

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/145/2024 (deferred from Oct 2/2024)

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>
R. PRIHAR A. PRIHAR	Owner	PLAN 1009 LOT 83 349 Gloucester Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area
WARD: 3

ZONING: RL1-0
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 detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 74.2 square metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29%.	To increase the maximum residential floor area ratio to 30.57%.

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/145/2024 - 349 Gloucester Avenue - Deferred October 2, 2024 (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling subject to the variances listed above.

A minor variance application was previously submitted for consideration by the Committee on October 2, 2024. This application was deferred at the agent's request due to a missing variance that had not been included in the Notice of Public Hearing. This additional variance is required to implement the proposed two-storey dwelling as contemplated, but it was not determined that this extra variance would be necessary until the initial application had already been circulated for public notice. As such, a deferral was requested in order to accurately determine all outstanding variances

required for this development proposal, and as a result, a new variance for residential floor area ratio has now been included.

There have been no other changes made to the proposal since the deferral, just the inclusion of the new variance that was not included during the initial review of the application for the October 2, 2024 meeting. The application as previously submitted remains the same.

Site Area & Context

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



335 Gloucester Avenue



346 Gloucester Avenue

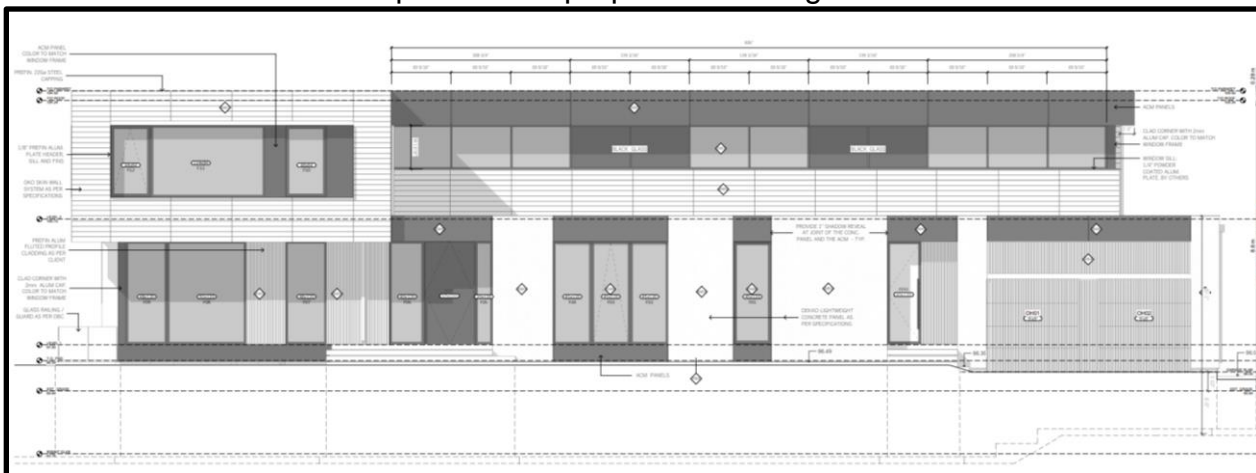


342 Gloucester Avenue

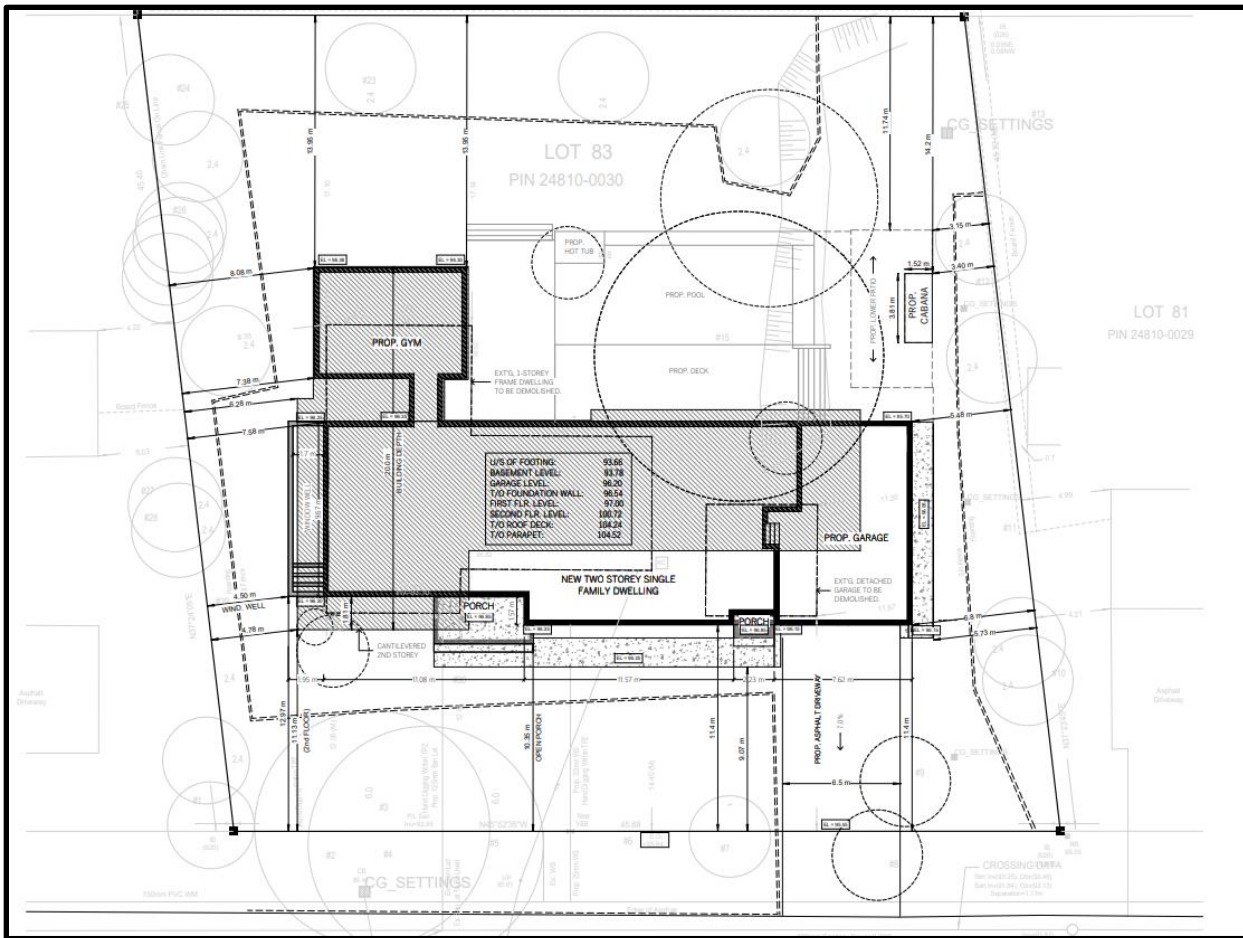


338 Gloucester Avenue

The front elevation and site plan for the proposed dwelling is shown below:



Proposed Front Elevation – 349 Gloucester Avenue



Excerpt of Proposed Site Plan – 349 Gloucester Avenue

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 two-storey dwelling has been designed to complement the fabric of the existing neighbourhood character. It provides for an adequate transition in height to the abutting dwellings and fully complies with the height requirements under the By-law. The proposed dwelling also incorporates many design elements that assist in reducing the overall massing impacts. These include step-backs of the second storey of the dwelling along the rear, interior side, and front façades to limit shadowing and overlook conditions on adjacent properties, and to de-emphasize the height and scale of the dwelling. 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?

Variance #1 – Garage Floor Area (No Objection) – increased from 56.0 m² to 74.2 m²

Variance #2 – Residential Floor Area (No Objection) – increased from 29% to 30.57%

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage floor area and residential floor area ratio. The intent of regulating garage floor area is to ensure that the

garage is not a visually dominant feature of the dwelling. 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 proposed garage is designed to appear as a two-car garage that extends internally within the dwelling footprint to accommodate a third vehicle, vehicle charging station, and additional storage space. The garage is incorporated into the design of the overall dwelling and does not project beyond the main wall.

The impacts of the residential floor area increase of 1.57% are mitigated on the lot by providing for increased setbacks from all property lines, in excess of the minimum requirements under the By-law. The proposed development provides for an enhanced interior side yard setbacks (4.50 metres and 5.48 metres) that will provide for additional buffering to the neighbouring dwellings and help to limit any potential massing, shadowing, or overlook concerns related to the residential floor area increase. The overall massing and scale for the proposed dwelling is further mitigated through the articulation of the façade, incorporation and use of one-storey architectural elements including the front entrance area, and the step backs of the primary façade so that the dwelling has a reduced second-storey floor area. As such, 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 variances are 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 variances. 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 27, 2024 (Revision No. 14); 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.

Metrolinx: No applicable Metrolinx comments.

Halton Region:

- It is understood that this application was deferred from October 2, 2024. Regional comments provided on September 26, 2024, still apply.
- 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 total floor area for the private garage to 74.2 sq m and an increase to the maximum residential floor area, 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.

Trans Canada Pipeline : 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 Services, 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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings, dated September 27, 2024 (Revision No. 14); 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment