

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/081/2024**

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>
FAISAL AL MASOUDI	PETER GIORDANO DAVID SMALL DESIGNS 1405 CORNWALL RD UNIT 4 OAKVILLE ON, L6J 7T5	1020 LAKESHORE RD W PLAN 564 LOT 52

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY**

**ZONING: RL1-0**

**WARD: 2**

**DISTRICT: WEST**

### **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) 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 76.34 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 21.53 m.
3	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m <sup>2</sup> or greater shall be 29%.	To increase the maximum residential floor area ratio to 33.3%.
4	<i>Section 6.4.3 (a)</i> The minimum front yard shall be 17.93 metres in this instance.	To decrease the minimum front yard to 12.68 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/081/2024 – 1020 Lakeshore Rd W (West 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 two-storey and single-detached dwellings on large lots with a sidewalk along the south side of Lakeshore Road West.

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.

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

The subject property is designated Low Density Residential – Special Policy Area 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 existing neighbourhood is comprised of larger homes on large lots and the proposed dwelling has an architectural style and massing, including roofline and articulation, that it is compatible with other dwellings the surrounding neighbourhood. 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 Total Floor Area for a Private Garage (No Objection)

**Variance #2** – Dwelling Depth (No Objection)

**Variance #3** – Residential Floor Area Ratio (No Objection)

The applicant requests relief from the By-law No. 2014-014 to increase the maximum total floor area for a private garage, increase the dwelling depth, and increase in the maximum residential floor area ratio. The intent of regulating these aspects of a dwelling is to prevent the mass and scale of a dwelling that appears larger than the dwellings in the surrounding neighbourhood.

The proposed garage is enclosed within the building and there is no articulation that distinguishes the garage from the habitable portion of the dwelling. The requested increase in dwelling depth is attributed to the proposed covered porch and lower terrace and staff is satisfied that adequate rear yard amenity space is provided and that there is no adverse impacts into the adjacent rear yards. The overall massing and scale of the proposed dwelling is mitigated by the design of the dwelling, which is compatible and in keeping with the pattern of new development in the area. Staff are of the opinion that the proposal is compatible and in keeping with the character of the neighbourhood and are supportive of the requested variances.

**Variance #4** – Minimum Front Yard (No Objection)

The applicant is requesting relief from By-law 2014-014 to permit a decrease in front yard setback from 17.93 metres to 12.68 metres. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed dwelling is set further back from the street than the adjacent dwelling to the east (1010 Lakeshore Road West) and will blend in with the streetscape of the surrounding neighbourhood. Therefore, staff are supportive of this variance.

Based on the foregoing, Staff are of the opinion that the requested variances maintain 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 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 drawing dated April 12, 2024 and elevation drawings dated July 12, 2023 and 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.

Note: Due to the proposed increase in hardened surfacing and this being a reverse graded lot, on-site stormwater management must be considered as per Town of Oakville Standards.

**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/081/2024 – F. Al Masoudi, 1020 Lakeshore Road West, 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 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, an increase in the maximum dwelling depth, 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.

**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 drawing dated April 12, 2024 and elevation drawings dated July 12, 2023 and 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.

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