

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/139/2022

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
Brett Farren 1-5090 Orbitor Drive Mississauga ON L4W 4Z4	Hicks Design Studio Inc c/o Cynthia Gibson 200-295 Robinson Street Oakville ON L6J 1G7	PLAN 1111 LOT 2 64 Cox Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL1-0
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	Table 6.3.1 (Row 9, Column RL1) The maximum <i>dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 21.12 m.
2	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% (494.33 m ²); (Lot area is 1704.57 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 29.44% (501.83 m ²).
3	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 20.58 m -1.0 m = 19.58 m minimum).	To permit a <i>minimum front yard</i> of 18.99 metres.
4	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.28 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/139/2022 - 64 Cox Dr (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 is characterized by mostly two-storey dwellings with large lots and large front setbacks. There are no sidewalks along the Cox Drive and there is no separation provided between the public road allowance and private properties.

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- Dwelling Depth (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 21.12 metres. This measurement relates to the one-storey porch (open structure) at the rear of the house that extends across the site.

The intent of regulating dwelling depth is to limit the massing and size of dwellings, ensure that an adequate rear yard amenity space is provided, and reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. The requested increase in depth is attributed to the uncovered terrace. The dwelling has a depth of 17.27 metres and would not extend into the rear yard as far as the existing dwelling which meets the intent of the zoning by-law.

Variance #2 – Residential Floor Area (Supported)

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% (494.33 square metres) to 29.44% (501.83 square metres) for an increase of 7.5 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 overall massing and the scale of the proposed dwelling is mitigated by the design of the dwelling and the request for the additional floor area ratio is compatible and in keeping with the pattern of new development in the area. The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations.

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 19.58 metres to 18.99 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. In this instance, the dwelling is located on a cul-de-sac which results in varying setbacks along the street. The proposed dwelling is generally in line with the surrounding dwellings and as a result 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.

Variance #4 – 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 9.28 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 central portion of the house for what appears to be a peaked element from the public realm. Given the size of the lot and changes in grade across the property, the established grade is lower than the grade abutting the proposed dwelling. 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:



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.

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law as it results 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 July 7, 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 dwelling depth, an increase in the maximum residential floor area ratio for a detached dwelling, a decrease in the minimum front yard, and an increase in the maximum height, 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 July 7, 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.

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

Heather McCrae, ACST
Secretary-Treasurer