

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/136/2024

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>
A. POLLO C. GRANT	N/A	PLAN 1 BLK 91 PT LOT 1 167 Reynolds St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL4-0, 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 additional roof area to the detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

Current zoning by-law requirements	Variance request
<i>Section 6.4.2 a) (Row RL4, 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 42.28%.

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/136/2024 – 167 Reynolds Street (East District)

(OP Designation: Low Density Residential)

The applicant proposes to construct an additional roof area to the detached dwelling, subject to the variance listed above.

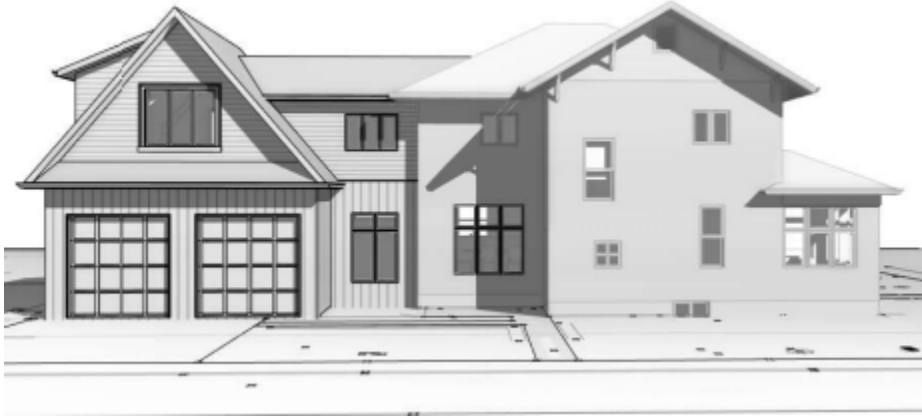
Site Area and Context

The neighbourhood consists of a variety of dwelling types and built forms with original dwellings to the area and renovated dwellings with additions. The established residential area has a sidewalk along one side of Reynolds Street and dwellings in close proximity to the street, which contributes to a distinct character of the area.

For context, previous minor variances were approved on December 13, 2022 to allow for the rear addition and attached garage with a building permit being issued on January 4, 2024. A revision to the building permit was received on June 18, 2024 with a refusal letter being issued on August 22, 2024 indicating the zoning deficiency. The proposed variance is specifically for the roof element above the door next to the garage. Based on a site visit on September 5, 2024, it appears that the proposed roof element has already been constructed.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Trafalgar Road Heritage Conservation District. The property contains a circa 1929 two-storey brick house. In March 2023, the owners received heritage permit HP001/23-42.20R for the construction of the new rear addition with attached garage. Since this approval, the owners have made a minor change to the design of the north elevation of the new addition, changing the previously proposed first storey window to a single entrance door. To provide shelter over this new entrance, the owners are proposing to provide a small roof on the north side of the new addition and existing house.

The proposed new entrance and roof provide activity and articulation on this elevation, and a pedestrian connection between the house and the street. The new roof provides shelter and visually grounds this elevation. The roof is still set back from the primary north elevation of the historic house, allowing the heritage house to remain prominent on the site. Entrances and covered porches facing the street are a traditional feature in the heritage conservation district and allow this heritage house to be more functional while maintaining the character of the local streetscape. Heritage Planning staff has no concerns with the proposed changes. However, a minor heritage permit is required for the proposed change.



Elevation approved on December 13, 2022



Proposed elevation prepared by applicant



Subject dwelling under construction, taken September 5, 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff's 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 by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The subject property is also designated under Part V of the *Ontario Heritage Act* as part of the Trafalgar Road Heritage Conservation District and as a result, the dwelling should meet the intent of the Trafalgar Road Conservation District Plan. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville including the Trafalgar Road Conservation District Plan.

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

Variance #1 – Maximum Lot Coverage (No Objection) – 35% increased to 42.28%

The intent of the Zoning By-law provision for 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. With a lot area of 335.67 square metres, the requested increase is about 24.44 square metres.

In this instance, the applicant received a previous minor variance approval on December 13, 2022 which permitted a maximum lot coverage of 40.22% when the maximum under the Zoning By-law is 35%. The proposed increase beyond the previous approval is about 2.06% or 6.9 square metres. This is a unique property where the existing lot coverage was previously 42.3% which was already above the maximum permission. The previous approval also included variances related to minimum flankage yard setbacks, minimum rear yard setback and maximum residential floor area ratio.

As a matter of process, and contrary to the applicant's approach, it is best practice that an applicant applies for all required minor variances at the same time to provide the public, the Committee and staff with the benefit of reviewing all the variances together. This facilitates all variances to be evaluated as a whole, and at the same time, to understand the overall impact(s). In this case, it is understood that the subject roof element was a change that occurred after the initial building permit was received. Staff have evaluated this, and previous variances together and note that in this case the proposed roof addition would have been considered appropriate when the initial minor variances were reviewed.

Staff recognize that the requested increase in lot coverage is minor when compared to the existing building and appears to maintain 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. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings submitted to the Town on August 12, 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 lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing additional roof area to the 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.

Oakville Hydro: We do not have any comments to add.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – One (1)

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 states, 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 submitted to the Town on August 12, 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.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment

Attachment:
Letter of Opposition – 1

From: [Thomas Scott](#)
To: [coarequests](#)
Cc: [Lynn](#)
Subject: [EXTERNAL] CAV A/136/2024 at 167 Reynolds
Date: September 12, 2024 1:08:00 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

TO: SECRETARY-TREASURER

My name is Thomas Scott and my wife, C. Lynn Scott, and I own and occupy [REDACTED] Sumner Avenue in Oakville, L6J1S7.

[REDACTED]

Please record our objection to approving the application for more additions to the structure at 167 Reynolds. It appears to pretty much fill the lot as it is. If what we can see from the sidewalks on Reynolds and Sumner is really only 35% of lot size we cannot picture where any additional roof coverage would go.

If it is known that the current structure represents additions that have been made without a corresponding building permit our objections are very great, indeed.

Thank you.

T