

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/153/2022**

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
RENATO MELECA CORINNE MELECA 1235 INGLEDENE DR OAKVILLE ON, L6H 2J1	MELISSA MELO GASPAR DESIGN GROUP 5359 TIMBERLEA BLVD UNIT 23 MISSISSAUGA ON, L4W 4N5	1235 INGLEDENE DR PLAN 995 LOT 20 PT LOT 19

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL A

ZONING: RL7-0

WARD: 6

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 second storey and ground floor additions to the existing dwelling on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.2 (Row 5, Footnote 1) The <i>minimum interior side yard</i> shall be 1.2 m.	To permit a <i>minimum</i> (southerly) <i>interior side yard</i> of 0.71 m.
2	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 16.67 m -1.0 m = 15.67 m minimum).	To permit a <i>minimum front yard</i> of 9.18 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/153/2022 - 1235 Ingledene Dr (East District) (OP Designation:)

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.2 (Row 5, Footnote 1) The <i>minimum interior side yard</i> shall be 1.2 m.	To permit a <i>minimum</i> (southerly) <i>interior side yard</i> of 0.71 m.
2	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 16.67 m -1.0 m = 15.67 m minimum).	To permit a <i>minimum front yard</i> of 9.18 metres.

The applicant proposes to construct additional second storey and further additions to ground floor to the existing dwelling subject to the variances listed above.

The subject property is located along the Ingledene drive and the area is characterized by mix of one and two storey dwellings in the area.

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.

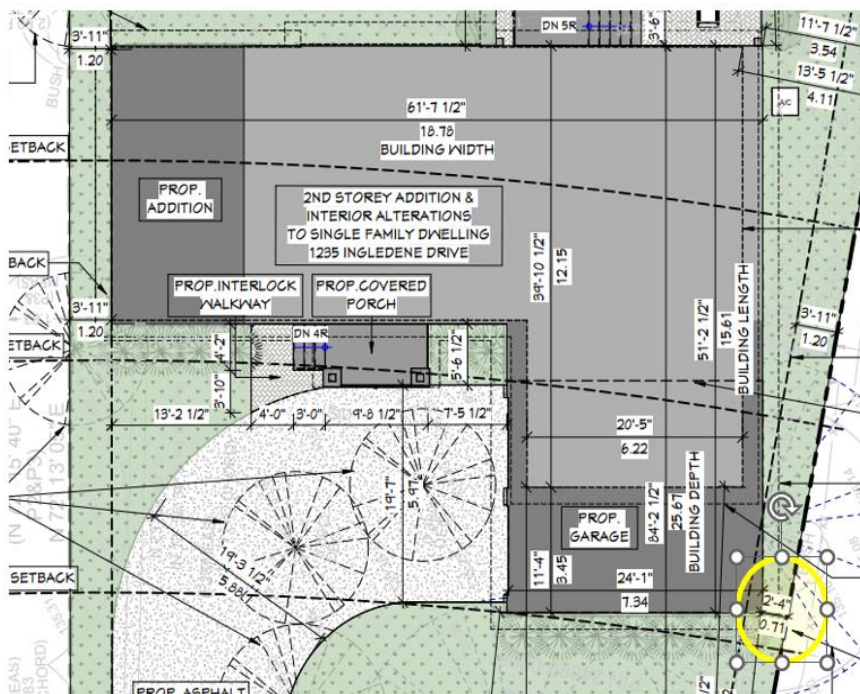
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

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 – Interior Easterly Side Yard (Unsupported)

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced southerly interior side yard setback from a minimum of 1.2 metres to 0.71 metres. The side yard is measured from the southerly lot line to the main wall of the dwelling. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, an adequate separation is not provided between lots and the variance would have a negative impact on the adjacent property. Staff are of the opinion that this variance is not minor and would have negative impacts on adjacent properties.

Excerpt of the Site Plan showing the side yard setback by the applicant:

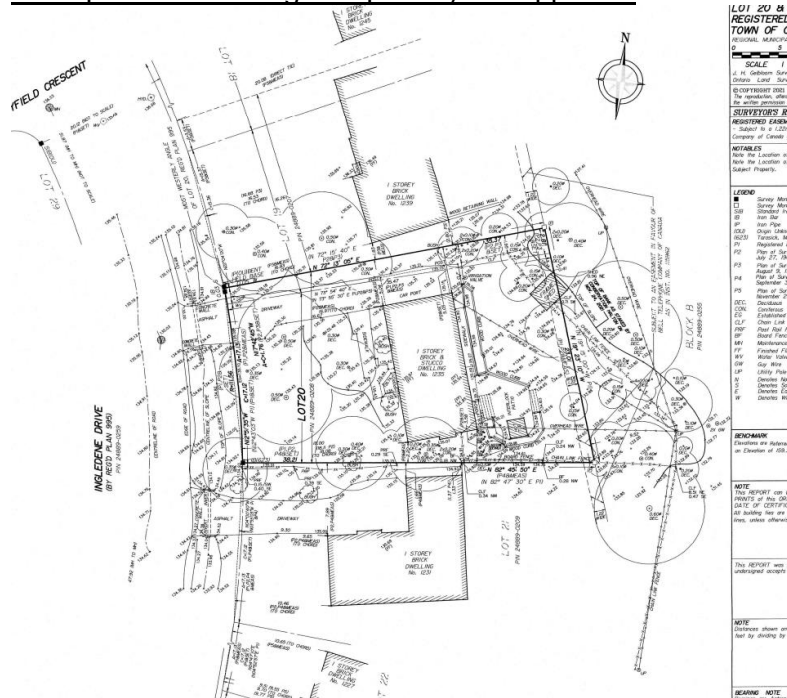


Variance #2 – Front Yard (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 15.67metres to 9.18 metres. The front yard is measured from the front property line fronting on Inglede dr. to the front of proposed projecting garage of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The adjacent dwellings have very different setbacks to the

front lot line. The existing dwelling was more in line with the dwelling to the north than to the south with portion of the dwelling closer to the front lot line(Figure below). In this instance, the proposed dwelling does not facilitate an appropriate transition to the adjacent dwelling with projecting garage in the front. A decrease to the minimum front yard would exacerbate the condition along the streetscape and emphasize the inconsistent setback along the street. Staff are of the opinion that the cumulative impact of the front yard reduction and the other requested variances is not minor and is not desirable.

Excerpt of the existing Site plan by the applicant



Setback of the dwellings along the Ingledene Drive for reference



Overall, Staff are of the opinion that many of the variances are interrelated and result in a cumulative negative impact on the property and surrounding area. Based on the proposed plans, the cumulative impact of the requested variances result in a development that is not appropriate for the subject property. It is Staff's opinion that the requested variances do not maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a dwelling that is not in keeping with the character of the neighbourhood. Further, the variances are not minor in nature or appropriate for the development of the site as there are negative impacts to abutting properties and the streetscape.

Subject Property:



Notwithstanding the comments above, it appears that a garage projection variance may have been missed with a projection of 7.93 metres whereas 1.5 metres is permitted 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.

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 requested variances do not maintain the general intent of the Official Plan and are not appropriate for the development of the lands. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: Northern side yard must remain clear of obstructions. Maintain 1.2m clearance. Passed.
DL

Transit : No comments.

Halton Region: CAV A/153/2022 – R. & C. Meleca, 1235 Ingledene Drive, Oakville

- The subject property is within 120 meters 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 constructed within the manicured lawn area 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 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 a decrease in the minimum interior side yard and a decrease in the minimum front yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing the second storey and ground floor additions to the existing dwelling on the subject property.

●
Halton Conservation: Re:Minor Variance Application

File Number: CAV A/153/2022

1235 Ingledene Drive, Oakville

Gaspar Design Group, c/o Melissa Melo (Agent)

Renato & Corinne Meleca (Owners)

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; provincially delegated responsibilities under Ontario Regulation 686/21 (i.e., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)); the Memorandums of Understanding (MOU, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) with Halton Region and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU and IESA may also apply to areas regulated under Ontario Regulation 162/06. Comments under the Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Proposal

The applicant is seeking to permit the reconstruction of a second storey and ground floor additions to the existing dwelling on the subject property through the following variances:

1. To permit a *minimum* (southerly) *interior side yard* of 0.71 m.
2. To permit a *minimum front yard setback* of 9.18 metres

Ontario Regulation 162/06

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*. The subject property, is adjacent to lands traversed by a tributary associated with the Morrison Wedgewood Diversion Channel and contains the erosion hazard (valley slope) associated with that watercourse. CH regulates 7.5 metres from the greater limit of the flooding or erosion hazards associated with the Morrison Wedgewood Diversion Channel. Therefore, portions of the property are regulated by CH. Mapping is available online, which shows the approximate regulation limit affecting this property (<https://conservationhalton.ca/mapping-and-data>).

CH staff conducted a site visit and staked the top of valley bank (TOB) with an Ontario Land Surveyor on November 24, 2021, and the survey provided appears to accurately depict what was staked on site. A CH "No Objections" letter is required in support of the proposal and as

part of obtaining the CH “No Objections” letter CH requests that a copy of the survey showing the staked TOB be provided and that the site plan be updated to show both the staked top of slope (including the November 24, 2021 staking date) and the associated 7.5 m regulatory allowance.

One Window Delegated Authority under PPS

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7 inclusive). Policy 3.1.1 of the PPS states that “development shall generally be directed to areas outside of... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.”

Given the above, from a PPS perspective CH raises no concerns with this Minor Variance application.

IESA

CH staff has reviewed the application as per our Interim Ecological Services Agreement (IESA) with Halton Region. Under the terms of the Interim Ecological Services Agreement (IESA) with Halton Region, CH provides ecological technical review services for all planning applications for conformity with the natural heritage policies of the Regional Official Plan (ROP).

CH provide the following recommendations for construction:

- 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.
- Refuel equipment at least 30 m from the 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.

Recommendation

Given the above, CH staff has **no objection** to the requested minor variances subject to the following conditions to be added to the approval of this application:

1. That, prior to the initiation of works, a CH “No Objections” letter be obtained from Conservation Halton for the proposed development.

Staff note that CH’s minor variance review fee was not received with this application. The “Minor (no site visit or technical review)” review fee applies and must be received by CH prior to development. The current fee is \$135.40 + HST = \$153.00 as per CH’s 2022 Plan Review Fees, Fee Schedule.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

We trust the above is of assistance. If you have any questions, please contact the undersigned.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 5.

Request for participation-2

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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of objections-1:

My name is: Erwin Biener. I live at 1242 Hollyfield Crescent in your Ward, Ward 6.

I and a number of my neighbours have a great concern about an application from a new neighbour which has been submitted to the town of Oakville, File No.: CAV A/ 2022 in regards the rezoning of

property of 1235 Ingledene Drive Plan 995 Lot 20 PT Lot 19. This application of CAV A/153/2022 states that the new owner of said property asks to change the zoning in this area see No 1 Table 6.3.2 (Row 5 Footnote 1) and No 2 Section 6.4.3 a) of said property.

This request is contrary in all the Town of Oakville stands for in regards of preserving the tree canopy of our town. The request if granted will eliminate 6 mature trees a Cypress Tree, Maple Trees, Cedar Trees and other various green shrubs which enhances the area. The Cypress Tree is over 60 years old and it has been on that property when I noticed it since we moved in at our address 53 Years ago.

How can the Town of Oakville permit such denuding of our green space? At the present time the owner has removed a number of trees in his backyard. If you find time in your busy

schedule drive past said residence and see the number of trees which have to be removed in order to accommodate the rezoning request. Further more the plan of the house does not fit in with the present area of our subdivision. According to the plan one of our neighbours will have the garage of the new house blocking the view from their living room. I have no problem with a house of being raised to add a second story as was done at 1253 Ingledene Drive but no trees were moved.

As I read the notice from the town of Oakville a videoconference and live streaming video will take place on October 04th, 2022 at 7 p.m. I am not familiar with video conference etc.etc. How can I raise my objection to this rezoning request. Yes I can write a letter but I am sure it will not get to the proper adjudicators in time.

Even this note to you is in short time for you to even read but we are talking about a change of cutting down all trees and adding to the denuding of our tree canopy.

Please advise.
Best regards
Erwin Biener

File CAV A/153/2022
1235 Ingledene Drive, Oakville, ON
Plan 995 Lot 20 PT Lot 19

- 1) On the Survey's Real Property Report on Page 1 why are there 2 Survey Monuments Found at the Most Westerly Angle? Why does the map conclude that the most westerly monument of the two is the correct one to draw the angle from the backyard?
- 2) Page 3 of the property renovations:
 - a. Shows there is only 1.2 metres from the left side of the property, looking from the street, the 2 storey building is up to the 1.2 metre mark, however the Table 6.3.2 Row 5 states that the minimum is 1.8 metres unless there is a private garage it may be 1.2 metres but there is no garage on the left side of the building.
 - b. The drawings show significant trees will be removed to make room for the expansion. Is there no way to save these trees?
 - c. The trees bordering the left property are shared trees, who decides that these trees may be removed?
 - d. Since the height of the building is 2 storeys what happens in a severe rain or snow storm with the run off from the roof if there is so little space between the houses for drainage? How does the water drain and not run into the basements of the adjoining properties?
 - e. The garage addition and arched driveway does not fit with the looks of the area since it is so close to the front property line.
 - f. There is not much room between the properties for repairs to the ravine or hydro and bell lines. How do repair machines get to the back yard?
 - g. Is the ravine expansion in line with the ravine guidelines?
- 3) If you look at the 1253 Ingledene renovations, this property supported a large 2 storey building and double garage while still maintaining the same original house footprint, keeping the access to the back ravine, allowing for minimal tree loss, left the original drainage in place and still being in line with the looks of area.

Erwin Biener
1242 Hollyfield Crescent, Oakville, ON

Letter of objections-2

My name is Gillian Salter and I have lived at 1267 Ingledene Drive since 1990. I am providing comments objecting to the two variance requests for 1235 Ingledene Drive.

Zoning By-law Regulation and Variance requests

1. Table 6.3.2 (Row 5, Footnote 1) To reduce the minimum southerly interior side yard from 1.20m to 0.71m
2. Section 6.4.3 a) To reduce the minimum front yard from 15.67m to 9.18m

I do not feel the variance requests are minor.

Issues with 9.18m front yard variance request

- This request is to reduce the front yard distance from 15.67m to 9.18m (**a 41% reduction**)
- By adding a garage onto the front of the house there is a loss of ~20% of the front yard which detracts from the character of the existing neighbourhood.
- Not only is the house proposed to be closer to the road, it is also to be two storey within ~11.6m.

Issues with 0.71m side yard variance request:

- The existing property is single storey with a minimum separation of 2.2m from the property line. This request is to reduce it to 0.71m (**a 67% reduction**) and the house is two-storey here so it would be very overbearing. This is not compatible with the separation distances between houses in the neighbourhood.
- With the proposed design there is a 250% increase in the amount of wall on the south side and the neighbours on the south have a living room window directly facing the proposed giant wall.
- Does 0.71m meet requirements for a side yard drainage swale?

I chose to live on Ingledene Drive for the large front yards, lots of space between houses and mature trees on the properties. This proposed design requires a lot of mature trees to be removed. Even if the owners are allowed to remove the trees and have to replace them, where is there space to relocate them? Also the new trees will not be as tall as the trees which have been there since the house was built 61 years ago.

The proposed design increases the scale and massing of the house which is not compatible with the established neighbouring houses or the existing character of the neighbourhood. In summary this application does not meet the standard "Is the variance minor" as variances of 41%, and 67% cannot be considered minor. This variance request is not within the intent of the Livable Oakville Plan nor the Town of Oakville's zoning by-law.

Thank you for your consideration,
Gillian Salter

Letter of objections-3

File CAV A/153/2022

1235 Ingledene Drive, Oakville, ON

Plan 995 Lot 20 PT Lot 19

- 1) On the Survey's Real Property Report on Page 1 why are there 2 Survey Monuments Found at the Most Westerly Angle? Why does the map conclude that the most westerly monument of the two is the correct one to draw the angle from the backyard?
- 2) Page 3 of the property renovations:
 - a. Shows there is only 1.2 metres from the left side of the property, looking from the street, the 2 storey building is up to the 1.2 metre mark, however the Table 6.3.2 Row 5 states that the minimum is 1.8 metres unless there is a private garage it may be 1.2 metres but there is no garage on the left side of the building.
 - b. The drawings show significant trees will be removed to make room for the expansion. Is there no way to save these trees?
 - c. The trees bordering the left property are shared trees, who decides that these trees may be removed?

d. Since the height of the building is 2 storeys what happens in a severe rain or snow storm with the run off from the roof if there is so little space between the houses for drainage? How does the water drain and not run into the basements of the adjoining properties?

e. The garage addition and arched driveway does not fit with the looks of the area since it is so close to the front property line.

f. There is not much room between the properties for repairs to the ravine or hydro and bell lines. How do repair machines get to the back yard?

g. Is the ravine expansion in line with the ravine guidelines?

3) If you look at the 1253 Ingledene renovations, this property supported a large 2 storey building and double garage while still maintaining the same original house footprint, keeping the access to the back ravine, allowing for minimal tree loss, left the original drainage in place and still being in line with the looks of area.

Ron Moore

1239 Hollyfield Crescent, Oakville, ON

Letter of objections-4

Please find below our concerns regarding 1235 Ingledene Drive:

- the loss of mature trees which are so important to maintain the beauty of the area
- closer proximity of the proposed building to the road which will take away from the current feel of the street

Thank you for taking this into consideration.

Ann & Gordon King

1262 Ingledene Drive