

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/140/2024

RELATED FILE: N/A

DATE OF MEETING: October 2, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
B. AL-KERWI	Kurtis Van Keulen Huis Design Studio 1a Conestoga Dr 301 Brampton ON L6Z 4N5	PLAN 646 LOT 169 415 Third Line Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area

ZONING: RL3-0

WARD: 2

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 two-storey detached 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 6, Column RL3)</i> The minimum rear yard shall be 7.5 metres.	To reduce the minimum rear yard to 4.96 metres.
2	<i>Table 6.4.2 (Row 2, Column 3)</i> Where the detached dwelling is greater than 7.0 metres in height, the maximum lot coverage shall be 35%.	To increase the maximum lot coverage to 37.78%.

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)

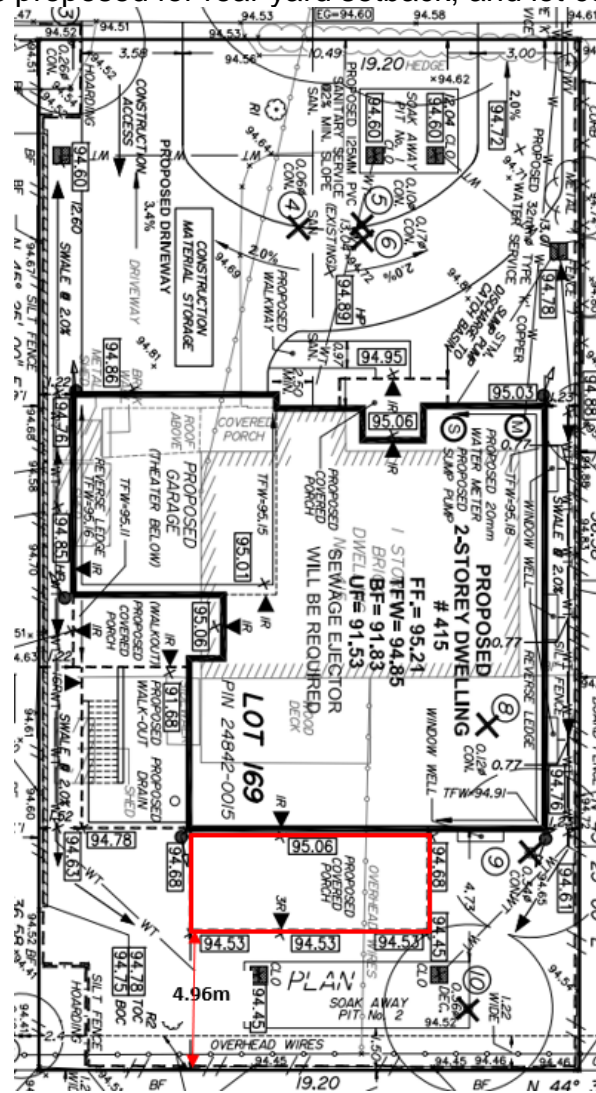
CAV A/140/2024 - 415 Third Line (West District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-storey detached dwelling, subject to the variances listed above.

A minor variance application was previously submitted for consideration of the Committee on January 24, 2024. This application was approved for the variances as listed below:

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	January 24, 2024	October 2, 2024
Residential Floor Area Ratio	41% (288.07m ²)	45.05% (316.54m ²)	-
Front Yard Setback	12.04 m	11.55 m	-
Rear Yard Setback	7.5m	-	4.96m
Lot Coverage	35%	-	37.78%

Through staff's review of the updated plans submitted, it appears as though there is a new covered porch being proposed at the rear of the two-storey dwelling, of which has triggered the variances proposed for rear yard setback, and lot coverage.



Site Plan – October 2, 2024

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 – Special Policy Area 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. It is staff's opinion that the proposal, as revised, 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 is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Rear Yard Setback (No Objection) – 7.5m reduced to 4.96m

The intent of regulating the rear yard setback is to ensure the appropriate separation of buildings and to limit shadowing or overlook conditions onto abutting properties. In this case, the minimum rear yard setback reduction is being proposed to permit the construction of a rear covered porch. The covered porch does not extend the full length of the house, rather it covers only a portion of the space at the rear of the house, extending into the minimum yard requirement. As the majority of the rear yard meets the minimum rear yard setback requirement, staff are of the opinion that the variance requested will not create substantial impacts onto abutting properties. Staff are of the opinion that appropriate separation distances are maintained between buildings, and that no shadowing or overlook conditions will impact abutting properties as a result of the variance proposed.

Variance #2 – Lot Coverage (No Objection) – 35% increased to 37.78%

The intent of regulating Lot Coverage is to ensure the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. Staff recognize that the massing and scale of the dwelling is not changing from that approved at the Committee of Adjustment on January 24, 2024, as the dwelling façade is not being altered. Rather, the variance is a result of a rear covered porch addition that can not be viewed by from the public realm, and the remainder of the dwelling appears to remain unaltered.

On this basis, it is staff's opinion that the requested variances maintain the general intent 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 dated August 12, 2024, and elevation drawings dated August 8, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

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 to 37.78% and a decrease to the minimum rear yard to 4.96 metres, 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. The dwelling be constructed in general accordance with the submitted site plan dated August 12, 2024, and elevation drawings dated August 8, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

Sharon Coyne _____
Sharon Coyne
Assistant-Secretary Treasurer
Committee of Adjustment