

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/075/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 15th, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
JOHN MANN SANDRA CIMORONI	PAUL DEMCZAK BATORY MANAGEMENT 4-1550 KINGSTON RD SUITE 1345 PICKERING ON, L1V 6W9	269 CHARTWELL RD CON 3 SDS PT LOT 10 RP 20R17412 PART 1

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY

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 proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to be 11.69 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
2	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum southerly interior side yard to 2.4 m.
3	<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 21.94m.
4	<i>Section 6.4.1 d)</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area of 1301.00 m ² or greater shall be 29%.	To increase the maximum residential floor area ratio to 31.1%.
5	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.36m.

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/075/2024 – 269 Chartwell Rd (East District) (OP Designation: Low Density Residential – Special Policy Area)

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 Area and Context

The neighbourhood is characterized by bungalows and two-storey detached dwellings on large lots with a sidewalk along the east side of Chartwell Road.

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

The subject lands are designated “Low Density Residential – Special Policy Area” designation in the Official Plan, which is intended to protect the unique character of this area. 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.

It is staff’s opinion that the proposal 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 applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Maximum Width of a Driveway (No Objection)

Variance #2 – Southerly Interior Side Yard (No Objection)

The applicant requests relief from the By-law No. 2014-014 to increase the maximum width of the driveway and decrease the interior southerly side yard. The intent of regulating driveway width is to prevent the construction of a driveway that is wider than the width of the garage, in order to minimize the amount of hardscaping in the front yard and the intent of regulating the side yard setback is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. Staff note that the variances are necessary to address the attached garage that faces the northerly interior side yard, not the front yard, and that the proposed driveway has been configured to facilitate the maneuvering of personal vehicles. Staff note that the driveway within the front yard aligns with the streetscape of the surrounding properties, and that there is a pinch point at the southerly side yard that still provides space for a swale for the drainage of surface runoff and sufficient space for access and maintenance. Staff are of the opinion that the proposal is in keeping with the character of the neighbourhood and are supportive of the variances.

Variance #3 – Dwelling Depth (No Objection)

Variance #4 – Residential Floor Area Ratio (No Objection)

Variance #5 – Maximum Dwelling Height (No Objection)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth, maximum residential floor area ratio and dwelling height. The intent of regulating the dwelling depth, residential floor area, and dwelling height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that an adequate rear yard amenity space is provided. The requested increase in dwelling depth is attributed to the proposed sunroom and staff are of the opinion that adequate rear yard amenity space is provided and that no adverse impacts on adjacent properties are anticipated. The overall massing and scale of the proposed dwelling is

mitigated by the design of the dwelling and is in keeping with the pattern of new development in the area. Therefore, the proposed variances meet the intent 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 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 these minor variance requests be approved by the Committee, the following conditions are recommended:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 23, 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.

Notes: Planning staff note that there may be a missed variance for the setback of the garage wall to the interior northerly side yard.

Due to the proposed increase in hardened surfacing, on-site stormwater management must be considered as per Town of Oakville Standards.

Forestry staff have no concern with the proposed removal of the municipal tree assets (relatively small cedars) to facilitate the new driveway approach, provided such removal is in accordance with town standards (including compensation) and the proposed driveway is outside the tree protection zones for all other town trees.

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: CAV A/075/2024 – S. Cimoroni & J. Mann, 269 Chartwell Road, Oakville

- 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.
- Regional staff request the following condition be added to the Committee of Adjustment’s decision for the subject lands:
 - The Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
- Regional staff has no objection, subject to the above-noted conditions being included, 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 width of the driveway, a decrease in the minimum southerly interior side yard, an increase in the maximum residential dwelling depth, an increase in the maximum residential floor area ratio, and an increase in the maximum height, 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.

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 dated February 23, 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