

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/114/2022

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
James Ash and Kerstin Baker-Ash 189 Watson Avenue Oakville ON L6J 3T9	Glen Schnarr & Associates Inc c/o Stephanie Matveeva 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN 113 LOT 268 189 Watson Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0 SP 10
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 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 650.00 m ² and 742.99 m ² shall be 41% (273.25 m ²); (Lot area is 666.46 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 46.8% (311.72 m ²).
2	Section 15.10.1 c) The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19 % (126.63 m ²).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 27.6 % (183.91 m ²).
3	Section 15.10.1 e) The minimum <i>interior side yard</i> for a <i>detached dwelling</i> having two <i>storeys</i> and an attached <i>private garage</i> shall be 1.8 m on both sides.	To permit the minimum (southerly) <i>interior side yard</i> for a <i>detached dwelling</i> having two <i>storeys</i> and an attached <i>private garage</i> to be 1.72 m.

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/114/2022 - 189 Watson Ave (East District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of both one 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 (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (273.25 square metres) to 46.8% (311.72 square metres) for an increase of 38.47 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. The proposed dwelling has been designed to reduce the mass and scale by incorporating a variety of roof forms, architectural articulations with a dormer and a one-storey horizontal porch element on the eastern front elevation. Staff are of the opinion that the requested increase in residential floor area ratio is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

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 19% (126.63 square metres) to 27.6% (183.91 square metres) for an increase of 57.28 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 variances related to residential floor area ratio and lot coverage are interrelated as they both regulate the mass and scale of the dwelling. The proposed scale, height and proportions of the dwelling are compatible with the adjacent existing dwellings. The proposed dwelling is fairly consistent with the depth of the existing garage at the rear and provides for greater separation to the adjacent property to the north compared to the existing condition. Compared to existing, the dwelling extends deeper into the lot along the south side. The extension into the rear yard will not have an adverse impact on the adjacent properties as the dwelling has been designed to ensure there are no privacy or overlook concerns with the absence of windows on a portion of the southern façade overlooking the neighbouring backyard and retention of landscape features. In this instance, staff are of the opinion that the proposed scale, height and proportions of the dwelling are compatible with the adjacent existing dwellings or others in the surrounding neighbourhood. Additionally, the proposed increased lot coverage has been supported by a lot coverage analysis prepared by the applicant which staff accept.

As the applicant is requesting to increase the lot coverage and 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.

Variance #3 – Interior Side Yard (Supported)

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced southerly interior side yard setback from a minimum of 1.8 metres to 1.72 metres. The side yard is measured from the southerly lot line to the main wall of the dwelling which is for a two storey detached dwelling and a private garage. Staff are of the opinion that the requested decrease is minor in nature and will not have a negative impact on adjacent properties or the surrounding area as it is the existing condition.

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 an addition 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.

Subject Property:





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 submitted with the application on May 6, 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, and a decrease in minimum interior side yard, 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: One

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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings submitted with the application on May 6, 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:
Letter/Email in Support – 1

From:
Sent: July 7, 2022 12:59 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Cc:
Subject: File Number: CAV A/114/2022 - 189 Watson Avenue

Dear Heather McCrae
Secretary-Treasurer, Committee of Adjustment

We are the residents of 185 Watson Avenue, the neighbours directly next door and to the south of 189 Watson Avenue, and we are expressing our support for the three variances requested in the application to the Committee of Adjustment.

As the neighbour directly impacted by the reduced side setback of 1.72m, we would like to confirm that we do not have any concern with this variance. In fact, the final proposal will improve on the current side yard layout that has a minimum setback of 1.59m as well as improve functionality, access and circulation. Additionally, we have had an opportunity to both review and discuss with the owners on their plans; it is our opinion that it will enhance the neighbourhood and does not have any adverse implications to the street. We are supportive of all three requested variances, improving functionality, circulation, and access.

The betterment to the neighbourhood will be positive. A number of builds have occurred over the past years, and it has beautified our unique neighbourhood and all owners have retained and enhanced the original charm. The Ashes have this at the heart of their project. We wish them success and thank them for investing in our beautiful neighbourhood.

Kind regards
Yvonne & Mark