

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/002/2025

RELATED FILE: A/002/2025

DATE OF MEETING: January 22, 2025

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
J. JELENEK	William R. Hicks William R. Hicks Architect Inc 905 Sangster Ave Mississauga ON L5H 2Y3	PLAN 1 BLK 16 PT LOTS B,C RP 20R1860 PART 1 268 Robinson St Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential
WARD: 3

ZONING: RM1
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 three (3) storey semi-detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Section 5.2.3 a)</i> The minimum dimensions of a parking space not located in a private garage shall be 2.7 metres in width and 5.7 metres in length.	To reduce the minimum parking space dimension for one parking space to 2.44m in width and 5.7m in length.
2	<i>Table 6.3.2 (Row 3, Column 2)</i> The minimum front yard shall be 7.5 m.	To reduce the minimum front yard to 3.95 m.
3	<i>Table 6.3.2 (Row 5, Column 2)</i> The minimum interior side yard shall be 3.0 m.	To reduce the minimum westerly interior side yard to 0.96m.
4	<i>Table 6.3.2 (Row 6, Column 2)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 6.27 m.
5	<i>Table 6.3.2 (Row 10, Column 2)</i> The maximum combined lot coverage for the semi-detached dwellings shall be 35%.	To increase the maximum lot coverage to 57.23%.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

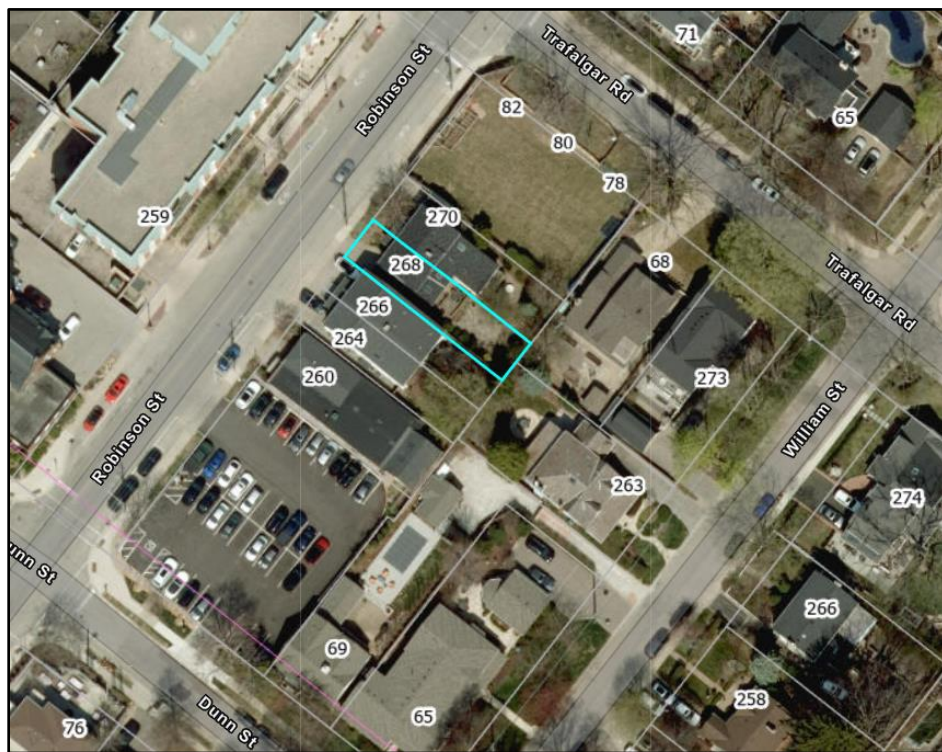
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/002/2025 - 268 Robinson Street (East District) (OP Designation: Medium Density Residential)

The applicant is proposing to construct a new three (3) storey semi-detached dwelling on the subject property, subject to the variances listed above.

Site and Area Context

The subject lands are located within the medium density buffer that separates the Main Street area of Downtown Oakville from the Old Oakville Heritage Conservation District. The subject lands are currently listed on the Oakville Register of Properties of Cultural Value or Interest as a non-designated property. Heritage staff have noted that the subject property is located adjacent to the Heritage Conservation District; however, the proposal does not have an impact on the district. The surrounding area is comprised of existing low rise apartment buildings, existing and newer three-storey townhouse developments, existing and newer semi-detached dwellings and two-storey detached dwellings that contributes to the housing stock of the area. Dwellings in the surrounding area consist of a variety of architectural styles and design elements that maintain and contribute to the established neighbourhood character.



Aerial Photo – 268 Robinson Street



266 – 264 Robinson Street - Streetview



220 Robinson Street – Streetview



259 Robinson Street – Across from subject property



304 – 296 Robinson Street - Streetview



78 – 82 Trafalgar Road - Streetview

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 that 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 Medium Density Residential in the Livable Oakville Official Plan. 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 semi-detached dwelling incorporates step-backs and architectural design elements which help to reduce the overall massing and scale impacts. The inclusion of one-storey architectural elements and step backs to the third story assist in reducing the visual impacts that the proposed new semi-detached dwelling will have on the public realm. The proposed dwelling will maintain 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 – Parking space width (No objection) - 2.7 m decreased to 2.44 m

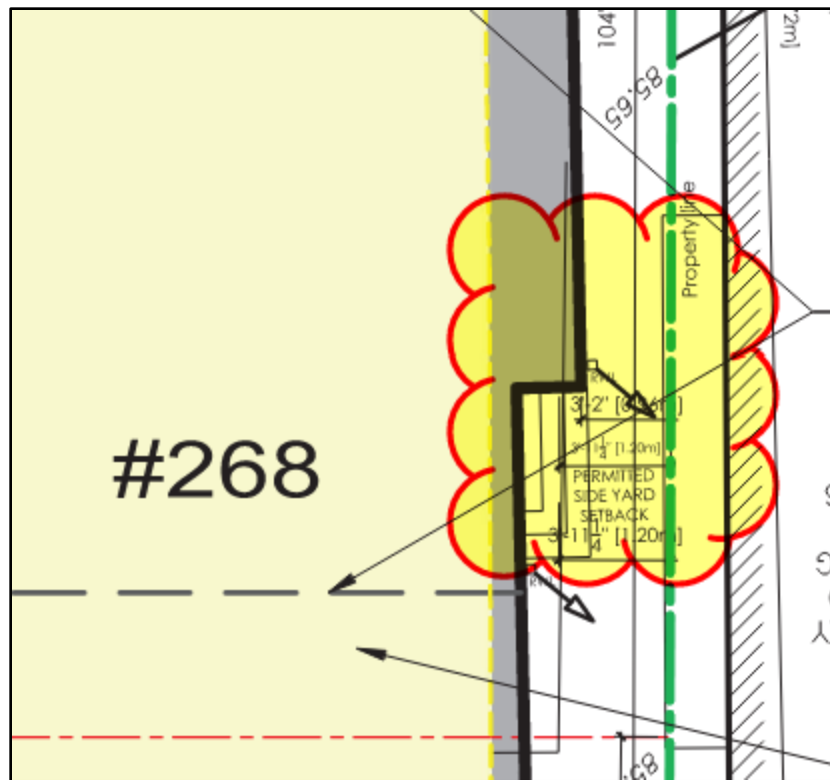
The intent of regulating the minimum parking space size is to ensure that there is adequate and appropriate area for the parking of various types of personal vehicles on-site and within the established parking spaces without impacting the public realm. The applicant is proposing to recognize an existing condition as the existing parking area is remaining generally unchanged through this proposal and was previously established by the existing semi-detached dwellings. The reduction in parking space width for 268 Robinson will assist in accommodating two parking spaces on the property, one with the proposed reduction and the other remains compliant with the parking regulations.

Variance #2 – Front yard setback (No objection) – 7.5 m decreased to 3.95 m

Variance #3 – Interior side yard setback (No objection) – 3.0 m decreased to 0.96 m

Variance #4 – Rear yard setback (No objection) – 7.5 m decreased to 6.27 m

The intent of regulating the front yard setback, interior side yard setback and the rear yard setback is to ensure a relatively uniform setback along the street, ensure adequate spatial separation between dwellings and prevent any negative impacts on drainage and ensure that there is adequate rear yard amenity space and to reduce potential overlook and privacy impacts. The replacement of the existing covered porch at the front of the proposed dwelling results will effectively result in a reduction of 0.06 m from the existing condition. The further front yard reduction is mitigated by the inclusion of one-storey architectural elements and step-backs to the second and third floors of the dwelling and the front yard setback aligns with neighbouring properties along the street. The interior side yard setback reduction is the result of a 'pinch-point' between the property line and the proposed dwelling. The interior side yard setback increases beyond the 'pinch-point' between the property line and the exterior wall of the proposed dwelling. No negative impacts on drainage have been identified as a result of the proposed reduction. The rear yard reduction maintains the ability for adequate and appropriate private amenity space within the rear yard and provides adequate area for the necessary stormwater management infrastructure to be constructed and maintained. Additionally, the inclusion of the step-backs and architectural variations in the rear yard will assist in mitigating any potential overlook impacts into neighbouring properties.



268 Robinson Street – interior side yard setback 'pinch-point'

Variance #5 – Lot coverage (No objection) – 35% increased to 57.23%

The intent of regulating the lot coverage is to prevent a dwelling from having a mass and scale that appears larger than those dwellings in the surrounding area. The Zoning By-law (2014-014) regulates lot coverage within the RM1 zone for semi-detached dwellings located on the south side of Robinson Street (special provision 50), whereas, there is no lot coverage regulation for as-of-right development (townhouses) along Robinson Street. The increase in lot coverage for the proposed semi-detached dwelling is partially attributed to the extension of the covered front porch along the front of the proposed dwelling and the inclusion of a covered rear yard terrace. While the proposed increase in lot coverage from a quantitative perspective appears to be substantial, the qualitative result in the built form of the overall development is not anticipated to result in any undue adverse impacts on the surrounding area and established neighbourhood character.

The potential impacts of the proposed dwelling have been effectively mitigated through the use of step-backs, one-storey architectural elements and variations in the roofline. The chosen architectural elements along with the site context will prevent the proposed dwelling from appearing larger than dwellings in the surrounding area. A portion of the lot coverage is tied to the inclusion of the front and rear yard covered porches; however, staff review the lot coverage holistically and do not tie the coverage to any specific element.

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, the public realm or the existing neighbourhood character.

Notes:

- The property is currently listed on the Oakville Register of Properties of Cultural Heritage Value or Interest as a non-designated property for its c.1866 semi-detached frame house. The original house has been altered over the years with many of its original attributes removed. The property was not prioritized for designation as part of the 2023-2024 Heritage Designation Project. The proposed changes to the building maintain the general form and fenestration of the historic structure and do not result in its removal; a heritage demolition application is therefore not required. Heritage Planning staff have expressed no concerns with the subject application.
- The applicant has submitted a Development Engineering Permit Application (DEPA) to have the stormwater infrastructure (infiltration feature) reviewed and approved in accordance with the Town's standards.

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. The proposed dwelling be constructed in general accordance with the submitted site plan drawing dated November 18, 2024 and elevation drawings dated November 6, 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.

Fire: No concerns for fire.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 parking space dimensions, a decrease to the minimum front yard to 3.95m, a decrease to the minimum westerly interior side yard to 0.96m, a decrease to the minimum rear yard to 6.27m and an increase to the maximum lot coverage to 57.23%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a three-storey semi-detached dwelling on the Subject Property.

Halton Conservation: No comments received.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 2

TOWN OF OAKVILLE

JANUARY 13TH, 2025

COMMITTEE OF ADJUSTMENT

RE FILES# A 002/2025 AND A003/ 2025

268 / 270 ROBINSON

WE ARE THE OWNERS OF [REDACTED] ROBINSON ONE HALF OF A SIMILAR SEMI DETACHED UNIT THAT IS IMMEDIATELY TO THE WEST OF THE PROPOSED PROJECT

WE HAVE REVIEWED THE PLANS FROM MR HICKS AND WE IN GENERAL HAVE NO CONCERNS WITH THE VARIANCES REQUESTED.

WE HAVE DISCUSSED THE APPLICATION WITH MR HICKS AND WE HAVE AGREED TO HAVE DISCUSSIONS WITH THE BUILDER ON ACCESS AND WHERE THE REFUSE CONTAINER WILL BE LOCATED.

WE WILL ALSO MEET ULTIMATELY WITH MR HICKS AND HIS LANDSCAPE ARCHITECT ON COMMON FENCES AND LANDSCAPING ON THE PROPERTY LINES.

OTHERWISE WE THINK THE VARIANCES ARE REASONABLE AND THE RESULTING DESIGN IS WELL THOUGHT OUT AND WE LOOK FORWARD TO WELCOMING THE NEW OWNERS OF EACH OF THE UNITS.

Yours truly

NAME GREG HITCHMAN

[REDACTED] FRONT STREET

TOWN OF OAKVILLE

JANUARY 9TH, 2024

COMMITTEE OF ADJUSTMENT

RE FILES # A 002/2025 AND A003/ 2025

268 / 270 ROBINSON

WE ARE THE OWNERS OF [REDACTED] ROBINSON ST, ONE -HALF OF A SIMILAR SEMI-DETACHED UNIT THAT LIES IMMEDIATELY TO THE WEST OF THE PROPOSED PROJECT.

WE HAVE REVIEWED THE PLANS FROM MR HICKS AND WE GENERALLY HAVE NO CONCERNS WITH THE VARIANCES REQUESTED.

WE HAVE DISCUSSED THE APPLICATION WITH MR HICKS AND WE HAVE AGREED TO HAVE DISCUSSIONS WITH THE BUILDER ON ACCESS AND WHERE THE REFUSE CONTAINER WILL BE LOCATED.

WE'VE AGREED TO MEET WITH MR HICKS AND HIS LANDSCAPE ARCHITECT ON COMMON FENCES AND LANDSCAPING ON THE PROPERTY LINES.

REGARDS,

SIGNATURE

Louise Fortier

NAME

LOUISE FORTIER

[REDACTED] Robinson St

Letter(s) in opposition – 0

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 proposed dwelling be constructed in general accordance with the submitted site plan drawing dated November 18, 2024 and elevation drawings dated November 6, 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment