

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/062/2024**

RELATED FILE: N/A

**DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, April 17th, 2024 AT 7:00 P.M**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
DANIELLE MCCAY	RICHARD MANN ARCHITECT INC C/O RICHARD MANN 153 WOODHAVEN PARK DRIVE OAKVILLE ON L6L 4K4	130 GLOUCESTER AVENUE PLAN 113 PT LOTS 373 TO 375

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3**

**ZONING: RL3-0 SP: 10  
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 rear one-storey addition and interior alterations to the existing dwelling on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 15.10.1 c)</i> The maximum lot coverage for a dwelling having two storeys shall be 19%	To increase the maximum lot coverage to 23.85%
2	<i>Section 15.10.1 e)</i> The maximum total floor area for a private garage shall be 38.0 sq.m.	To increase the maximum total floor area for the private garage to 41.90 sq.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)

**CAV A/062/2024 - 130 Gloucester Avenue (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a rear one-storey addition and interior alterations to the existing dwelling, 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 Section 45(1) of 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 Low Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal maintains the general intent and purpose of the Livable Oakville Plan.

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

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. It is noted that the additional lot coverage is attributed to the single-storey rear addition which does not cause any negative adverse impacts of mass and scale on adjacent properties and surrounding neighbourhood.

The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The variance request for garage floor area is to legalize the existing condition which does not cause any negative adverse impacts on adjacent and surrounding properties. Further, the garage appears as a two-car garage from the street and is not a visually dominant feature of the dwelling.

Staff are of the opinion that the variances for lot coverage and garage floor area maintain the general intent and purpose of the Zoning By-law 2014-014, as amended.

### **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 as the proposed addition is a single-storey addition in the rear of the property and, therefore does not cause any massing and scale impacts on the streetscape or the public realm. The garage floor area variance is to legalize the existing condition and the garage appears as a two-car garage from the streetscape. It is staff's opinion that 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 rear one-storey addition and interior alterations be constructed in general accordance with the submitted site plan and elevation drawings dated March 8, 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.

**Transit :** Comments not received.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Halton Region:** 6.2 CAV A/062/2024 – D. McCay, 130 Gloucester Avenue, Oakville

- 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 in the maximum lot coverage and an increase in the maximum total floor area for the private garage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a rear one-storey addition and interior alterations to the existing dwelling on the Subject Property.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not 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.

Requested conditions from circulated agencies:

1. That the rear one-storey addition and interior alterations be constructed in general accordance with the submitted site plan and elevation drawings dated March 8, 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.



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment