

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/154/2024

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>
L. FORSYTH	Michael Baytman Michael I. Baytman, Architect 1048 Broadview Ave Unit 604 Toronto ON, CANADA M4K 2B8	PLAN 1 BLK 67 PT LOTS 7,8 RP 20R8497 PARTS 8,9,10,11 92 Forsythe St Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential
WARD: 2

ZONING: RM1 sp 148
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 one storey rear addition to the existing dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.8 (Row 5, Column RM1) The minimum interior side yard shall be 1.2 m.	To reduce the minimum northerly interior side yard to 0.45 m.

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 permit the construction of a one-storey addition to the existing dwelling on the subject property, subject to the variances listed above.

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 Medium Density Residential within the Official Plan and development is required to be evaluated using the criteria established in Sections 11.1.8 and 11.1.9 to maintain and protect the existing neighbourhood character. The proposed addition incorporates features that blend it into the existing dwelling and contains design elements which help to reduce the overall scale and massing impacts. Being a one-storey in height and having a

complimentary lowered roof line extending from the upper level, it assists in limiting any undue massing or visual impacts on abutting properties or the surrounding area. Staff is of the opinion that the proposal maintains the existing neighbourhood character and complies with Livable Oakville.

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

Variance #1 – Interior Side Yard (No Objection) – decreased from 1.2 m to 0.45 m

The intent of the Zoning By-law provision for interior side yard setback is to provide sufficient space for access, drainage and grading. In this instance, the proposed addition will be located on a deck attached to the main level of the dwelling and therefore, there are no drainage or grading implications. It is noted that the proposed 0.45 m interior side yard setback will still allow the owner to access all sides of the addition for construction, maintenance and repairs, if required, without infringing on abutting properties. Staff are of the opinion that the requested variance 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 development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the addition be constructed in general accordance with the submitted site plan and elevation drawings dated Oct 11/22; 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: 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 a decrease to the minimum northerly interior side yard to 0.45 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a one storey rear 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.

- **RNHS**

Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.

- **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 – None

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 addition be constructed in general accordance with the submitted site plan and elevation drawings dated Oct 11/22; 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