

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/105/2022**

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>
LUIGI MANGIARDI 1306 CAMBRIDGE RD OAKVILLE ON, L6J 1S3	KURTIS VAN KEULEN HUIS DESIGN STUDIO 1A CONESTOGA DR BRAMPTON ON, L6Z 4N5	1335 AVON CRES PLAN 592 LOT 93

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL3-0  
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:

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 54.5 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</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/105/2022 - 1335 Avon Cres (East District)** (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling subject to the variance above.

The neighbourhood is characterized by one and 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 54.5 square metres for a total increase of 9.5 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The requested increase would be internal to the dwelling due to the added storage area which could also function as a potential tandem parking space; 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.

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 December 14, 2021 and elevation drawings dated April 22, 2020; 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.

**Transit :** Comments not received.

**Halton Region: CAV A/105/2022 – Luigi Mangiardi, 1335 Avon Crescent**

- A portion of the subject property falls within Conservation Halton (CH) regulated area, floodplains and watersheds. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 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 total floor area, 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.

**Halton Conservation:** Good afternoon Jasmina,

This property is regulated by CH as it is in close proximity to Lower Wedgewood Creek, the flooding and erosion hazards associated with that creek and the 7.5m regulation limit from the greater hazard. For this property the greater hazard would be the flood hazard and the 7.5m regulation limit from the flood hazard. CHs regulation limit extends 7.5 m from the rear lot line for this particular property.

The proposed soak-away pit is located within CHs regulatory limit, however, the proposed soak-away pit is considered to be a passive infiltration system. CH recommends the design of the soak-away pit consider infiltration potential of the native soils and provide for overflow.

Given the above, CH staff has **no objection** to the requested minor variances subject to the following condition to be added to the approval of this application:

1. That the applicant applies for and receives a Permit from CH prior to the initiation of works.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

**Bell Canada:** Comments not received.

**Trans Northern Pipelines :** Thank you for contacting Trans-Northern Pipelines Inc. (TNPI) We can confirm that TNPI has NO infrastructure in the mentioned area.

**CNR:** 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 dated December 14, 2021 and elevation drawings dated April 22, 2020; 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.

A rectangular box containing a handwritten signature in black ink. The signature appears to be "J. Radomirovic" written in a cursive style.

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment