

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/049/2021

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
Harbhajan and Gurpreet Saggu c/o Sundeep Saggu 392 Tennyson Drive Oakville ON L6L 3Z1	Glen Schnarr and Associates Inc c/o David Capper. 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN 852 LOT 106 392 Tennyson Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

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 1022.00m <sup>2</sup> and 1114.99m <sup>2</sup> shall be 37% (386.71m <sup>2</sup> ); (Lot area is 1045.16m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 39.0% (407.61m <sup>2</sup> ).
2	<b>Section 6.4.2 a) (Row RL2 Column 3)</b> The maximum <i>lot coverage</i> shall be 25% (261.29m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Area of the lot is 1045.16m <sup>2</sup> ).	To permit a maximum <i>lot coverage</i> of 27.0% (282.19m <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/049/2021 - 392 Tennyson 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 predominantly of one-storey dwellings which are original to the area, with some newer two-storey dwellings. The neighbourhood character includes mature vegetation both on public and private property. The existing grade of the property increases away from the street and the existing driveway is located next to the intersection of Tennyson

Drive and Tansley Drive. The property is also impacted by a fire hydrant on the southern side of the frontage, and a hydro pole and guy wire on the northern side of the frontage. The hydro pole is current abutting the existing driveway, and both the pole and guy wire, and hydrant are within the Town's road allowance.

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 37% to 39% would add an additional 20.9 square metres (224.96 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 streetscape. The overall massing is broken up with varying side yard setbacks and the second storey incorporates a single storey above the garage, in addition to design elements similar to that of newly built dwellings found within the surrounding area, most notably 402 Tennyson Drive. The proposed dwelling would have a mass and scale that appears similar to the new dwellings in the neighborhood, which meets the intent of the Zoning By-law.

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

The request for additional lot coverage from 25% to 27% adds an additional 20.9 square metres (224.96 square feet) of covered area. This includes the proposed covered porches, which contributes 27.61 square metres (297.19 square feet) or 2.6% lot coverage, while the remainder of the proposed dwelling contributes 24.4%. 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 proposed lot coverage would not have a negative impact on adjacent properties or the surrounding area since the covered porches which contribute the additional lot coverage are one-storey elements from a massing perspective and are built form features found on existing and newly built dwellings in the 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 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 JANUARY 2021 and elevation drawings No. 2 dated 11/11/20; 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 to increase the maximum lot coverage requirement 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:** 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 dwelling be built in general accordance with the submitted site plan dated JANUARY 2021 and elevation drawings No. 2 dated 11/11/20.
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 blue ink that reads "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer