

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/075/2024-Deferred May 15, 2024 RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JULY 24, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Sandra Cimoroni John Mann	Paul Demczak Batory Management 4-1550 KINGSTON Rd Suite 1345 Pickering ON, CANADA L1V 6W9	269 Chartwell Rd CON 3 SDS PT LOT 10 RP 20R17412 PART 1

**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 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 5.8.2 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 3.1 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 21.95m.
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	To increase the maximum residential floor area ratio to 30.8%.
5	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.35m.
6	<i>Table 4.3 (Row 18)</i> The maximum encroachment into a minimum interior side yard for uncovered access stairs below grade shall be 0.0m with a maximum total projection of 1.5m beyond the main wall.	To increase the maximum encroachment to 0.51m into the minimum interior side yard for the uncovered access stairs below grade with a maximum projection of 2.81m from the main wall.

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 July 24, 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/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.

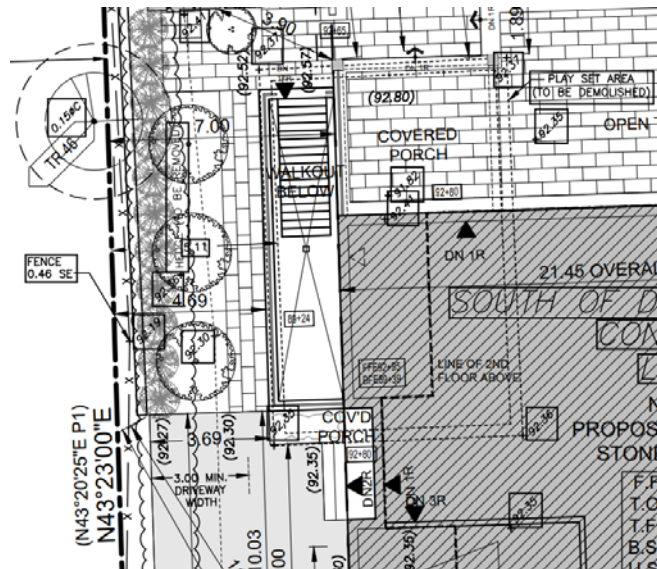
Site Area and Context

A minor variance application was previously submitted for consideration by the Committee on May 15, 2024. The application was deferred at the request of the applicant to address concerns with the neighbour. Please see the table below for a list of variances proposed in May 2024, and the variances that are requested now.

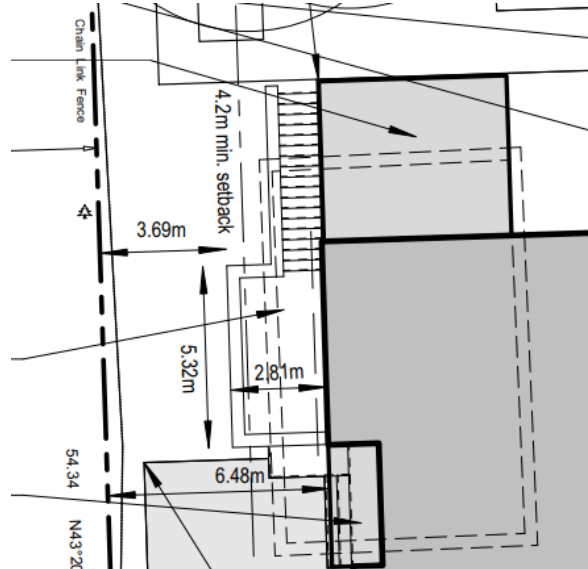
Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	May 15, 2024	July 24, 2024
Driveway Width (Maximum)	9.0 m	11.69 m	11.69 m
Interior Side Yard (Minimum)	4.2 m	2.4 m	3.1 m
Dwelling Depth (Maximum)	20.0 m	21.94 m	21.95 m
Residential Floor Area Ratio (Maximum)	29% (509.48 m ²)	31.1% (546.38 m ²)	30.8 % (541.86 m ²)
Height (Maximum)	9 m	9.36 m	9.35 m
Uncovered Access Stairs Below Grade Encroachment / Projection (Maximum)	0.51 m encroachment into required side yard	-	0.57 m
	1.5 m projection beyond main wall	-	2.81 m

Change to Proposal

In the comments report prepared for the March 20, 2024 Committee of Adjustment meeting staff did not object to the proposed variances. Since that time, the proposal has been revised to increase the setback for the southerly interior side yard from 2.4 m to 3.1 m to address concerns raised by the neighbour. Changes to the proposal also include slight increases to both the building height and maximum dwelling depth by 0.1 m each, as well as the addition of a variance to address an uncovered access stairs below grade along the northerly portion of the dwelling that encroaches 0.51 m into the required side yard and extends 2.81 m from the main wall of the dwelling. The additional variance related to the uncovered access stairs addresses the full extent of the lower landing, whereas in the revised proposal the stairway portion is a reduced width, as depicted below.



Survey Plan – May 15, 2024



Site Plan – July 24, 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 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)
- Variance #6** – Uncovered Access Stairs Below Grade Encroachment / Projection (No Objection)

The applicant requests relief from the By-law No. 2014-014 to increase the maximum width of the driveway, decrease the interior southerly side yard and allow for uncovered access stairs below grade to encroach into the required northerly side yard and project beyond the main wall of the dwelling. 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. The intent of regulating the side yard setback and uncovered access stair encroachments into the required side yard and extensions beyond the main wall is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. Staff note that the first variance is 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. Variances 2 and 6 relate to the northerly and southerly side yards, and the resulting yards provide sufficient space for adequate separation between dwellings, as well as swales for the drainage of surface runoff, including 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 dated May 17, 2024 and elevation drawings dated July 17, 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: 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.

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

Transit: No Comments received.

Finance: No Comments received

Metrolinx: There are no applicable comments for this application.

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.
- General ROP Policy: The Region’s Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as ‘Urban Area’ and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

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 dated May 17, 2024 and elevation drawings dated July 17, 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: 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.



FOR

Heather McCrae, ACST
Secretary-Treasurer