

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/050/2021

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 |
|---|--|--|
| Imran & Selin Jessani 96 Rancliffe Road Oakville ON L6H 1B2 | David Small Designs c/o Julie Odanski & Peter Giordano 4-1405 Cornwall Road Oakville ON L6J 7T5 | PLAN 950 LOT 14 96 Rancliffe Road Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential Special Policy Area

ZONING: RL1-0

WARD: 5

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 single storey detached dwelling on the subject property proposing the following variances(s):

| No. | Zoning By-law Regulation | Variance Request |
|-----|---|--|
| 1 | Table 4.3 (Row 4) The maximum total <i>balcony</i> projection beyond the <i>main wall</i> shall be 1.5 m. | To permit the maximum total <i>balcony</i> projection beyond the <i>main wall</i> to be 2.34 m. |
| 2 | Section 6.4.2 a) (Row RL1, Column 3) The maximum <i>lot coverage</i> shall be 25% (316.80 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Area of the lot is 1,267.18 m ²). | To permit the maximum <i>lot coverage</i> to be 26.77% (339.17 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> . |
| 3 | Section 6.4.3 a) 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 12.45 m -1.0 m = 11.45 m minimum). | To permit a <i>minimum front yard</i> of 5.93 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/050/2021 - 96 Rancliffe Road (West District) (OP Designation: Low Density Residential Special Policy Area)

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

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The streetscape contains mature vegetation and no sidewalks along Randcliffe Road which is a character feature of the neighbourhood.

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 – Balcony Projection (Supported)

The request for an increased balcony projection from 1.5 m to 2.34 m, is measured from the rear wall of the dwelling to the furthest extent of the balcony of the Master Bedroom. It should be noted that if the proposed balcony was covered or had a staircase which provided access to the rear yard grade similar to the rear Covered Porch, a variance would not be required as it would not be subject to the balcony regulations. Based on the natural area in the rear yard, one-storey proposed built form, significant grade change from the front to rear yard and configuration of the lots surrounding the cul-de-sac, the requested variance would not result in any negative adverse impacts on abutting properties in relation to overlook or privacy.

Variance #2 – Lot Coverage (Supported)

The request for additional lot coverage from 25% to 26.77% adds an additional 22.37 square metres (240.78 square feet) of floor area. This includes front and rear covered porches, which equate to approximately 31.79 square metres (342.18 square feet) in size, therefore resulting in an increased lot coverage of 2.51% while the dwelling contributes 24.26%. 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. Noting the proposed one-storey proposed built form, the request for additional coverage from a mass and scale perspective is compatible with the character of the neighbourhood as it relates to the existing built form of the surrounding properties.

Variance #3 – Front Yard Setback (Supported)

The proposed reduced minimum front yard setback from 11.45 m to 5.93 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 abutting dwellings at the end of the cul-de-sac in relation to the siting of the proposed dwelling on the property. Furthermore, the reduced front yard setback would enable the applicant to shift the dwelling forward from the existing dwelling location and outside of the top-of-bank, which is regulated by Conservation Halton.

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 maintains 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 no. 8 dated Mar 18/21 and elevation drawings dated no. 5 dated Feb 23/21; 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:

- The rear limits of the property boundary is designated as Regional Natural Heritage System (RNHS) with a Provincial Overlay of MNR Wooded Area in the Regional Official Plan. When a development is within 120 metre of the RNHS, an

Environmental Impact Assessment is typically required. However, given that limits of the proposed development will not encroach into the RNHS, and that the entirety of the subject property falls within Conservation Halton (CH) regulated area, CH should be consulted for their comments prior to approval of the variance.

- Regional Staff also note the property has already been disturbed with an existing structure, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- Provided CH comments have been satisfied by the applicant, 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 lot coverage requirement, and alter other yard requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new single-storey detached dwelling on the subject property.

Conservation Halton:

File Number: CAV A/050/2021
96 Rancliffe Road, Town of Oakville
Imran & Selin Jessani – Owners
Julie Odanski & Peter Giordano – Agents

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

| <u>Ontario Regulation 162/06</u> | <u>Applicable</u> |
|--|-------------------------------------|
| Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances | <input type="checkbox"/> |
| River and Stream Valley Hazards (flooding/erosion) &/or allowances | <input checked="" type="checkbox"/> |
| Wetlands &/or Other Areas* | <input type="checkbox"/> |
| Hazardous Lands (Unstable Soil/Unstable Bedrock) | <input type="checkbox"/> |
| CH Permit Requirements | <input checked="" type="checkbox"/> |
| <u>One Window Delegated Authority under PPS</u> | |
| Natural Hazards (Sections 3.1.1-3.1.7 inclusive) | <input checked="" type="checkbox"/> |
| <u>CA/MOU</u> | |
| Impacts on Lakes and Rivers | <input type="checkbox"/> |
| Wildlife Habitat | <input type="checkbox"/> |
| Endangered & Threatened Species | <input type="checkbox"/> |
| Fish Habitat | <input type="checkbox"/> |
| Stormwater Management (as per Schedule I) | <input type="checkbox"/> |
| Sub-watershed Planning/Master Drainage Planning | <input type="checkbox"/> |
| <u>Other Comments (as a Public Body)</u> | |
| Niagara Escarpment Plan | <input type="checkbox"/> |
| Watershed Plan | <input type="checkbox"/> |
| Greenbelt Plan | <input type="checkbox"/> |
| Source Protection Plan | <input type="checkbox"/> |
| Hamilton Harbour Remedial Action Plan | <input type="checkbox"/> |

*Other areas are areas where development could interfere with the hydrologic function of a wetland, including areas within 120 m of all provincially significant wetlands and wetlands greater than or equal to 2 ha in size, and areas within 30 m of wetlands less than 2 ha in size.

Proposal

The applicant is proposing the following variances:

1. To permit the maximum total balcony projection beyond the main wall to be 2.34m instead of the maximum projection of 1.5m
2. To permit the maximum lot coverage to be 26.77% (339.17 m²) for the detached dwelling which is greater than 7.0 metres in height instead of the maximum lot coverage of 25% (316.80 m²); (Area of the lot is 1,267.18 m²)
3. To permit a minimum front yard of 5.93 metres instead of 11.45 m minimum as per the regulation that the minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre; (Existing 12.45 m -1.0 m = 11.45 m minimum).

Ontario Regulation 162/06

Pursuant to *Ontario Regulation 162/06*, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is adjacent to lands traversed by a tributary of Sixteen Mile Creek and contains the erosion hazard associated with that watercourse. CH regulates a distance of 15 metres from limit of the erosion hazard associated with Sixteen Mile Creek for this site. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

Proposed Development

It is staff's understanding that the applicant is seeking variances associated with the proposed reconstruction and expansion of the existing dwelling to allow for the proposed balcony to project further beyond the main wall, a greater lot coverage for the proposed detached dwelling, and a reduced front yard setback. Based on a review of the drawings submitted with this application, the proposed development is no closer than the existing development and maintains the 6 metre minimum setback from the stable top of bank associated with Sixteen Mile Creek. As such, staff have no objection to the required variances as the proposed development meets Policies 2.35.2.1 and 2.35.2.2 of *Conservation Halton's Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Document*, last revised November 26, 2020.

CH Permit Requirements

In advance of this Minor Variance Application, staff had worked with the applicant to ensure that the proposed development complies with relevant policies pursuant to *Ontario Regulation 162/06*. The development proposed through this Minor Variance Application is associated with CH Permit No. 7569 (CH File No. A/20/O/57), issued on September 11, 2020. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

One Window Delegated Authority under PPS

Staff are able to confirm that the development meets the Natural Hazards policies of the PPS.

Summary

Based on the above, staff have no objection to the approval of the above noted Minor Variance application. The development proposed in this application is associated with CH Permit No. 7569 (CH File No. A/20/O/57), issued on September 11, 2020. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

Staff note that the review fee was not received with this application. The “Minor (no site visit or technical review)” review fee for a minor variance application applies and must be received by CH prior to development. The current fee is \$132.74 + HST = \$150.00.

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 no. 8 dated Mar 18/21 and elevation drawings dated no. 5 dated Feb 23/21.
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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email in Support

From: Roy M. Bot, P. Eng.
Sent: April 9, 2021 2:16 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Subject: 96 Rancliffe Road - Committee of Adjustment

Dear Heather McCrae,

On behalf of the Silvio Bot Estate, Doris Bot residing at 82 Rancliffe Road, and Roy and Marina Bot residing at 74 Rancliffe Road, we wish to provide our support in the variance request by the applicant/owner Imran & Selin Jessani regarding 96 Rancliffe.

We have no objection to the variance request.

Regards,

Roy M. Bot
74 Rancliffe Road