

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/098/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 26, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Xin Guo and Christopher Hawley	Harper Dell & Associates Inc c/o Nicholas H. Dell 1370 Hurontario Street Mississauga ON L5G 3H4	PLAN 175 PT LOT 41 295 Morden Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL3-0
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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage to projection to 2.16 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
2	<i>Table 6.3.1 (Row 4, Column RL3)</i> The minimum flankage yard shall be 3.50 m.	To reduce the minimum flankage yard setback to 2.41 m to the uncovered platform.
3	<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 43.90%.
4	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.20 metres.

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 June 26, 2024. The following minor variance

applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

CAV A/098/2024 - 295 Morden Rd (West District) (OP Designation: Low Density Residential)

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

Site Area and Context

The subject lands are located in a neighbourhood that is in transition. The neighbourhood consists of original one-storey, one-half-storey and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs.



Subject property at the corner of Morden Road and Mary Street – Taken on June 14, 2024



330 Mary Street located at the rear of the subject property – Taken June 14, 2024



Northwest down Morden Street – Taken June 14, 2024



Southeast down Morden Street – Taken June 14, 2024

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:

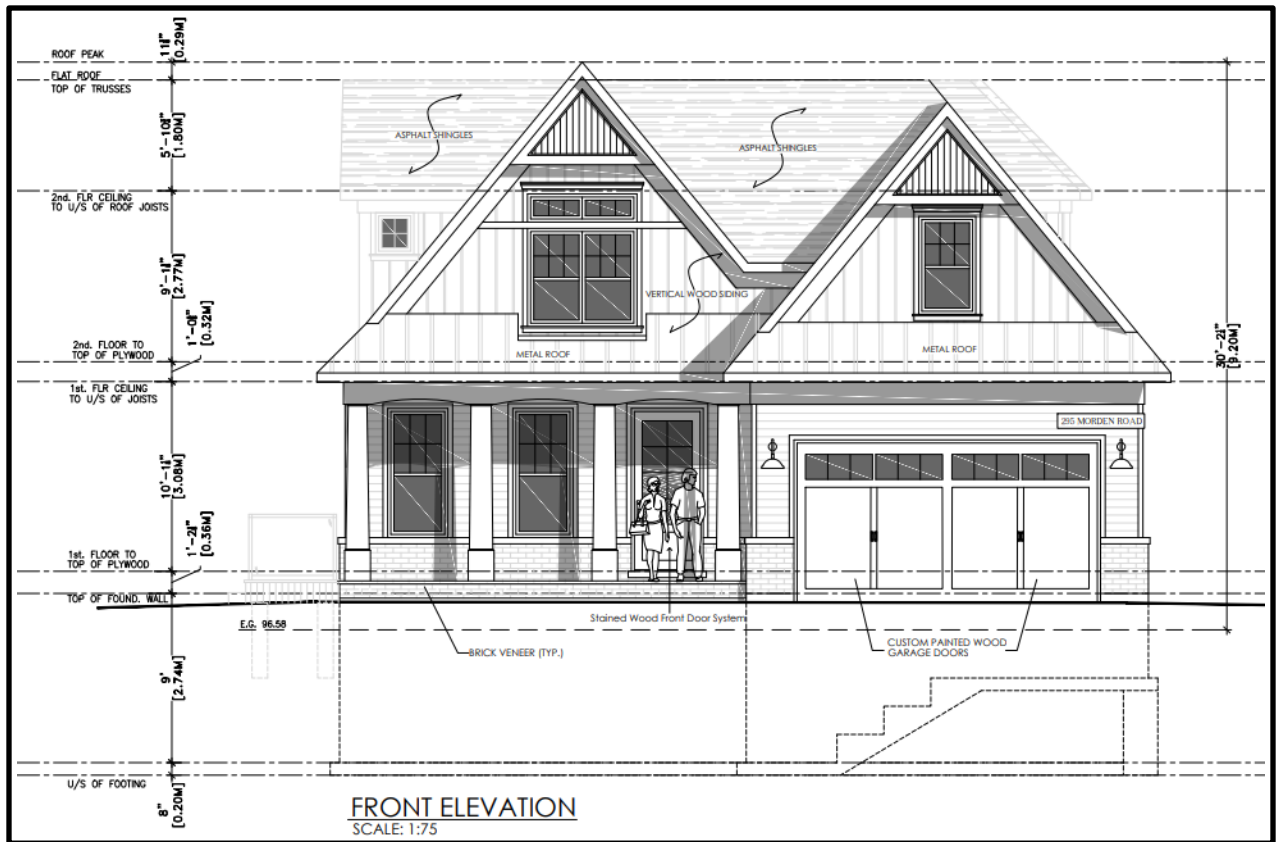
Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential in the Livable Oakville 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 maintains the general intent and purpose of the Livable Oakville Plan.

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

Variance #1 – Maximum Private Garage Projection – increase from 1.5 m to 2.15m (No Objection)

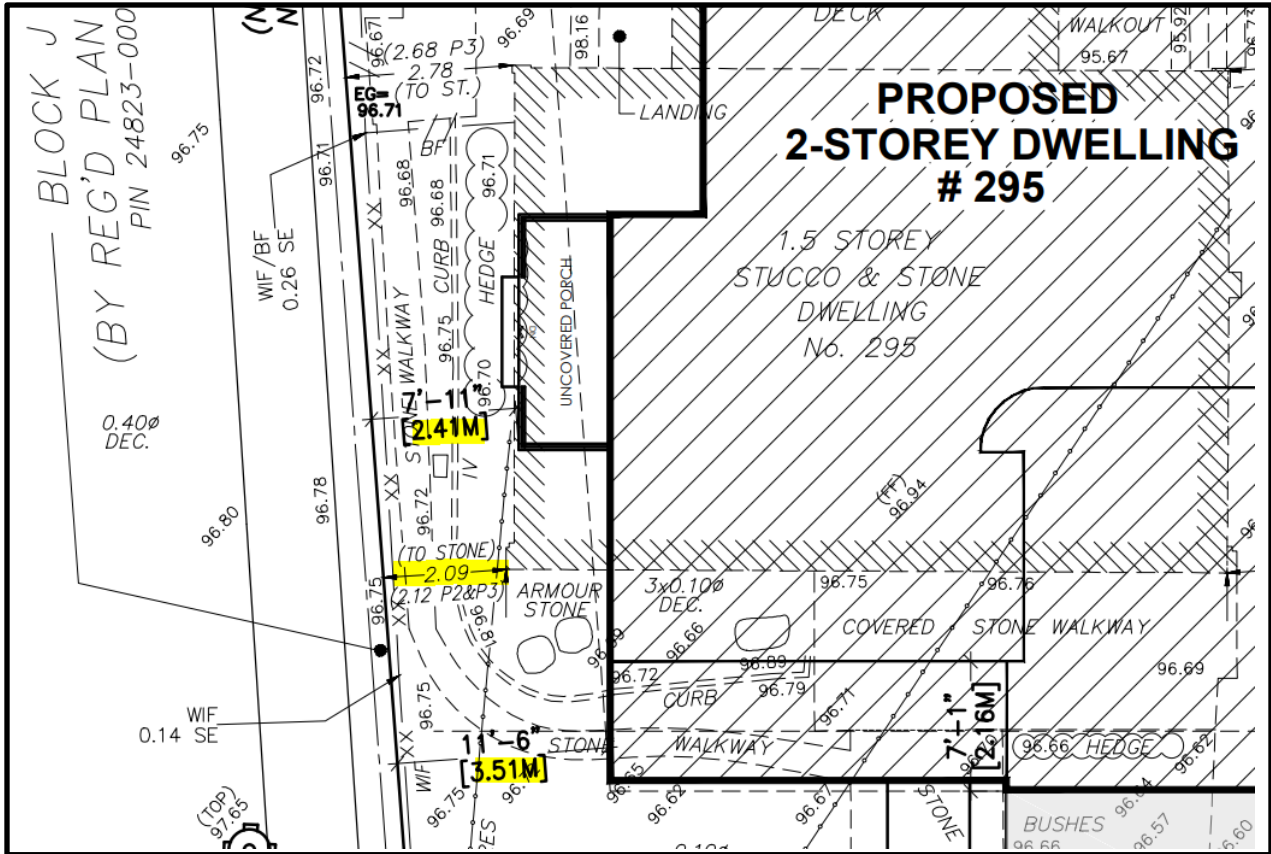
The applicant requests relief from By-law No. 2014-014, as amended, to increase the maximum garage projection from the longest main wall on the first storey. The intent of regulating garage projection is to minimize the prominence of the garage. In this instance, the front porch softens the impact of the projecting garage on the first storey and the design of the second storey also mitigates the prominence of the garage.



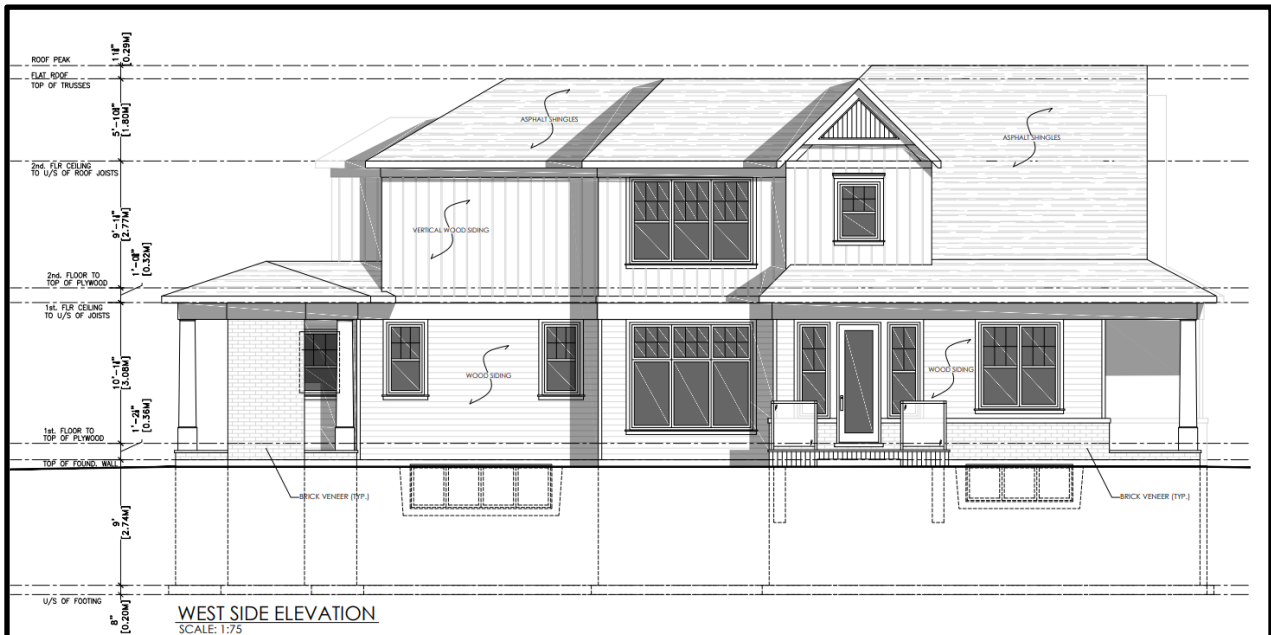
Excerpt of front elevation prepared by applicant

Variance #2 – Uncovered Platform setback to flankage – decrease from 3.5 m to 2.41 m (No Objection)

The applicant requests relief from the By-law No. 2014-014, as amended, to decrease the flankage yard for an uncovered platform. In this instance, the existing dwelling has a setback of 2.09 m to the flankage lot line which is less than the requested relief, whereas the main wall of the proposed dwelling will have a setback of 3.51 metres. The excerpt of the site plan prepared by the applicant demonstrates the minimal impact based on the existing condition and setback to the flankage lot line.



Excerpt of site plan prepared by applicant



Excerpt of West Side Elevation prepared by applicant

Variance #3 – Maximum Residential Floor Area Ratio – increase from 41% to 43.9% (No Objection)

Variance #4 – Maximum Height - increase from 9.0 m to 9.2 m (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 roof line and the articulation of the façade mitigates the overall massing and scale of the proposed dwelling. 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.

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 this minor variance request 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 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 Concern for Fire.

Oakville Hydro: We do not have any comments or concerns for this minor variance application.

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.
- 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 to the attached private garage projection, a reduction to the minimum flankage yard setback, an increase in the maximum residential floor area ratio and an increase of 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 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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated April 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 script.

Heather McCrae, ACST
Secretary-Treasurer