

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/111/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 07, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Black ink Designs c/o Jeremy Zegers	Black ink Designs c/o Jeremy Zegers Black Ink Designs 5046 Wellington Rd 125 Erin ON, CANADA L7J 2L9	252 Tweedsdale Cres PLAN 709 LOT 68

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2**

**ZONING: RL2-0
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):

No.	Current	Proposed
1	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (264.10 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 1056.4 m ²).	To permit the maximum <i>lot coverage</i> to be 29.5% (295.8 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
2	Section 5.8.6 b) For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 50.25 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .

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 August 07, 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/111/2024 - 252 Tweedsdale Cres (West District) (OP Designation: Low Density Residential)

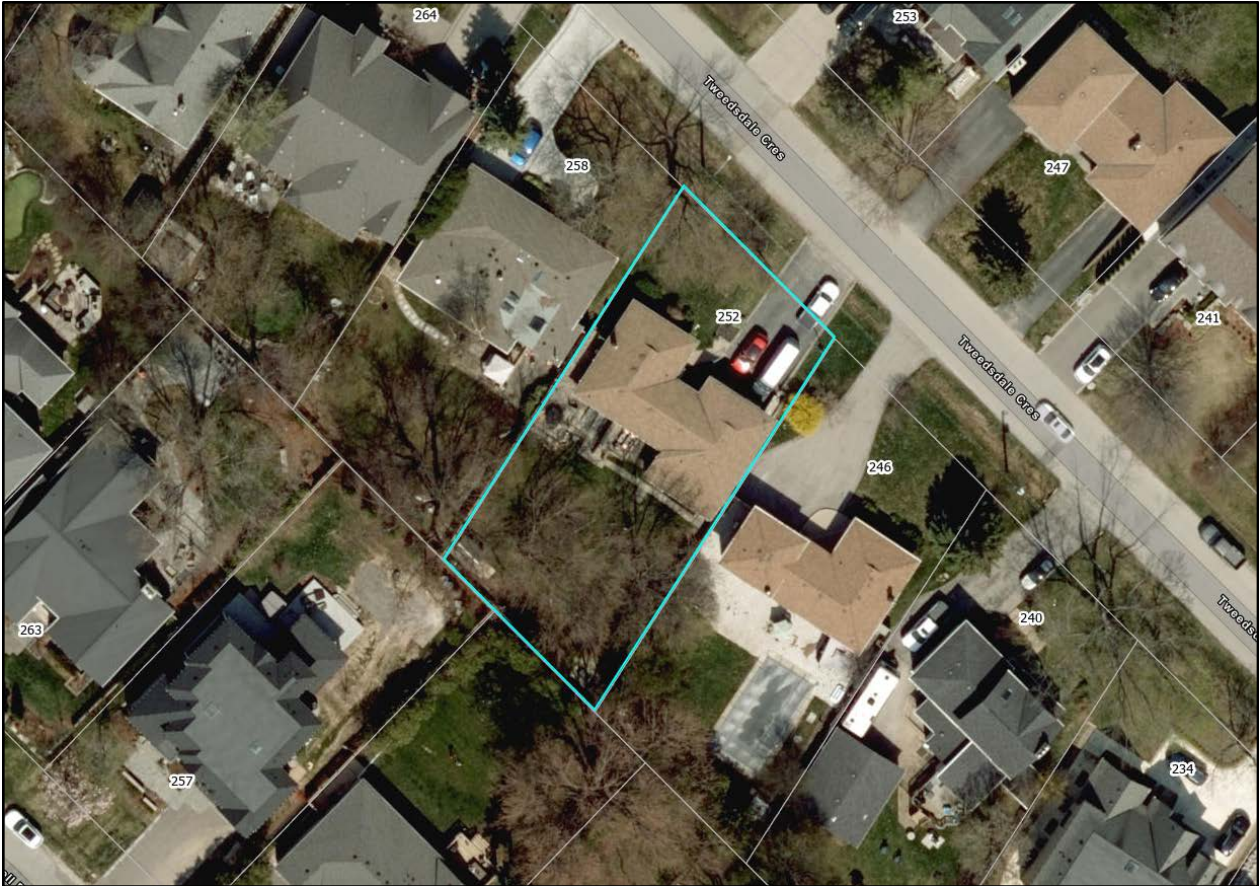
The applicant proposes to construct a two-storey detached dwelling, subject to the variances listed above.

A minor variance application was previously approved by Committee of Adjustment on August 23, 2023. The applicant has revised the elevation to relocate the proposed driveway to its existing location to preserve Town trees, due to which, the elevations were not in general accordance with the approved plans and a new minor variance application was needed. Please see the table below for the list of variances approved in August 2023 and the revised variances applied for.

Town of Oakville Zoning By-law 2014-014	Requirement	Agenda	
		August 23, 2023	August 7, 2024
Regulation			
Maximum Lot Coverage	25%	28.0%	29.5%
Garage Floor Area	45 m ²	50.25 m ²	50.25 m ²

Site Area and Context

The subject property is located in a neighbourhood that is in transition, with newer two-storey detached dwellings as well as original one and one-half storey dwellings. Most newer two-storey dwellings consist of lowered roof lines, massing that is broken up into smaller elements and designed to provide appropriate transition to adjacent smaller detached dwellings, such as incorporating the second-floor area into the roof line.



Aerial Photo – 252 Tweedsdale Crescent

The proposed front elevation approved on August 23, 2023, and submitted for August 7, 2024, Committee of Adjustment meeting are shown below.



Proposed Front Elevation – August 7, 2024



Proposed Front Elevation – August 23, 2023 (Approved)

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 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. It is staff’s opinion that the proposal, as described above, maintains the general intent and purpose of the Official Plan.

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

Variance #1 – Maximum Lot Coverage (No Objection) – increased from 25% to 29.5%

The intent of the Zoning By-law provision for regulating the maximum lot coverage is to prevent construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant proposes to increase the lot coverage by approximately 47.72 m². Staff review minor variances holistically and the lot coverage in this instance is tied to the dwelling as a whole and not assigned to one element. It is noted that the proposed dwelling meets the side yard setback requirements and provide greater front and rear yards to align with the established front and rear yards of adjacent dwellings, resulting in a footprint and placement of the dwelling that is compatible with the newer dwellings in the area. Staff notes that approximately 6.95 m² of lot coverage is due to the existing shed (not shown on the site plan) in the rear yard, and 7.95 m² of lot coverage is due to the eave projection beyond 0.6m (2 feet). It is noted that the Committee of Adjustment application notice identifies the lot coverage in square metres as 295.8 m² which is incorrect. Based on the Zoning staff's review, 29.5% of lot coverage translate to approximately 311.82 m².

The proposed dwelling includes single-storey front and rear covered porches as well as second storey step-backs that mitigates the negative adverse impacts of mass and scale. As such, staff are of the opinion that the proposed lot coverage variance maintains the general intent and purpose of the Zoning By-law.

Variance #2 – Maximum Garage Floor Area (No Objection) – 45 m² to 50.25 m²

The intent of the regulating garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The proposed garage is a two-car garage, and the additional floor area is internal to the dwelling. Staff are of the opinion that the proposed variance for garage floor area does not cause any adverse impacts on adjacent and surrounding properties and maintains 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- that proposal represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts on 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 of Adjustment, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan dated April 11, 2024, and elevation drawings dated May 27, 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.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received

Metrolinx: 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 maximum lot coverage for the detached dwelling which is greater than 7.0 m in height and an increase to the maximum total floor area of the private garage, under the requirements of the Town of Oakville Zoning By-law, for the purposes of constructing a two-storey detached dwelling on 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. The dwelling be constructed in general accordance with the submitted site plan dated April 11, 2024, and elevation drawings dated May 27, 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.



Jennifer Ucar
Secretary-Treasurer