

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/119/2022

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
Sandra J Martone 1111 The Stables Oakville ON L6L 6P4	Hicks Design Studio Inc c/o Cynthia Gibson 200-295 Robinson Street Oakville ON L6J 1G7	PLAN 397 LOT 9 32 Ennisclare Drive West Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential Special Policy Area

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 request to finish the unutilized attic space that exists over the garage of the dwelling currently under construction on the subject property with the following variance 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% (424.49 m ²); (Lot area is 1,463.77 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 35.19% (515.147 m ²).

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/119/2022 - 32 Ennisclare Dr W (East District) (OP Designation: Low Density Residential Special Policy Area)

The applicant proposes to finish the unutilized attic space that exists over the garage of the dwelling currently under construction, subject to the variances listed 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 properties adjacent to and across from the subject property consist of two-storey dwellings. Mature large stature trees within the road allowance and private properties provide a significant amount of shade and contribute to the character of the area. There are no sidewalks along Ennisclare Drive and the lotting pattern is

fairly consistent throughout the area, which results in a relatively similar built form of new and existing dwellings.

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 (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% (424.49 square metres) to 35.19%. (515.147 square metres) for an increase of 90.657 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.

On August 24, 2021, variances for lot depth, residential floor area ratio and lot coverage were granted for the subject property (CAV A/129/2021). At that time the applicant requested an increase in residential floor area ratio from 29% (424.49 square metres) to 31.84%. (447.51 square metres) for an increase of 23.02 square metres. At that time the requested variance was determined to meet the intent of the Official Plan and Zoning By-law, be minor, and desirable for the development of the property. Since then, the applicant has begun construction and has now determined that the dwelling previously approved has unused space above the garage that can result in an additional 67.637 square metres above what was previously approved. This is a significant increase beyond what was originally approved and what is permitted as of right and is not considered minor. Staff would not have supported the previous application if it had resulted in the increase in residential floor area ratio presented now. This is not the intent of the Official Plan or Zoning By-law and is not desirable.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variance does not maintain the general intent of the Official Plan and is not appropriate for the development of the lands. 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. 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:

- 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 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.
- 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, under the requirements of the Town of Oakville Zoning By-law, for the purpose of finishing the unutilized attic space that exists over the garage of the dwelling currently under construction on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: Four

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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails in Support – 4


Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, On

Re: Minor Variance Application, Hearing July 19th, 32 Ennisclare Drive West,

To Whom it May Concern:

We have reviewed the drawings/plans provided to us for the upcoming Minor Variance Application at the Town of Oakville. We have no objections to this application and provide our full support.

Sincerely,



Signature

VIRGINIA HAMILTON

Print Name

Address: 24 Ennisclare Dr. W.

Date: July 8/22

Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, On

Re: Minor Variance Application, Hearing July 19th, 32 Ennisclare Drive West,

To Whom it May Concern:

We have reviewed the drawings/plans provided to us for the upcoming Minor Variance Application at the Town of Oakville. We have no objections to this application and provide our full support.

Sincerely,



Signature

BRUNO RACHICE

Print Name

Address: 31 ENNISCLARE DR.

Date: JULY / 8 / 2022.

Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, On

Re: Minor Variance Application, Hearing July 19th, 32 Ennisclare Drive West,

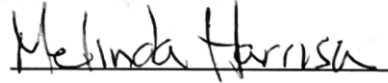
To Whom it May Concern:

We have reviewed the drawings/plans provided to us for the upcoming Minor Variance Application at the Town of Oakville. We have no objections to this application and provide our full support.

Sincerely,



Signature



Print Name

Address: 38 Ennisclare Dr W

Date: July 9, 2022

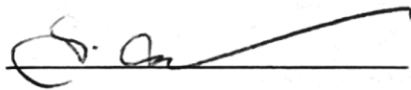
Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, On

Re: Minor Variance Application, 32 Ennisclare Drive West

To Whom it May Concern:

We have reviewed the drawings/plans provided to us for the upcoming Minor Variance Application at the Town of Oakville. We have no objections to this application and provide our full support.

Sincerely,



Signature



SHERRYN ANDERSON

Print Name

JINA ANDERSON

Address:

39 ENNISCLARE DR WEST

Date:

JULY 9/22