

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/118/2022

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
Mandeep Grewal & Anita Singh 1276 Cambridge Drive Oakville ON L6J 1S1	Hicks Design Studio Inc c/o Cynthia Gibson 200-295 Robinson Street Oakville ON L6J 1G7	PLAN 1008 LOT 26 1276 Cambridge Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential - Special Policy

ZONING: RL1-0 & N

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 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% (404.12m ²); (Lot area is 1389.7 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 29.83% (414.6 m ²).
2	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 15.36m -1.0 m = 14.36m minimum).	To permit a <i>minimum front yard</i> of 8.84 metres.

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/118/2022 - 1276 Cambridge Dr (East District) (OP Designation: Low Density Residential - Special Policy)

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

The subject property is located on a dead end street with area characterized mostly by two-storey dwellings original to the area and two-storey new construction with some one-storey dwellings original to the area.

The subject lands are 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 residential floor area ratio from 29% (404.12 square metres) to 29.83% (414.6 square metres) for an increase of 10.48 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 the second storey into the roof, lowering the roofline, and incorporating one and a half and one-storey elements. Staff are of the opinion that the requested increase in residential floor area 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.

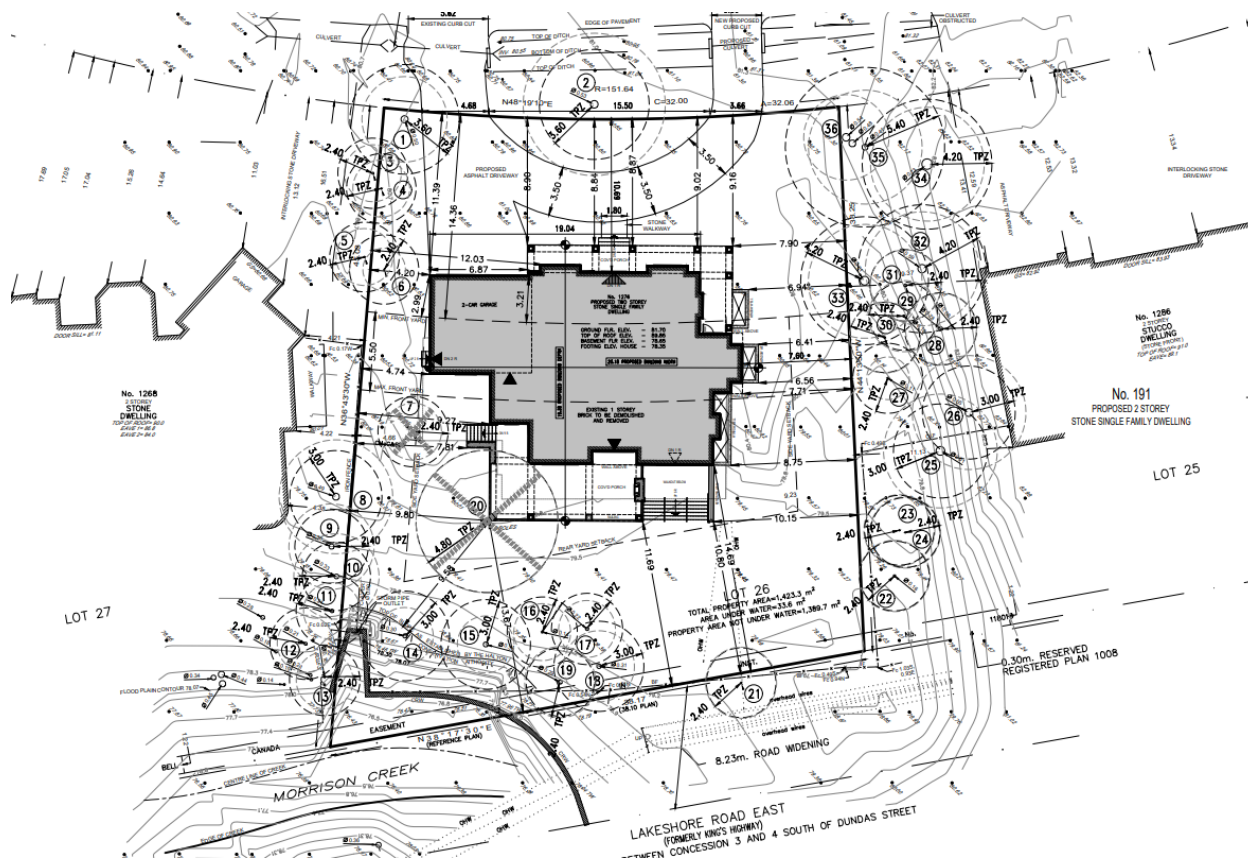
As the applicant is requesting to increase the residential floor area ratio beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #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 8.84 metres to 14.36 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. In this instance, the existing dwelling was set back further than the adjacent dwellings. The revised setback will result in a more uniform setback as demonstrated in the excerpt of the site plan prepared by the applicant

below. Staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties, is desirable for the development of the property and meets the intent of the Official Plan and Zoning By-law.

Excerpt of Site Plan prepared by applicant:



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 25, 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 to this minor variance application but please note the new house will require a new underground service from Cambridge Dr.

Transit: No Comments

Finance: None

Halton Region:

- 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 after review of the site plan and photos provided by the owner, as the proposed development will be constructed within the manicured lawn area and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System. The following comments should be added as notes to the Committee of Adjustment decision for the subject lands:
 - Construction should be avoided during unusually wet, rainy or winter thaw conditions.
 - Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
 - The stockpile of materials and/or equipment should be located outside of the natural heritage system and/or any woodland. No fill is to be dumped within the woodland.
 - The Owner agrees to install erosion and sediment control fencing prior to construction commencing. The fencing should remain until all construction works are complete and the area is stabilized.
 - Any tree removals should be completed outside the breeding bird window (April 1-August 30) in accordance with the Migratory Birds Convention Act.
- 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 and a decrease in the minimum front 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.

Conservation Halton:

Re: Minor Variance Application

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; provincially delegated responsibilities under Ontario Regulation 686/21 (i.e., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)); the Memorandums of Understanding (MOUs, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) with Halton Region and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU and IESA may also apply to areas regulated under Ontario Regulation 162/06. Comments under the Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Proposal

The applicant is seeking to permit the construction of a two-storey detached dwelling on the subject property proposing the following variances:

1. To permit the maximum *residential floor area* ratio for the *detached* dwelling to be 29.83%
2. To permit a minimum front yard of 8.84 metres.

Ontario Regulation 162/06

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is adjacent to Lower Morrison Creek and contains a portion of the flooding and erosion hazards associated with this watercourse. CH regulates a distance of 7.5 metres from the greatest hazard associated with this watercourse which, in this case, is the erosion hazard. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

CH staff previously staked the top of slope on site and determined that the floodplain is located below the top of slope. As such, the farthest inland hazard is the staked top of slope. The proposed development is adequately setback from the staked top of slope and CH staff has no concerns with the requested variances.

CH Permit Requirements

CH staff require that the applicant apply for and receive a "No Objections Letter" from CH prior to the initiation of works.

One Window Delegated Authority under PPS

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7 inclusive). Policy 3.1.1 of the PPS states that "development shall generally be directed to areas outside of... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards."

Given the above, from a PPS perspective, CH staff raises no concerns with the requested variance through this application.

CA/MOU/IESA

CH staff has reviewed the application as per our Memorandums of Understanding (MOUs) and Interim Ecological Services Agreement (IESA) with Halton Region. CH staff provide the following advisory comments in accordance with our ecological technical review role under the IESA.

CH staff provide the following ESC recommendations:

1. Construction should be avoided during unusually wet, rainy or winter thaw conditions.
2. Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
3. Refuel equipment at least 30 m from the watercourse.
4. Stockpile materials and equipment outside of CH regulated area, unless permitted by CH.
5. Install tree, construction and sediment fencing prior to construction commencing. Fencing should remain until all construction works are complete.

Recommendation

Given the above, CH staff has **no objections** to the requested variances subject to the following condition:

1. That, prior to the initiation of works, a “No Objections Letter” be obtained from Conservation Halton for the proposed development.

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

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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 dated May 25, 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.
3. That, prior to the initiation of works, a "No Objections Letter" be obtained from Conservation Halton for the proposed development

A rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer