

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/108/2022**

RELATED FILE: **N/A**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 05TH, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
KAREEM FARES 176 WOODHAVEN PARK DR OAKVILLE ON, L6L 4K6	JASON HUETHER HDS DWELL INC 20 GILMOUR RD PUSLINCH ON, N0B 2J0	176 WOODHAVEN PARK DR PLAN 669 LOT 186

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2

ZONING: RL2-0
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	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> between 1115.00 m ² and 1207.99 m ² shall be 35% (400.07 m ²); (Lot area is 1143.07 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 35.45% (405.24 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (285.76 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> .	To permit the maximum <i>lot coverage</i> to be 28.34% (323.95 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

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/108/2022 - 176 Woodhaven Park Dr (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of one-storey and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed.

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 – 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 35% (400.07 square metres) to 35.45% (405.24 square metres) for an increase of 5.27 square metres. The proposed design of the dwelling includes an open to below area, with an area of approximately 25 square metres, which results in additional massing above the requested increase to residential floor area ratio and a perceived increase of 37.6%. 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. Staff are of the opinion that the requested lot coverage variance is interrelated to a variance regarding residential floor area since they both regulate the mass and scale of the dwelling. The eastern portion of the dwelling, around the garage area, does not provide adequate transitioning in terms of massing and height to the adjacent dwelling to the east. In this instance, staff are of the opinion that the proposed scale and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.

Variance #2 – Lot Coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (285.76 square metres) to 28.34% (323.95 square metres) for an increase of 38.19 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. Staff are of the opinion that the requested lot coverage variance is interrelated to a variance regarding residential floor area since they both regulate the mass and scale of the dwelling. In this instance, staff are of the opinion that the proposed scale and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.

As the applicant is requesting to increase the floor area ratio and lot coverage 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.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variance does not maintain the general intent of the Official Plan and is not appropriate for the development of the lands. 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.

Transit : Comments not provided.

Halton Region: CAV A/108/2022 – K. Fares, 176 Woodhaven Park Drive

- The subject property is within 120 metres of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development is sufficiently setback from any Key Features and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- 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 maximum residential floor area ratio and an increase in maximum lot coverage, 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 provided.

Union Gas: Comments not provided.

Oakville Hydro:

CAV A/108/2022 – We do not have any objection to these minor variance applications but please note the new house will require a new underground service from Woodhaven Park Dr. In addition, any relocations due to conflicts with the existing pole(s) and/or wire(s) located on the property will be at the property owner's expense. Also please note there is a 0.6m wide hydro easement along the South property line which borders 170 Woodhaven Park Dr. for secondary underground cable and this must be kept free of all obstructions for access.

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 – 1.

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 Opposition:
Hello Jasmina,

The comments that I have are specifically in reference to maximum lot coverage proposed 35.34% - permitted 35%

The drawing was approved for a terrace and now they are asking to add a flat roof over the terrace and that's clearly showing the intention of adding a balcony in the future especially when we do not have drawings to the inside of the house.

Regardless of the drawing a future access to the balcony/covered terrace could be easily accomplished especially after the permits have been issued for a covered terrace.

This will impact and affects the privacy of all of the Surrounded neighbours. we do not want a covered terrace/ balcony added on the second floor that's going to expose all of our backyards and children. We do not want to lose our privacy by feeling we're being watched. This cannot be approved as this is considered a complete invasion of privacy.

This is not like a window on the 2nd floor where you stand and look over for couple of minutes this a seating area that could be used for hours by the owners and their guests.

Regards,

Sam B