gloucester Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential Special Policy Area

ZONING: RL1-0

WARD: 3

DISTRICT: East

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### 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 variances to Zoning By-law 2014-014:

<b>Current zoning by-law requirements</b>	<b>Variance request</b>
<i>Section 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 74.2 square metres.

### 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/145/2024 – 349 Gloucester Avenue (East District)** (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling subject to the variance listed above.

**Site Area & Context**

The neighbourhood is predominantly characterized by two-storey detached dwellings of varying architectural styles as shown in the photos, below:



*335 Gloucester Avenue*



*346 Gloucester Avenue*

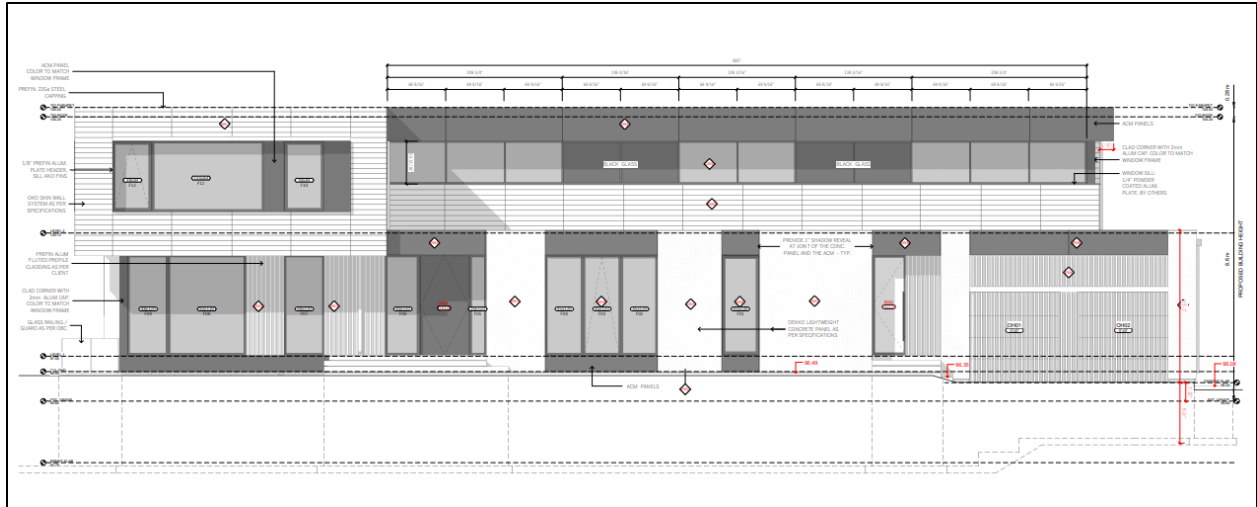


*342 Gloucester Avenue*

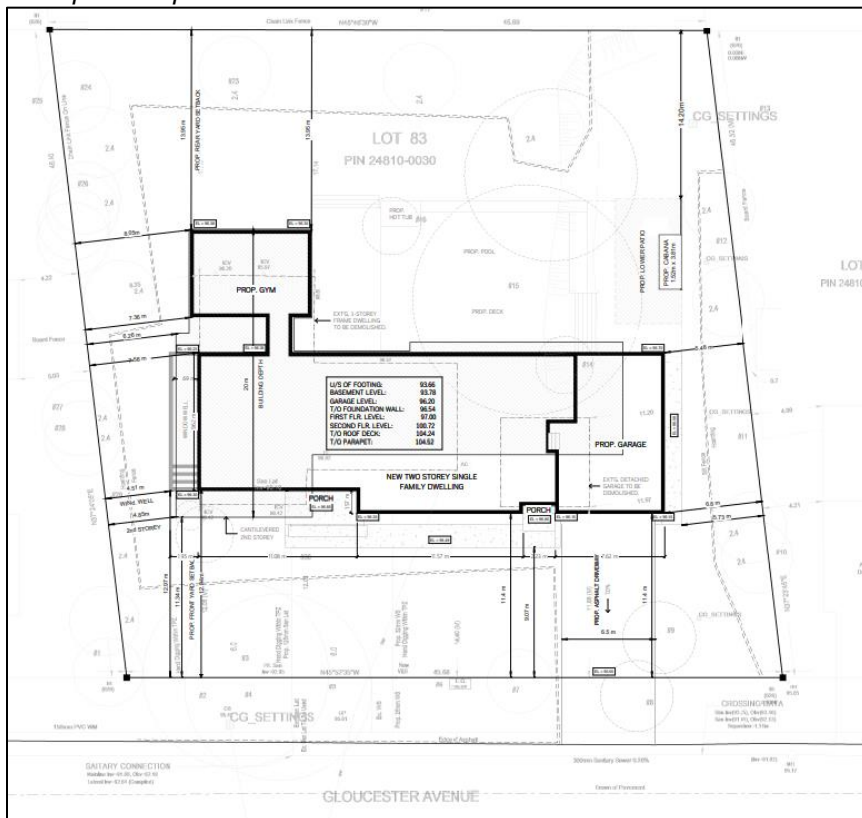


*338 Gloucester Avenue*

The front elevation and site plan for the proposed dwelling is shown below:



Excerpt of Proposed Front Elevation – 349 Gloucester Avenue



Excerpt of Proposed Site Plan – 349 Gloucester Avenue

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 lands are designated “Low Density Residential” in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposed two-storey dwelling has been designed to complement the fabric of 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?**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage floor area. The intent of regulating garage floor area is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage is designed to appear as a two-car garage that extends internally within the dwelling footprint to accommodate a third vehicle, vehicle charging station, and additional storage space. The garage is incorporated into the design of the overall dwelling and does not project beyond the main wall. It is staff’s opinion that the proposal 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 variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated July 31, 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 an increase to the maximum total floor area for the private garage to 74.2 sq m, 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.

**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 – 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, 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 dwelling be built in general accordance with the submitted site plan and elevation drawings dated July 31, 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  
1225 Trafalgar Rd Oakville, ON L6H 0H3  
Phone: 905-845-6601 x.3863  
Email: [coarequests@oakville.ca](mailto:coarequests@oakville.ca)