

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/004/2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT  
OAKVILLE.CA ON TUESDAY, JANUARY 25, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
William Mark and Betty Mark 196 Walby Drive Oakville ON L6L 4E3	W.E. Oughtred & Associates Inc c/o William Oughtred 28-2140 Winston Park Drive Oakville ON L6H 5V5	PLAN 1104 LOT 25 196 Walby 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 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> between 1022.00 m <sup>2</sup> and 1114.99 m <sup>2</sup> shall be 37% (390.93 m <sup>2</sup> ); (Lot area is 1056.57 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 38.86% (410.63 m <sup>2</sup> ).
2	<b>Section 6.4.2 a) (Row RL2, Column 3)</b> The maximum <i>lot coverage</i> shall be 25% (264.14 m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; ( Lot area is 1056.57 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 26.89% (284.1 m <sup>2</sup> ) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

## 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/004/2022 - 196 Walby Dr (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling subject to the variances listed above.

The neighborhood consists of one and a half and two storey dwellings that are original to the area and two-storey dwellings that are newly constructed. Many of the existing dwellings vary in design with some having single storey features such as front covered porches and single storey

living areas. There are no sidewalks along Walby Drive and the streetscape contains culverts and mature trees which are a character defining feature of the area.

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 proposal was evaluated against 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 Ratio (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 37% (390.93 square metres) to 38.86% (410.63 square metres) for an increase of 19.7 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed dwelling has been designed so that the massing of the dwelling is reduced. The second storey is stepped back in various spots at the front and sides and the roof line is lowered to further reduce the appearance of the overall scale and massing of the dwelling. Staff are of the opinion that the requested increase in floor area is minor and this variance will not have a negative impact on adjacent properties or the surrounding area. The overall massing and the scale of the proposed dwelling is mitigated by the design of the dwelling and the request for the additional floor area ratio is compatible and in keeping with the pattern of new development in the area.

#### **Variance #2 – Lot Coverage (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in lot coverage from 37% (390.93 square metres) to 38.86% (410.63 square metres) for a total increase of 19.96 square metres. The intent of regulating lot coverage is to limit the massing of buildings and structures and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The requested increase in lot coverage could be attributed to the proposed covered porch which represents a one-storey element that assists in breaking up the mass and scale of the dwelling. It is Staff's opinion that the requested variance is minor and the proposed dwelling is similar in design and appearance in mass and scale to those in the neighbourhood area and will not have a negative impact on the surrounding dwellings.

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 they result 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 the applicable 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 01.30.21 and Front and Left elevation drawings dated SEP.27.21 and Rear and Right Elevation Drawings dated SEP.30.21; 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 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.

**Fire:** SFD. FD Access Acceptable. 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 permit an increase in the maximum residential floor area ratio for a detached dwelling and an increase in the maximum lot coverage, 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.

**Bell Canada:** No Comments Received

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

**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 dwelling be built in general accordance with the submitted site plan dated 01.30.21 and Front and Left elevation drawings dated SEP.27.21 and Rear and Right Elevation Drawings dated SEP.30.21.
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 in Support – 1

December 20, 2021

Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Attention: Chairman and Members  
Committee of Adjustment

Re: **Application for Minor Variance**  
**196 Walby Drive**


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I/We, the undersigned, have met with the property owners of 196 Walby Drive. I/We understand that the property owners have applied to the Committee of Adjustment for minor variances related to construction of a new detached dwelling.

I/We have no objections to the proposed minor variances, as follows:

1. To permit a Residential Floor Area ratio of 38.86%, whereas By-law 2014-014, as amended, permits a maximum Residential Floor Area ratio of 37%, in this instance.
2. To permit lot coverage of 26.89%; whereas By-law 2014-014, as amended, permits maximum lot coverage of 25%, in this instance.

Signed

  
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Address

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