

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/170/2022

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
Robert Mark/Sheri Ann Williams 3107 Seneca Drive Oakville ON L6L 1B1	SGL Planning & Design Inc c/o Graham Barrett 1547 Bloor Street West Toronto ON M6P 1A5	PLAN M11 LOT 14 3107 Seneca Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL5-0  
DISTRICT: West

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### 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	<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% (411.66 m <sup>2</sup> ); (Lot area is 1,419.53 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 30.84% (437.80 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/170/2022 - 3107 Seneca Dr (West District)** (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of two-storey dwelling subject to the variances listed above.

The neighbourhood is characterized by a mix of one and two storey dwellings along the lane with large lots. There are no sidewalks along Seneca Drive and landscaped boulevards provide additional separation between the public road allowance and private properties.

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 – Residential Floor Area Ratio (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 29% (411.66 square metres) to 30.84% (437.80 square metres) for an increase of 26.14 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 stepping back the second storey in various locations. The setbacks and other design components mitigate the potential of massing impacts of the proposed dwelling on the neighbourhood. Staff are of the opinion that the requested increase in 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:**



#### **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 15, 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

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application.

**Transit:** No Comment

**Finance:** None

**Halton Region:**

- As an advisory, the subject site has archaeological potential and Historic Towns overlay. Should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) 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 an increase in the maximum residential floor area ratio 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:** Four

**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 15, 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 rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails in Support – 4

October 5, 2022

Committee of Adjustment Meeting Date: October 18, 2022

To: The Town of Oakville Committee of Adjustment


Re: 3107 Seneca Drive Variance Consent Application CAV A/004/2016

Dear Committee Members,

I am the owner of, or person responsible for 40 MISSISSAUGA ST.  
SLAWOMIR BADOWSKI, which is within 60  
metres of the subject property. Please be advised that the owner of 3107 Seneca Drive, or their Builder and  
Architectural Design Firm have discussed the minor variance application with me. I have reviewed the minor  
variance requests, along with the associated design drawings, and have no objection to these minor variances  
and support the approval of this application.

Yours sincerely,

SLAWOMIR BADOWSKI  
Owner

  
Signature

OCT 11 2022  
Date

October 5, 2022

Committee of Adjustment Meeting Date: October 18, 2022

To: The Town of Oakville Committee of Adjustment

Re: 3107 Seneca Drive Variance Consent Application CAV A/004/2016

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Dear Committee Members,

I am the owner of, or person responsible for 41 TIMBER LANE, which is within 60 metres of the subject property. Please be advised that the owner of 3107 Seneca Drive, or their Builder and Architectural Design Firm have discussed the minor variance application with me. I have reviewed the minor variance requests, along with the associated design drawings, and have no objection to these minor variance and support the approval of this application.

Yours sincerely,

LAURENCE KIMBER  
Owner

Laurence Kimber  
Signature

Oct 11/22  
Date

October 5, 2022

Committee of Adjustment Meeting Date: October 18, 2022

To: The Town of Oakville Committee of Adjustment

Re: 3107 Seneca Drive Variance Consent Application CAV A/004/2016

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Dear Committee Members,

I am the owner of, or person responsible for 35 timber Lane, which is within 60 metres of the subject property. Please be advised that the owner of 3107 Seneca Drive, or their Builder and Architectural Design Firm have discussed the minor variance application with me. I have reviewed the minor variance requests, along with the associated design drawings, and have no objection to these minor variances and support the approval of this application.

Yours sincerely,

Ivan Mullany  
Owner

  
Signature

11.10.2022  
Date



October 5, 2022

Committee of Adjustment Meeting Date: October 18, 2022

To: The Town of Oakville Committee of Adjustment

Re: 3107 Seneca Drive Variance Consent Application CAV A/004/2016

Dear Committee Members,

I am the owner of, or person responsible for 3079. Seneca -, which is within 60 metres of the subject property. Please be advised that the owner of 3107 Seneca Drive, or their Builder and Architectural Design Firm have discussed the minor variance application with me. I have reviewed the minor variance requests, along with the associated design drawings, and have no objection to these minor variance and support the approval of this application.

Yours sincerely,

J Daniel Neri

Owner

J Daniel Neri

Signature

Oct 11 2022  
Date