

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/058/2021**

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 04, 2021 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
BALBINDER CHAHAL KULDIP CHAHAL 1377 ACTON CRES OAKVILLE ON, L6J 2S6	GORAL TOMASZ 720 KING ST W UNIT 411 TORONTO ON, M5V 3S5	253 ALBION AVE PLAN 525 LOT 30

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL SPECIAL POLICY AREA

ZONING: RL1-0

WARD: 3

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 two-storey detached dwelling and cabana on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total floor area for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 62.0 square metres.
2	Table 6.3.1 (Row 5, Column RL1) The <i>minimum interior side yard</i> shall be 4.20 m.	To permit a <i>minimum</i> (southerly) <i>interior side yard</i> of 3.0 m.
3	Section 6.4.1 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 ² or greater shall be 29% (441.29 m ²); (Lot area is 1,521.69 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 30.58% (465.33 m ²).

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/058/2021 - 253 Albion Ave (East District) (OP Designation: Low Density Residential Special Policy Area)

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 both one and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The adjacent properties both contain two-storey dwellings located beside them and similarly on the opposite side of the street. Mature large stature trees provide a significant amount of shade and contribute to the character of the

area. There are no sidewalks along the particular portion of Albion Avenue that the subject lands are located on and a few properties have driveway culverts, including the subject property.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, Section 11.1.9 indicates 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.”*

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and not negatively impact surrounding properties.

Variance #1 – Garage Area (Supported)

The request for an increase in floor area of the proposed private garage from 56 square metres to 62 square metres is internal to the building due to the double car garage with 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 – Interior Side Yard Setback (Supported)

The request to permit a reduced interior side yard setback of 3 m whereas 4.2 m is permitted, is measured from the southerly lot line to the proposed private garage. The intent of the by-law is to provide adequate spatial separation between dwellings, access and area for lot drainage. In this instance, the requested reduced setback is for a portion of the lower stature section of the southerly side of the proposed dwelling, noting greater than required setbacks are provided towards to the rear. Furthermore, the proposed siting of the dwelling appears to preserve mature trees on the property as shown on the submitted site plan. Therefore, the request for a reduced setback would not cause negative adverse impacts on abutting properties or the streetscape.

Variance #3 – Residential Floor Area (Supported)

The request for additional residential floor area from 29% to 30.58% adds an additional 24.04 square metres (258.76 square feet) of floor area. The applicant's pre-submission plans originally consisted of a residential floor area of 33.9%, side yard setbacks of 2.39 m and an undesirable two-storey massing along all elevations of the pre-submission plans. The applicant's plans have been revised to better reflect the Staff feedback. The intent of regulating the residential floor area 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 current design is appropriate as it would not have a negative impact on adjacent properties or the

surrounding area. Further, the dwelling incorporates lowered built form and roof lines above the private garage, dormers with floor space built into the attic area, single storey elements and a multiple mix of materials to visually reduce the mass and scale of the building. Therefore, the request for additional residential floor area 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 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 and elevation drawings No. 1 dated 17.MAR.2021; 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: Comments not received.

Transit : No comments.

Halton Region: CAV A/058/2021 – B. and K. Chalal, 253 Albion 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 increase the maximum residential floor area requirements, and to reduce the minimum yard requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling and cabana 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 dwelling be built in general accordance with the submitted site plan and elevation drawings No. 1 dated 17.MAR.2021; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment