

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/059/2022**

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>
MIGUEL SALVATI 2354 REBECCA ST OAKVILLE ON, L6L 2A9	ALEX AKSELROD CADAXX DESIGN LTD 81 JUDITH AVE THORNHILL ON, L4J 7J2	2354 REBECCA ST PLAN M6 LOT 127

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

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:

No.	Zoning By-law Regulation	Variance Request
1	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% (285.20 m ²); (Lot area is 695.61 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 43.92% (305.51 m 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)

CAV A/059/2022 - 2354 Rebecca St (West District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by original one and two-storey dwellings and some two-storey new construction along Rebecca Street. There appears to be more transition to new two-storey dwellings on nearby side streets such as Vilma 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 – 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% (285.20 square metres) to 43.92% (305.51 square metres) for an increase of 20.31 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.

Notwithstanding the comments above, there is an existing hydro pole in the middle of the proposed driveway. The applicant should contact Oakville Hydro with respect to any relocation and/ or removal of the hydro pole to accommodate a driveway access. If the hydro pole cannot be moved then an alternative dwelling design may be required. As a result, staff recommend a condition that the owner satisfy Oakville Hydro with respect to the relocation and/ or removal of the hydro pole.

Subject Property:





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 to the satisfaction of the Director of Planning and elevation drawings dated March 8, 2022;

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; and
3. That the owner satisfy Oakville Hydro with respect to the relocation and/ or removal of the hydro pole if necessary.

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.
3. If the hydro pole is unable to be removed or relocated the proposed design will not function and the variances would no longer be appropriate.

Fire: Comments not provided.

Transit : CAV A/059/2022 (2354 Rebecca St.)

Oakville Transit staff would like to remind the applicant that Rebecca Street is an existing transit corridor. Any existing bus stop locations will remain. New bus stop locations and amenities such as bus shelter can be installed at any time. Existing bus stops are located across the street from the site at Sussex Avenue, and approximately 70m from the site at Vilma Drive.

Halton Region: 6.9 CAV A/059/2022 – M. Salvati, 2354 Rebecca Street, 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 residential floor area ratio for a detached dwelling, 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 provided.

Union Gas: Comments not provided.

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 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 to the satisfaction of the Director of Planning and elevation drawings dated March 8, 2022;
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; and
3. That the owner satisfy Oakville Hydro with respect to the relocation and/ or removal of the hydro pole if necessary.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment