COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/206/2022 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
Andrii Opalko	Faraz Pouyandeh	PLAN 544 LOT 29
25 Thornridge Crescent	515-105 Harrison Garden Blvd	189 Weybourne Road
Kitchener ON N2M 4V9	North York ON M2N 0C3	Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential ZONING: RL3-0 WARD: 2

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	Section 5.8.6 b) For detached	To permit the maximum total floor area for
	dwellings on lots having greater than or	the <i>private garage</i> to be 51.27
	equal to 12.0 metres in lot frontage, the	square metres on a lot having greater than or
	maximum total floor area for a private	equal to 12.0 metres in lot frontage.
	garage shall be 45.0 square metres	
2	Section 6.4.1 The maximum residential	To permit the maximum residential floor area
	floor area ratio for a detached dwelling on	ratio for the detached dwelling to be 46.17%
	a lot with a lot area between 650.00	(321.1 m ²).
	m ² and 742.99 m ² shall be 41% (285.17	
	m ²); (Lot area is 695.54 m ²).	
3	Section 6.4.3 a) The minimum front	To permit a <i>minimum front yard</i> of 8.27
	yard on all lots shall be the yard legally	metres.
	existing on the effective date of this By-law	
	less 1.0 metre; (Existing 9.52 m -1.0 m =	
	8.52 m minimum).	

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/206/2022 - 189 Weybourne Rd (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. There are no sidewalks along Weybourne Road and driveways along the street contain culverts to maintain the drainage within the road allowance.

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:

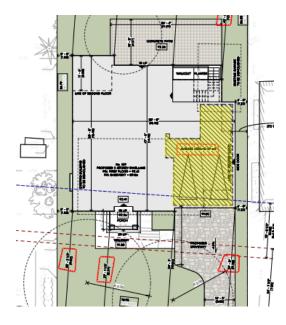
Policies 11.1.9 a), b), and h) state:

- "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: 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 45 square metres to 51.27 square metres for a total increase of 6.27 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling and does not negatively impact the streetscape. Staff are of the opinion that the proposed design of the two-car garage with requested increase in garage area would be internal to the dwelling due to the extra internal storage space; 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.

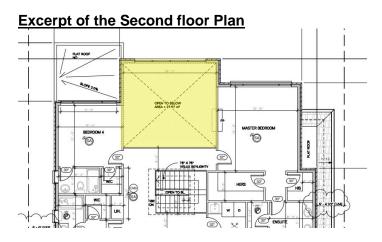
Excerpt of the Site Plan by the applicant showing the Garage Area:



Variance #2: Residential Floor Area Ratio (Unsupported)

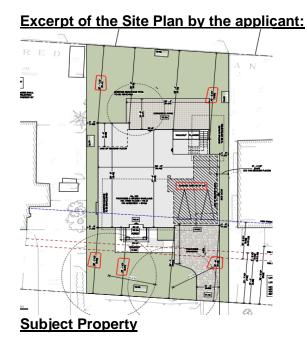
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 41% (285.17 square metres) to

46.17% (321.1 square metres) for an increase of 35.93 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 also includes a great room with an open to below area of 27.97 square metres. The open to below area serves to push the second storey floor area to the perimeter of the dwelling which would create a mass and scale that would be considered an over building on a small lot comparing to the adjacent lots. Staff are of the opinion that the proposed scale and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.



Variance #3: 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 8.52 metres to 8.27 metres with the decrease of 0.25 m. The front yard is measured from the front property line to the main wall. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance the reduced setback is minor and the proposed dwelling is consistent with the setback of the adjacent dwellings, having no impact on the surrounding properties. Staff are of the opinion that the requested variance is minor in nature and does not have any negative impact on the surrounding properties.





Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variance #2 should not be supported as it does not satisfy the four tests under the Planning Act. Further, it is staff's opinion that variance # 1 and variance # 3 satisfies the four tests under the Planning Act. 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: No concerns for fire. DL

<u>Oakville Hydro:</u> 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 total floor area for the private garage, an increase in the maximum residential floor area ratio, 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

<u>Note:</u> 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.

Heather McCrae, ACST

Secretary-Treasurer