

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/053/2021

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
Tim and Julie Squire 164 Tracina Drive Oakville ON L6L 4B7	MB1 Development Consulting Inc c/o Michael Barton 1489 Abbeywood Drive Oakville ON L6M 2M6	PLAN 1252 LOT 43 164 Tracina Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL2-0  
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 the construction of a two-storey detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.6 b)</b> For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 60.57 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	<b>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> 1301.00 m <sup>2</sup> or greater shall be 29% (399.48 m <sup>2</sup> ); (Lot area is 1377.53 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 30.21% (416.12 m <sup>2</sup> ).
3	<b>Section 6.4.3 a)</b> The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 11.39 m -1.0 m = 10.39 m minimum).	To permit a <i>minimum front yard</i> of 9.90 metres.

### 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/053/2021 - 164 Tracina Drive (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. There are no sidewalks along the street and 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 – Garage Area (Supported)**

The request to increase the floor area of the proposed private garage from 45 square metres to 60.57 square metres would be internal to the building due to the double car garage and tandem-parking configuration. Therefore, it would not be a visually dominant feature of the dwelling, which meets the intent of the by-law.

#### **Variance #2 – Residential Floor Area (Supported)**

The request to increase the floor area ratio of the proposed dwelling from 29% to 30.21% would add an additional 16.64 square metres (179.11 square feet) of floor area. 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. Staff are of the opinion that the current design is appropriate as it does not have a negative impact on adjacent properties or the surrounding area. The overall massing is broken up and the second storey design incorporates a mix of materials, step backs from the first to second storey walls, single storey elements on each side of the dwelling, and multiple roof lines throughout the façade which reduce the visual scale. The proposed dwelling would have a mass and scale that appears similar to the newly built dwellings, while being sympathetic to existing homes in the surrounding neighborhood, which meets the intent of the Zoning By-law.

#### **Variance #3 – Minimum Front Yard Setback (Supported)**

The proposed reduced minimum front yard setback from 10.39 m to 9.9 m is measured from the front lot line to the pinch point of the proposed one-storey front covered porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the required setback is measured to the as-of-right permissions of the existing dwelling and the proposed setback would generally maintain the alignment of the existing dwelling along the street in relation to the siting of the dwelling on the property.

Notwithstanding the comments above, the applicant is advised of the following, noting the existing trees and vegetation that may be impacted on the subject lands and abutting properties as a result of the proposed development:

- Livable Oakville 2009, The Town of Oakville official Plan, Part C, Section 10.12, considers its municipally-owned urban forest as green infrastructure and mandates no net loss of Town tree canopy policy in municipal rights-of-way.
- Town Tree Protection By-law 2009-025 regulates the planting, care, maintenance and removal of trees on town property.
- Private Tree Protection By-law 2017-038 provides established rules for removing trees on private property. Property owners must apply for a permit and on-site consultation before removing any tree that has a trunk measuring 15 cm or larger in diameter.
- Tree Protection During Construction Procedure EN-TRE-001-001 provides an outline and required action to protect trees during construction.
- Site Alteration By-law 2003-021 requires site alterations within the Town to be subject to a mandatory review of existing trees.

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 is in keeping with 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 dwelling be built in general accordance with the submitted site plan dated and elevation drawings dated no. 1 dated Feb 09/21; 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 alter the maximum floor area requirements, and to reduce the minimum front yard requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey dwelling on the subject property.

**Bell Canada:** No Comments Received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

**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 dwelling be built in general accordance with the submitted site plan dated and elevation drawings dated no. 1 dated Feb 09/21.
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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition

**From:** Ann Harvie

**Sent:** April 14, 2021 9:28 AM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** Re: 164 Tracina Drive, File No. CAV A/053/2021, Plan 1252 Lot 43

I would like to raise the following concerns re the above property:

1. There is a discrepancy between the lot line shown on the Plan of Survey of 158 Tracina Drive on Lot 44, Plan 1252 Town of Oakville (N 17° 35' E) and the one shown on the Site Plan of the proposed 164 Tracina Drive (N17° 51' 50"E) included with the Committee of Adjustment Application. Over the 150 feet of lot line this makes a loss of 55 sq. ft. of property. We would like this clarified.
2. There is a mature row of cedar trees between the properties (158 Tracina, 164 Tracina). It is not clear on which side of the property line it is located. These trees afford necessary privacy between the two properties and we would object to its removal if it is proposed. Please provide clarification.
3. There is a very large maple tree on the 158 Tracina property adjacent to the lot line. There are two large branches that extend over the property line onto the 164 Tracina property. If there are any plans to remove these branches we are concerned it would be harmful to the tree, which is extremely old. We are also concerned about the roots of this large tree that most probably extend onto 164 Tracina and how they would be affected by excavation. Please provide clarification.

I wish to register to participate in the electronic hearing on April 20, 2021 at 7 p.m.

I wish to be notified of the decision for this application.

Ann Harvie  
158 Tracina Drive  
Oakville ON L6L 4B7