

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/134/2022

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
Andrew & Hali MacDonald 152 Cavendish Court Oakville ON L6J 5S2	Gren Weis Architect & Associates c/o Geoffrey Roche 210-341 Kerr Street Oakville ON L6K 3B7	PLAN 1009 LOT 30 185 Balsam Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL1-0  
DISTRICT: East

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### 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 and cabana proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.2 c) iii)</b> The maximum width of a <i>driveway</i> shall be 9.0 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.	To permit the maximum width of the <i>driveway</i> to be 15.61 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.
2	<b>Section 5.8.6 c)</b> For <i>lots</i> located within the Residential Low (RL1) <i>Zone</i> the maximum total <i>floor area</i> for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 69.77 square metres.
3	<b>Section 6.4.6 c)</b> The maximum <i>height</i> shall be 9.0 metres	To permit a maximum <i>height</i> of 10.06 metres
4	<b>Section 6.5.2 c)</b> 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 5.21 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/134/2022 - 185 Balsam Dr (East District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by mostly bungalows and two-storeyed dwellings with large lots. There are sidewalks on one side along the Balsam Drive and most of the houses have circular driveways.

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.*

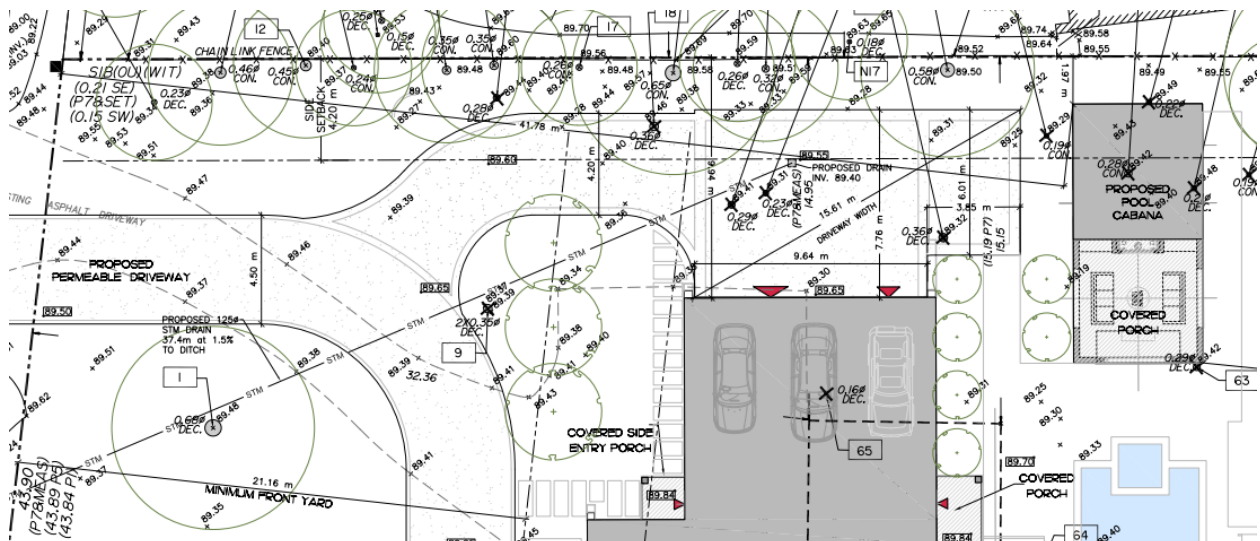
*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing."*

### **Variance #1-Driveway width (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit an increased driveway width from 9 metres to 15.61 metres. The driveway width is measured diagonally in front of the three-car garage and includes the proposed hammerhead which is used for maneuvering vehicles out of the side access garage. The intent of regulating the driveway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm. In this instance, the increase is in the side yard in front of the side access garage and the driveways are proposed to have permeable paving material which meets the intent. The driveway width has also been reduced to the north to avoid any impact on the existing trees.

Circular driveways are discouraged to reduce the amount of paved surface that may impact the streetscape and pedestrian environment; however, this form of driveway may be considered on larger lots for access purposes only and in instances where no existing street trees are impacted. Staff are supportive of the additional hammerhead proposed to allow side access to the garage.

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



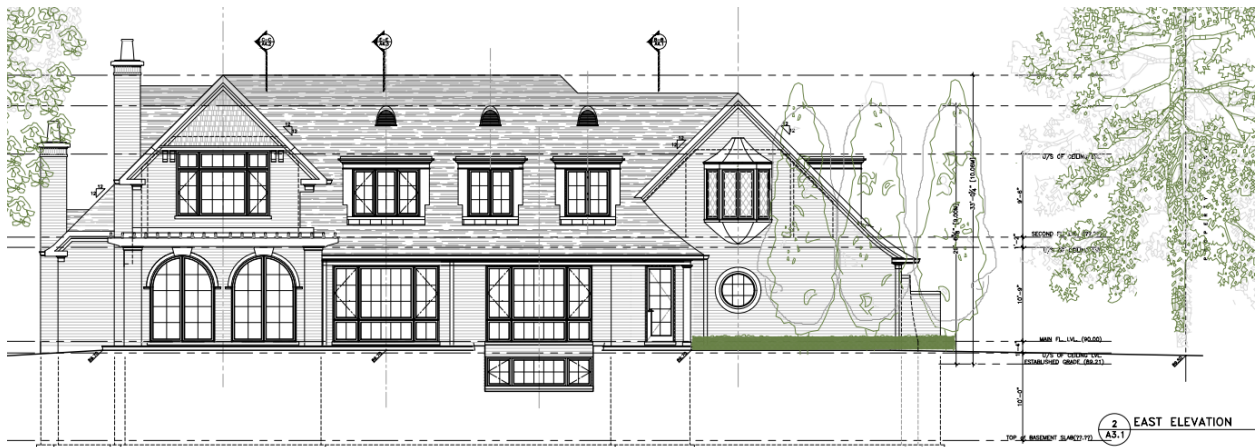
## **Variance #2 – Private Garage Floor Area (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56.0 square meters to 69.77 square meters for a total increase of 13.77 square meters. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. Based on the proposed design the increase in the garage floor area would be internal to the dwelling with a side access to the garage not visible from the street and not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law. Staff are of the opinion that the requested variance will not have a negative impact on adjacent and surrounding properties.

## **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 meters to 10.06 meters. The height is measured from the established grade which is an average of the center 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 neighborhood 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 elevation prepared by applicant:**



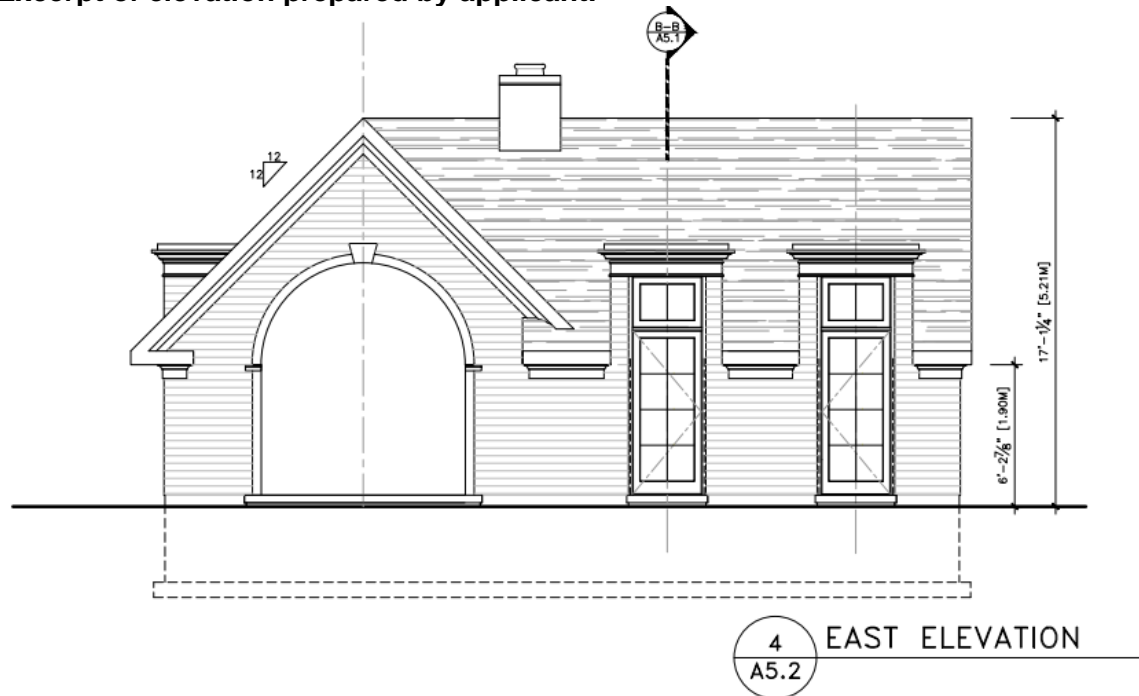
## **Variance #4 – Accessory Building Height (Supported)**

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building from 4 meters to 5.21 meters for the pool cabana. 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 principal use of the property. In this instance, staff are of the opinion that the accessory building (pool cabana) 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 43.87 meters from the rear property line and 1.97 meters from the interior side yard when the minimum requirement is 0.6 meters. 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 neighborhood. 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 elevation prepared by applicant:**



**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:** 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:**

- 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 driveway width, an increase in the maximum total floor area for a private garage, an increase in the maximum height, and an increase in the maximum height of accessory building or structure, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling and cabana on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

**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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition – 1

**From:**  
**Sent:** Tuesday, August 9, 2022 12:03 PM  
**To:** Heather McCrae <heather.mccrae@oakville.ca>  
**Subject:** Cav a/134/2022

Dear Heather:

MY wife , Diane Halchuk Rosart and i reside at 168 Donessle drive, Oakville, within 60 metres of the variance application referenced above.

WE are concerned about the requested variances to permit an expanded driveway and enlarged garage. WE believe that the width and height dimensions are excessive relative to the lot area and are not conducive to the neighbouring residences.

Thank for the committee's regard in this matter.

John Rosart