

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/160/2024

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on November 13, 2024 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
D. AITKEN	Tatiana Quintana TBM Engineers Inc. 15 Jaylynn Crt Vaughan ON, CANADA L4H 1Z6	PLAN M11 LOT 48 14 Timber Lane Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential and N, Natural Area

WARD: 1

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 the construction of a two-storey addition to the existing detached dwelling on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 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 54.38%.

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 applicant is proposing to construct a two-storey addition on to the existing detached dwelling and requests the variances listed above.

Site Area and Context

The subject property is listed as a heritage property and is located within in a neighbourhood consisting of two-storey detached dwellings.

The property will be subject to a minor site plan application for review by Development Engineering staff due to the proximity to Lake Ontario and a remnant channel.

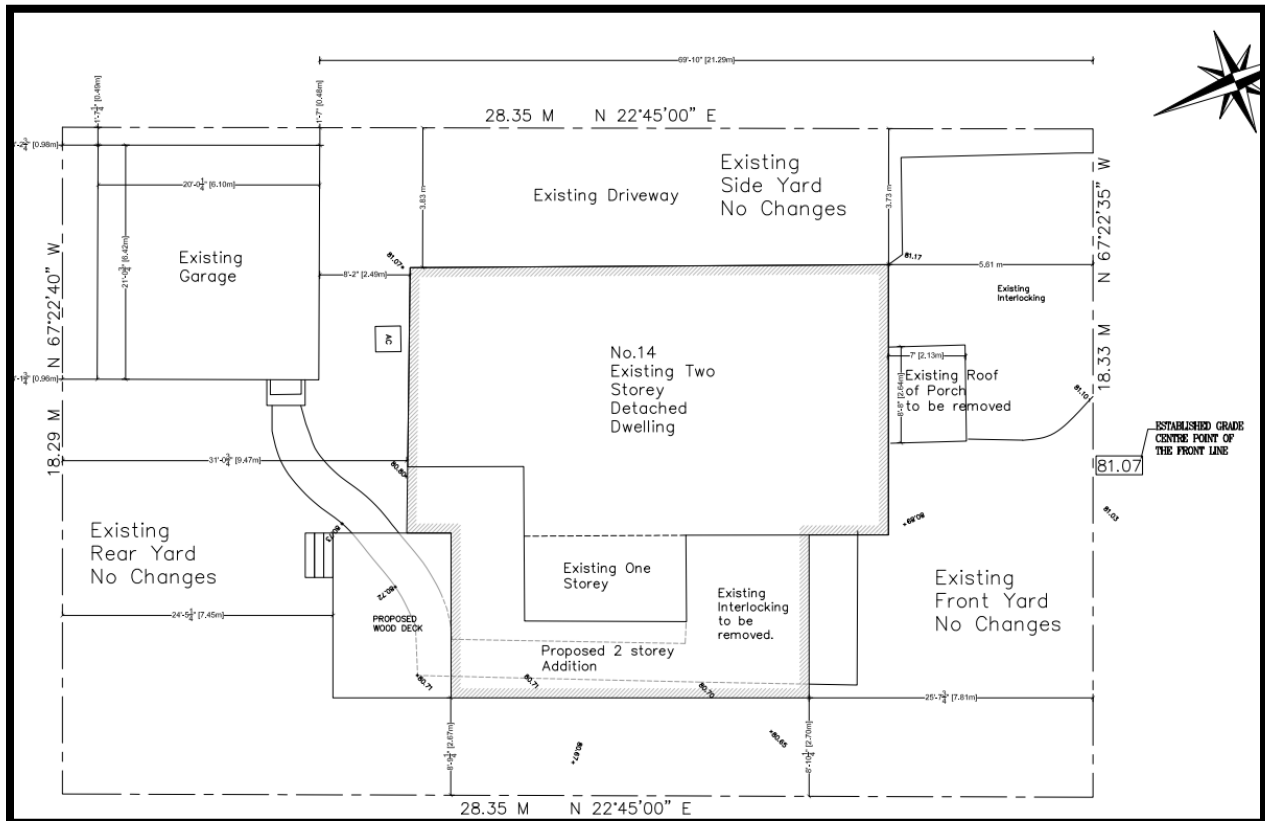
The subject site is also under Conservation Halton regulation. It is the Town's understanding that the applicant obtained a permit from Conservation Halton dated September 5, 2024.



Aerial Photo – 14 Timber Lane



Proposed Front Elevation – 14 Timber Lane



Submitted Site Plan- 14 Timber Lane

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 in the Livable Oakville Official Plan. 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 proposed addition is in keeping with the style and character of the existing dwelling and does not create an unbalanced increase that makes the existing dwelling appear larger than other dwellings in the surrounding area.

Additionally, the minimum requirements for the side yard, rear yard setback and height are proposed to be maintained. As such, staff is of the opinion that the proposal maintains the existing neighbourhood character and the general intent of the Official Plan.



14 Timber Lane – Existing detached dwelling



15 Timber Lane



10 Timber Lane

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

Variance #1 – Residential Floor Area (No Objection) – increased from 43% to 54.38%

The intent of the Zoning By-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The applicant is proposing an increase of the existing residential floor area of 54.38% (282.54m²). While the proposed addition may seem like a substantial numerical increase, the overall massing and scale impacts for the proposed addition to the existing dwelling are mitigated through the articulation of the façade, making the proposed 282.54 m² more fitting with the residential dwellings in the surrounding area. On this basis, 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?

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 addition be constructed in general accordance with the submitted site plan and elevation drawings dated May 23, 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.

Bell Canada: No comments received.

Fire: No concerns for fire. Passed.

Finance: No comments received.

Halton Conservation:

CH issued a permit (File: RAPP-9348) for the proposed addition on September 5, 2024. Through CH review of this permit application it was determined that the proposed addition is within the erosion hazard associated with the shoreline of Lake Ontario but beyond the development setback.

We do not have a concern from a PPS natural hazards perspective.

Given the above, we do not have an objection to the approval of the variance requested.

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 residential floor area ratio to 54.38%, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a two-storey addition to the existing detached dwelling on the Subject Property.
- Archaeological 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.

- 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.

Metrolinx:

Thank you for circulating Metrolinx the November 13, 2024, Committee of Adjustments Agenda for Oakville. Please be advised there are no applicable Metrolinx comments for the applications/properties in this agenda as all properties were outside our designated review zones.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Transit: No comments received.

Union Gas: No comments received.

Letter(s) in support – Two (2)

Letter(s) in opposition – None

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 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 addition be constructed in general accordance with the submitted site plan and elevation drawings dated May 23, 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

**Attachments -
Letters of Support (2)**

coarequests

From: Jo Sharland [REDACTED]
Sent: November 1, 2024 12:00 PM
To: coarequests
Subject: [EXTERNAL] Re 14 Timber Lane

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Good afternoon.

We are Mark and Jo Sharland the owner occupiers of no [REDACTED] Timber Lane, the driveway of which abuts the property of 14 Timber Lane.

We are emailing to let you know of our 100% support for the renovation and addition planned for 14 Timber Lane.

14 Timber Lane is a charming and historic property which will only be enhanced by the owners plans.

Your sincerely,

Mark and Jo Sharland

Sent from my iPhone

coarequests

From: Jocelyn Garrett [REDACTED]
Sent: November 4, 2024 4:52 PM
To: coarequests
Subject: [EXTERNAL] File # CAV A/160/2024

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Jen

I live at [REDACTED] Timber Lane
Oakville, ON. L6L 2Z4
Tel. [REDACTED]

My house is directly across the street from 14 Timber Lane.
I am in agreement with the variance requested in your letter of October 29, 2024.

If you require any further information, please do not hesitate to ask.

Respectfully yours
Jocelyn Garrett