

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/111/2022

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>
MARKO RADOSEVIC ANDRIJANA PETRIC-RADOSEVIC 103 RINGWOOD RD OAKVILLE ON, L6H 1K3	LINDSEY BRUCE SMPL DESIGN STUDIO 15 COLBOURNE ST HAMILTON ON, L8R 2G2	103 RINGWOOD RD PLAN 553 LOT 67

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5

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 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 lot with a lot area 1301.00 m ² or greater shall be 29% (391.99 m ²); (Lot area is 1351.7 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 31.78% (429.54 m ²)
2	Section 6.4.3 a) The <i>minimum front yard</i> on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre; (Existing 12.38 m -1.0 m = 11.38m minimum).	To permit a <i>minimum front yard</i> of 9.69 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/111/2022 - 103 Ringwood 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 consists predominantly of one-storey dwellings original to the area with some two-storey original dwellings and intermittent 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 – 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% (391.99 square metres) to 31.78% (429.54 square metres) for an increase of 37.55 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. 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. Staff have concerns with the two storey elements on the front façade around the front entrance that overpower the streetscape and do not provide an appropriate transition to the adjacent property to the east. As a result, staff are of the opinion that the requested variance does not meet the intent of the Official Plan and Zoning By-law.

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.

Photos of subject site and adjacent properties:





Variance #2 – 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 11.38 metres to 9.69 metres. The front yard is measured from the front property line to the main wall. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The subject property is located on a crescent and the proposed dwelling reflects the current condition and aligns with the setback of the adjacent dwellings. 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.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variance #1 should not be supported as it does not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #2 satisfies 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.

Transit : Comments not received.

Halton Region: CAV A/111/2022 – M. and A. Radosevic, 103 Ringwood Road

- 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 residential floor area ratio for the detached dwelling and a decrease in minimum front yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment