

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/154/2022**

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
HARPAL KANG SHARANJEET MUSHIANA KANG 411 SEATON DR OAKVILLE ON, L6L 3Y3	JORIS KEEREN KEEREN DESIGN 11 BRONTE RD OAKVILLE ON, L6L 0E1	411 SEATON DR PLAN 852 LOT 160

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	Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m.	To permit the maximum encroachment into the <i>minimum rear yard</i> for the window well with a maximum width of 4.1 metres to be 1.1m.
2	Section 5.8.6 b) For <i>detached dwellings on lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 56.0 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
3	Table 6.3.1 (Row 6, Column RL3) The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.80 m.
4	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> between 650.00 m ² and 742.99 m ² shall be 41% (276.50 m ²); (Lot area is 674.40 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 42.20% (284.60 m ²).
5	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 9.85 m -1.0 m = 8.85 m minimum).	To permit a <i>minimum front yard</i> of 8.41 metres.

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/154/2022 - 411 Seaton Dr (West District) (OP Designation: Low Density Residential)

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m.	To permit the maximum encroachment into the <i>minimum rear yard</i> for the window well with a maximum width of 4.1 metres to be 1.1m.
2	Section 5.8.6 b) For <i>detached dwellings</i> on lots having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 56.0 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
3	Table 6.3.1 (Row 6, Column RL3) The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.80 m.
4	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> between 650.00 m ² and 742.99 m ² shall be 41% (276.50 m ²); (Lot area is 674.40 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 42.20% (284.60 m ²).
5	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 9.85 m -1.0 m = 8.85 m minimum).	To permit a <i>minimum front yard</i> of 8.41 metres.

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

The neighbourhood is characterized by one-storey dwellings original to the area and many two-storey new construction marking it as a neighbourhood in transition.

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 – Window well encroachment (Supported)

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit a window well to have a maximum width of 4.1 metres and encroach 1.1 metres into the minimum front yard when a window well is permitted to have a maximum width of 1.8 metres and encroach a maximum of 0.6 metres. The intent of regulating window wells is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allows for adequate open space and landscaping. In this instance, there is adequate room for drainage and landscaping and adequate access is still possible

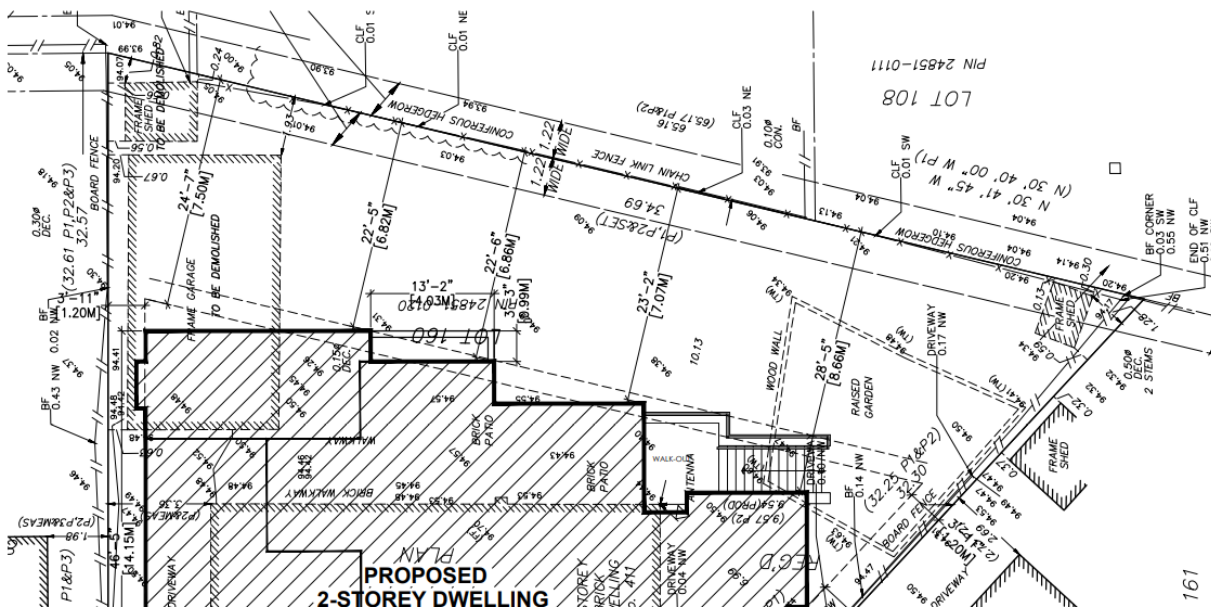
Variance #2 – Private Garage Floor Area (Supported)

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 56.0 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 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 #3 – Rear Yard (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 6.80 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey covered porch. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. The reduction in the rear yard setback is due to the odd shaped structure of the lot and the reduced setback is for small portion of the house and increases to the further end. In this instance, the proposed rear yard setback will not create any adverse impacts as the property has sufficient separation distance from the dwelling at the rear to provide any overlooking concerns. On this basis, staff are of the opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law.

Excerpt of the Site plan showing the front yard setback by the applicant:



Variance #4 – Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (276.50 square metres) to 42.20% (284.60 square metres) for an increase of 8.1 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 proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations. The setbacks and other design components mitigate the potential of massing impacts of the proposed dwelling on the neighbourhood. Staff are of the opinion that the requested increase in floor area is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

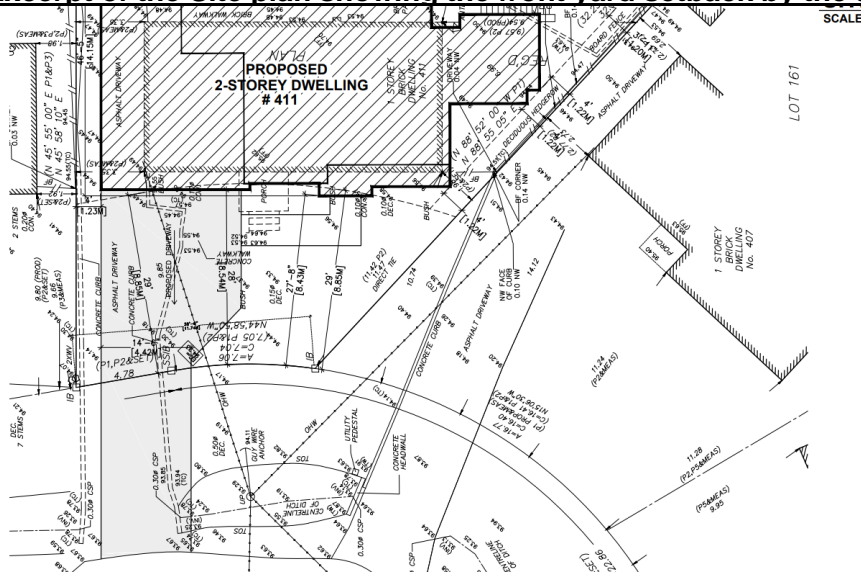
The applicant is advised that the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #5 – Front Yard (Supported)

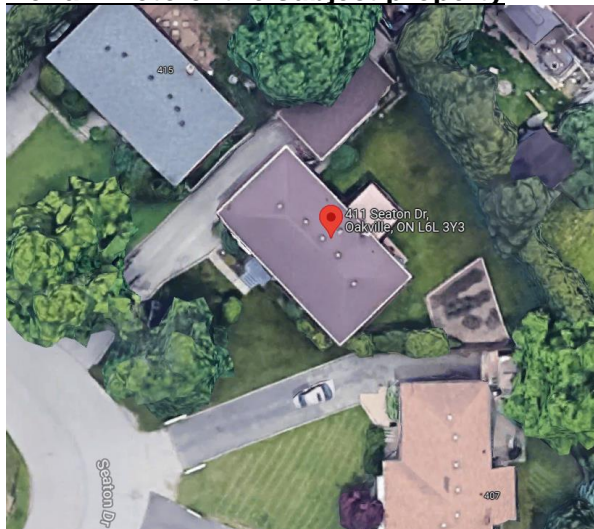
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 8.85 metres to 8.41 metres. The front yard is measured from the front property line to the main wall of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The reduced front yard setback is due to the irregular shape of the lot which is curved at the front which attributes to the reduction of the front yard setback. The proposed dwelling is inline with the dwelling on the left and Staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

On this basis, it is staff's opinion that the requested variance maintain the general intent and purpose of the Official Plan and Zoning By-law as they result 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 on abutting properties or the streetscape.

Excerpt of the Site plan showing the front yard setback by the applicant:



Aerial Photo of the subject property



Subject property:



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 3, 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/154/2022 – H. Singh & S. Kang, 411 Seaton Drive, 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 encroachment into the minimum rear yard for the window well, an increase in the maximum total floor area for the private garage, a decrease in the minimum rear yard, an increase in the maximum residential floor area ratio for the detached

dwelling, 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: 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 3, 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment