

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/202/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, DECEMBER 13, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Rachel Jean 222 Burgundy Drive Oakville ON L6J 4G1	John Willmott Architect Inc c/o Emelie Vea 3-594 Chartwell Road Oakville ON L6J 4A5	PLAN 604 LOT 7 222 Burgundy Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential-Special Policy

ZONING: RL1-0

WARD: 3

DISTRICT: East

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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	<b>Table 4.3 (Row 7)</b> 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 front yard</i> for the window well with a maximum width of 2.29 metres to be 0.60m.
2	<b>Section 6.4.2 a) (Row RL1, Column 3)</b> The maximum <i>lot coverage</i> shall be 25% (350.70 m <sup>2</sup> ) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; ( Lot area is 1402.78 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> to be 27.33% (383.38 m <sup>2</sup> ) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
3	<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 12.94 m -1.0 m = 11.94 m minimum).	To permit a <i>minimum front yard</i> of 11.28 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/202/2022 - 222 Burgundy Dr (East District)** (OP Designation: Low Density Residential-Special Policy)

The applicant is proposing to construct a two-storey detached dwelling subject to the variances above.

The widened window well from a maximum width of 1.8m to 2.29 metres encroaching a maximum of 0.60 metres into the side yard will continue to provide adequate room for drainage and pedestrian access.

The increase in maximum lot coverage (for all buildings on the lot) from 25% (350.70 square metres) to 27.33% (383.38 square metres) for an increase of 32.68 square metres does not have any negative impact on the surrounding neighbourhood while continuing to provide for adequate open space on a lot for outdoor amenity areas and stormwater infiltration.

The decrease in the minimum front yard setback from 11.94 m to 11.28 m ensures a relatively uniform setback along the street and enhances the connection to the public realm. The decrease in the front yard is by 0.66 m to the main wall of the dwelling, and no negative impacts are anticipated to the streetscape and the surrounding properties.

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 the variances are minor in nature and appropriate for the development of the site as there is no negative impact to abutting properties or the streetscape.

### **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, floor plans and elevations dated Sept. 29, 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

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

**Transit:** No Comments Received

**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 encroachment into the minimum front yard for the window well, an increase in the maximum lot coverage, 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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan, floor plans and elevations dated Sept. 29, 2022.

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 handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

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Heather McCrae, ACST  
Secretary-Treasurer