

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/074/2022

RELATED FILE: N/A

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

Owner (s)	Agent	Location of Land
NICOLA CIANCI JUDITH FURLONG-CIANCI 115 ROSEMARY LANE ANCASTER ON, L9G 2K4	JULIE ODANSKI DAVID SMALL DESIGNS 1405 CORNWALL RD UNIT UNIT 4 OAKVILLE ON, L5J 7T5	181 BURGUNDY DR PLAN 604 LOT 16

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 variances:

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 3) The maximum encroachment into a <i>minimum yard</i> for eaves and gutters shall be 0.6 m.	To permit the maximum encroachment into a <i>minimum front yard</i> for the eaves and gutters to be 0.81 m.
2	Section 5.8.2 g) One walkway access may be connected to each side of a <i>driveway</i> . The maximum width of the walkway access at the point of attachment shall be 1.8 metres.	To permit the maximum width of the <i>walkway</i> to be 2.97 metres.
3	Section 5.8.6 c) 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 66.33 square metres.
4	Section 6.4.2 a) (Row RL1, Column 3) The maximum <i>lot coverage</i> shall be 25% (348.38 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 1393.50 m ²).	To permit the maximum <i>lot coverage</i> to be 28.87% (402.30 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
5	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 13.98 m -1.0 m = 12.98 m minimum).	To permit a <i>minimum front yard</i> of 10.50 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/074/2022 - 181 Burgundy Dr (East District) (OP Designation: Low Density Residential - Special Policy)

The applicant proposes to construct a two-storey detached dwelling subject to the variances listed above.

The neighbourhood is in transition and is predominantly characterized by two-storey new construction and one and one and a half-storey dwellings original to the area. Minor variances were approved for the subject property on November 24, 2020 which allowed for access stairs to encroach into the minimum side yard, an increase in residential floor area ratio from 29% to 33.58%, increase in lot coverage from 25% to 29.24% and a minimum front yard of 10.50 metres.

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 – Front Yard Encroachment (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit the maximum encroachment into a minimum front yard for eaves and gutters to be 0.81 metres when a maximum of 0.6 metres is permitted. The intent of regulating encroachments into required yards is to ensure spatial separation between buildings and allow for adequate drainage and stormwater infiltration. In this instance, staff are of an opinion that the increase is minor and will not have a negative impact on the front yard. Staff are of the opinion that the front yard condition is still appropriate as discussed under variance #5 and adequate space is provided for drainage and storm water infiltration.

Variance #2 – Walkway Width (Not Required)

It has been confirmed by zoning staff that this variance is not required.

Variance #3 – Private Garage 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 66.33 square metres for a total

increase of 10.33 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. The proposed garage is located in the interior side yard and is therefore not visible from the public realm which meets the intent of the zoning by-law.

Variance #4 – Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (348.38 square metres) to 28.87% (402.30 square metres) for an increase of 53.92 square metres. 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 and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. A portion of the increase in lot coverage can be attributed to the proposed cabana (12.45 square metres) located in the rear yard, the one-storey covered porches (35.93 square metres) and the eave overhangs (29.83 square metres). The covered porches and eaves are one-storey elements with assist to break up the massing of the dwelling. Adequate space is provided for outdoor amenity areas and stormwater infiltration. It is staff's opinion that the proposed increase in lot coverage is minor in nature, meets the intent of the Official Plan and Zoning By-law, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

Variance #5 – Front Yard (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 12.98 metres to 10.50 metres. The front yard is measured from the front property line to the main wall of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. Based on the submitted survey, it should be noted that the existing dwelling is setback further from the street than the other dwellings along Burgundy Drive. In this instance, the required setback is measured to the as-of-right permissions of the existing dwelling and the proposed setback would improve the alignment of the existing dwelling along the street. The proposed front yard setback would site the proposed dwelling in line with the existing dwellings on adjacent properties along the street. Staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties and meets the intent of the zoning by-law.

Notwithstanding the comments above, it appears that a variance may have been missed and the proposed driveway does not comply with the zoning by-law requirements. Depending on the outcome of this application, the applicant may need to revise the proposal to comply with driveway width regulations at the time of building permit, which may or may not be in general accordance with the plans submitted with this application. Alternatively, the applicant may request a deferral of this application to address the driveway width.

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. There is significant paving on the property with the circular driveway, the side access to the garage and additional hammerhead.

The urban design guidelines speak to reducing hardscaped surfaces in the front lawn. The following urban design guidelines apply:

3.3.2 Driveways and Walkways:

- New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.
- New development should be designed with widest part of the driveway positioned directly in front of the garage door(s). The driveway width should be minimal at the

- property line to reduce the impact on the pedestrian environment and on street trees in the boulevard.
- New development is discouraged from incorporating circular driveways in order to reduce the amount of paved surface and the number of curb cuts that may impact the streetscape and pedestrian environment

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 submitted site plan and elevation drawings to the satisfaction of the Director of Planning; 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 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 provided.

Transit : No comments.

Halton Region: CAV A/074/2022 – Nicola & Judith Cianci, 181 Burgundy Drive, 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 encroachment into a minimum front yard for the eaves and gutters;
 - an increase in the maximum width of the walkway;
 - an increase in the maximum total floor area for the private garage;
 - an increase in the maximum lot coverage for the detached dwelling; and
 - a decrease in the minimum front yard;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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings to the satisfaction of the Director of Planning; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment