

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/204/2022**

**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
Majestic Edge Estates Inc c/o Matthew Castelli 105B Wings Road Woodbridge ON L4L 6C2	Hicks Design Studio Inc c/o Cynthia Gibson 200-295 Robinson Street Oakville ON L6J 1G7	CON 4 SDS PT LOT 18 346 Lakeshore Road West Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2**

**ZONING: RL1-0  
DISTRICT: West**

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 proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 3, Column RL1) &amp; Section 6.4.3</b> <b>b)</b> The <i>minimum front yard</i> shall be 10.5 m.	To permit a <i>minimum front yard</i> of 9.82 m.
2	<b>Table 6.3.1 (Row 4, Column RL1)</b> The <i>minimum flankage yard</i> shall be 4.2 m.	To permit a <i>minimum flankage yard</i> of 3.73 m.
3	<b>Section 6.4.6 c)</b> The maximum <i>height</i> shall be 9.0 metres	To permit a maximum <i>height</i> of 9.89 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/204/2022 - 346 Lakeshore Rd W (West District)** (OP Designation: Low Density Residential)

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

The proposed dwelling (Lot 12) is a part of the new Majestic Edge Estates subdivision located along the Lakeshore Road west and east of Birch Hill Lane.

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.*

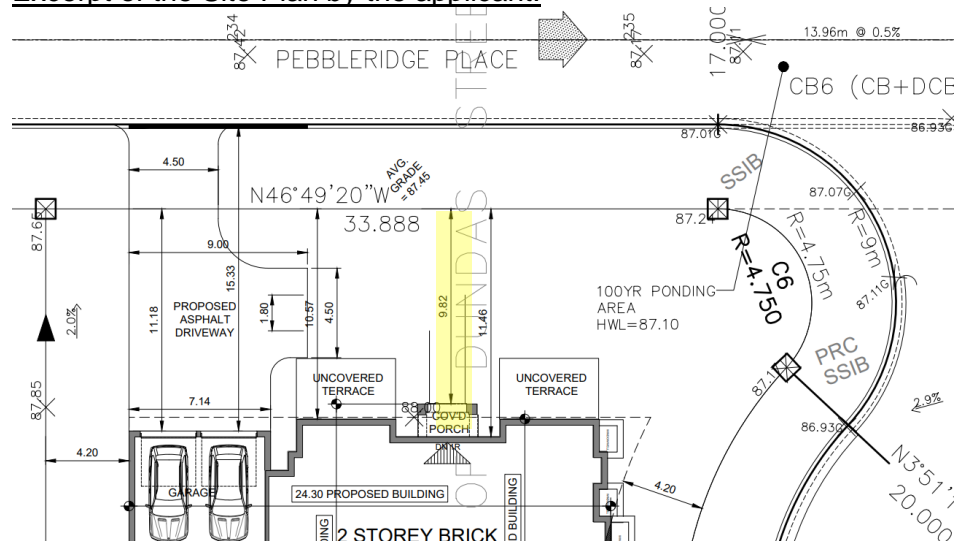
*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*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- 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 10.5 metres to 9.82 metres to the front covered porch of the dwelling. The front wall of the dwelling maintains the required setback. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the front porch encroachment is minimal and won't distract from the streetscape. Staff are of the opinion that the requested decrease in the setback will not have a negative effect on the streetscape, and would therefore be minor in nature.

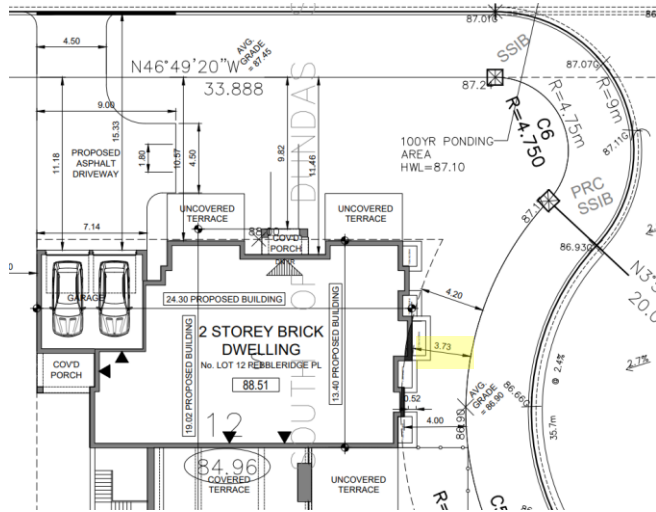
#### **Excerpt of the Site Plan by the applicant:**



### **Variance #2- Flankage Yard (Supported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a decrease in the minimum flankage yard setback from 4.2 metres to 3.73 metres. The intent of regulating the flankage yard is to ensure adequate separation from the street, provide a safe distance for visibility at the corner and ensure that a dwelling does not dominate the streetscape. In this instance, the proposed reduced setback is from the flankage yard to a small portion of the proposed dwelling. Staff are of the opinion that the requested variance is minor and will not have a negative impact on the public realm or adjacent or surrounding properties.

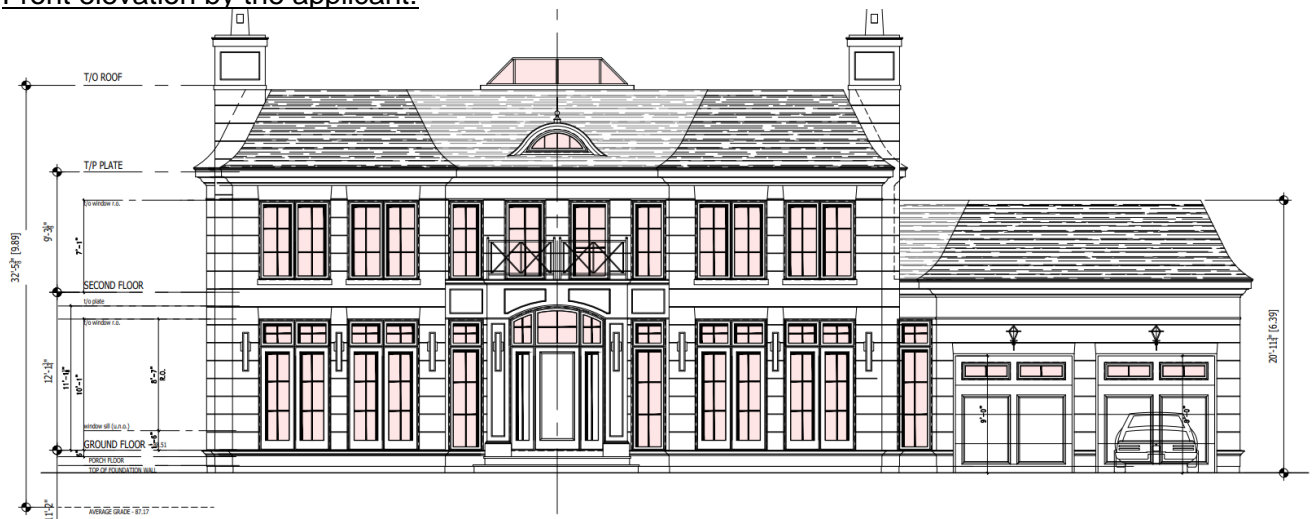
#### **Excerpt of the Site plan by the applicant:**



### Variance #3- 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 9.89 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. In this instance, the increase in height is calculated as an average of the midpoints of the front and flankage lot lines for a corner lot and attributed to the lower established grade at 0.88m, and the actual building height from the ground floor as calculated is 9.07 meters. Staff are of the opinion that the requested variance is technical in nature and does not have any impact on the surrounding properties.

### Front elevation by the applicant:



### 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 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. 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 notes that concerns related to archaeological potential and site servicing are being addressed through the corresponding Draft Plan of Subdivision for this property (24T-17006/O), which is not yet registered.
- 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.
- As an advisory, the subject site has archaeological potential. Although the property is currently being reviewed for archaeological potential in an associated planning application, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately.
- 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 front yard, a decrease in the minimum flankage 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:** 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 October 11, 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 rectangular box.

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Heather McCrae, ACST  
Secretary-Treasurer