

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/071/2022

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>
HARKAMALJIT DHADWAR BALJINDER DHADWAR 2318 BENNINGTON GATE OAKVILLE ON, L6J 6C2	DAVID NELSON 382 BARTOS DRIVE OAKVILLE ON, L6K 3E6	2318 BENNINGTON GATE CON 4 SDS PT LOT 3 RP 20R2390 PART 6

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 on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.6 c)</b> For <i>lots</i> located within the Residential Low (RL1) <i>Zone</i> the maximum total <i>floor area</i> for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 66.5 square metres.
2	<b>Table 6.3.1 (Row 9, Column RL1)</b> The maximum <i>dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 23.96 m.

### 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/071/2022 - 2318 Bennington Gate (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 subject property is located on a private lane and is not visible to the public realm.

The property is subject to Site Plan Approval (SP.1703.011/01) since it was created by Consent Application B02/17 (1703), which was approved by the Ontario Municipal Board (OMB) and is

currently under review. Staff are of the opinion that the timing to request a minor variance is appropriate given the progression of the Site Plan application to date.

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 the development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

#### **Variance #1 – Private Garage Floor Area (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56 square metres to 66.5 square metres for a total increase of 10.5 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling from the public realm. In this instance, the increase results in a three car garage but the subject property is located on a private lane and therefore the proposed garage is not visible from the public realm. The third bay is also a one-storey element to reduce its prominence.

#### **Access to Private Lane from Bennington Gate:**



**Subject property:**



**Variance #2 – Dwelling Depth (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 23.96 metres. This measurement also includes all below grade elements. 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. The request for an increased dwelling depth is due to the measurement taken from the furthest extent of the dwelling to a below grade element in the rear yard. The above grade portions of the dwelling are consistent with the maximum 20.0 metre depth which meets the intent of the Zoning 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 they result 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 on abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, Staff are of the opinion that the application satisfies the applicable 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 final approved Site Plan to the satisfaction of the Director of Planning Services.
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/071/2022 – Harkamaljit & Baljinder Dhadwar, 2318 Bennington Gate, Oakville**

- 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 total floor area for the private garage and an increase in the maximum dwelling depth, 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.

**Oakville Hydro: cav a-071-2022-2318 Bennington Gate**



We do not have any objection with this Minor Variance Application. Please note the new house will require a new underground hydro service from Bennington Gate and the service will require a Right of Way along the private laneway "Stones Lane".

We do not have any objection or comments for the other Minor Variance Applications on the agenda.

**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 final approved Site Plan to the satisfaction of the Director of Planning Services.
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.



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment