

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/152/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 04, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
FRANCESCO POLICARO NATASA BRELAK 10 MAPLE GROVE DR UNIT 12 OAKVILLE ON, L6J 0E1	RUTH VICTOR RUTH VICTOR & ASSOCIATES P.O. BOX 575 WATERDOWN ON, L0R 2H0	2061 LAKESHORE RD E CON 3 SDS PT LOT 5

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY ZONING: **RL1-0**
WARD: 3 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	Section 5.8.2 c) iii) 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 14.17 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.
2	Section 5.8.5 b) The maximum cumulative width of the <i>driveway</i> entrances, measured at the point of crossing the <i>front lot line</i> and <i>flankage lot line</i> , shall be 9.0 metres.	To permit the maximum cumulative width of the <i>driveway</i> entrances crossing the <i>front lot line</i> , to be 9.5 metres.
3	Section 5.8.6 c) 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 and the maximum width of the entrance to the <i>private garage</i> shall be 9.0 metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 87.22 square metres and the maximum width of the entrance to the <i>private garage</i> to be 9.15 metres.
4	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 28.49 m.

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/152/2022 - 2061 Lakeshore Rd E (East District) (OP Designation: Low Density Residential- Special Policy)

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.2 c) iii) 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 14.17 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.
2	Section 5.8.5 b) The maximum cumulative width of the <i>driveway</i> entrances, measured at the point of crossing the <i>front lot line</i> and <i>flankage lot line</i> , shall be 9.0 metres.	To permit the maximum cumulative width of the <i>driveway</i> entrances crossing the <i>front lot line</i> , to be 9.5 metres.
3	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total <i>floor area</i> for a <i>private garage</i> shall be 56.0 square metres and the maximum width of the entrance to the <i>private garage</i> shall be 9.0 metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 87.22 square metres and the maximum width of the entrance to the <i>private garage</i> to be 9.15 metres.
4	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 28.49 m.

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

The subject property is a large lot located on a private lane not visible from Lakeshore Road East.

The subject property is adjacent to 2069 Lakeshore Road East which is listed on the Oakville Heritage Register as a property of potential cultural heritage value or interest (not designated). The proposed new house is not considered to have a significant negative impact on the adjacent heritage property. Heritage Planning staff therefore have no concerns with the proposed variances.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low-Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

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.”

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development which maintains the integrity of the large lots and does not negatively impact surrounding properties.

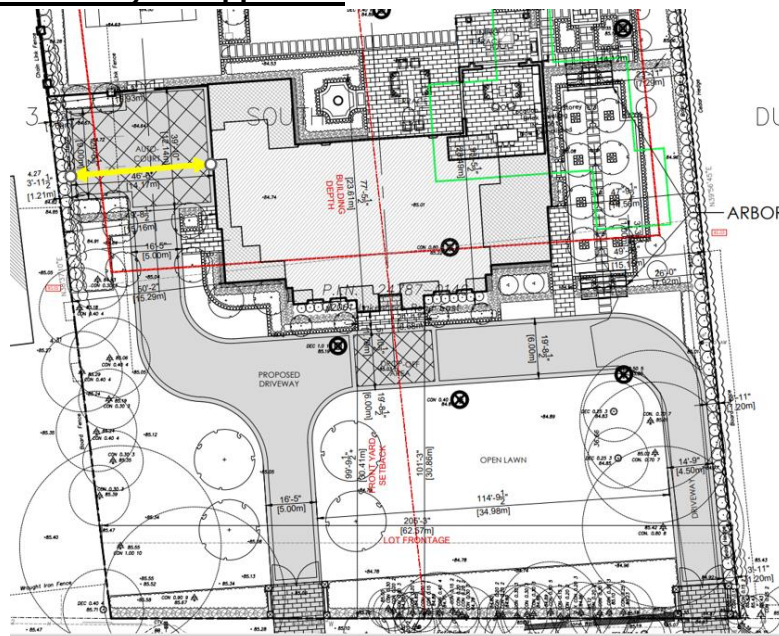
Variance #1 – Driveway Width (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum width of the driveway from 9.0 metres to 14.17 metres. 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. The increased width of the driveway is at the side entrance of the three-car garage as indicated in the site plan below in yellow. Given the subject property is located on a private lane, the driveway will not be visible from the public realm. For context, a picture of the entrance to the private lane is provided below. It is Staff's opinion that the requested variance is minor and will not have adverse impacts on the surrounding area

Entrance to the Private Lane:



Excerpt of the Site Plan by the applicant:



Variance #2 – Width of driveway Entrances (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum cumulative driveway width from 9.0 metres to 9.5 metres. The intent of

regulating the cumulative driveway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm, to ensure landscaping on a streetscape is maximized, and disruption to traffic operations is minimized. The driveway is not visible from the public realm and other dwellings in the vicinity have similar driveway configurations. Staff are not concerned with the design of the driveway and are of the opinion that it satisfies the four tests of minor variance.

Variance #3 – 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 45 square metres to 56 square metres for a total increase of 11 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling does not present negative impacts to the streetscape. Staff are of the opinion that the proposed design of the three-car garage with requested increase in garage area would be internal to the dwelling due to the added storage area; therefore, it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law.

Variance #4– Dwelling Depth (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the maximum dwelling depth from 20.0 metres to 28.49 metres resulting in a total increase of 8.49 metres. One of the purposes of regulating the dwelling depth is to assist in ensuring 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. It is also intended to control the massing and size of new dwellings in relation to adjacent properties. Staff are of the opinion that the proposed increased dwelling depth would not have a negative impact on adjacent properties or the surrounding area. Therefore, the request for an increased dwelling depth would meet the intent of the Zoning By-law.

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 do not have a negative impact on the public realm, 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.

Notwithstanding the comments above, it appears that minimum requirement of front yard setback variance may have been missed with the proposed setback of 30.41 metres whereas 35.55 m is permitted resulting in the decrease of 5.14 m and the proposal may not comply with the Zoning By-law requirements.

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application. Staff are recommending that the plans be to the satisfaction of the Director of Planning since it appears that many of the deficiencies can be resolved with slight updates to the plans.

Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather confirm the accuracy of the variances applied for.

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 August 4, 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 for Fire. DL

Transit : No comments.

Halton Region: CAV A/152/2022 – F. Policaro & N. Brellak, 2061 Lakeshore Road East, Oakville

- 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 width of the driveway, an increase in the maximum cumulative width of the driveway entrances crossing the front lot line, an increase in the maximum total floor area for the private garage, , and an increase in the maximum dwelling depth, 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: 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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated August 4, 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.

A rectangular box containing a handwritten signature in cursive script that reads "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment