

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/113/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 19, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
5035024 Ontario Inc c/o John Huw Thomas 276 Gloucester Avenue Oakville ON L6J 3W9	Batory Management c/o Paul Demczak 655 Annland Street Pickering ON L1W 1A9	PLAN 435 LOT 21 216 Forestwood Drive 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 with a detached private garage 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> 1301.00 m ² or greater shall be 29% (419.72 m ²); (Lot area is 1447.3 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 31.49% (455.7m ²).
2	Section 6.4.2 a) (Row RL1, Column 3) The maximum <i>lot coverage</i> shall be 25% (361.83m 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 26.08% (377.4m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
3	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.3 metres.
4	Section 6.5.2 c) The maximum <i>height</i> for any <i>accessory building</i> or <i>structure</i> shall be 4.0 metres measured from <i>grade</i> .	To permit a maximum <i>height</i> for the <i>accessory building</i> to be 4.98 metres measured from <i>grade</i> .

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/113/2022 - 216 Forestwood Dr (East District) (OP Designation: Low Density Residential - Special Policy)

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

The neighbourhood consists of one and two-storey dwellings original to the area and many two-storey new construction. The neighbourhood appears to be in transition with many larger new construction dwellings amongst original dwellings.

The subject property is 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 – Residential Floor Area Ratio (Supported)

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% (419.72 square metres) to 31.49% (455.7 square metres) for an increase of 35.98 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, the applicant has made efforts to mitigate the impact of the proposed increase in mass and scale by incorporating greater separation to an adjacent dwelling by setting back the proposed dwelling 4.75 metres from the southerly interior lot line, whereas a minimum of 4.2 metres is required. The applicant has setback and lowered the height of elements on the northerly side of the dwelling and incorporated one-storey elements to mitigate the impact.

Variance #2 – Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (361.83 square metres) to 26.08% (377.4 square metres) for an increase of 15.57 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. The increase in lot coverage can be attributed to the proposed one-storey covered porches. The covered porches are one-storey elements which assist in breaking up the massing of the dwelling. It is staff's opinion that the proposed increase in lot coverage is minor in nature, meets the intent of the Official Plan and Zoning By-

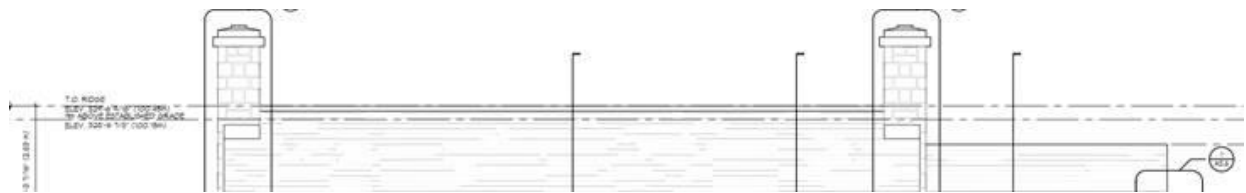
law, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

As the applicant is requesting to increase the residential 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.

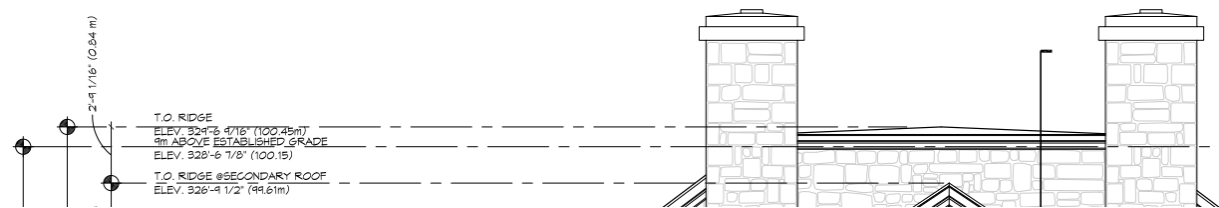
Variance #3 – Height (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 9.3 metres. The height is measured from the established grade which is an average of the centre points of each lot line abutting a road to the top 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. In this instance, the increase in height is for a small portion of the roof for what appears to be a peaked element from the public realm. The excerpts of the elevations below provide a representation of the proposed increase in height. Based on the design of the roof, the increase is minor and will not have a negative impact on adjacent and surrounding properties.

Excerpt of Front (East) Elevation prepared by the Applicant:



Excerpt of Side (North) Elevation prepared by the Applicant:



Variance #4 – Accessory Building Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building from 4 metres to 4.98 metres for the detached garage. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property. In this instance, staff are of the opinion that the accessory building (detached garage) will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties. The accessory building is proposed to be setback 3.1 metres from the rear property line and 0.8 metres from the interior side yard when the minimum requirement is 0.6 metres. The greater setback assists with reducing the impact of the increased height.

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 and elevation drawings dated May 2, 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. Adequate access provided. No concerns

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 maximum residential floor area ratio, an increase in maximum lot coverage, an increase in maximum height, and an increase in maximum height for the accessory building, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling with a detached private garage on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: Three

Letter(s)/Emails in opposition: Three

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 and elevation drawings dated May 2, 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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:

Letters/Emails in Support – 3

Letters/Emails of Opposition – 3

From:

Sent: Monday, July 11, 2022 3:31 PM

To: Heather McCrae <heather.mccrae@oakville.ca>

Subject: CAV A/113/2022

We are responding to the Notice of Public Hearing for Committee of Adjustment for 216 Forestwood Drive.

We object to the 4 requests for variance.

This is a large level lot very similar to the other lots in the neighbourhood. The bylaws allow a very large house to be constructed on this lot so exceeding the floor area ratio, and the lot coverage area, and the maximum height of the house and also the height of the accessory building (in this case 24.5% higher) is not minor taken in totality and does not meet the intent of the zoning by-law and is not desirable or appropriate in our view.

Brian and Louise Brownlee
237 Poplar Dr

From:

Sent: Monday, July 11, 2022 5:47 PM

To: Heather McCrae <heather.mccrae@oakville.ca>

Subject: committee of adjustments

I would like to respond to the request made for File No. CAV A/113/2022.

My comments are regarding the Request for Variance for the property at 216 Forestwood Drive.. I understand that the hearing will be held on Tuesday July 19, 2022 at 7 p.m.

I have lived in the area since 1981 and have watched the transformation of bungalows, first being renovated, to torn down and replaced with 2-storey, very large homes. I'm not opposed to progress and know that areas change and develop over time. However I have 2 objections to the above project.

1. Why is a variance request necessary when bylaws are set, often after much deliberation, by the town. If they are meaningless, then why have bylaws?
2. Why should developers be allowed to cut down large trees while Oakville boasts of a great canopy? There is little enforcement for pruning or cutting up limbs, but it seems a developer can cut down any large tree on a property if he is willing to pay to extend the house beyond bylaw limits.

Sandra Gordon
158 Poplar Drive
Oakville, L6J 4C6

From:

Sent: Tuesday, July 12, 2022 10:14 AM

To: Heather McCrae <heather.mccrae@oakville.ca>

Subject: RE: File No: CAV A/113/2022

Subject: Letter of Objection - Property: 216 Forestwood Drive Plan 435 Lot 21

1. Objection 1: The height of the main residence should not exceed the 9.0 meter limit. There is a bylaw in place and it should be enforced.
2. Objection 2: The height of the accessory building should not exceed the 4.0 meter limit. Not mentioned in the plans, is that there is going to be a copula on top of the accessory building, which will result in the overall height of the accessory building being approximately over 6.0 meters.

Our biggest concern is the plan for the garage to be placed in the backyard. These are not 300' deep lots. So, if we understand the plans correctly, the builder wants to build a 5,000 square foot house, which exceeds the maximum lot coverage. Then skirt the lot coverage bylaw again by putting the garage in the backyard as an accessory building. Many of the new builds in the area have 2 or 3 parking places with the garage in the main residence, and in some cases 4 garage parking spaces, without the residence's footprint exceeding lot coverage restrictions. We have always thought an accessory building as being a garden shed or a small cabana for a pool. This should not be a way of getting around local bylaws of lot coverage through the building of a separate large garage. If we allow these giant "accessory" buildings to be built in backyard what will be next? Full granny suites or small condos?

Our view is that if this accessory building is approved, then the main residence should be reduced to fit the lot coverage bylaw, or better yet the garage parking should be in the main residence as it's a 5,000 square foot building, with plenty of room for a garage. We dread the day we walk out on our back deck and see a giant garage wall very close to our property line.

Ron and Anita Alexander
219 Poplar Drive
Oakville, Ontario
L6J 4C7

**To: Committee of Adjustment
Town Of Oakville
1225 Trafalgar Road
Oakville, Ontario, L6H 0H3**

Subject: 216 Forestwood Drive, Oakville, ON, L6J 4E6 Support Letter

Dear Sir/Madam,

I/We, Tony + Colleen Zarrillo the owner(s) of
229 Poplar drive, Oakville, ON have reviewed the minor
variance application located at 216 Forestwood Drive, Oakville, ON and would like to
express our full support for the proposed minor variances.

Sincerely,

Print Name: Colleen Zarrillo
Signature: Zarrillo
Date: June 19/20

To: Committee of Adjustment
Town Of Oakville
1225 Trafalgar Road
Oakville, Ontario, L6H 0H3

Subject: 216 Forestwood Drive, Oakville, ON, L6J 4E6 Support Letter

Dear Sir/Madam,

I/We, Kevin + Lauren Heffernan the owner(s) of
215 Forestwood Dr., Oakville, ON have reviewed the minor

variance application located at 216 Forestwood Drive, Oakville, ON and would like to

express our full support for the proposed minor variances.

Sincerely,

Print Name: Kevin Heffernan

Signature: 

Date: June 15/2022

To: Committee of Adjustment
Town Of Oakville
1225 Trafalgar Road
Oakville, Ontario, L6H 0H3

Subject: 216 Forestwood Drive, Oakville, ON, L6J 4E6 Support Letter

Dear Sir/Madam,

I/We, Joanne + Chris Massiah the owner(s) of
206 Forestwood Drive, Oakville, ON have reviewed the minor
variance application located at 216 Forestwood Drive, Oakville, ON and would like to
express our full support for the proposed minor variances.

Sincerely,

Print Name: Joanne Massiah Chris Massiah

Signature: Joanne Massiah Chris Massiah

Date: 16/06/22 16/06/22