

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/057/2021

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Conor Snape; Sarah McNamara 549 Rebecca Street Oakville ON L6K 1L2	Barrett Municipal Consulting c/o Graham Barrett 2-1575 Dundas Street West Toronto ON M6K 1T9	PLAN 405 LOT 4 549 Rebecca Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL2-0
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 main floor and second floor additions to the existing dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 5, Column RL2) The <i>minimum interior side yard</i> shall be 2.40 m.	To permit a <i>minimum</i> (northerly) <i>interior side yard</i> of 1.61 m.
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (181.58 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Area of the lot is 726.34 m ²).	To permit the maximum <i>lot coverage</i> to be 25.30% (183.76 m 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, Policy and Heritage Planning, Urban Design and Development Engineering)

CAV A/057/2021 - 549 Rebecca Street (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct additions to the existing dwelling. The applicant requests 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. There are sidewalks on both sides of Rebecca Street and the lotting pattern is fairly consistent throughout the area, which results in a relatively similar built form of new and existing dwellings.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated

using criteria that maintains and protects the existing character. The proposal was evaluated against all 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 – Interior Northerly Side Yard Setback (Supported)

Staff have no concerns with the request to permit a 1.61 m interior side yard setback, whereas 2.4 m is required, noting that it would align with the existing northerly wall of the dwelling to facilitate the construction of the proposed second storey addition. The intent of regulating the side yard setback is to provide spatial separation between dwellings in addition to access and area for lot drainage. In this instance, the proposed 1.61 m setback would site the proposed addition directly on top of the existing main floor in order to vertically extend the exterior walls and new chimney. This location would still permit adequate space for construction and maintenance, in addition to the items noted above.

Variance #2 – Lot Coverage (Supported)

The request for additional lot coverage from 25% to 25.3% equates to an additional 2.18 square metres (23.46 square feet) of covered area. 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. Staff are of the opinion that the proposed additions do not create any impacts on abutting properties or the streetscape. The proposed additions result in a built form that does not expand the footprint of the dwelling, rather extends it vertically and results in a dwelling that is similar in mass and scale to that of newly built dwellings. Therefore, the request for additional lot coverage would maintain and protect the character of the area.

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 it results in a dwelling that protects 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 all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the additions be built in general accordance with the submitted site plan and elevation drawings dated 2021-03-24; 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 construct what is ultimately approved within a reasonable timeframe of the application being processed to 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 the construction does not take place within this timeframe, a new application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

Fire: Rec'd clarification from COA staff. It was noted that the sideyard set back is an existing condition and that the proposal is for a 2nd storey on top of the existing structure. As condition exists and the variance request does not decrease the existing conditions, the request is acceptable to Fire Review.

Transit: 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 stop is located at Rebecca Street and Burton Road, approximately 100m from the site.

Finance: None

Halton Region:

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum lot coverage requirement, and reduce the yard requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a second storey addition onto an existing single-storey detached dwelling subject property.

Bell Canada: No Comments Received

Letter(s)/Emails in support: Three

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 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 additions be built in general accordance with the submitted site plan and elevation drawings dated 2021-03-24.
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.

A rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails in Support - 3



Attention: Town of Oakville Committee of Adjustment

Re: Minor Variance Application CAV A/057/2021 – 549 Rebecca Street

To Whom It May Concern:

I am aware of the proposal at 549 Rebecca Street and I have no objections. I support the owners in their efforts to improve their property.

Beau Martino

Name (please print)



Signature

545 Rebecca st.

Address



Attention: Town of Oakville Committee of Adjustment

Re: Minor Variance Application CAV A/057/2021 – 549 Rebecca Street

To Whom It May Concern:

I am aware of the proposal at 549 Rebecca Street and I have no objections. I support the owners in their efforts to improve their property.

Tracey Dreesen

Name (please print)

[Signature]

Signature

553 Rebecca St.

Address



Attention: Town of Oakville Committee of Adjustment

Re: Minor Variance Application CAV A/057/2021 – 549 Rebecca Street

To Whom It May Concern:

I am aware of the proposal at 549 Rebecca Street and I have no objections. I support the owners in their efforts to improve their property.

ED Mc CORMICK

Name (please print)

A handwritten signature in blue ink, appearing to be 'ED Mc CORMICK', is written over a horizontal line.

Signature

556 Patricia Dr

Address