

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/147/2024

RELATED FILE: N/A

DATE OF MEETING: October 16, 2024

Owner (s)	Agent	Location of Land
R. SNYDER J. SNYDER	Alison Strickland Narratif Design Inc 33 SHEPHERD Rd 100 Oakville ON, L6K 2G6	246 Douglas Ave Town of Oakville PLAN 113 LOT 96

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0 sp:10
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 a one-storey addition to the existing dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 15.10.1 c)</i> Maximum lot coverage for a dwelling having two storeys shall be 19%.	To increase the maximum lot coverage to 29%.

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/147/2024 – 246 Douglas Avenue (East District) (OP Designation: Low Density Residential)

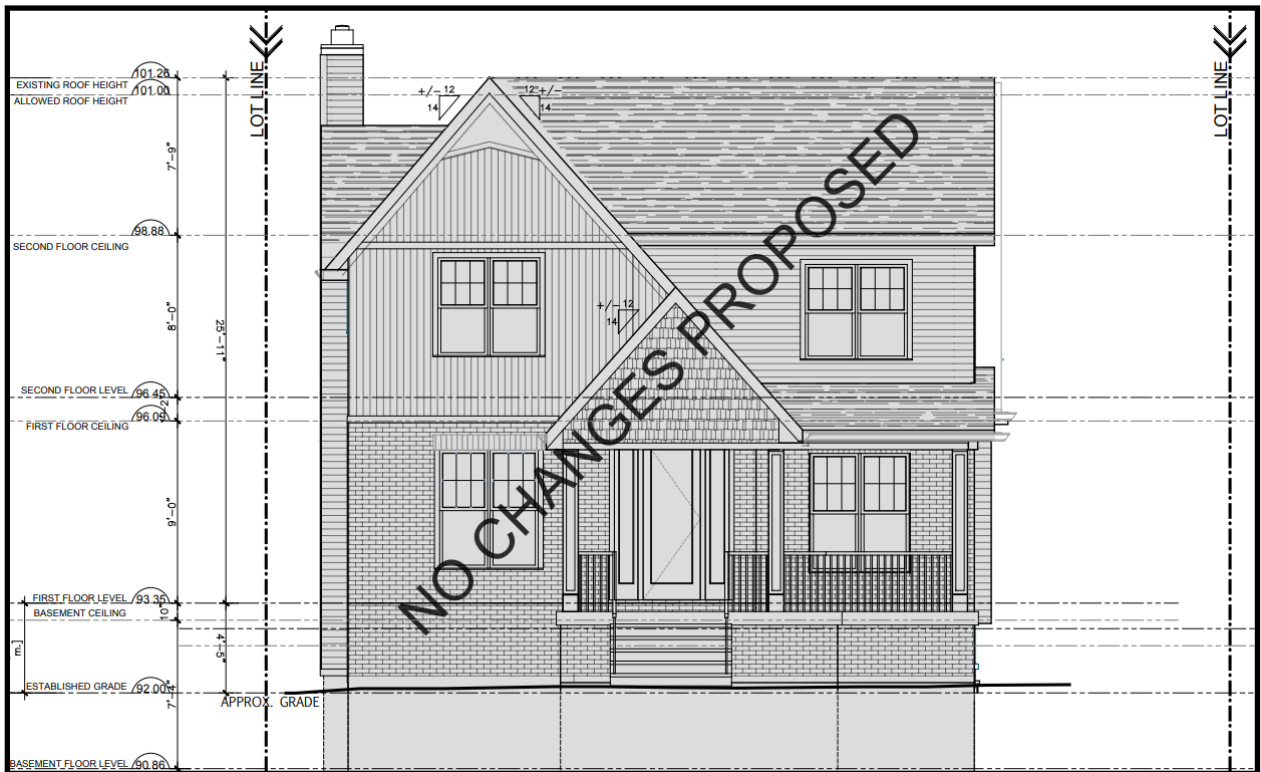
The applicant is proposing to construct a rear one-storey addition to the existing two-storey detached dwelling and a new detached single vehicle garage, subject to the variance listed above.

Site Area and Context

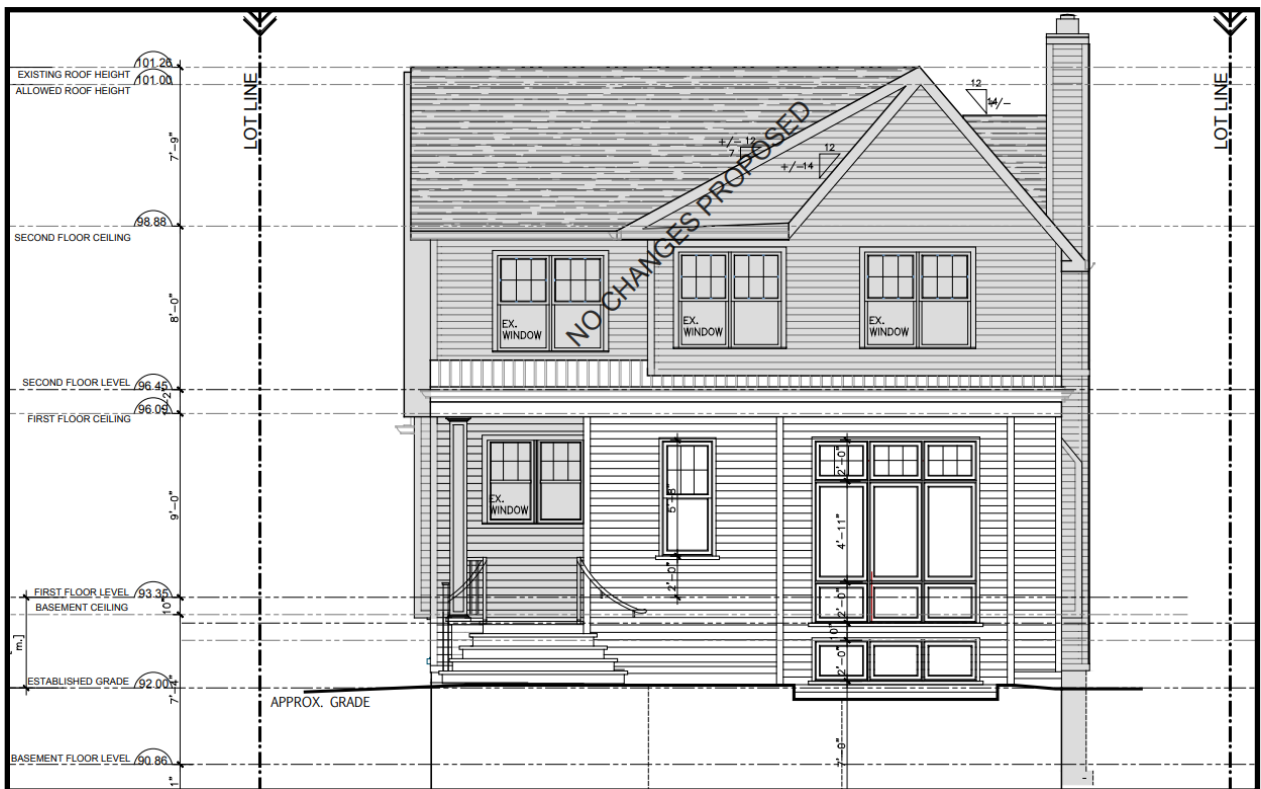
The subject lands are located within the Brantwood neighbourhood (RL3-0 SP: 10) which has seen past variance approvals for increases in the maximum lot coverage from 25% to approximately 30%. This area has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey, one-half-storey, and two-storey detached dwellings, as well as newer two-storey detached dwellings. Newer two-storey dwellings in the surrounding area consist of a variety of architectural forms, many of which include one-storey architectural elements that assist in breaking up the massing.



Aerial Photo – 246 Douglas Avenue



Front Elevation – 246 Douglas Avenue (No changes proposed)



Rear Elevation – 246 Douglas Avenue highlighting the proposed 1-storey rear addition

The application notes that the existing home currently surpasses the minimum required lot coverage standards under the By-law. The existing dwelling has a lot coverage of 25%, whereas the minimum requirement under the RL3-0 sp:10 zone is 19%. The one-storey rear addition and new detached garage are proposed to add an additional 23.62 square metres of gross floor area, for a total lot coverage of 29%. The site plan diagram below

illustrates the existing dwelling footprint and detached garage location, along with the proposed one-storey rear addition and new garage on the property.



Site Plan – 246 Douglas Avenue

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 proposed addition is

one-storey in height, helping to limit any potential shadowing or overlook concerns on neighbouring properties, and all of the minimum required side yard and rear yard setbacks are proposed to be maintained. The proposed gross floor area of the existing dwelling, one-storey addition, and new detached garage results in a residential floor area ratio of 40.75% which is less than the 42% maximum permitted under the By-law. 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 – Maximum Lot Coverage (No Objection) – increased from 19% to 29%.

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 of approximately 25% or greater.

The one-storey rear addition projects 3.31 metres further into the existing rear yard setback than the current dwelling, but still meets all applicable setback requirements. This allows for the maintenance of an adequate rear yard amenity space with substantial landscaped areas to help mitigate stormwater management concerns. The newly proposed detached garage is also located closer to the rear of the property and is approximately 5.36 square metres smaller than the existing detached garage. This helps to deemphasize the garage as one of the predominant features of the dwelling since it is located further away from the street and not as visible from the public realm. This helps to further maintain and protect the existing character of the Brantwood neighbourhood. The one-storey addition does not contribute to any adverse massing or scale impacts to the existing streetscape or any neighbouring properties, and staff are of the opinion that the request 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?

Based on a site visit of the surrounding neighbourhood, staff note that there are other properties in the surrounding area with similar variances and various architectural styles. The proposed one-storey rear addition and detached garage are located away from the public realm and do not negatively contribute to the overall massing and scale of the dwelling or create any deleterious effects on neighbouring properties. Accordingly, this proposal would maintain and protect the established neighbourhood character.

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 dated September 4, 2024, and elevation drawings; 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. Passed.

Transit: No comments received.

Finance: The Tax account is clear.

Halton Region:

CAV A/147/2024 – J. Snyder and R. Snyder, 246 Douglas Avenue, Oakville

- 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 to 29%, 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.

Halton Conservation: No comments will be provided.

Bell Canada: No comments received.

Union Gas: No comments received.

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

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 dwelling be constructed in general accordance with the submitted site plan dated September 4, 2024, and elevation drawings; 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
Secretary-Treasurer
Committee of Adjustment