

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/192/2022**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
WILLIAM WESTLAKE 161 DIANNE AVE OAKVILLE ON, L6J 4G8	STEVEN BROUSSEAU STEVEN BROUSSEAU DESIGN 18 BEVERLY ST E ST.GEORGE ON, N0E 1N0	161 DIANNE AVE PLAN 718 LOT 6

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 addition with an attached garage and a one-storey addition (enclosed porch) to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 6, Column RL1)</b> The <i>minimum rear yard</i> shall be 10.50 m.	To permit a <i>minimum rear yard</i> of 8.61 m.
2	<b>Table 6.3.1 (Row 9, Column RL1)</b> The <i>maximum dwelling depth</i> shall be 20.0 m.	To permit a <i>maximum dwelling depth</i> of 25.56 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/192/2022 - 161 Dianne Ave (East District)** (OP Designation: Low Density Residential)

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 6, Column RL1)</b> The <i>minimum rear yard</i> shall be 10.50 m.	To permit a <i>minimum rear yard</i> of 8.61 m.
2	<b>Table 6.3.1 (Row 9, Column RL1)</b> The <i>maximum dwelling depth</i> shall be 20.0 m.	To permit a <i>maximum dwelling depth</i> of 25.56 m.

The applicant proposes to permit the construction of a two-storey addition with an attached garage and a one-storey addition (enclosed porch) to the existing dwelling subject to the variances listed above.

The subject property is located along Dianne Avenue and the area is characterized by a mix of one and large two-storey dwellings in the area with no sidewalks along Dianne Avenue.

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: Rear Yard (Supported)**

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 10.5 metres to 8.61 metres, which is measured from the rear lot line to the closest point of the proposed new two-storey addition above the new garage. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. From a zoning perspective the rear yard is considered to be located on the southeast side of the lot and the front yard is located on the northwest side of the lot which triggers the requested variance. The rear lot line tapers away from the rear wall of the proposed dwelling, resulting in a “pinch point” with the rear yard setback of 8.61. However, due to the angled rear lot line, the balance of the rear yard is significantly wider, resulting in ample rear yard amenity space, sufficient separation from the adjacent dwelling with no overlook concerns. On this basis, staff are of the opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law.

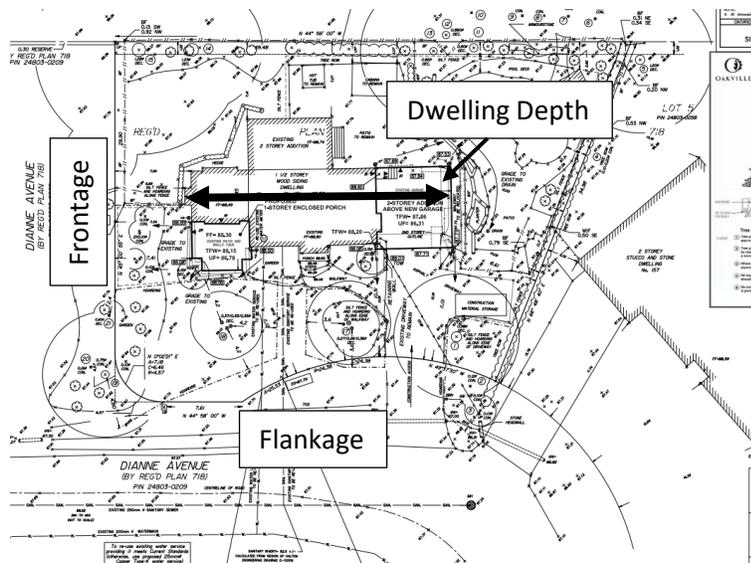
#### **Excerpt of the Site Plan by the applicant:**



## Variance #2: Dwelling Depth (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in dwelling depth from 20.0 metres to 25.56 metres. The intent 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.. In this instance the front of the dwelling faces the flankage yard thereby creating a dwelling depth variance. Staff are of the opinion that the proposed increased dwelling depth would not have a negative impact on adjacent properties or streetscape. Therefore, the request for an increased dwelling depth would meet the intent of the Zoning By-law.

Excerpt of the Site Plan by the applicant:



## Subject Property



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.

### 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 additions to the dwelling be built in general accordance with the submitted site, servicing and grading plan dated October 14, 2022, and elevation drawings dated October 11, 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.

**Transit :** Comments not received.

### **Halton Region: CAV A/192/2022 – W. Westlake, 161 Dianne Avenue, 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 works will be setback sufficiently with adjacent residential properties between the sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the RNHS.
- 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 rear yard 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 addition with an attached garage and a one-storey addition (enclosed porch) to the existing 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 additions to the dwelling be built in general accordance with the submitted site, servicing and grading plan dated October 14, 2022, and elevation drawings dated October 11, 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.



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment