

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/066/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, April 17th, 2024 AT 7:00 P.M

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|----------------------------------|---|--|
| CHENG YUAN QIAN MAO WEN SHENG | JORIS KEEREN KEEREN DESIGN INC 11 BRONTE ROAD UNIT 31 OAKVILLE ON, L6L 0E1 | 2092 DUNCAN RD PLAN 626 LOT 68 PT LOT 67 |

**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 a single detached two storey dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <i>Table 6.3.1 (Row 5, Column RL3)</i> The minimum interior side yard shall be 1.20 m. | To reduce the minimum southerly interior side yard to 0.83 m. |
| 2 | <i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00 m ² and 835.99 m ² shall be 40%. | To increase the maximum residential floor area ratio to 43.10%. |
| 3 | <i>Section 6.4.3 (a)</i> The minimum front yard shall be 8.76 metres in this instance. | To decrease the minimum front yard to 8.25 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/066/2024 – 2092 Duncan Road (East District) (OP Designation: Low Density Residential)

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

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 located on the east side of Duncan Road, south of Constance Drive and backs onto Joshua Creek. A portion of the property is located within Conservation Halton's regulation limits. The neighbourhood consists of original one-storey, one-and-a-half storey, and two-storey dwellings with both attached and rear detached garages, along with a few newer two-storey dwellings. The existing and proposed dwellings can be viewed in the images below.



Aerial Photo of subject lands – 2092 Duncan Road



Street View of subject lands – 2092 Duncan Road and the neighbouring dwellings abutting the

property to the north at 2102 Duncan Road (left side of photo) and the south at 2088 Duncan Road (right side of photo)



Street View of the one-storey dwelling located on the west side of Duncan Road (2067 Duncan Road), opposite the subject lands



FRONT PERSPECTIVE VIEW
SCALE: NTS

1333 Sheldon Avenue – Proposed Front Elevation

Conservation Halton comments:

“The subject lands are regulated by CH as they are located within an identified flood hazard (spill) associated with Joshua’s Creek and contains a portion of the erosion hazard associated with that watercourse. CH regulates the spill hazard, erosion hazard and a 15 metre allowance beyond that erosion hazard. Permission is required from CH prior to undertaking any development activities within CH’s regulated area and

applications are reviewed under the Conservation Authorities Act, Ontario Regulation 41/24 and CH's Regulatory Policies and Guidelines. CH has issued a permit for the proposed works. As the drawings in the permit match those submitted as part of this Minor variance application, CH has no objections to the requested variances. Should any changes to the proposed development arise through the Minor variance process, please keep CH apprised."

Halton Region staff shared their comments with Town staff and have no concerns with the proposed development.

The proposed dwelling, although taller than the one-storey dwellings abutting the subject property, provides for an adequate transition in height in the context of the existing neighbourhood and complies with the height requirements under the By-Law (9.0 m). It also incorporates design elements that assist in reducing the overall massing impacts including: having portions of the second storey inset along the front façade of the dwelling to help limit the potential massing and scale impacts on the streetscape, incorporation of lower rooflines above the garage, articulation of the front main wall to provide for visual interest and to help further break up the massing, stepping back portions of the rear main wall at the second storey to limit shadowing and overlook conditions on adjacent properties, along with the one-storey front porch element which helps help to mitigate massing and scale impacts on abutting properties.

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

The subject property is designated Low Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

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

The applicant requests relief from Zoning By-law 2014-014, as amended to permit a maximum residential floor area ratio increase from 40% to 43.10%, a minimum interior side yard decrease from 1.2 m to 0.83 m, and a minimum front yard decrease from 8.76 m to 8.25 m. The intent of the Zoning By-law provision for the interior side yard is to ensure adequate spatial separation between dwellings and no negative impact on drainage. The intent of the Zoning By-law provision for residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Additionally, the intent of the Zoning-By law provision for the front yard is to ensure uniformity along the street, and to provide an adequate area to allow for the planting and maintenance of large canopy shade trees.

The interior side yard setback decrease of 0.37 m applies to a relatively small portion of the second floor of the dwelling where a pinch point exists. Overall, the proposed dwelling has been appropriately designed to be staggered in alignment with the angled side lot line. The remainder of the dwelling along the east side yard is set back by more than the 1.2 m minimum requirement under the By-law. The increase of 3.10% in floor area is mitigated through the design of the dwelling (as noted above) as it incorporates roofline variation, projections/recesses, single-level portions, and architectural detailing. Lastly, the requested minimum front yard setback reduction applies only to the portico/porch. It is noted that the dwelling was likely shifted forward, closer to the street, to avoid potential impacts of the building footprint being further within the rear yard area regulated by Conservation Halton. The rest of the dwelling is setback in excess of the requested 8.25 m minimum front yard setback.

It is staff's opinion that the cumulative effects of the proposed variances do not negatively impact adjacent properties or the surrounding area. Measures have been taken to mitigate the

potential impacts of the proposed development, and the proposed variances meet the general intent and purpose of the Zoning By-law and would not 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 represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The detached dwelling be constructed in general accordance with the submitted site plan dated March 22, 2024, and elevation drawings dated March 12, 2024; 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.

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: 6.6 CAV A/066/2024 – W. Mao and C. Qian, 2092 Duncan Road, Oakville

- The subject property is within 30 metres of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Regional staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently from any sensitive natural features or areas, and located in an area that is currently disturbed, and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- A portion of the subject property falls within a Conservation Halton (CH) regulated area. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 a decrease in the minimum southerly interior side yard, an increase in the maximum residential floor area ratio, and a decrease in the minimum front yard, 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: Comments for 2092 Duncan Road are below:

CAV A/066/2024- 2092 Duncan Road

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands and unstable soil and bedrock, as well as lands adjacent to these features. The property at 2092 Duncan Road is regulated by CH as it is located within an identified flood hazard (spill) associated with Johshua's Creek and contains a portion of the erosion hard associated with that watercourse. CH regulates the spill hazard, erosion hazard and a 15 metre allowance beyond

that erosion hazard. Permission is required from CH prior to undertaking any development activities within CH's regulated area and applications are reviewed under the Conservation Authorities Act, Ontario Regulation 41/24 and CH's Regulatory Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

CH has issued a permit for the proposed works. As the drawings in the permit match those submitted as part of this Minor variance application, CH has no objections to the requested variances.

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.

Requested conditions from circulated agencies:

1. The detached dwelling be constructed in general accordance with the submitted site plan dated March 22, 2024, and elevation drawings dated March 12, 2024; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment