

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/162/2024

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>
H. MAILE	Alam Makur INTEQUA DESIGNS 159 QUEBEC Ave TORONTO ON, CANADA M6P 2T9	PLAN 1 PT BLK 24 PT LOT B RP 20R20862 PART 1 262 King St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3 sp:11, 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 a two-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 15.11.1 a)</i> The minimum front yard shall be 6.0 metres.	To decrease the minimum front yard to 2.18 metres.
2	<i>Table 15.11.1 c)</i> The maximum lot coverage for all buildings shall be 25%.	To increase the maximum lot coverage for all buildings to 29.74%.
3	<i>Table 15.11.1 h)</i> The maximum residential floor area for a dwelling having two or more storeys shall be 30% of the lot area.	To increase the maximum residential floor area for a dwelling having two or more storeys to 37.62%.

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 proposes to construct a two-storey addition to the existing two-storey dwelling subject to the variances listed above.

Site Area & Context

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



Aerial photo – 262 King Street



Lands to the West – 250 King Street



Lands to the East – 268 King Street



43 Dunn Street



Existing Dwelling – 262 King Street



Excerpt of Cover Sheet for the Proposed Alteration and Addition – 262 King Street

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District. The property contains a two-storey historic Arts and Crafts era coach house converted into a residence. In April 2024, the owners received heritage approval through heritage permit HP008/24-42.20K for the construction of the new side addition that requires the subject minor variances. The heritage permit was supported because the new addition and renovations meet the guidelines of the District Plan. The scale, massing and height of the addition is compatible with the historic building as it is pushed back from the front plane and has a slightly lower roofline. The proposed design and materials are in keeping with the Arts

and Crafts aesthetic of the building but slightly different, allowing the addition to remain distinguishable from the historic structure. Heritage Planning staff therefore has no concerns with the subject minor variance application.

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 addition has been designed to mimic the architectural style of the existing heritage dwelling, which complements 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 is seeking relief from Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Front Yard (No objection) – 6m decreased to 2.18m

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed addition is stepped back from the existing heritage dwelling, which is set back 0.66m from the front lot line.

Variance #2 – Lot Coverage (No objection) – 25% increased to 29.74%

The intent of regulating 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. The proposed addition is a modest size, and the resulting dwelling will continue to complement the surrounding neighbourhood character.

Variance #3 – Residential Floor Area (No objection) – 30% increased to 37.62%

The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposal is a modest two-storey addition that contains architectural elements and design features of the existing heritage dwelling, which maintains the character of the area.

It is staff’s opinion that the requested variances 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.

In consultation with Development Engineering staff, it is noted that the proposed development will be subject to a ‘minor site plan’ due to the proximity to Lake Ontario.

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 September 30, 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:

Conservation Halton (CH) staff have reviewed the 262 King Street Minor Variance application.

Proposal: Construction of a two-storey addition to the existing dwelling.

Variance Sought:

- To decrease the minimum front yard to 2.18 metres.
- To increase the maximum lot coverage for all buildings to 29.74%.
- To increase the maximum residential floor area for a dwelling having two or more storeys to 37.62%.

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property, 262 King Street, in Oakville, is regulated by CH as it is within close proximity to the shoreline of Lake Ontario. The property contains a portion of the regulation limit associated with the erosion hazard of Lake Ontario. Permission is required from CH prior to undertaking any development within CH's regulated area and applications are reviewed under the *Conservation Authorities Act*, and Ontario Regulation 41/24 as well as CH's Regulatory Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

Staff have reviewed the application, and it is confirmed the proposed development is outside of the regulated portion of the property. As such, we do not have any objection to the approval of the variances requested. Prior to commencing development, a development clearance letter that indicates the development is outside of the hazard would be required to proceed.

Additionally, we do not have a concern from a PPS natural hazards perspective.

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 a decrease to the minimum front yard to 2.18m, an increase to the maximum lot coverage for all buildings to 29.74% and an increase to the maximum residential floor area for a dwelling having two or more storeys to 37.62%, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a two-storey addition to the existing 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 – Ten (10)

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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated September 30, 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 –
Letters of Support (10)**

Attn: Heritage Department

Re proposals 262 King Street.

I live at [REDACTED] Trafalgar Road and I can clearly see Mr Maile's house across my back garden.

I love living in the heritage area of Oakville and I enjoy looking at the other houses when I walk through the neighbourhood. Mr Maile has shown me his plans and renderings for the addition and I have no objection.

February 19, 2024.

A handwritten signature in black ink, consisting of a horizontal line with a large, stylized flourish extending downwards and to the right.

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: IAN MCKAY

ADDRESS: [REDACTED] KING ST, OAKVILLE

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET, OAKVILLE
AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE: FEB 18 2024

SIGNATURE: 

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: DONNA WARD

ADDRESS: [REDACTED] KING ST.

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET , OAKVILLE AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE: Feb. 19/24

SIGNATURE: D Ward

RE: 262 King Street

February 5, 2024

Having reviewed the plans for the proposed addition at 262 King Street, I have no objections to the plans as provided.

Please note my house is located at [REDACTED] King Street which is to the immediate west of the Maile residence. Once the small addition is completed the rendering clearly shows that the addition still leaves a substantial open space between both properties.

Sincerely,

Christine Markus

Christine Markus
Feb. 5 /24.

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME:

Patti Medo

ADDRESS:



King

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET , OAKVILLE
AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE:

Feb 19/2004

SIGNATURE:

P. Medo.

Attention: Town of Oakville Heritage Department

February 5, 2024

Re: Heritage Permit Application for 262 King Street

Town of Oakville

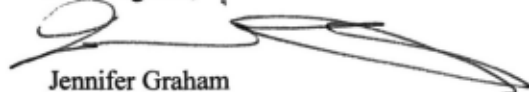
To Whom it May Concern,

My home is located at ■■■ Dunn Street, which is directly to the North and in full view of the Maile residence at 262 King Street.

I have reviewed the plans for the addition and I have no objections.
For the record, I previously owned the subject property at 262 King Street prior to the Maile's and I am in complete support of the work the Maile's are proposing.

I believe by looking at the artist's rendering that it still keeps the same feel as the subject property. In fact, the new rendering looks more like the original structure with a main floor room and windows that were later converted into a garage door. The new proposal restores the look of the home.

Best Regards, .

A handwritten signature in black ink, appearing to read 'Jennifer Graham', with a long, sweeping horizontal stroke extending to the right.

Jennifer Graham

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: Irene Lawtak

ADDRESS: [REDACTED] DUNN ST

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET , OAKVILLE AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE:

Feb . 22 . 2024 .

SIGNATURE:

Irene Lawtak

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: LIZ GALLAGHER

ADDRESS: [REDACTED] King Street

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET , OAKVILLE AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE: 20 Feb 2024

SIGNATURE:

E Gallagher

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: BRIAN ENNS

ADDRESS: [REDACTED] Allan St.


I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET, OAKVILLE
AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE: Feb 2024.

SIGNATURE: 

RE: 262 KING STREET, OAKVILLE, ONTARIO L6J 1B7

NAME: *Dr. Eugene HIBBERD + ELIZABETH HIBBERD*

ADDRESS:  *Reynolds St. L6J 3J7
Oakville ONT*

I/WE HAVE SEEN THE PLANS FOR THE PROPOSED ADDITION TO 262 KING STREET , OAKVILLE
AND I WE HAVE NO OBJECTIONS TO THE ADDITION.

DATE: *Feb 20 /24*

SIGNATURE:
Dr. Eugene Hibberd
Eugene Hibberd