

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/080/2024**

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>
NATASHA SARRACINI AIDAN WALSH	JORIS KEEREN KEEREN DESIGN INC 11 BRONTE RD SUITE 31 OAKVILLE ON, L6L 0E1	214 MOHAWK RD PLAN M9 LOT 11

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1**

**ZONING: RL5-0
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 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 43.5%.
2	<i>Section 6.4.3 (a)</i> The minimum front yard shall be 9.49 metres in this instance.	To decrease the minimum front yard to 8.38 metres.
3	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.60 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/080/2024 – 214 Mohawk Rd (West 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 Area and Context

The neighbourhood is characterized by single and two-storey detached dwellings in some transition, as evidenced by the replacement of some of the original housing stock in recent years, as shown in the photos, below:



Subject lands: 214 Mohawk Road (Existing housing stock)



224 Mohawk Road (CAV A/052/2022)



228 Mohawk Road (CAV A/016/2022)



164 Mohawk Road (CAV A/197/2010)



172 Mohawk Road (CAV A/074/2014)

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

The subject lands are designated “Low Density Residential” designation 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 proposed single detached dwelling has been designed to complement the fabric of the existing neighbourhood character, in terms of scale and massing, through building placement, articulation of the façade, and roofline design. 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 – Residential Floor Area Ratio (No Objection)

Variance #3 – Maximum Dwelling Height (No Objection)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio and an increase in building height. The intent of regulating the 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. The overall massing and scale of the proposed dwelling is mitigated by the lowering the roof line and the articulation of the façade. Staff note that the variance for increasing the dwelling height is required only for the central gable peak in the roofline, whereas the remainder of the roofline meets the height requirement of the By-law. Staff are satisfied that the proposed development is compatible and in keeping with the pattern of new development in the area.

Variance #2 – Minimum Front Yard (No Objection)

The applicant is requesting relief from By-law 2014-014 to permit a decrease in front yard setback from 9.49 metres to 8.38 metres. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed variance is primarily attributed to the one-storey open porch structure, which is aligned with the setback of adjacent dwellings and will blend in with the streetscape of the surrounding neighbourhood. Therefore, staff are supportive of this variance.

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 April 10, 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: CAV A/080/2024 – A. Walsh & N. Sarracini, 214 Mohawk 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 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 residential floor area ratio, a decrease in the minimum front yard, 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.

Halton Conservation: The property at 214 Mohawk Road in Oakville Is partially located within an identified flood hazard (spill) associated with Sheldon Creek. As such the property is considered regulated by CH. CH staff have issued a permit (No.8834) for the proposed works at 214 Mohawk Road. As the drawings submitted through the Minor Variance match those approved through the permit CH has no objections to the requested variances. Please continue to circulate CH if changes are required.

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 April 10, 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 black ink. The signature is written in a cursive style and appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment