

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/060/2021

RELATED FILE: N/A

DATE OF MEETING: May 4, 2021

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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
IVA HOMES LTD 5100 SOUTH SERVICE RD UNIT 20/21 BURLINGTON ON, L7L 6A5	JORIS KEEREN KEEREN DESIGN INC 11 BRONTE RD UNIT 31 OAKVILLE ON, L6L 0E1	2435 APPLEWOOD DR PLAN M6 LOT 29

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL3-0
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	Section 5.8.6 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 47 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	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> between 650.00 m ² and 742.99 m ² shall be 41% (274.26 m ²); (Lot area is 668.95m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 43% (287.65 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/060/2021 - 2435 Applewood Dr (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of predominately one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. There are no sidewalks along Applewood

Drive and the lotting pattern is consistent throughout the neighbourhood, which results in relatively similar built form of existing and newly built 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 for an increase in floor area of the proposed private garage from 45.0 square metres to 47 square metres is internal to the building due to the double car garage and storage 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 Ratio (Supported)

The request for an increased floor area ratio of the proposed dwelling from 41% to 43% would add an additional 13.39 square metres (144.13 square feet) of floor area. The applicant's pre-submission plans originally consisted of flipped dwelling orientation, which proposed the driveway on the east side of the property and would result in tree and vegetation loss. The applicant's original plans have been revised to better reflect the Staff feedback. 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 built form is broken up and the second storey design incorporates step backs from the ground floor, lowered rooflines, single storey elements and a mix of materials. The proposed dwelling has a mass and scale that appears similar to the dwellings found in the surrounding neighborhood, which maintains and protects the character of the area.

Overall the design of the proposed dwelling maintains and protects the existing character of the neighbourhood by incorporating elements that are sympathetic to existing bungalows and new two-storey dwellings in the area. The building is set back to be in-line with the dwellings on adjacent properties and complies the setback requirements of the by-law.

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 condition is requested:

1. That the dwelling be built in general accordance with the submitted site plan and elevations dated April 7, 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/060/2021 – Iva Homes Ltd, 2435 Applewood Drive, 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 of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached 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 dwelling be built in general accordance with the submitted site plan and elevations dated April 7, 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.

A rectangular box containing a handwritten signature in cursive script, which appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment