

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/129/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 30, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
CHRISTOPHER HAWMAN 311 SPRUCE ST OAKVILLE ON, L6J 2G9	TED LOXTON BAYVIEW DESIGN 397 EXMOUTH ST SARNIA ON, N7T5N8	311 SPRUCE ST PLAN 127 LOT 11

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3

ZONING: RL3-0 SP:10  
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 front porch and front and rear two storey additions to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 5, Column RL3)</b> The <i>minimum interior side yard</i> shall be 2.40 m.	To permit a <i>minimum</i> (easterly) <i>interior side yard</i> of 2.09 m.
2	<b>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a lot with a <i>lot area</i> between 557.50 m <sup>2</sup> and 649.99 m <sup>2</sup> shall be 42% (270.90 m <sup>2</sup> ); (Lot area is 645.01 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 46.35% (298.96 m <sup>2</sup> ).
3	<b>Section 6.4.3 a)</b> 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 12.54 m -1.0 m = 11.54 m minimum).	To permit a <i>minimum front yard</i> of 10.03 metres.
4	<b>Section 15.10.1 c)</b> The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19% (122.55 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 29.22% (188.50 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, Long Range and Heritage Planning, Urban Design and Development Engineering)

CAV A/129/2022 - 311 Spruce St (East District) (OP Designation: Low Density Residential)

The applicant proposes to construct a front porch and front and rear two storey additions to the existing dwelling subject to the variances listed above.

The subject property is located across the street from a church and its related parking area. The area is characterized by two-storey dwellings original to the area and some two-storey new construction.

The subject property is located directly adjacent to three properties which are listed on the Oakville Heritage Register as properties of potential cultural heritage value or interest (395 Reynolds St, 409 Reynolds St, 308 Maple Ave). The proposed new additions are not considered to have a negative impact on these heritage resources and Heritage Planning staff have no concerns with this application.

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 – Interior Easterly Side Yard (Unsupported)**

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced easterly interior side yard setback from a minimum of 2.4 metres to 2.09 metres. The side yard is measured from the easterly lot line to the main wall of the dwelling. The intent of regulating the side yard setback is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. In this instance, staff are of the opinion that the requested reduction in side yard setback is interrelated to the requests for an increase in Residential Floor Area and Lot Coverage as the reduced side yard is proposed to accommodate a larger dwelling. Staff also note that no vegetation was included on the site plan so it is unclear whether any potential boundary trees will be impacted by the reduced side yard. Staff are of the opinion that this variance is not minor and would have negative impacts on adjacent properties.

#### **Excerpt of Town Aerial Mapping:**



### **Variance #2 – Residential Floor Area Ratio (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 42% (270.90 square metres) to 46.35% (298.96 square metres) for an increase of 28.06 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. Staff are of the opinion that a variance for residential floor area ratio is interrelated to a variance regarding lot coverage.

### **Variance #3 – Front Yard (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 11.54 metres to 10.03 metres. The front yard is measured from the front property line to front porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The front yard setback also assists in providing adequate space for required parking.

In this instance, a minimum of two parking spaces are required. Parking information was not provided on the site plan; however, it appears that the introduction of the covered porch may prevent adequate parking on the subject property. The minimum length of a tandem parking space is 11.7 metres and the proposed porch would be setback 10.964m which is less than the depth of a tandem parking space. Additional information about the proposed driveway and the accommodation of required parking is required.

### **Variance #4 – Lot Coverage (Unsupported)**

The applicant proposes to construct an accessory structure (pool cabana) in the rear yard, and seeks relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 19% (122.55 square metres) to 29.22% (188.50 square metres) for an increase of 65.95 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. Staff are of the opinion that a variance for lot coverage is interrelated to a variance regarding lot residential floor area ratio.

### **Evaluation of Variances:**

Staff are of the opinion that the requested variances are interrelated as they all contribute to facilitating the proposed development. As a whole, there is a negative cumulative impact of the requested variances.

Based on staff's review of the application, it is staff's opinion that the proposed dwelling, (as a result of the proposed additions), including the setbacks and scale fail to maintain and protect the existing neighbourhood character. As mentioned, Section 11.1.9 of the Livable Oakville Official Plan sets out criteria to ensure new development will maintain and protect the existing neighbourhood character. As part of this review, the Design Guidelines for Stable Residential Communities were applied. The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. This is an important objective of the Livable Oakville Plan in stable residential areas.

According to the Urban Design Guidelines for Stable Residential Communities:

3.1.3. Scale: New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.

One of the intents of establishing zoning regulations which have the effect of controlling built form in relation to scale and mass, is to maintain and protect the existing neighbourhood character.

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties related to mass and scale, in the context of the surrounding neighbourhood. This would not maintain the intent of the Livable Oakville Plan, the Zoning By-law, nor be minor or desirable.

As the applicant is requesting to increase the residential floor area and 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.

**Subject Property:**







**Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the requested variances do not maintain the general intent of the Official Plan and are 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: COA:**

1. Minimum side yard decrease from 2.4m to 2.09m
2. Floor area ratio increase from 42% to 46.35%
3. Minimum front yard decrease from 11.54m to 10.03m
4. Maximum lot coverage increase from 19% to 29.22%

No issues noted for Fire.

**Transit** : Comments not received.

**Halton Region: 6.9 CAV A/129/2022– C. Hawman, 311 Spruce Street**

- As an advisory, the subject site has archaeological potential and Historic Towns overlay over a portion of the lands. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- 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 a decrease in minimum interior side yard, increase in maximum residential floor area ratio for the detached dwelling, decrease in minimum front yard, and increase in maximum lot coverage for a two storey dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a front porch a front and rear two-storey addition additions to the existing dwelling on the subject property.

**Oakville Hydro:** No Objections.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – None.**

**Letter(s) in opposition – None.**

**General notes for all applications:**

**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.



---

Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment