

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/017/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
S. BROTTTO M. AUGUSTINE	Joris Keeren Keeren Design 11 Bronte Rd Unit 31 Oakville ON L6L 0E1	PLAN 404 LOT 8 1073 Cedar Grove Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential SP.
WARD: 3

ZONING : RL1-0, Residential
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 variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 4.3 (Row 7)</i> Window wells with a maximum width of 1.8 metres shall encroach a maximum 0.6 metres into a minimum yard.	To increase the maximum width of a window well to 2.7 metres with a maximum encroachment of 1.3 metres into the westerly interior side yard.
2	<i>Table 4.3 (Row 7)</i> Window wells with a maximum width of 1.8 metres shall encroach a maximum 0.6 metres into a minimum yard.	To increase the maximum width of a window well to 3.4 metres with a maximum encroachment of 1.2 metres into the easterly interior side yard.
3	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.2 metres.	To reduce the easterly and westerly interior side yard to 2.51 metres.
4	<i>Table 6.4.2</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 25%.	To increase the maximum lot coverage to 27.2%.

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)

A/017/2025 - 1073 Cedar Grove Boulevard (East District) (Low Density Residential-Special Policy)

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

Section 45 of the Planning Act provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

The subject lands are located in a neighbourhood consisting of original one and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs. The rear portion to the north of the subject site is also regulated by Conservation Halton, the applicant has consulted with Conservation Halton and it has been confirmed that all the proposed development is located outside of Conservation Halton's regulated area. The property will also be subject to a minor site plan application for review by Development Engineering staff due to the site being located within the Bill 97 Buffer.



Aerial Photo of 1037 Cedar Grove Boulevard



Proposed Front Elevation



Proposed East Elevation

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 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. The design of proposed dwelling effectively mitigates its overall scale and massing impacts by including the following: one-storey front porch element which further mitigate massing impacts visible from the public realm; the roofline over the garage drops lower which helps reduce the overall height of the house; and, a mix of materials such

as metal and brick is included in the house design to help to break up the massing of the dwelling and creates articulation and interest along the front façade. As such, Staff is of the opinion that the proposal maintains and protects the neighbourhood character and complies with the Livable Oakville Plan.

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

Variance #1 – Window Well Encroachment (No Objection) – Increase from 1.8 m to 2.7 m.

The intent of regulating the window well encroachment is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allow for adequate open space and landscaping. In this case, the window well is located in the interior side yard to the west and will not impede access. Furthermore, drainage will be reviewed as part of the required Minor Site plan application due to the site being located within the Bill 97 Buffer.

Variance #2 – Window Well Encroachment (No Objection) – Increase 1.8 m to 3.4 m.

The intent of regulating the window well encroachment is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allow for adequate open space and landscaping. In this case, the window well is located in the interior side yard to the east and will not impede access, and adequate landscaping will be accommodated on-site. Furthermore, drainage will be reviewed as part of the required minor site plan application.

Variance #3 - Interior side yard (No Objection) - Reduce from 4.2 m to 2.51 m.

The intent of the Zoning By-law provision for interior side yard setback is to provide sufficient space for access, drainage and grading, as mentioned above drainage will continue to be reviewed as part of the building permit submission of detailed engineering plans. It is noted that the proposed 2.51 m interior side yard setback will still allow the Owner to access all sides of the addition for construction, maintenance and repairs, if required, without infringing on abutting properties. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Variance #4 - Lot Coverage (No Objection) - The applicant is proposing to increase the maximum lot coverage from 25% to 27.2%.

The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed two storey dwelling has been designed to mitigate any potential impacts of a dwelling having a mass and scale that would appear larger than those in the surrounding area. The proposed dwelling helps maintain and protect the established neighbourhood character. Staff are of the opinion that the requested variance 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 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 development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated December 9/ 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 concerns for fire.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 width of a window well to 2.7 m with a maximum encroachment of 1.3 m into the westerly interior side yard, an increase to the maximum width of a window well to 3.4 m with a maximum encroachment of 1.2 m into the easterly interior side yard, a decrease to the easterly and westerly interior side yard to 2.51 m and an increase to the maximum lot coverage to 27.2%, 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.

Metrolinx: Upon review, we note no properties fall within our review zones.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Bell Canada: No comments received.

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:

- That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated December 9/ 2024, and;
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- 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment