

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/146/2022**

**RELATED FILE: N/A**

**DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Robert Adly 404 Ellen Davidson Drive Oakville ON L6M 0Y7	Harper Dell & Associates Inc c/o Nicholas Dell 1370 Hurontario Street Mississauga ON L5G 3H4	PLAN 371 LOT 6 1134 Truman Avenue Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 5**

**ZONING: RL2-0  
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 proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<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 11.0 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/146/2022 - 1134 Truman Ave (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling subject to the variance listed above.

The subject property is located on Truman Avenue which is characterized by two-storey dwellings in the neighbourhood with no sidewalks along the street.

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 – Height (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 11 metres. The height is measured from the established grade which is an average of the centre points of each lot line abutting a road to the peak 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 neighbourhood and reduce impacts of shadowing and overlook. In this instance, the requested increase in height is related to the slope of the land. 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. As seen below in the streetscape drawing prepared by the applicant, the proposed dwelling will have a height consistent with the adjacent dwellings. Staff are of the opinion that the requested height is appropriate for the development of the subject property as it is similar in height with adjacent dwellings on the street and will not appear substantially larger than other dwellings in the surrounding area. 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 the proposed dwelling is in keeping with the character of the neighbourhood. Further, the variance is minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

### **Streetscape Drawing prepared by the 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 19, 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:** SFD. Adequate Fire Access

**Oakville Hydro:** We do not have any objection to this minor variance application but please note the new house will require a new underground service from Truman Ave. In addition, any relocations due to conflicts with the existing pole(s) and/or wire(s) located on the property will be at the property owner's expense.

**Transit:** No Comments

**Finance:** None

**Halton Region:**

- The subject property is within 120 m 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 setback sufficiently from any sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System. The following comments should be added as notes to the Committee of Adjustment decision for the subject lands:
  - Construction should be avoided during unusually wet, rainy or winter thaw conditions.
  - Machinery is to arrive on site in a clean condition and is to be maintained free of fluid leaks.
  - The refueling of equipment should occur at least 30m from the adjacent watercourse.
  - The stockpile of materials and/or equipment should be located outside of the natural heritage system and/or any woodland. No fill is to be dumped within the woodland.
  - The Owner agrees to install erosion and sediment control fencing prior to construction commencing. The fencing should remain until all construction works are complete and the area is stabilized.
  - Any tree removals should be completed outside the breeding bird window (April 1-August 30) in accordance with the Migratory Birds Convention Act.
- A portion of the subject property falls within Conservation Halton (CH) regulated area and watersheds. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 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.

**Conservation Halton:**

- CH has issued a permit for the proposed two storey detached dwelling reconstruction. The drawings submitted through this MV application match those issued for a CH permit. CH has no comments or concerns at this time. Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

**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 May 19, 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

Attachment:  
Additional drawing submitted by Agent

