

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/059/2021**

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 04, 2021 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
HALLETT BRONTE GREEN CORPORATION 4900 PALLADIUM WAY 105 BURLINGTON ON, L7M 0W7	CATHERINE MCEWAN KORSIAK URBAN PLANNING 277 LAKESHORE RD E UNIT 206 OAKVILLE ON, L6J 1H9	2389 SAW WHET BLVD PLAN M1223 LOT 374

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 4

ZONING: RL6 SP:376  
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 proposed construction a two storey detached dwelling on the subject property with the following variance proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.376.2 c)</b> The <i>minimum rear yard</i> shall be 7.0 m	To permit a <i>minimum rear yard</i> of 1.15 m.

### CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

#### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**CAV A/059/2021 - 2389 Saw Whet Blvd (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a new detached dwelling. The applicant requests the variance listed above.

The neighborhood is located within a subdivision which was recently approved by the former OMB (Case No. PL 141318), is under construction. The subdivision consists of low-rise apartment, townhouse and detached dwellings on the former Saw Whet golf course. The character of the neighbourhood is intended to consist of a variety of housing forms with consistent dwellings sizes. The subdivision layout, design, pedestrian paths and overall development scheme in terms of mass and scale was previously reviewed through the Official Plan Amendment, Zoning By-law Amendment and Subdivision applications.

#### **Variance #1 – Rear Yard Setback (Supported)**

The proposed reduced rear yard setback from 7 m to 1.15 m is measured from the westerly lot line abutting the public walkway to the side of the proposed dwelling. It should be noted that based on the irregular shape of the lot and defined front lot line, the rear yard functions as the

interior side yard. The intent of regulating the side yard setback is to provide spatial separation between dwellings in addition to access and area for lot drainage. In this instance, noting the proposed dwelling on the irregular is surrounded by public paths and a road, the proposed reduced setback will allow the lot to function and interface with the public realms without causing negative adverse impacts.

It should be noted that there is no Urban Design-related concern with the requested yard reduction. However, in such a close proximity to the property line, the proposed dwelling will be very visible from the adjacent public walkway. The Left Elevation should be revised to feature more elements similar to the Right Elevation such as windows on the second storey to both add an interest to a large blank wall as well as to support the “eyes on the public realm” concept. This is a Priority Lot and as such should be designed to comply with the Town's Design Guidelines for Stable Residential Communities, Section 3.1.4.1: "New development on a priority lot should incorporate ample window openings and generous architectural detailing on all façades visible from the street(s) and other public spaces."

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law as it results in a dwelling that is in keeping with the character of the neighbourhood. Further, the variance is minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

#### Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be constructed in general accordance with the submitted site plan dated March 16, 2021 and elevation drawings to the satisfaction of the Director of Planning Services; 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:** Comments not received.

**Transit :** No comments.

**Halton Region:** CAV A/059/2021 – Hallet Bronte Green Corporation, 2389 Saw Whet Boulevard, Oakville

- The entirety of the subject property falls within Conservation Halton (CH) regulated area, CH should be consulted for their comments prior to approval of the variance.
- Provided CH comments have been satisfied by the applicant, Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to reduce the minimum rear yard requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling on the subject property.

**Halton Conservation:** I can confirm that 2389 Saw Whet Boulevard is not regulated and therefore does not require CH approval.

**Bell Canada:** Comments not provided.

**Union Gas:** Comments not provided.

**Letter(s) in support – None.**

**Letter(s) in opposition – None.**

**General notes for all applications:**

**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 constructed in general accordance with the submitted site plan dated March 16, 2021 and elevation drawings to the satisfaction of the Director of Planning Services; 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.




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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment