

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION: CAV A/173/2024**

**RELATED FILE: N/A**

### **DATE OF MEETING:**

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](https://oakville.ca) on December 11, 2024 at 7 p.m.

Owner (s)	Agent	Location of Land
H. DHADWAR B. DHADWAR	David Nelson  382 Bartos Drive Oakville ON, Canada L6K 3E6	CON 4 SDS PT LOT 3 RP 20R2390 PART 6 2318 Bennington Gate Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential – Special Policy

**ZONING:** RL1-0, Residential

**WARD:** 3

**DISTRICT:** East

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### **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 1301.00 m <sup>2</sup> or greater shall be 29%.	To increase the maximum residential floor area ratio to 31%.

## **CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

### **Planning Services:**

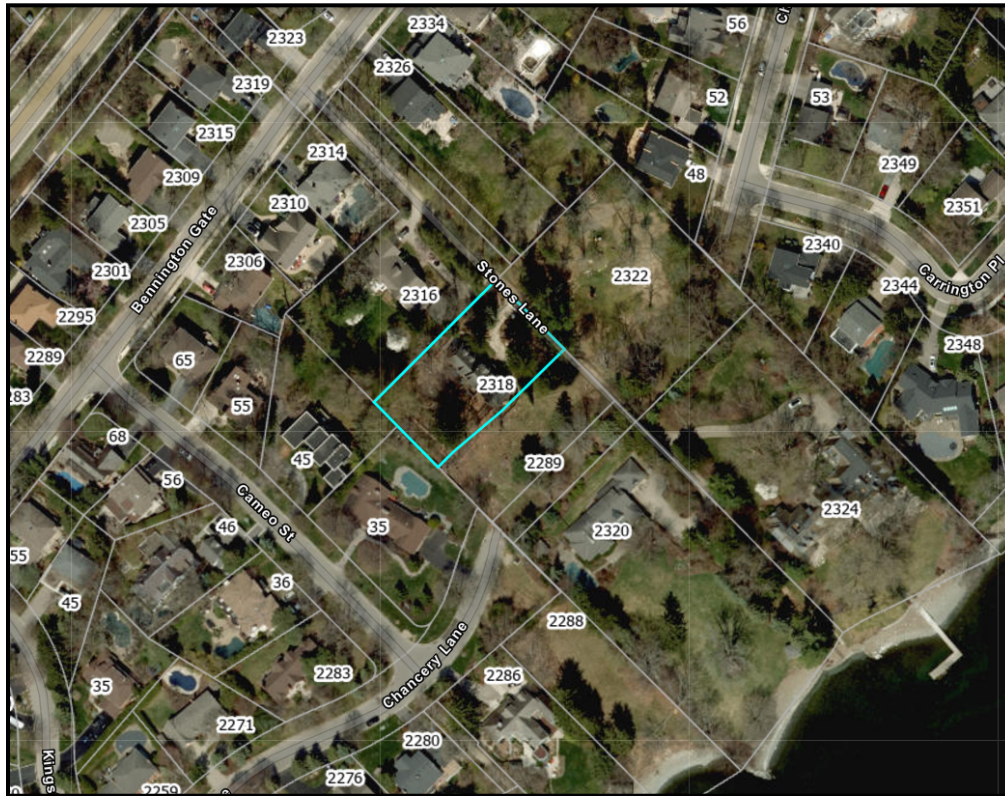
**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**CAV A/173/2024 - 2318 Bennington Gate (East District)** (OP Designation: Low Density Residential – Special Policy)

The applicant proposes to construct a one storey rear addition to the existing two-storey semi-detached dwelling, subject to the variance listed above.

## Site Area and Context

The neighbourhood is characterized by two-storey dwellings original to the area and two-storey new construction on large lots. The subject property is located on a private lane and is not visible to the public realm.







*Access to Private Lane from Bennington Gate*



*2318 Bennington Gate – Taken on December 2, 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- Special Policy 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. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and not negatively impact surrounding properties.

The applicant proposes to enclose a portion of a one-storey covered porch to use for a home office / sunroom. The one storey addition is at the rear of the property and will not have an adverse impact on the public realm or adjacent properties. It is staff's opinion that the proposal maintains the intent of the Official Plan and is compatible with the neighbourhood character.

**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 Residential Floor Area Ratio (No Objection) – increased from 29% to 31%

The intent of the Zoning By-law provision for regulating the maximum residential floor area ratio is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. In this instance, the one-storey addition at the rear of the dwelling will not be visible to the public realm and will not have a significant impact on the overall massing of the dwelling. On this basis, staff are of the opinion that the request 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 the proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Typically, staff prefer that applicants request all variances required for a proposed development all at one time so it can be reviewed in its entirety and not come back "after the fact" to request further relief. In this instance, staff would have been supportive of the application when evaluating in combination with the variances requested in 2022.

**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 dwelling be constructed in general accordance with the submitted site plan dated August 13, 2024 and elevation drawings dated 17.02.27; 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.

**Bell Canada:** No comments received.

**Fire:** No concerns for fire. Passed.

**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 to 31%, 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.
- Regional staff note that the property is serviced by a private sanitary forcemain that runs through the adjacent property in a private easement and the property is serviced by a watermain located in a private laneway.
- 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.

**Metrolinx:** No comments received.

**Oakville Hydro:** We do not have any comments.

**Union Gas:** No comments 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, 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 states, 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 August 13, 2024 and elevation drawings dated 17.02.27; 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.

*J. Ulcar*

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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment