

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/118/2024

RELATED FILE:

N/A DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 21, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
D. Shadd	Kieran Randall / Facundo Varela Architectural Instinct Inc. 25 Morrow Ave., Unit G1 Toronto, ON M6R 2H9	269 Forestwood Dr PLAN 435 LOT 34 PT LOT 35

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy
ZONING: RL1-0
DISTRICT: East

WARD: 3

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 laundry room within the existing two storey detached dwelling on subject property proposing the following variance 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 1208.00 m ² and 1300.99 m ² shall be 32%.	To increase the maximum residential floor area ratio to 33.5%.

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 21, 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/118/2024 – 269 Forestwood Drive (East District) (OP Designation: Low Density Residential – Special Policy)

The applicant proposes to construct a laundry room within the existing two-storey detached dwelling, subject to the variance listed above.

Site Area and Context

The subject property is located on the corner of Poplar Drive and Forestwood Drive, as seen in the aerial photo below. The neighbourhood consists of large lots containing one-storey and two-storey dwellings.



Aerial Photo – 269 Forestwood Drive

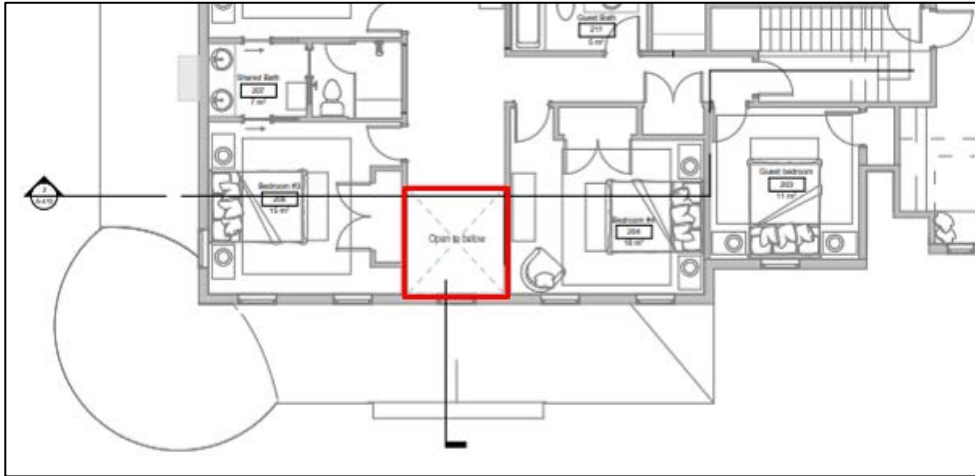
Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Low Density Residential – Special Policy Area in the Livable Oakville Plan. Policy 26.2.1, applies to the Low Density Residential designation and its intended to protect the unique character and integrity of the large lots in the area. Furthermore, Section 11.1.9 indicates that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. It is staff’s opinion that the requested variance maintains the general intent and purpose of the Official Plan.

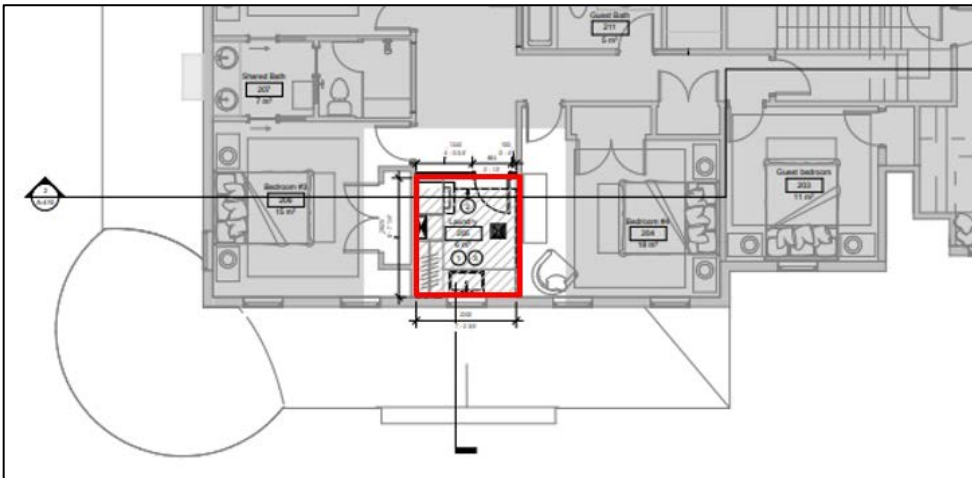
Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 – Maximum residential floor area ratio – increase from 32% to 33.5%

The intent of the Zoning By-law provision for regulating the maximum residential floor area ratio is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. As can be seen in the figure below, the increased floor area ratio is a direct result of the infill of an open to below area for the addition of a laundry room.

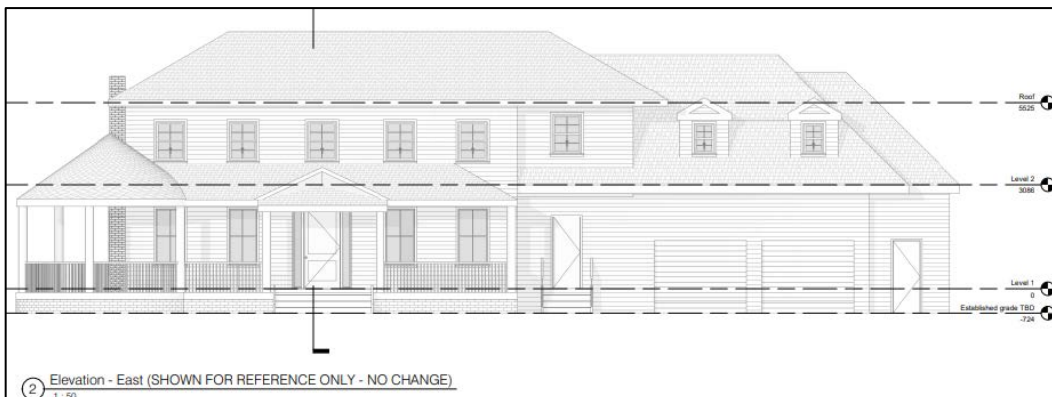


Existing Level 2



Proposed Level 2

Staff understand that the increased residential floor area ratio will not impact the exterior façade of the existing dwelling.



Front Elevation – No Change

It is recognized that the infill of the existing open to below space will not impact on the massing and scale of the dwelling existing. As such, it is staff's opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, is minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the requested variance represents appropriate development of the subject property.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The laundry room be constructed in general accordance with the submitted floor plans and elevations dated June 24, 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 development.

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

Heritage: No heritage concerns.

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 residential floor area ratio, under the requirements of the Town of Oakville Zoning By-law, for the purpose 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' 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 laundry room be constructed in general accordance with the submitted floor plans and elevations dated June 24, 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 development.



Jennifer Ulcar
Secretary-Treasurer