

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/082/2022

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
Rakesh and Sonia Chadha 1188 Carey Road Oakville ON L6J 2E4	HDS Dwell Inc c/o Jason Huether 20 Gilmour Road Puslinch ON N0B 2J0	PLAN 1201 LOT 2 1188 Carey Road Town of Oakville

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	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total floor area 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 63.28 square metres.
2	Table 6.3.1 (Row 9, Column RL1) The maximum <i>dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 26.43 m.
3	Section 6.4.1 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> 1301.00 m ² or greater shall be 29% (446.06 m ²); (Lot area is 1538.15 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 31.89% (490.52 m ²).
4	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 20.06 m -1.0 m = 19.06 m minimum).	To permit a <i>minimum front yard</i> of 9.42 metres.
5	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.49 metres.

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/082/2022 - 1188 Carey Rd (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 consists of two-storey dwellings that are original to the area and newly constructed two-storey dwellings.

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 is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56 square metres to 63.28 square metres for a total increase of 7.28 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 – 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 26.43 metres. This measurement also includes the covered and uncovered porches at the rear. 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 requested increase in depth is attributed to the uncovered terrace. The dwelling has a depth of 17.27 metres and not extend into the rear yard as far as the existing dwelling which meets the intent of the zoning by-law.

Variance #3 – 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% (446.06 square metres) to 31.89% (490.52 square metres) for an increase of 44.46 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.

Variance #4 – 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 19.06 metres to 9.42 metres. The front yard is measured from the front property line to front covered entry. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed dwelling will be in line with the setback of the adjacent dwelling to the west. In this instance, staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

Variance #5 – 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 9.49 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.

Evaluation of Variances #3 and #5:

Staff are of the opinion that the requested height variance is interrelated to a variance regarding residential floor area since they both regulate the mass and scale of the dwelling. New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front. The proposed dormers that extend to the ground add to the verticality of the house and the scale of the projected elements on both sides around the entrance also add to the verticality of the dwelling and makes it appear taller. In this instance, staff are of the opinion that the proposed scale, height and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood. 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.

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.

Subject Property:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variances #3 and #5 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, #2 and #4 satisfy the four tests under the *Planning Act*. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: SFD. No concerns with FD access. No impact to Fire Review items

Oakville Hydro: We do not have any objection with this Minor Variance Application. Please make note that the new house will require a new underground hydro service from Carey Rd

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, an increase in the maximum dwelling depth, an increase in the maximum residential floor area ratio for a 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 on the subject property

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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 blue ink, reading "Heather McCrae", enclosed within a rectangular box.

Heather McCrae, ACST
Secretary-Treasurer