

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/163/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 18, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Daniel Salvador 1374 Hixon Street Oakville ON L6L 1R7	W.E. Oughtred & Associates Inc c/o Arlene Beaumont 28-2140 Winston Park Drive Oakville ON L6H 5V5	PLAN 669 LOT 179 1374 Hixon Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL2-0
DISTRICT: West

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 detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 b) For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 63.79 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (277.55 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Area of the lot is 1110.20 m ²).	To permit the maximum <i>lot coverage</i> to be 27.74% (308.02 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

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/163/2022 - 1374 Hixon St (West District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by one-storey dwellings original to the area and many two-storey new construction marking it as a neighbourhood in transition.

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 (Unsupported)

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 63.79 square metres for a total increase of 18.79 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling does not present negative impacts to the streetscape. Staff are of the opinion that the proposed design of the garage with requested increase is significant with the garage at the front as a visually dominant feature of the dwelling or impact at the streetscape which does not meet the intent of the Zoning by-law

Variance # 2: Lot Coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (277.55 square metres) to 27.74% (308.02 square metres) with an increase of 30.47 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. The increase in lot coverage is not minor and mostly attributes to the covered porches and open to below areas which increases the mass and scale of the dwelling. The design of the dwelling is a full second storey with no transitional massing composition and no stepbacks which attributes to the massiveness of the structure.

The Town of Oakville Urban Design Guidelines for Stable Residential Communities under Section 3.2.1 :

“New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements....”

Staff are of the opinion that the request for increased lot coverage is not minor in nature, is not desirable and does not meet the intent of the Official Plan or Zoning By-law.

Excerpt of the Front elevation by the applicant:



Subject Property



Notwithstanding the comments above, it appears that the requirement of Window well width variance may have been missed with the proposed width of 3.18 metres whereas 1.8 m is permitted (Table 4.3 (Row 7)) resulting in the increase of 1.38 m and the proposal may not comply with the Zoning By-law requirements.

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application. Staff are recommending that the plans be to the satisfaction of the Director of Planning since it appears that many of the deficiencies can be resolved with slight updates to the plans.

Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather confirm the accuracy of the variances applied for.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the variances should not be supported as they do not satisfy 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

Oakville Hydro: We do not have any objection to this minor variance application but please note the new house will require a new underground service from Hixon St. In addition, any relocations due to conflicts with the existing pole(s) and/or wire(s) located on the property will be at the property owner's expense.

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 total floor area for the private garage and an increase in the maximum lot coverage for the detached dwelling, 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.



Heather McCrae, ACST
Secretary-Treasurer