

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/082/2022** Deferred from May 17, 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.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
RAKESH CHADHA SONIA CHADHA 1188 CAREY RD OAKVILLE ON, L6J 2E4	JASON HUETHER HDS DWELL INC. 20 GILMOUR RD PUSLINCH ON, N0B 2J0	1188 CAREY RD PLAN 1201 LOT 2

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY
WARD: 3

ZONING: RL1-0
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 on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 c) For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To permit the maximum total floor area for the private garage to be 62.62 square metres.
2	Table 6.3.1 (Row 9, Column RL1) The maximum dwelling depth shall be 20.0 m.	To permit a maximum dwelling depth of 26.28 m.
3	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29% (446.06 m ²); (Lot area is 1538.15 m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 30.67% (471.75 m ²).
4	Section 6.4.3 a) The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre; (Existing 20.06 m -1.0 m = 19.06 m minimum).	To permit a minimum front yard of 9.42 metres.
5	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To permit a maximum height of 9.44 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/082/2022 - 1188 Carey Rd (East District) (OP Designation: Low Density Residential-Special Policy)

No.	Zoning By-law Regulation	Variance Request
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2	Table 6.3.1 (Row 9, Column RL1) The maximum dwelling depth shall be 20.0 m.	To permit a maximum dwelling depth of 26.28 m.
3	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29% (446.06 m ²); (Lot area is 1538.15 m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 30.67% (471.75 m ²).
4	Section 6.4.3 a) The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre; (Existing 20.06 m -1.0 m = 19.06 m minimum).	To permit a minimum front yard of 9.42 metres.
5	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To permit a maximum height of 9.44 metres.

This application was deferred from the May 17, 2022 meeting at the request of the applicant to revise the variances. The applicant has updated the application with the reductions in all the variances except the front yard setback and no new variances has been added. The changes in the requested variances are mentioned below.

1. The private garage floor area has been reduced from 63.28 square metres to 62.62 square metres.
2. The dwelling depth has been reduced from 26.43m to 26.28 m.
3. The maximum residential floor ratio has been reduced from 31.89%(490.52 square metres) to 30.67%(471.75 square metres).
4. The height has been reduced from 9.42m to 9.44 m.

Staff comments are updated as follows:

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

The neighbourhood consists of two-storey dwellings that are original to the area and newly constructed two-storey dwellings.

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 – 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 56 square metres to 62.62 square metres for a total increase of 6.62 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The requested increase would be internal to the dwelling due to the three-car tandem parking garage configuration; 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 #2 – Dwelling Depth (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 26.28 metres. This measurement also includes the covered and uncovered porches at the rear. The intent of regulating dwelling depth is to limit the massing and size of dwellings, ensure 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. The requested increase in depth is attributed to the uncovered terrace. The dwelling has a depth of 17.27 metres and not extend into the rear yard as far as the existing dwelling which meets the intent of the zoning by-law.

Variance #3 – Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 29% (446.06 square metres) to 30.67% (471.75 square metres) for an increase of 25.69 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 both floor levels in various locations and introducing single storey elements. 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.

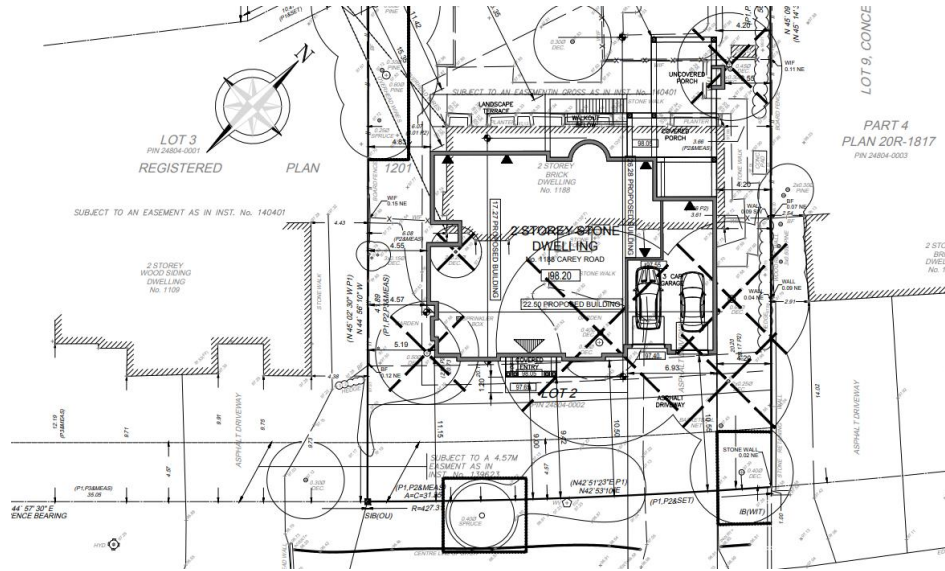
The applicant is advised that the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #4 – 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 19.06 metres to 9.42 metres. The front yard is measured from the front property line to front covered entry. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed dwelling will be in line with the setback of the adjacent dwelling to the west. 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.

Excerpt of the Site Plan by the applicant:

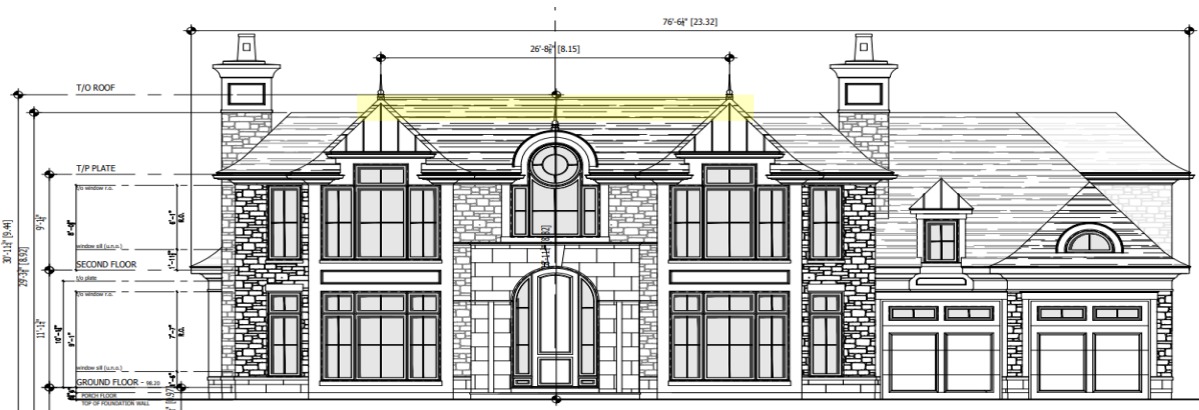


Variance #5 – Height (supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 9.44 metres. The height is measured from the established grade of the property at the front lot line 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 to reduce impacts of shadowing and overlook. The established grade is 1 m lower than the finished floor which attributes to the increase in height. In this instance, the portion of the roof which exceeds 9m height is a small portion of the dwelling.

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 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 to abutting properties or the streetscape.

Excerpt of the elevation showing the portion of the height increase by the applicant:



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 5, 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: To permit the maximum total floor area for the private garage to be 62.62 square metres.
To permit a maximum dwelling depth of 26.28 m.

To permit the maximum residential floor area ratio for the detached dwelling to be 30.67% (471.75m²).

To permit a minimum front yard of 9.42 metres.

To permit a maximum height of 9.44 metres.

No concerns noted for Fire. DL

Transit : No comments.

Halton Region: CAV A/082/2022 – R. & S. Chadha, 1188 Carey Road, Oakville

- It is understood this application was deferred from May 17, 2022. Regional comments provided on May 6, 2022 still apply.
- 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 total floor area for a private garage, an increase in the maximum dwelling depth, an increase in the maximum residential floor area ratio for a detached dwelling, a decrease in the minimum front yard, and 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.

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 5, 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