

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/052/2022**

RELATED FILE: N/A

DATE OF MEETING: April 5, LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 05TH, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
GREGORY TILLEY STEPHANIE SPENCE 224 MOHAWK RD OAKVILLE ON, L6L 2Z2	MATTHEW FRATARCANGELI TENHOUSE BUILDING WORKSHOP 107 GLADSTONE AVE HAMILTON ON, L8M 2H8	224 MOHAWK RD PLAN M9 LOT 9

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL5-0
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 variances:

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.7 c) Attached <i>private garages</i> shall not project more than 1.5 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>front lot line</i> .	To permit the attached <i>private garage</i> to project not more than 1.78 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>front lot line</i> .
2	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.28 metres.

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/052/2022 - 224 Mohawk Rd (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey dwelling subject to the variances listed above. The neighbourhood consists of predominately one-storey dwellings that are original to the area with very little new construction. There are no sidewalks along Mohawk Road and landscaped boulevards provide additional separation between the public road allowance and private properties.

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 #2 – Private Garage Projection (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage projection from 1.5 metres to 1.78 metres from the face of the longest portion of the main wall. The intent of regulating the garage projection is to prevent the garage from being a visually dominant feature of the dwelling. In this instance, the design of the dwelling mitigates the impact of the proposed projection. The covered front porch is in line with the proposed garage reducing the visual impact. Staff are of the opinion that the variance meets the intent of the official plan and zoning by-law, is desirable for the development of the property and will not have a negative impact on adjacent or surrounding properties.

Variance #2 – Maximum Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 9.28 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook. The subject property is surrounded by one-storey dwellings and the proposed design and requested increase in height results in a dwelling that will appear substantially larger than others in the area. Staff have raised concerns with the requested height increase in the absence of design justifications. Additionally, the vertical large front window to the left side of the front elevation further emphasizes the increase in height. It is Staff's opinion that the dwelling has a proposed mass and scale greater than what would be appropriate for the area and does not meet the intent of the Official Plan or Zoning By-law, is not minor and is not desirable.

Subject Property:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variance #2 should not be supported as they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #1 satisfies the four tests under the *Planning Act*.

Fire: Comments not provided.

Transit : No comments.

Halton Region: 6.2 CAV A/052/2022 – G. Tilley & S. Spence, 224 Mohawk Road, Oakville

- The subject property is within 120 metre of the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will be constructed within the manicured lawn area and partially within the existing dwelling footprint, and will be setback sufficiently from any sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- 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 attached private garage projection and an increase in the maximum height, 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: 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.

A handwritten signature in black ink, enclosed within a thin black rectangular border. The signature is written in a cursive style and appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment