

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/185/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Michael & Anna Phinney 179 Douglas Avenue Oakville ON L6J 3R9	Hicks Design Studio Inc c/o Cynthia Gibson 200-295 Robinson Street Oakville ON L6J 1G7	PLAN 113 LOTS 299,300 325 Watson Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL3-0 SP 10  
DISTRICT: East

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>Section 6.4.1</b> The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> 1301.00 m <sup>2</sup> or greater shall be 29% (400.9 m <sup>2</sup> ); (Lot area is 1382.44 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 29.97% (414.25 m <sup>2</sup> ).
2	<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 9.48 metres.
3	<b>Section 15.10.1 c)</b> The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19 % (262.66 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 22.8 % (315.22 m <sup>2</sup> ).
4	<b>Section 15.10.1 e)</b> The maximum total <i>floor area</i> for a <i>private garage</i> shall be 38.0 m <sup>2</sup>	To permit the maximum total <i>floor area</i> for a <i>private garage</i> to be 61.32 m <sup>2</sup>

## 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/185/2022 – 325 Watson Avenue (East District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of two-storey dwellings with sidewalks on both side of Watson Avenue.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low-Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

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.”*

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

#### **Variance #1 – Residential Floor Area Ratio (Supported)**

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 29% (400.9 square metres) to 29.97% (414.25square metres) for an increase of 13.35 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 has been designed to reduce the mass and scale by incorporating one-storey garage element and stepbacks on the side and the rear. Staff are of the opinion that the requested increase in residential floor area is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

The applicant is advised that the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process

#### **Subject Property**



### **Variance #2 – 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 9.48 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 due to the lower established grade on the property with height increase in the middle portion of the house.

Staff are of the opinion that the requested height is appropriate for the development, the increase is minor and will not have a negative impact on adjacent properties.

### **Front Elevation by the applicant:**



### **Variance #2 – Lot Coverage (Supported)**

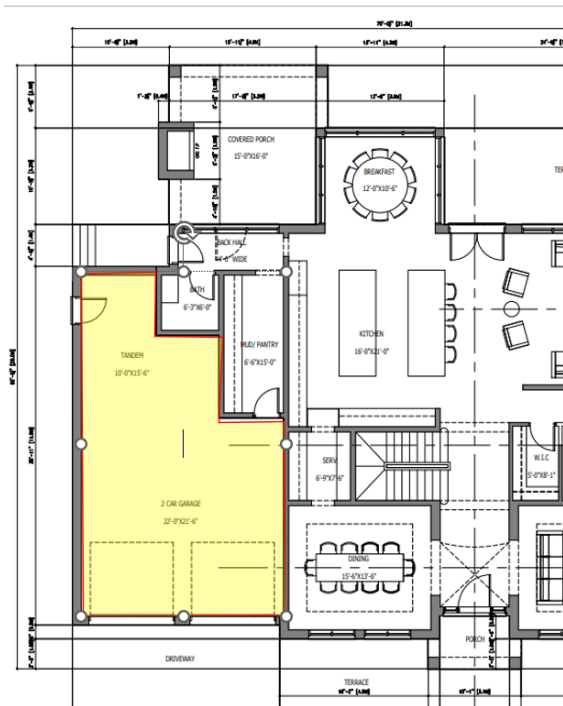
The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 19% (262.66 square metres) to 22.8% (315.22 square metres) for an increase of 52.56 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. Staff are of the opinion that a variance for lot coverage is interrelated to a variance regarding lot residential floor area ratio. The property is also subject to Special Provision 10, which regulates lot coverage based on the number of storeys, lot depth, floor area for a private garage and side yards. The intent of the provision is to maintain adequate separation between dwellings and limit the size of dwellings in the area. In this instance, there is no addition to the existing house, the increase in lot coverage is the result of the proposed cabana within the rear yard. In this instance the lot coverage is contributed by covered porched and the tandem parking which will not result in a dwelling that appears larger

than others in the area. Staff are of the opinion that the requested variance will not have a negative impact on surrounding properties, or the public realm and the development will be compatible with the surrounding neighbourhood.

#### **Variance #4 – 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 56 square metres to 66.5 square metres for a total increase of 10.5 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. In this instance the increase in garage area is due to the installation of car lift to allow stacking of cars and the entrance to the garage is from the side yard which helps minimizing the visual impact from the street. Staff are of the opinion that the proposed design of the garage with requested increase in garage area would be internal to the dwelling; 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 plan showing the Garage 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 and elevation drawings dated August 26, 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:** SFD. Adequate access to rear yard provided. O.K.

**Oakville Hydro:** We do not have any objection or comments for the Minor Variance Applications on the agenda.

**Transit:** No Comment

**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 residential floor area ratio for the detached dwelling, an increase in the maximum height, an increase in the maximum lot coverage, and increase in the maximum total floor area for a private garage, 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 and elevation drawings dated August 26, 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