

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/068/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 03<sup>RD</sup>, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
JACOSI INVESTMENTS INC 300-145 REYNOLDS STREET OAKVILLE ON L6J 0A7	MHBC PLANNING C/O DANA ANDERSON 204-442 BRANT STREET BURLINGTON ON L7R 2G4	1 ENNISCLARE DRIVE EAST PLAN 397 LOT 14 & WATER LOT

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY

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 accessory building (cabana) on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.2 c) iii)</b> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To permit the maximum width of the driveway to be 16.67 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
2	<b>Section 5.8.2 g)</b> The maximum width of a walkway access at the point of attachment of a driveway shall be 1.80 metres.	To permit the maximum width of the walkway to be 2.28 metres.
3	<b>Table 6.3.1 (Row 9, Column RL1)</b> The maximum dwelling depth shall be 20.0 m.	To permit a maximum dwelling depth of 27.03 m.
4	<b>Section 6.4.1</b> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m <sup>2</sup> or greater shall be 29% (700.41 m <sup>2</sup> ); (Lot area is 2415.21 m <sup>2</sup> ).	To permit the maximum residential floor area ratio for the detached dwelling to be 34.37% (830.11m <sup>2</sup> ).
5	<b>Section 6.4.3 a)</b> 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 30.67 m -1.0 m = 29.67 m minimum).	To permit a minimum front yard of 21.23 metres.
6	<b>Section 6.4.6 c)</b> The maximum height shall be 9.0 metres.	To permit a maximum height of 10.49 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/068/2022 - 1 Ennisclare Dr E (East District) (OP Designation: Low Density Residential - Special Policy)

The applicant is proposing to construct a two-storey detached dwelling subject to the variances above.

The neighbourhood is characterized by two-storey dwellings original to the area and two-storey new construction on large lots. The property is subject to a site plan application (SP.1705.015/01) since the property abuts Lake Ontario. The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

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.

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.*

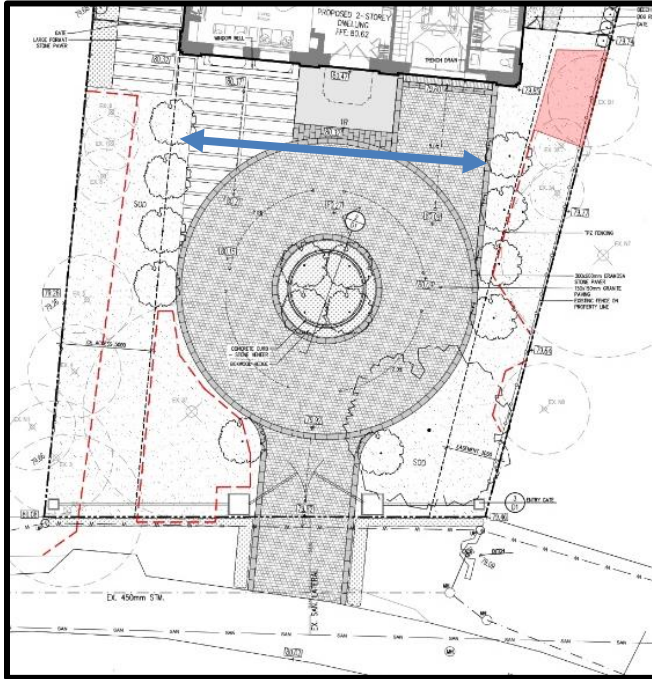
*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”*

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 unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

#### **Variance #1 – Driveway Width (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increased driveway width from 9.0 metres to 16.67 metres. The intent of regulating the driveway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm, including impacts on drainage and stormwater infiltration. The existing dwelling currently has a circular driveway with two entrances which is proposed to be replaced by a single entrance and driveway which circles a landscaped feature. The driveway width is measured across the entire driveway as indicated by the blue arrow in the image below. Other dwellings in the vicinity have similar driveway configurations. Staff are not concerned with the design of the driveway and are of the opinion that it satisfies the four tests of minor variance. It is noted that the easterly portion of the driveway, which connects to the walkway, is proposed to be comprised of permeable pavers as part of the concurrent site plan application to reduce the amount of paved surface in the front yard, and allow for increased lot drainage.

**Excerpt of Site Plan prepared by the applicant for the Site Plan Circulation:**



### **Variance #2 – Walkway Width (Supported)**

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit an increased walkway width from 1.80 metres to 2.28 metres. The intent of regulating the walkway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm and impacts on drainage and stormwater infiltration. In this instance, the increase in walkway width is minor and will not have an adverse impact.

Variance #3 (dwelling depth), #4 (residential floor area ratio), #5 (front yard setback) and #6 (height) are all interrelated and combine to regulate the mass and scale of the dwelling.

### **Variance #3 – Dwelling Depth (Unsupported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 27.03 metres. The intent of regulating dwelling depth is to limit the massing and size of dwellings, ensure that an adequate rear yard amenity space is provided, and reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections.

### **Variance #4 – Residential Floor Area Ratio (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 29% (700.41 square metres) to 34.37% (830.11 square metres) for an increase of 129.7 square metres (1,363.78 square feet). The proposed design of the dwelling includes an open to below area, with an area of approximately 17 square metres, which results in additional massing above the requested increase to residential floor area ratio. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

### **Variance #5 – Front Yard (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 29.67 metres to 21.23 metres. The front yard is measured from the front property line to the front porch. The intent of regulating the front yard

setback is to ensure a relatively uniform setback along the street. The reduction in front yard is directly related to the requested increase in dwelling depth and an overall increase in mass and scale as the massing is brought forward on the lot.

#### **Variance #6 – Height (Unsupported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 10.49 metres. The height is measured from the established grade which is an average of the centre points of each lot line abutting a road to the top 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 reduce impacts of shadowing and overlook.

#### **Evaluation of Variances 3, 4, 5 and 6:**

Based on staff's review of the application, it is staff's opinion that the proposed dwelling, including the setback, scale, height and proportions, fail to maintain and protect the existing neighbourhood character. As part of this review, the Design Guidelines for Stable Residential Communities were applied. The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. This is an important objective of the Livable Oakville Plan in stable residential areas.

According to the Town's Design Guidelines for Stable Residential Communities, Section 3.1.1.2., *"new development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood."* Also, *"new development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and complement the surrounding residential community"* (3.1.1.1).

The proposed dwelling contravenes the Design Guidelines, particularly the following sections:

- 3.1.3 Scale: New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.
- 3.2.1 Massing: New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area.
- 3.2.2 Height: New development with a full second storey is encouraged to incorporate facade articulation and different materials on the upper storey façade to minimize the appearance of greater height.

One of the intents of establishing zoning regulations which have the effect of controlling built form in relation to scale and mass, is to maintain and protect the existing neighbourhood character.

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties related to mass and scale, and a dwelling with a disproportionate mass and scale, in the context of the surrounding neighbourhood. The dwelling, as proposed, fails to maintain and protect the existing neighbourhood character. This would not maintain the intent of the Livable Oakville Plan, the Zoning By-law, nor be minor or desirable.

## Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variances #3, #4, #5 and #6 should not be supported as they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variances #1, and #2 satisfies the four tests under the *Planning Act*.

**Fire:** Comments not provided.

**Transit :** No comments.

## **Halton Region:**

### **6.3 CAV A/068/2022 – Jacossi Investments Inc., 1 Ennisclare Drive East, Oakville**

- As stated in the Regional Letter dated February 23, 2022 (in response to Site Plan application S.P.1707.015/01), the subject property directly abuts Lake Ontario and is also located within the Conservation Halton (CH) Regulated Area. As such, CH staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- Subject to no objection from CH, Regional staff have 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 maximum width of the driveway;
  - an increase in the maximum width of the walkway;
  - an increase in the maximum dwelling depth;
  - an increase in the maximum residential floor area ratio for the detached dwelling;
  - a decrease in the minimum front yard; 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 and accessory building (cabana) on the subject property.

## **Halton Conservation: Re: Minor Variance Application**

**File Number: CAV A/068/2022**

**1 Ennisclare Drive East, Town of Oakville**

**Jacossi Investments Inc. (Owner)**

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Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; provincially delegated responsibilities under Ontario Regulation 686/21 (i.e., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)); the Memorandums of Understanding (MOU, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) 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 and IESA may also apply to areas regulated under Ontario Regulation 162/06. Comments under the Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

## **Proposal**

To permit the construction of a two-storey detached dwelling and accessory building (cabana) on the subject property proposing the following variance(s):

1. To permit the maximum width of the *driveway* to be 16.67 metres for a *lot* having a *lot frontage* equal to or greater than 18.0 metres. To permit the maximum encroachment into

the minimum front yard for the window well with a maximum width of 8.96 metres to be 0.5m.

2. To permit the maximum width of the walkway to be 2.28 metres.
3. To permit a maximum *dwelling depth* of 27.03 m.
4. To permit the maximum *residential floor area ratio* for the *detached dwelling* to be 34.37% (830.11m<sup>2</sup>).
5. To permit a *minimum front yard* of 21.23 metres.
6. To permit a maximum *height* of 10.49 metres.

### **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 the shoreline of Lake Ontario and contains the associated erosion and flooding hazards. Through the review of plans for development along the shoreline, CH seeks to ensure that development will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes - St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards. The combination of these hazardous lands delineates the extent of the development setback and is determined based on site-specific conditions. 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>).

### ***Proposal Background and Outstanding Comments***

CH staff initially attended a pre-consultation meeting related to a municipal Site Plan for the proposed works on August 26, 2020. At that time, staff had reviewed a *Sea Wall Assessment Report*, prepared by Shoreplan Engineering, dated January 14, 2019. This initial report stated the existing concrete seawall addresses the erosion hazard and has a remaining design life of at least 35 years. However, the *Sea Wall Assessment Report* was updated for the Site Plan application (SP1707.015/01) to address recent high-water levels and Shoreplan Engineering recommended raising the wall, including an armour stone toe berm and reinforcement of the backshore area (per the updated *Sea Wall Assessment Report*, dated June 11, 2021).

An application for shoreline protection works was submitted to CH on October 8, 2021 (CH File A/21/O/94), and the permit was issued February 9, 2022 (CH Permit 8085). As a result of timing windows that work has not yet been completed. Please note that while CH staff can comment on setbacks as though shoreline protection works are complete, CH approvals for the house, cabana, and associated development would not occur until the shoreline protection works are complete and as-built drawings provided to CH's satisfaction.

On July 13, 2021, the Town of Oakville circulated Site Plan application SP1707.015/01 for the proposed dwelling and accessory structures at the subject property to CH (considered complete August 4, 2021) to which CH commented on September 1, 2021. A second submission was received January 6, 2022, and CH responded with a letter to the Town dated February 25, 2022. In that letter we raised concerns related to structures proposed not meeting appropriate setbacks, and one of our key comments recommended that the applicant submit a Pre-Application Request for Technical Review to determine development setbacks for the site, prior to re-submitting the Site Plan application. That Pre-Application Request was received March 24, 2022 (CH file A/22/O/22). Based on a review of the material submitted, staff provided comments to the applicant in a letter dated March 31, 2022. We have not received a formal response to that letter and at this time there is still insufficient information to demonstrate that the proposed dwelling and accessory structures will address setbacks associated with the erosion hazard associated with Lake Ontario. We can confirm that revisions to the cabana and rear hardscaping are likely required to meet CH policy.

While CH staff are not opposed to the proposed variances as written, we recommend **deferral** of this Minor Variance application until our outstanding comments regarding the required setbacks are addressed through CH file A/22/O/22 and/or Site Plan application SP1707.015/01.

**One Window Delegated Authority under PPS**

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7). Policy 3.1.1 of the PPS states that “development shall generally be directed to areas outside of... a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards.” Given the above, additional information is required to ensure the proposed works conform to the PPS and CH Policy.

**Recommendation**

Given the above, recommends **deferral** of the requested minor variances until our outstanding comments regarding the required setbacks are addressed through CH file A/22/O/22 and/or Site Plan application SP1707.015/01.

**Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.**

We trust the above is of assistance. If you have any further questions, please contact the undersigned.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – 4**

**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.



Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment

**Letter of supports:**

**RE: Letter of Support for Minor Variance Application at 1 Ennisclare Drive East, Oakville, Ont., L6J 4N3**

I am the owner of 6 Ennisclare Drive West, the neighbour immediately to the west of 1 Ennisclare Drive East. I confirm that I participated in a meeting to review and discuss the Minor Variances requested and was provided with a copy of the following information:

1. Summary of Minor Variances
2. Site Plan
3. Building Elevation Drawings
4. Colour Renderings - Front View & Rear View of the proposed House

Please be advised, that I have no concerns and support the Committee of Adjustments approving the Minor Variances requested for the proposed New Residence by Jacossi Investments Inc.

Sincerely,  
Paul Lucas,  
Owner 6 Ennisclare Drive West  
c.c. Mr. Marco Guglietti, Jacossi Investments Inc.,

**David Weatherhead**

3 Ennisclare Drive East, Oakville, Ont., L6J 4N3

April 11, 2022

Town of Oakville, Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3  
**Attention: Jasmina Radomirovic - Assistant Secretary-Treasurer,**  
**Email: [jasmina.radomirovic@oakville.ca](mailto:jasmina.radomirovic@oakville.ca)**

**RE: Letter of Support for Minor Variance Application at 1 Ennisclare Drive East, Oakville, Ont., L6J 4N3**

I am the owner of 3 Ennisclare Drive East, the neighbour immediately to the east of 1 Ennisclare Drive East. I confirm that I participated in a meeting to review and discuss the Minor Variances requested by our neighbour and was provided with a copy of the following information:

1. Summary of Minor Variances
2. Site Plan
3. Building Elevation Drawings
4. Colour Renderings - Front View & Rear View of the Proposed House

I hereby confirm that I have no objections and fully support the Committee of Adjustments approving the Minor Variances requested for the proposed New Residence by Jacossi Investments Inc.

Sincerely,

David Weatherhead,  
Owner - 3 Ennisclare Drive East

Email: [jasmina.radomirovic@oakville.ca](mailto:jasmina.radomirovic@oakville.ca)

**RE: Support Letter - Minor Variance Application File # CAV A-068-2022 - 1 Ennisclaire Dr. E.**

I am the architect for a number of clients in the immediate vicinity of this project and I have sat in on a number of discussions with local residents and I have reviewed all of the materials provided.

I was provided with a copy of the following information:

1. Summary of Minor Variances
2. Site Plan
3. Building Elevations
4. Colour Renderings of the Proposed New Residence

While I am not a landowner and I do not actively represent any of the specific landowners I have discussed the project with them over the past couple of months. I haven't actively involved in many rebuilds on the street and thus I have interest in what was being proposed. I wanted to however lend my support to the project as I believe it has been well thought out and it passes the tests under the Planning Act

Please be advised, that I fully support the Committee of Adjustments approving the Minor Variances requested for the New Residence at 1 Ennisclaire Drive East.

Sincerely,



**Yours truly,  
The Hicks Design Studio Inc.**

## Art Artuso

8 Ennisclare Drive West, Oakville, Ontario, L6J 4N2

March 30, 2022

Town of Oakville, Building Services  
1225 Trafalgar Road  
Oakville, Ont., L6H 0H3  
**Attn: Secretary Treasurer – Committee of Adjustments**

**RE: Letter of Support for Minor Variance Application  
1 Ennisclare Drive East, Oakville, Ont., L6J 4N3**

I am the owner of 8 Ennisclare Drive West and confirm that I have reviewed the Minor Variances requested for 1 Ennisclare Drive East in Oakville, Ont.

Please be advised, that I have no concerns and am in full support of the Committee of Adjustments approving the Minor Variances requested in connection with the proposed New Single-Family Dwelling by Jacossi Investments Inc.

Should you have any concerns, please do not hesitate to contact me via E-Mail address

Sincerely,



Art Artuso,  
Owner of 8 Ennisclare Drive West

c.c. Mr. Marco Guglietti, Jacossi Investments Inc., via E-mail