

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/061/2021**

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
DONALD JEFFREY 250 FORESTWOOD DR OAKVILLE ON, L6J 4E6	RICHARD MANN RICHARD MANN ARCHITECT INC 153 WOODHAVEN PARK DRIVE OAKVILLE ON, L6L 4K4	250 FORESTWOOD DR PLAN 435 LOT 18

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL SPECIAL POLICY AREA

ZONING: RL1-0

WARD: 3

DISTRICT: EAST

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 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total floor area for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 61.28 square metres.
2	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 9.36 m -1.0 m = 8.36 m minimum).	To permit a <i>minimum front yard</i> of 5.50 metres.

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/061/2021 - 250 Forestwood Dr (East District) (OP Designation: Low Density Residential Special Policy Area)

The applicant proposes to demolish the existing dwelling and construct a new two-storey dwelling. The applicant requests the variances listed above.

The neighbourhood consists of both one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. Mature large stature trees and various species of vegetation on private property and within the road allowance, provide a significant amount of shade and contribute to the character of the area. There are no sidewalks along Forestwood Drive and a few properties have driveway culverts, including the subject property.

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.

Furthermore, Section 11.1.9 indicates that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all 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 special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and not negatively impact surrounding properties.

Variance #1 – Garage Area (Supported)

The request for an increase in floor area of the proposed private garage from 56 square metres to 61.28 square metres is internal to the building due to the double car garage and storage configuration. Therefore, it would not be a visually dominant feature of the dwelling, which meets the intent of the by-law. However, from an Urban Design perspective, the applicant is advised that the proposed garage should be broken up to not visually read as a large single door based on the following:

- the Design Guidelines of Stable Residential Communities PART B of LBDM.
- new development with an attached or detached double vehicle garage is encouraged to design the garage openings with separated overhead doors to decrease the visual impact of the garage door on the streetscape.
- new development with an attached garage on the front façade is encouraged to incorporate glazed panels within the doors and to apply a neutral colour that blends the doors into the façade.

Variance #2 – Front Yard Setback (Supported)

The proposed reduced minimum front yard setback from 8.36 m to 5.5 m is measured from the front lot line to the pinch point of the proposed one-storey front covered porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the required setback is measured to the as-of-right permissions of the existing dwelling and the proposed setback would generally maintain the alignment of the abutting dwellings along the curve of the road in relation to the siting of the proposed dwelling on the property. Furthermore, the reduced front yard setback would enable to the applicant to shift the dwelling forward in order to optimize the amount of rear yard amenity space and provide further separation for the dwellings on abutting properties.

On this basis, it is staff's opinion that the requested variances maintain 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 variances are 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 built in general accordance with the submitted site plan and elevation drawings to the satisfaction of the Direction 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/061/2021 – D. Jeffrey, 250 Forestwood Drive, Oakville

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum residential floor area requirement, and to reduce the minimum front 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.

Bell Canada: Comments not received.

Union Gas: Comments not received.

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 built in general accordance with the submitted site plan and elevation drawings to the satisfaction of the Direction 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.

A rectangular box containing a handwritten signature in cursive script, which appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment