

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: CAV A/084/2023 Deferred from June 28<sup>th</sup>, 2023**

**RELATED FILE: N/A**

**DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M**

Owner (s)	Agent	Location of Land
HOMEGATE CORPORATION	MATTHEW RIBAU GASPAR DESIGN GROUP 5359 TIMBERLEA BLVD UNIT 23 MISSISSAUGA ON, L4W 4N5	496 CHARTWELL RD PLAN 1009 PT LOT 103 RP 20R660 PART 2

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3**

**ZONING: RL3-0  
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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.6 b)</i> The maximum total floor area for a private garage shall be 45m <sup>2</sup> .	To increase the private garage area to be 68.61m <sup>2</sup> .
2	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling shall be 29%.	To increase the maximum residential floor area ratio to be 33.46%.

### **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/084/2023 - 496 Chartwell Road (East District)** (OP Designation: Low Density Residential) – Deferred from June 28, 2023

Applicant proposes to construct a two-storey detached dwelling, subject to the variances listed above.

A minor variance application was previously submitted for the consideration of the Committee on June 28<sup>th</sup>, 2023. This application was deferred due to missed variances and staff comments objecting to the variances proposed. Please see the table below for the list of variances proposed in June 2023, and revised variances being applied for.

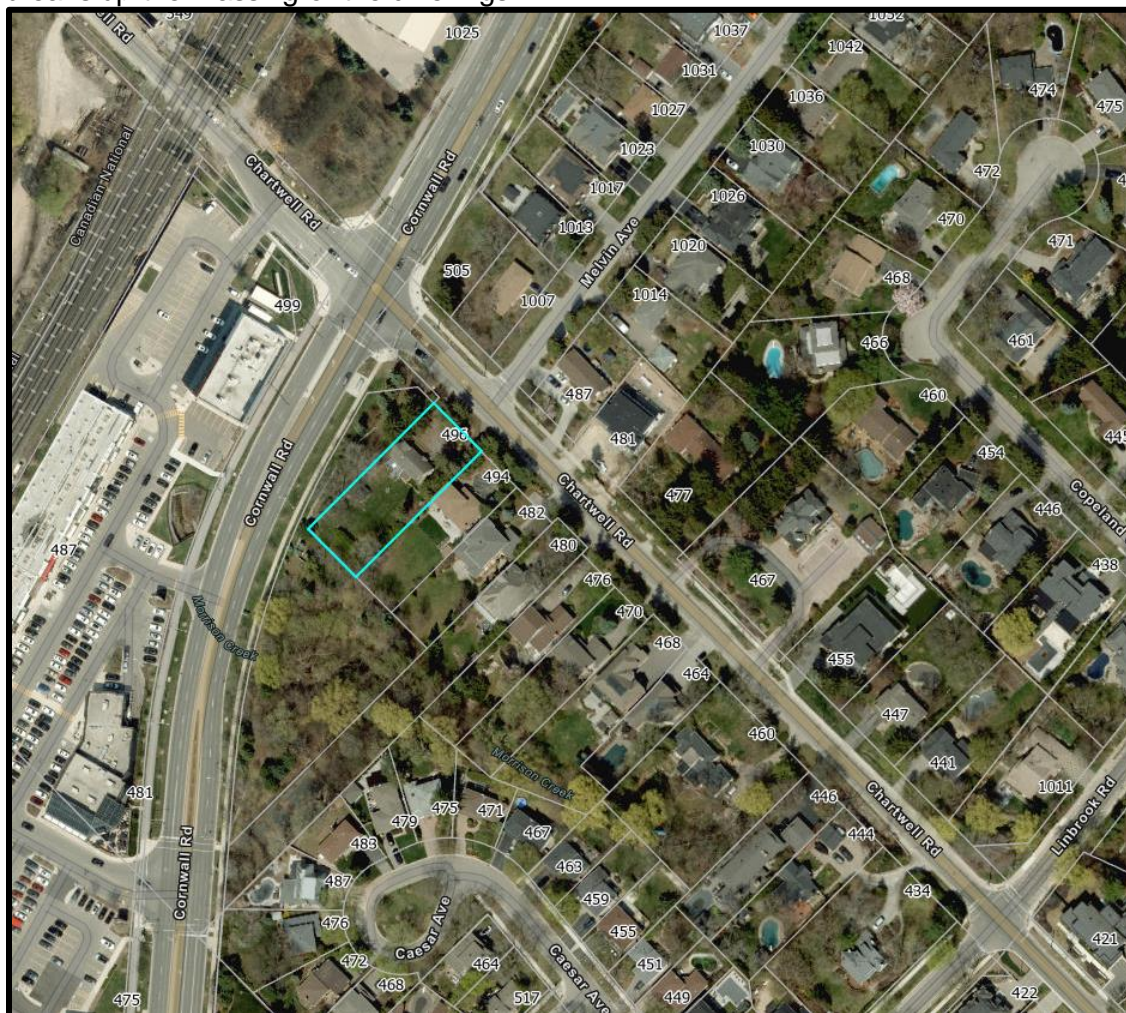
Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	June 28, 2023	February 21, 2024

<b>Residential Floor Area</b>	29% (452.45 m <sup>2</sup> )	33.41% (521.30 m <sup>2</sup> )	33.46% (522.09 m <sup>2</sup> )
<b>Garage Floor Area</b>	45 m <sup>2</sup>	67 m <sup>2</sup> (missed variance)	68.61 m <sup>2</sup>
<b>Driveway Width</b>	9m	10.04m (missed variance)	-
<b>Max Coverage of a Circular Driveway</b>	50%	66.4% (missed variance)	-

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Site and Area Context**

The subject property is a corner lot located in a neighbourhood that is in transition. The neighbourhood consists of one and two-storey dwellings that are original to the area and newer two-storey dwellings of various sizes that can be attributed to the variation in lot sizes. Most newer dwellings within the neighbourhood contain lowered roof lines and façade articulation that breaks up the massing of the dwellings.



*Aerial photo of 469 Chartwell Road*

The subject property abuts Morrison Creek located to the west of the property. The Arborist report provided with the application indicates several private trees being removed as well as some town trees being impacted. Private tree removals are subject to the Private Tree

Protection By-law 2017-038, as amended, and any Town trees being impacted are subject to the Town Tree Protection By-law 2009-025, as amended.

**Does the proposal maintain the general intent and purpose of the Official Plan?**

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.”*

The proposed development has been evaluated against the Design Guidelines for Stable Residential Communities which are used to direct the design of the new development to ensure the maintenance and preservation of neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular the following sections:

**3.1.3. Scale:** *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood.*

**3.2.1. Massing:** *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 and forms that visually reflect the scale and character of the dwellings in the surrounding area. This design approach may incorporate:*

- *Projections and/or recesses of forms and/or wall planes on the façade(s)*
- *Single-level building elements when located adjacent to lower height dwellings*
- *Variation in roof forms*
- *Subdividing the larger building into smaller elements through additive and/or repetitive massing techniques*
- *Architectural components that reflect human scale and do not appear monolithic*

**3.2.4. Primary Façade:** *New development is discouraged to project significant built form and elements toward the street which may create an overpowering effect on the streetscape.*

Planning Staff are of the opinion that the proposed residential floor area and garage floor area are not consistent with the Design Guidelines for Stable Residential Communities. There is an established, existing neighbourhood character and the proposed residential floor area and garage floor area does not meet this character. The additional residential floor area and garage floor area cumulatively add to the massing and scale of the proposed dwelling. The proposed two-storey front porch elements further exacerbate the massing and scale impacts.

On this basis, it is Staff’s opinion that the variances do not maintain the intent of the Official Plan, as the proposal would result in a dwelling that is not in keeping with the character of the neighbourhood.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

**Variance #1** – Garage Floor Area (Objection) – 45 m<sup>2</sup> increased to 68.61 m<sup>2</sup>

**Variance #2** – Residential Floor Area (Objection) – 29% increased to 33.46%

The intent of the Zoning By-law provision for garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The intent of 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 garage floor area increase of approximately 23.61 m<sup>2</sup> combined with the residential floor area increase of approximately 69.64 m<sup>2</sup> results in cumulative massing and scale impacts on adjacent and surrounding properties. The additional 23 m<sup>2</sup> of garage floor area is enabling additional residential floor area on the second floor thus contributing to the negative massing impacts. The proposed dwelling includes an open to below area at the rear of the dwelling above the family room that pushes the second-storey floor area to the perimeter of the dwelling. The two-storey front porch element further adds to the massing and scale impacts, resulting in a mass and scale that would appear larger than the existing mass and scale of the existing neighbourhood. The proposed dwelling does not include significant stepbacks or breaks in the massing that would mitigate the impacts of additional residential floor area and additional garage floor area.



*Proposed Front Elevation*

It is staff's opinion that the cumulative effect of the proposed variances has the potential to negatively impact adjacent properties and the surrounding area, as the massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. In staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature as the proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, which does not fit within the context of the surrounding area.

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests and staff recommend that the application be denied.

**Fire:** No concerns for fire.

**Transit :** Comments not received.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Halton Region: 6.9 CAV A/084/2023 – Homegate Corporation, 496 Chartwell Road, Oakville**

- It is understood this application was deferred from June 28<sup>th</sup>, 2023. Regional comments provided on June 22<sup>nd</sup>, 2023 still apply.
- A portion of the subject lands falls within Conservation Halton (CH) regulated area. CH Staff should be consulted for their comments, and be satisfied with the proposed development prior to approval of the variance.
- The subject lands are located within 30 metres of the Key Features of the Regional Natural Heritage System (RNHS), as shown on Map 1G of the Regional Official Plan (ROP). Therefore, the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & 118 (3.1)a) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will not likely result in any impacts on the features or ecological functions of the RNHS.
- 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 private garage area and an increase in the maximum residential floor area ratio, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

**Halton Conservation:** CAV A/084/2023 – 496 Chartwell Road

The subject property at 496 Chartwell Road is regulated by CH as it is adjacent to Lower Morrison Creek and is adjacent to the erosion hazard associated with that watercourse. CH regulates a distance of 7.5 m from the limit of the erosion hazard for this particular site. CH staff have **no objection** to the requested minor variances subject to the following conditions to be added to the approval of this application:

1. That, prior to the initiation of works, a CH "Development Clearance" letter be obtained from Conservation Halton for the proposed development.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

**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.

A rectangular box containing a handwritten signature in cursive script that reads "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment