

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/073/2022**

RELATED FILE: **N/A**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 03RD, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
NAJI ALIMAM DALYA JABR 416 SAVILLE CRES OAKVILLE ON, L6L 3T8	N/A	416 SAVILLE CRES PLAN 852 LOT 186

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL3-0RL3-0
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 a one storey rear addition to the dwelling under construction 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 lot with a lot area between 743.00 m ² and 835.99 m ² shall be 40% (324.42m ²); (Lot area is 811.05 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 45.35% (367.83 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/073/2022 - 416 Saville Cres (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a one storey rear addition to the dwelling under construction subject to the variance listed above.

The neighbourhood consists of one and one ½ storey dwellings that are original to the area and two-storey dwellings that are newly constructed.

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), h) and i) 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 40% (324.42 square metres) to 45.35% (367.83 square metres) for an increase of 43.41 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 dwelling under construction currently complies with the Zoning By-Law and will have a mass and scale consistent with the dwellings in the surrounding area. The requested variance is to accommodate a one-storey addition located at the rear of the dwelling behind the garage which is intended to be used as an accessory unit. The proposed addition is within the area of a previously approved covered porch, which was intended to be a one-storey element used to break up the mass and scale of the dwelling. The one-storey addition will not be visible from the public realm and will not contribute to the dwelling appearing larger than others in the neighbourhood. Staff are of the opinion that the requested increase in residential 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.

Staff note that there are drainage concerns in the larger area. As part of the Development Engineering Site Plan (DESP) process, stormwater controls will be required, as per the Town of Oakville Storm Water Master Plan (controlling the first 25mm on site).

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 dated April 7, 2022; 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: CAV A/073/2022 – Naji Said Alimam & Dalya Jabr, 416 Saville Crescent, Oakville

- Regional staff have 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 the detached dwelling, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a one-storey rear addition to the dwelling under construction on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 3

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 dated April 7, 2022; 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:

Hi Jasmina

I am writing you in regards to the Variance Request submitted by our neighbor (**416 Saville Crescent**, Plan 852, Lot 186). The file number is CAV A/073/2022. The hearing is May 3rd at 1900. My wife and I are currently reside across the street at 421 Saville Crescent.

I have a couple of comments regarding the variance (an additional 5% added to the residential floor area ratio). As the addition is already under construction, I am concerned that the massing will affect the neighborhood.

The builder has already created additional living space, about 500 sq.ft., underneath the garage floor. With a variance application, if approved, it will add approximately a total of 1000 sq.ft. to the building. I do understand the basement area is not part of the total Sq.ft. calculation.

Let me know if you need any further information.

I would like to participate in the electronic hearing if needed on May 3, 2022.

Best regards,

Louis Chan

Letter of Objection:

I'm writing in response to your letter "Notice of Public Hearing Committee of Adjustment Application - File No: CAV A/073/2022", with regard to the variance request from 416 Saville Crescent.

I checked the "Drawings(8).pdf" hosted on the city website, and found that the "PROPOSED ADDITION" from the drawings is currently being built. I'm a little confused about the purpose of this hearing. I was wondering if the Committee is trying to collect neighbors' feedback, or the Committee is going to notify neighbors about this approved and being-built application.

Sincerely,
Ivan Wei
417 Scarsdale Cres.

Letter of Objection:

Hello Jasmina

I am writing you in regards to the Variance Request submitted by our neighbor (**416 Saville Crescent**, Plan 852, Lot 186). The file number is CAV A/073/2022. The hearing is May 3rd at 1900. I currently reside next door at 420 Saville Crescent with my husband & 2 kids.

I have a few comments regarding the variance (an additional 5% added to the residential floor area ratio). As the addition is already under construction, I am concerned that it will alter the curve appeal of our lot, decrease light from the sun (due to the height of the structure), and subsequently decrease our future property value from lack of privacy and open space. I am concerned that the additional house is encroaching upon the space in between the houses, making our backyard feel very "closed in" & cold due to lack of open space. I just want to try and protect some of our "view" (at least... what little we have already) - if that makes sense...

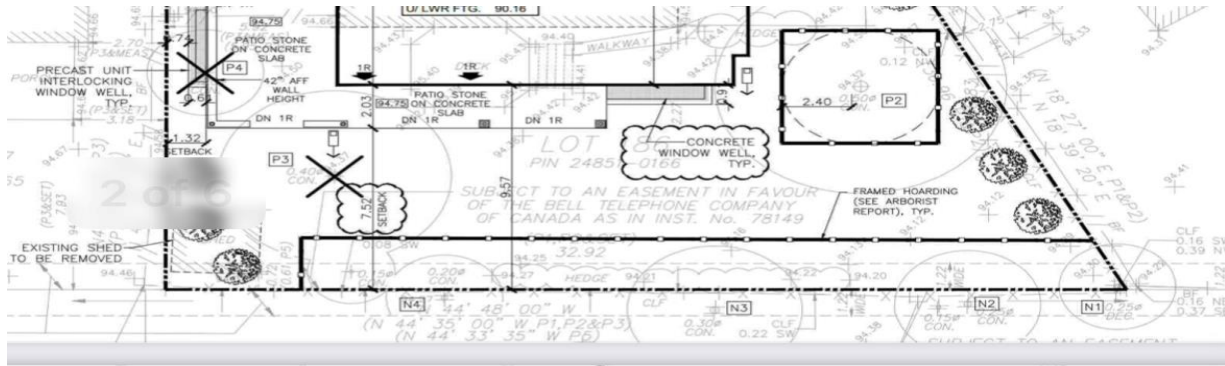
Also, the street has had issues with water drainage, which is currently being looked into by Halton. The reduction in land space would contribute to less area for water to drain, thus increasing the flooding of our neighbourhood (due to inappropriate water drainage system). Let me know if you need any further information.

My name Katy MacPherson

Hi Jasmina,

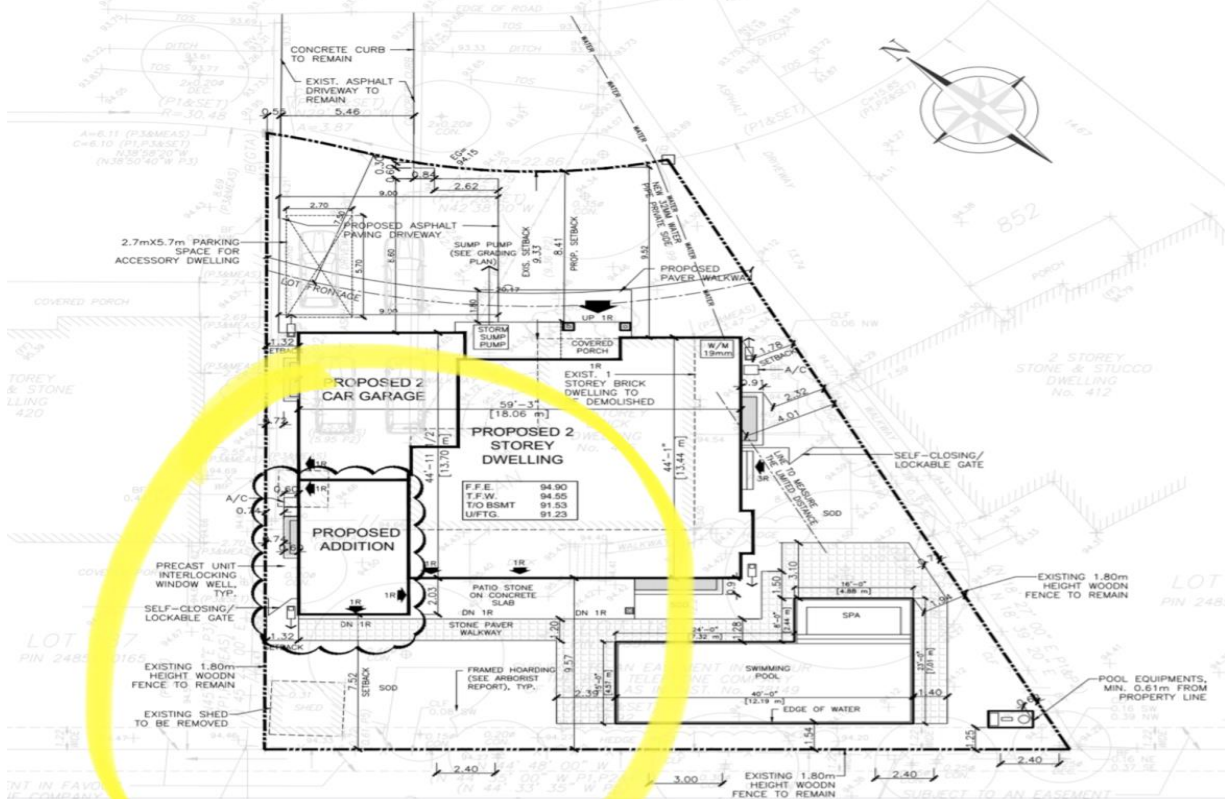
I just wanted to show you that the variance request appears to have already been built. We had a meeting with Halton last night with our neighborhood in regards to our basements flooding due to inappropriate drainage. This addition takes up quite a bit of land space that is already limited - likely increasing our flooding problem. Halton region most likely won't be able to tackle the drainage



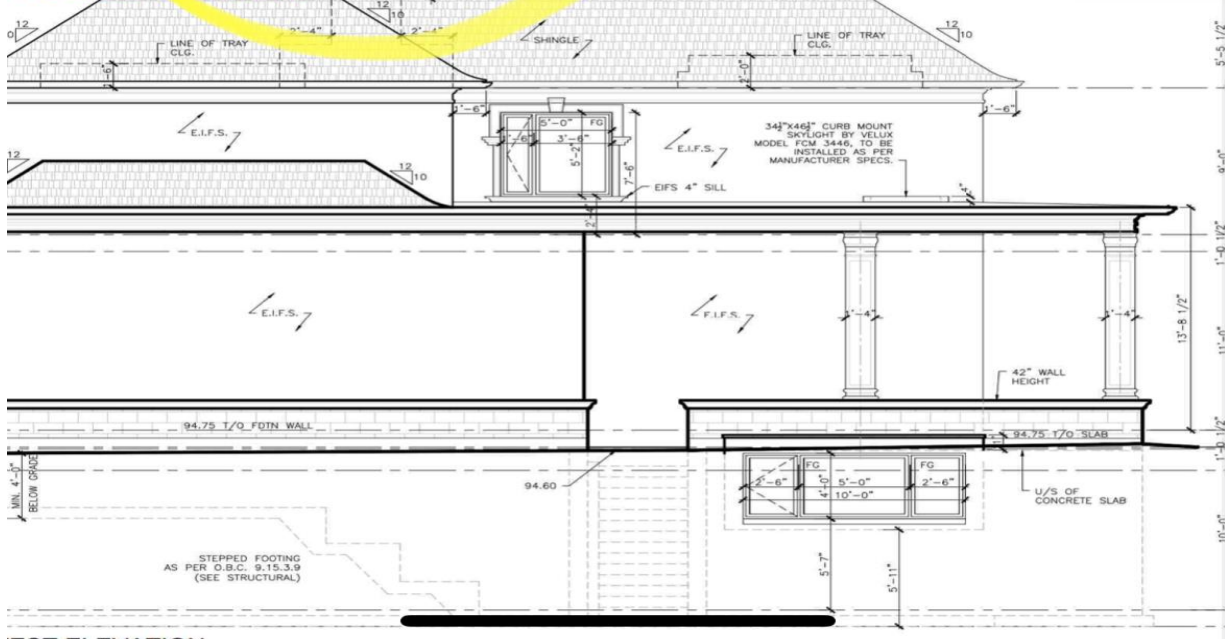


D DESIGN

SAVILLE CRESCENT
(BY REG'D PLAN 852)



PROPOSED DESIGN



WEST ELEVATION