

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/150/2022

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
Imad Saraj 173 Fennamore Ter Milton ON L9T 0Y3	828 Design Inc c/o Duyen Nguyen 3474 Yonge Street Toronto ON M4N 2N4	PLAN 852 LOT 139 2087 Sancroft Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL3-0  
DISTRICT: West

### 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 variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 6.4.1</b> 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> between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41% (283.60 m <sup>2</sup> ); (Lot area is 691.76 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 46.81% (323.78 m <sup>2</sup> ).
2	<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 9.60 m -1.0 m = 8.60 m minimum).	To permit a <i>minimum front yard</i> of 7.07m 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/150/2022 - 2087 Sancroft Rd (West District)** (OP Designation: Low Density Residential)

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

The subject property is located at the corner of the intersection of Sancroft Road and Scarsdale Crescent. The area is characterized by one-storey dwellings original to the area and a few two-storey dwellings with some new construction in the area and no sidewalks along Sancroft Road.

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 – 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 41% (283.60 square metres) to 46.81 % (323.78 square metres) for an increase of 40.18 square metres. The proposed dwelling also includes various open to below areas in the proposed design. The open to below area serves to push the second storey floor area to the perimeter of the dwelling further emphasizing the mass of the dwelling. 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. In this instance, the dwellings will appear larger than other dwellings in the area and therefore staff are of the opinion that the increase will have a negative impact on adjacent and surrounding properties.

#### **Variance #2 – 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 8.60 metres to 7.07 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 proposed front yard setback is consistent with the adjacent dwelling except a small portion of the front porch which extends forward and does not have any adverse impact. The main wall of the dwelling maintains the required 8.6 m setback. In this instance, staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

The applicant is advised that the proposed driveway may impact a municipal tree which will be further reviewed as part of the Development Engineering Site Plan (DESP) process.

#### **Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that variance #1 should not be supported as it does not satisfy the four tests under the Planning Act. Further, it is staff's opinion that variance # 2 satisfies the four tests under the Planning Act.

**Fire:** SFD. Adequate Fire Access

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application.

**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 residential floor area, 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.



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Heather McCrae, ACST  
Secretary-Treasurer