

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/081/2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 17, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Sanaa Hasbani 396 Winston Road Oakville ON L6L 4W5	Our Cool Blue Architects Inc c/o Tom Kolbasenko 213-450 Bronte Street Milton ON L9T 8T2	PLAN 579 LOT 97 448 Winston Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0  
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 variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.6 b)</b> For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 63.4 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	<b>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> between 743.00 m <sup>2</sup> and 835.99 m <sup>2</sup> shall be 40% (326.90 m <sup>2</sup> ); (Lot area is 817.26 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 43.90% (358.80 m <sup>2</sup> ).

## 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/081/2022 - 448 Winston 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 is characterized by two-storey dwellings original to the area and two-storey new construction.

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

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45 square metres to 63.4 square metres for a total increase of 18.4 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The requested increase would be internal to the dwelling due to the three-car tandem parking garage configuration; therefore, it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law.

#### **Variance #2 – Residential Floor Area Ratio (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 40% (326.90 square metres) to 43.90% (358.80 square metres) for an increase of 31.9 square metres. 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. The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations. Staff are of the opinion that the requested increase in floor area is minor in nature, meets the intent of the Official Plan and zoning by-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

As the applicant is requesting to increase the floor area ratio beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

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 to 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 submitted site plan dated April 19, 2022 and elevation drawings dated April 8, 2022; 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:** SFD. No concerns with FD access. No impact to Fire Review items

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- 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 maximum total floor area for a private garage and an increase in the maximum residential floor area ratio for a detached dwelling, 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:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

**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 April 19, 2022 and elevation drawings dated April 8, 2022.
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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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition – 1

From: Scott Meissner  
Sent: May 4, 2022 3:30 PM  
To: Heather McCrae <heather.mccrae@oakville.ca>  
Subject: 448 Winston Road. File#CAV A/081/2022

Hi Heather, So the garage floor space is part of this calculation and basically they are just building a monster home with more space devoted to the garage in lieu of an extra washroom and walk in closet or even bigger kitchen? I'm guessing there will be access to the back yard through the garage or they better get the pool in first. Curious how one maintains the sides of the buildings with a side setback of only 1.2m (I know in my case the neighbours workmen just uses our side yard without permission and, I suppose, hope we never overbuild our house too). My main concern with these builds are the insistence of digging into the water table for full 8 or 9 foot basements but I suppose that ship has sailed. I guess anyone building a 4M+ home with a huge garage isn't doing so in order to open an unlicensed auto repair shop at least. If you are going to constantly allow variances is there a point of having a set value or should you be looking to make the process more efficient and if 40% is reasonable just stick to it?

Thanks Scott Meissner, 440 Smith Lane