

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/054/2022

RELATED FILE: N/A

DATE OF MEETING: April 5, LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 05TH, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
SANAA HASBANI, MOHEB SHARED, KARAM TADROS, MADLANE TADROS 482 BROOKSIDE DR OAKVILLE ON, L6K 1R3	TOM KOLBASENKO OUR COOL BLUE ARCHITECTS INC. 450 BRONTE ST S UNIT 213 MILTON ON, L9T 8T2	482 BROOKSIDE DR PLAN 543 LOT 6

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2

ZONING: RL3-0
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.	Zoning By-law Regulation	Variance Request
1	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 57.4 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	Section 6.4.1 The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> between 650.00 m ² and 742.99 m ² shall be 41% (284.24m ²); (Lot area is 693.27m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 44.5% (308.5 m ²).
3	Section 6.4.2 a) (Row RL3, Column 3) The maximum <i>lot coverage</i> shall be 35% (242.64 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> .	To permit the maximum <i>lot coverage</i> to be 37.3% (258.5m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

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/054/2022 - 482 Brookside Dr (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The area appears to be in transition with a lot of new construction. There are no sidewalks along Brookside Drive.

The subject lands are designated Low Density Residential 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. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

Variance #1 – Private Garage Floor Area (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45 square metres to 57.4 square metres for a total increase of 12.4 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The requested increase would be internal to the dwelling due to the three-car tandem parking garage configuration; therefore, it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law.

Variance #2 – Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (284.24 square metres) to 44.5% (208.5 square metres) for an increase of 24.26 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations. Staff are of the opinion that the requested increase in floor area is minor in nature, meets the intent of the Official Plan and zoning by-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

Variance #3 – Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (242.64 square metres) to 37.3% (258.5 square metres) for an increase of 15.86 square metres. 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 and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The proposed dwelling is similar in mass and scale to the surrounding dwellings and the requested increase in lot coverage could be attributed to the proposed covered porch (approx. 28 square metres) which represents a one-storey element that assists in breaking up the mass and scale of the dwelling. Adequate space is provided for outdoor amenity areas and stormwater infiltration. It is staff's opinion that the

proposed increase in lot coverage is minor in nature, meets the intent of the Official Plan and Zoning By-law, does not have adverse impacts on the surrounding properties and is desirable for the development of the subject property.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as they result in a dwelling that is in keeping with the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, Staff are of the opinion that the application satisfies the applicable tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings submitted for the proposed dwelling dated 02/17/22; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. 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.

Fire: Comments not provided.

Transit : No comments.

Halton Region: 6.4 CAV A/054/2022 – S. Hasbani, M. Shared & K. & M. Tadros, 482 Brookside Drive, Oakville

- 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 in the maximum total floor area ratio for a private garage, an increase in the maximum residential floor area ratio for a detached dwelling, and an increase in the maximum lot coverage, 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.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 1.

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 Services, 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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings submitted for the proposed dwelling dated 02/17/22; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of Objection:

Re: 482 Brookside Drive, Oakville

Agent: Our Cool Blue Architects Inc.

We have received the application information for a variance on the property directly behind us, our location is 481 Orchard Drive. We would like to voice our concerns on a few things regarding the building on this property.

Our main concern is the drainage that will effect our property. The previous owner's residential garage has two eaves dumping water, to the back of the building subsequently flooding our property(photo). Since the building of this garage we have had water problems. We contacted the town about this problem and discovered the garage never had a "final" and this matter may not have been resolved. Because of this our property has had water running into our garage, plus seeping into our home. We have taken measures to mitigate the problem, but it has never gone away. Unfortunately, because our property sits lower than the property at 482 Brookside Drive, we get the water run off. I understand that new build homes, draining should be "**eaves to the front of the lot**" no longer draining to neighbouring properties. What guarantee do we have this builder will do the same? There is a matrix for water run off from homes under the Building Code and because this detached dwelling requests a variance "to permit the maximum residential floor area ratio for the detached dwelling to be 44.5% (308.5 m2) there will be a substantial amount of water run off not including the back porch. How will the residents of properties sitting lower than this home be assured drainage will be addressed and finalized properly?

Also, the Town of Oakville has a nuisance by-law that addresses outdoor lights. This is a concern for us and adjacent properties with "outdoor illumination" projecting onto lower yards. We, like the agent, have a "deep sense of stewardship and responsibility for our beautiful planet" and enjoy the night sky with limited amount of lighting. We trust this will be a consideration for the neighbours surrounding this new residential future home. These are our concerns brought forward to the Committee?

Respectfully submitted,

Marilyn & Scott Paterson
481 Orchard Drive
Oakville, On L6K 1N9

