

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/166/2024

RELATED FILE: N/A

DATE OF MEETING: By videoconference and live-streaming on the Town of Oakville's Live Stream webpage at www.oakville.ca on November 27, 2024 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. ISMAILI D. ISMAILI	EDUART BEGAJ uenar inc 14 B LEASIDE PARK Dr TORONTO ON M4H 1R2	PLAN 553 LOT 33 150 Richmond Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 5

ZONING: RL3-0
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 addition to the existing dwelling and a new attached private garage on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.1 (Row 5, Column RL3) The minimum interior side yard shall be 1.2 metres.	To reduce the minimum interior side yard to 0.6 metres.

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/166/2024 150 Richmond Road. - 150 Richmond Road (West District) (OP Designation: Low Density Residential)

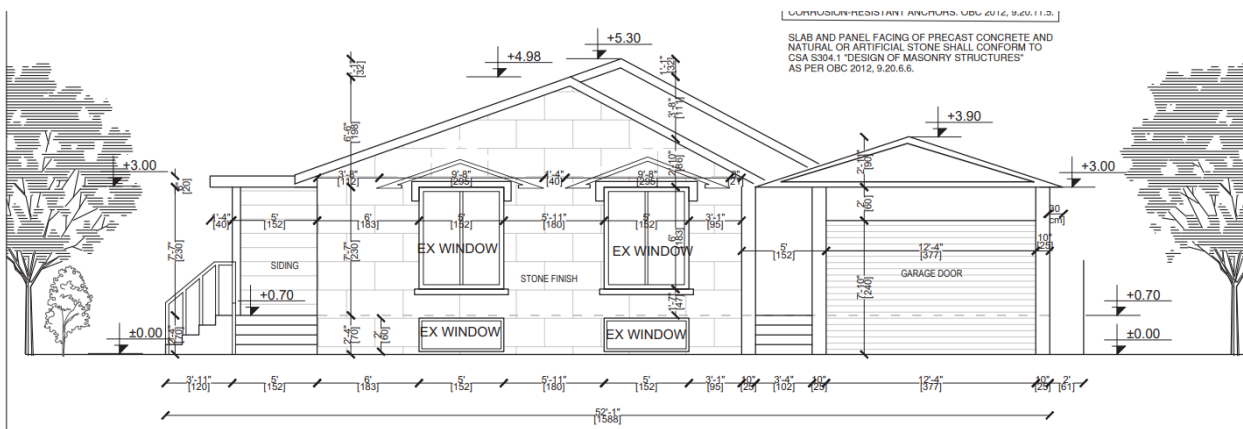
The applicant is proposing to reduce the minimum interior side yard set back from 1.2 metres to 0.6 metres in order to facilitate the construction of an attached garage in place of the existing carport.

Site Area and Context

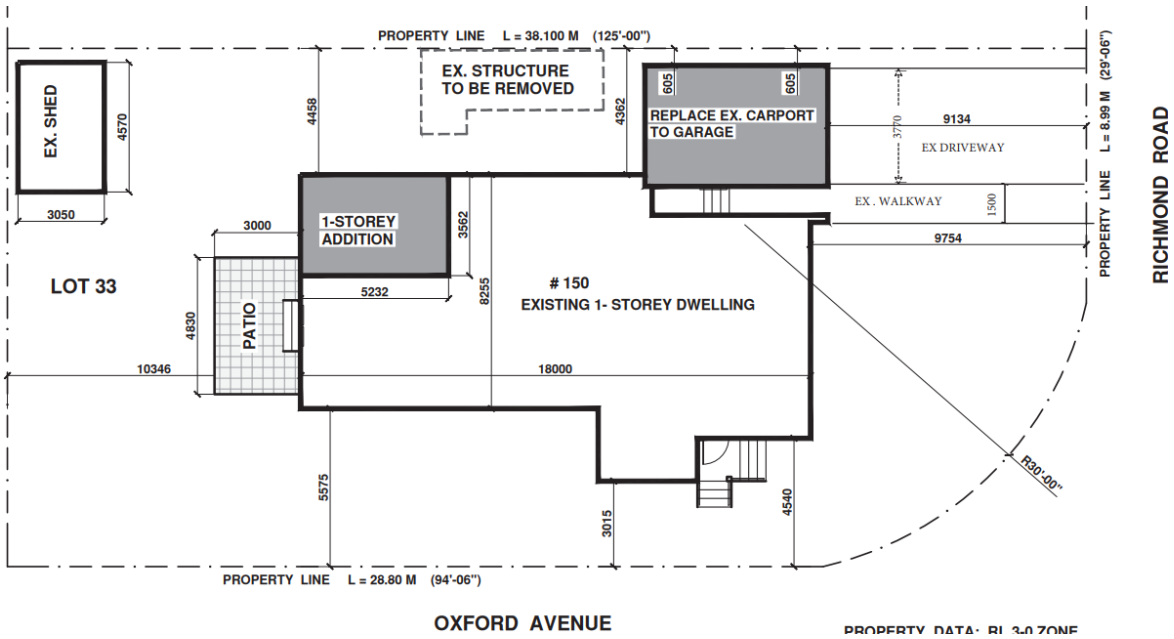
The subject property is located within in a neighbourhood consisting of two-storey detached dwellings.



Aerial Photo – 150 Richmond Road



Proposed Front Elevation – 150 Richmond Road



150 Richmond- Photo of existing carport

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 within 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 proposal was evaluated against the criteria established under 11.1.9, and the following criteria applies:

Policies 11.1.9 a), b), and h) state:

- a) *“The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*
- b) *Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*
- h) *Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

Based on the submitted plan, it appears that the existing open carport allows drainage to run under it towards the road. While the design of the proposed garage does not dominate the house and would, in staff's opinion, maintain the existing neighbourhood character; it is unclear whether there are adverse impacts on drainage by converting the open carport into an attached garage. -In order for the applicant to adequately demonstrate conformity to the Official Plan a grading plan prepared by a Qualified Person is required to be submitted for review. As such, the proposal, as submitted, does not meet the intent of the Official Plan more specifically section 11.1.9 (h).

In addition, the submitted section plan shows the eaves encroaching on the adjacent property (overhang + eaves of 0.66 m whereas building is setback 0.6 m from lot line). The plans should be revised to eliminate this encroachment and provide adequate space to maintain the proposed garage from the subject property.

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

Variance #1 – Reduce the minimum interior side yard from 1.2 m to 0.6m (Objection)

The intent of regulating side yard setbacks is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. The proposed reduction amounts to the equivalent of 0.6 metres in increased building width and reduced separation from the property line, which raises concerns from a grading/drainage perspective. In order to demonstrate the general intent and purpose of this regulation has been met a grading plan is required to be submitted and reviewed by staff. On this basis, staff are of the opinion that the requested variance does not 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 is not desirable or appropriate for the reasons outlined in this report.

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Bell Canada: No comments received.

Fire: No concerns for fire.

Metrolinx: No applicable Metrolinx comments.

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 a decrease to the side yard setback to the garage, a decrease to the eaves to garage projection and an increase to the driveway width, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a one-storey addition to the existing detached dwelling and a new garage on the Subject Property.

Halton Conservation: No comments received.

Trans Canada Pipeline : No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment