

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/112/2022-Deferred from July 19, 2022

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 16, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Kevin King 1269 Landfair Crescent Oakville ON L6H 2N5	Perspective Views c/o Matthew Ribau 126 Catherine Street North 2 <sup>nd</sup> Floor Hamilton ON L8R 1J4	PLAN M54 LOT 239 1269 Landfair Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 6

ZONING: RL7  
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 variances:

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 4.3 (Row 4)</b> The maximum total <i>balcony</i> projection beyond the <i>main wall</i> shall be 1.5 m.	To permit the maximum total <i>balcony</i> projection beyond the <i>main wall</i> to be 2.13 m.
2	<b>Section 5.8.6 b)</b> For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 48.0 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
3	<b>Section 5.8.7 c)</b> Attached <i>private garages</i> shall not project more than 1.5 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>Front lot line</i> .	To permit the attached <i>private garage</i> to project not more than 1.879 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>Front lot line</i> .
4	<b>Table 6.3.2 (Row 3, Column - Detached dwellings)</b> The <i>minimum front yard</i> shall be 7.5 m.	To permit a <i>minimum front yard</i> of 5.34 m.
5	<b>Table 6.3.2 (Row 9, Column - Detached dwellings)</b> The maximum <i>lot coverage</i> shall be 35% (191.96 m <sup>2</sup> ); (Lot Area is 548.45 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 36.0% (197.44 m <sup>2</sup> ).

### 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/112/2022 - 1269 Landfair Cres (East District)** (OP Designation: Low Density Residential) (*Deferred from July 19, 2022*)

This application was deferred at the July 19, 2022 meeting at the request of the applicant to include missed variances. The proposal has not changed but the applicant is now requesting two additional variances related to garage projection and balcony projection. The Staff comments previously provided are revised as follows:

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

The neighbourhood is characterized by one and two-storey dwellings original to the area and very little new construction. Many of the dwellings have projecting garages.

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.*

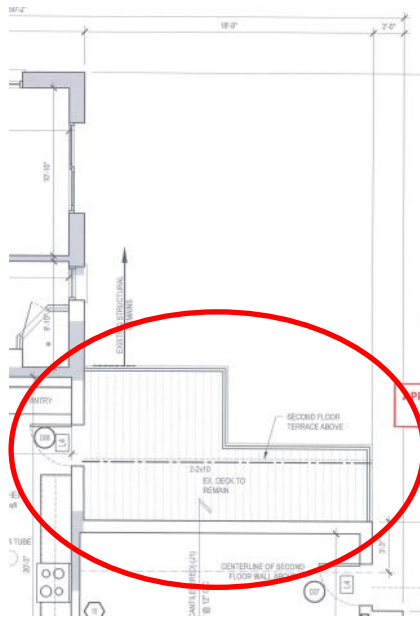
*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*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 – Balcony projection (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit the maximum total balcony projection beyond the main wall to be 2.13 metres when 1.5 metres is the maximum. The intent of regulating balcony projections is to ensure there are no negative overlook and privacy impacts onto abutting properties. The proposed projection is at the west side of the structure with an increase of 0.63 metres from the allowable limit (see excerpts of floor plans below). There are no perceived privacy or overlook concerns due to the projection. Staff are of the opinion that this request is minor and will not have a negative impact on the surrounding properties.

**Excerpt of the Plan showing the Balcony location:**



### **Variance #2 – Private Garage Floor Area (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45 square metres to 48 square metres for a total increase of 3 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The increase in garage area will appear to be internal to the dwelling to allow for additional storage as a two door configuration will be visible from the street.

### **Variance #3 – 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 7.5 metres to 5.34 metres. The front yard is measured from the front property line to the main wall and covered porch. Based on the shape of the lot and dwelling design, the shortest distance is to the covered porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. Given the curve of the street and grade changes to the adjacent properties, staff are of the opinion that the intent of the front yard setback zoning regulation will still be maintained.

### **Variance #4 – Private Garage projection (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage projection from 1.5 meters to 1.879 meters from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line. The intent of regulating the garage projection is to prevent the garage from being a visually dominant feature of the dwelling. In this instance, the neighborhood is characterized by projecting garages and the proposed design will not be out of place. The proposed covered porch softens the impact of the garage projection and serves as a one-storey element to break up the massing of the dwelling.

### **Variance #5 – Lot Coverage (Supported)**

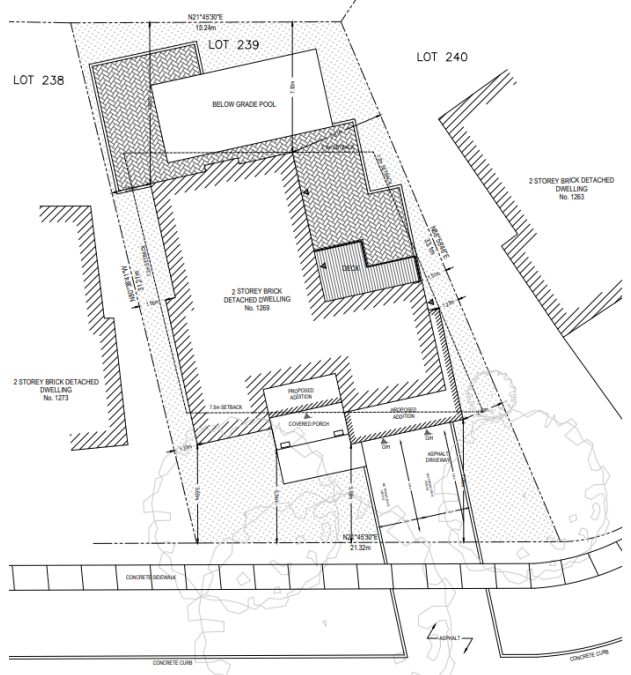
The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (191.96 square metres) to 36.0% (197.44 square metres) for an increase of 5.48 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling 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.

As the applicant is requesting to increase the 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.

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.

**Excerpt of Site Plan prepared by the Applicant:**



**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 dated August 17, 2021; 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:** No concerns. SFD. Adequate FD access

**Oakville Hydro:** We have no objections or comments for any of the items on the agenda

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- It is understood this application was deferred from July 19, 2022. Regional comments provided on July 13, 2022 still apply.
- 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 lot coverage, an increase in the maximum total balcony projection, an increase in the maximum total floor area for a private garage, an increase in the maximum projection of attached garage, 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.

**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 August 17, 2021.
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.



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Heather McCrae, ACST  
Secretary-Treasurer