

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/046/2024-Deferred from March 20, 2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Chitranjan Viridi	Huis Design Studio Ltd c/o Kurtis Van Keulen / Shane Edwards 1a Conestoga Drive Unit 301 Brampton ON L6Z 4N5	PLAN 805 LOT 6 1260 Cleaver Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL1-0
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 two storey single 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 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 62.69 square metres.
2	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 21.19 m.

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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

CAV A/046/2024 – 1260 Cleaver Drive (East District) (OP Designation: Low Density Residential)

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

A minor variance application was previously submitted for consideration by the Committee on March 20, 2024. This application was deferred due to Staff comments objecting to one of the proposed variances. Please see the table below for the list of variances proposed in March 2024, and the revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	March 20, 2024	May 1, 2024
Maximum Garage Floor Area	56.0 m ²	62.69 m ²	62.69 m ²
Maximum Dwelling Depth	20.0 m	21.19 m	21.19 m
Maximum Height	9.0 m	9.78 m	Variance Removed

Changes to the Proposal

Through the comments prepared for the March 20, 2024, Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling presenting as substantially larger than adjacent dwellings, therefore creating an overpowering effect on the streetscape; and,
- The overall increase in height being requested; and
- The proposed height variance would not maintain or protect the existing neighbourhood character.

The applicant originally presented a revised proposal during the Committee of Adjustment meeting on March 20, 2024, but Committee members requested the applicant seek a deferral so all outstanding issues could be resolved prior to a decision being made. The applicant agreed and the revised plans were subsequently resubmitted with no additional engagement of staff or further input requested. However, Planning Staff are satisfied with the revised proposal and indicate that the comments previously issued have been addressed through the proposed changes to the development concept.

As seen in the renderings below, revisions have been made to reduce the massing of the proposed dwelling to provide an adequate transition to the existing dwellings in the immediate neighbourhood. The height variance that was originally requested has been removed from the revised submission completely, so that the proposed dwelling is now in full compliance with the zoning requirements for height. Development Engineering also had concerns regarding the driveway location in the original proposal, as it would have conflicted with a mature privately owned tree on the property. The proposed driveway has since been narrowed and shifted to the west to follow the same path as the existing driveway, in order to avoid any negative impacts on the tree. As such, Development Engineering had no further comments on this application. It is Staff's opinion that the removal of the height variance adequately mitigates any potential massing and scale impacts. The revised proposal results in a dwelling that is compatible with the character of the existing neighbourhood.

Oakville Hydro Notes to Applicant:

1260 Cleaver Drive will require a new underground service from the front of the lot.



Front Elevation – March 20, 2024



Front Elevation – May 1, 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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:

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. It is staff's opinion that the proposal, as revised, maintains the general intent and purpose of the Official Plan.

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

The intent of the Zoning By-law provision for regulating the maximum garage floor area is to prevent the garage from becoming the predominant feature of the dwelling. The intent of the Zoning By-law provision for maximum dwelling depth is to ensure adequate rear yard amenity space is maintained on site, and to prevent any shadowing, privacy, or massing impacts on abutting properties. Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

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 variance is 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 variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 18, 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.

Oakville Hydro: 1260 Cleaver Drive will require a new underground service from the front of the lot

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- It is understood that this application was deferred from March 20th, 2024. Regional comments provided on March 11th, 2024 still apply subject to the above noted Bill 185 statement.
- 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 total floor area for the private garage, and an increase in the maximum dwelling depth, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a two-storey detached dwelling on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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, 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.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - 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.
 - 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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 18, 2024.
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 black ink. The signature reads "Heather McCrae" in a cursive, slightly slanted script.

Heather McCrae, ACST
Secretary-Treasurer