

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/048/2021

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Brad Beaudooin and Patty Ferry 1417 Peerless Court Oakville ON L6H 3A4	Carrothers and Associates c/o David Carrothers 3-505 York Blvd Hamilton ON L8R 3K4	PLAN M186 LOT 138 1417 Peerless Court Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL2-0

WARD: 5

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 the construction of a new roof over the existing front porch and a second storey addition to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 836.00 m ² and 928.99 m ² shall be 39% (326.98 m ²); (Lot area is 838.4 m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 41.76% (350.12 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum lot coverage shall be 25% (209.6 m ²) where the detached dwelling is greater than 7.0 metres in height; (Area of the lot is 838.4 m ²).	To permit the maximum lot coverage to be 29.7% (249.00m ²) for the detached dwelling which is greater than 7.0 metres in height.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

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

CAV A/048/2021 - 1417 Peerless Court (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct additions to the existing two-storey dwelling. The applicant requests the variances listed above.

The neighbourhood consists of predominately two-storey dwellings that are original to the area and has experienced minimal new development. The established residential area has a sidewalk along the east side of Peerless Court fronting the subject lands, which connects to McCraney Street West which has sidewalks along both sides of the street. Mature trees within

the Town boulevards and private properties provide a significant amount of shade and contribute to the character of the area. The lotting pattern is relatively consistent throughout the area which results in a similar built form of original and newly constructed dwellings.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria apply:

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."*

Variance #1 – Residential Floor Area (Supported)

The request to increase the floor area ratio of the proposed dwelling from 39% to 41.76% would add an additional 23.14 square metres (249.07 square feet) of floor area. The overall massing and built form of the dwelling will not be drastically altered beyond what the Zoning By-law permits from an adverse impact perspective, as the proposed addition would be located above the existing one-storey private garage and living room. It should be noted that the proposed addition will be complimentary to the existing home and provide a balance to the second storey. The proposed addition will maintain the scale of the dwelling similarly to existing and newly constructed dwellings found in the surrounding neighbourhood, most notably 220 McCraney Street West. The intent of regulating the residential floor area in the Zoning By-law is to prevent a dwelling from having a mass and scale that appears larger than surrounding dwellings. Therefore, the request for the additional floor area is compatible and in keeping with the pattern of new and existing development in the area.

Variance #2 – Lot Coverage (Supported)

The request for additional lot coverage from 25% to 29.7% equates to an additional 39.4 square metres (424.1 square feet) of covered area. It should be noted that the proposed lot coverage variance recognizes the existing lot coverage of the site, which includes a shed in the rear yard. 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. Staff are of the opinion that the recognition of additional lot coverage to facilitate the construction of a second storey addition does not alter the massing of the footprint of the dwelling and is similar to that of existing dwellings along the court and the surrounding neighbourhood. Therefore, the request for additional lot coverage would maintain and protect the character of the area.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a dwelling that protects the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the additions be built in general accordance with the submitted site plan and elevation drawings No. 2 dated MAR 08/21; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. A two (2) year timeframe allows the owner to construct what is ultimately approved within a reasonable timeframe of the application being processed to 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 the construction does not take place within this timeframe, a new application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

Fire: SFD. No concerns to submit

Transit: No Comment

Finance: None

Halton Region:

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum residential floor area requirement, and increase the maximum lot coverage requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new roof over an existing front porch, and a second storey addition onto an existing two-storey detached dwelling on the subject property.

Bell Canada: No Comments Received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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 additions be built in general accordance with the submitted site plan and elevation drawings No. 2 dated MAR 08/21.
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.

A handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer