

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/077/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 17, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
57 th Street Enterprises Ltd c/o Robert Alvarado 41 Glenmanor Drive Oakville ON L6K 2B3	Goral Tomasz 411-720 King Street West Toronto ON M5V 3S5	PLAN 776 LOT 43 41 Glenmanor Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL3-0 SP10
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	Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m.	To permit the maximum encroachment into the <i>minimum front yard</i> for the window well with a maximum width of 3.10metres to be 0.88m.
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 743.00 m ² and 835.99 m ² shall be 40% (334.27m ²); (Lot area is 835.67m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 42% (350.99m ²).
3	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.14 metres.

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/077/2022 - 41 Glenmanor Dr (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists predominantly of one-storey dwellings original to the area with some two-storey original dwellings. This proposal will be one of the first newly constructed two-storey dwellings in the immediate area.

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 – Window Well Encroachment (Supported)

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit a window well to have a maximum width of 3.10 metres and encroach 0.88 metres into the minimum front yard when a window well is permitted to have a maximum width of 1.8 metres and encroach a maximum of 0.6 metres. The intent of regulating window wells is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allows for adequate open space and landscaping. In this instance, there is adequate room for drainage and landscaping and adequate access is still possible.

Variance #2 – Residential Floor Area Ratio (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 40% (334.27 square metres) to 42% (350.99 square metres) for an increase of 16.72 square metres. The proposed design of the dwelling includes an open to below area, with an area of approximately 27 square metres, which results in additional massing above the requested increase to residential floor area ratio and a perceived increase of 45.2%. 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. Staff are of the opinion that the requested height variance is interrelated to a variance regarding residential floor area since they both regulate the mass and scale of the dwelling. In this instance, staff are of the opinion that the proposed scale, height and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.

As the applicant is requesting to increase the floor area ratio beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #3 – Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 9.14 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook.

The subject property is surrounded by one-storey dwellings and the proposed design and requested increase in height results in a dwelling that will appear substantially larger than others in the area. Staff are of the opinion that the proposed scale, height and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood. New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front. It is Staff's opinion that the dwelling has a proposed mass and scale greater than what would be appropriate for the area and does not meet the intent of the Official Plan or Zoning By-law, is not minor and is not desirable.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variances #2 and #3 should not be supported as they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #1 satisfies the four tests under the *Planning Act*. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: SFD. No concerns with FD access. No impact to Fire Review items

Oakville Hydro: We do not have any objection or comments for this Minor Variance Application

Transit: No Comments

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 permit an increased in the maximum encroachment into a minimum yard for window wells, an increase in the maximum residential floor area ratio for a detached dwelling, and an increase in the maximum height, 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: No Comments received

Letter(s)/Emails in support: One

Letter(s)/Emails in opposition: One

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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email of Opposition – 1
Letter/Email in Support – 1

From: Ben Peacock
Sent: May 8, 2022 10:22 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Cc: Cathy Duddeck <cathy.duddeck@oakville.ca>; Ray Chisholm <ray.chisholm@oakville.ca>;
Subject: Re. Cttee of Adjustment File # CAV A/077/2022, 41 Glenmanor Dr (excessive development)
Importance: High

Dear Ms. McCrae, Secretary-Treasurer, Committee of Adjustment,

cc: Councillor Ray Chisholm and Councillor Cathy Duddeck, asking for their awareness, guidance and support

cc: Proximately impacted neighbours who have indicated their support of this communication, Nicole & Lebaron David Leblanc, 49 Glenmanor Dr.
Donna Darcy & Tony Bennett, 38 Glenmanor Dr.
Colleen Coxson, 29 Glenmanor Dr.
(we have verbally also heard support from other neighbours as well)

We are the immediate next door neighbours to 41 Glenmanor Dr., which is the subject of a Committee of Adjustment file # CAV A/077/2022, subject to hearing at 7:00pm on May 17th.

We would like to register to participate in the hearing; please provide the details so that we can attend.

We have a number of concerns with this real estate development, not limited to the three variance requests.

It is challenging for us to support the venture proposed for the property next to our home. The reason we bought here and have loved our street and neighbourhood for 13 years is that it is made up of long-term, home-owning families in modestly-sized homes on large lots with an abundance of mature trees. It is hence is an extremely pleasant environment year round and especially for outdoor living during our short Ontario summer. The development plans are the opposite of that.

The plans and their impact:

- This is the purchaser's 47th property, and rebuilding and selling is what has made him a very successful businessman. (The applicant has filed under his latest business's name.) I respect that, but as he has said, it is not intended to be his medium- or long-term home.
- Purchased for \$1.5M, build for ~\$1M and intended to sell for \$4.2M. Profit \$1.7M. The aim is maximizing return, not contributing to the neighbourhood. He has said as much.
- Homes on the street have sold for a \$1-2M in recent years, a far cry from the target price for this project. We fear that this may become a "gateway" construction project meaning that the remainder of the original bungalows are now seen as tear downs, further deteriorating the character of the neighbourhood and leading to even more tear construction. As with all of these projects, it would contribute to unnecessarily escalating home prices, an issue that all levels of government are trying to address. Preventing exactly this type of home construction project is an opportunity for the town/region to clearly act in a positive direction to help temper home prices in our town.
- This mansion maximizes footprint on the property, even going beyond the Town's bylaws for the zone and asking for variances to allow for more house space, as doing so provides for greater selling prices and profitability. He certainly doesn't plan on building six bedrooms (plus dens, rec-rooms, etc.) and six bathrooms just for him and his partner to call home for any length of time.
- On a block of 26 single-storey dwellings (with two exceptions that are within the bylaws and character of the street), he is aiming to build two storeys and exceed the height limit with a 6" variance. ([Variance request #3](#))
- A mature, beautiful and very large (>40' tall), shade-providing oak tree, is an inconvenience to maximizing building footprint, so he will remove that... and ask for an additional variance of 2% floor area to lot ratio, equal to 180 sq. feet (16.72m²) on top. ([Variance request #2](#))
- [Variance request #1](#) pertains to a window well dimensions and appears to be trivial. We have no concerns with this, if we understand it correctly.
- Filling the allowable space at the front of the building means that our front entrance will be in the shadow of a two-storey building, and the view out our front door will be of the side of the new building. It is currently a space that is open to driveway, yard, and sky. Reducing sunlight on this space will slow snow melt in the winter and hasten mildew and other water impacts on our home year round.
- Raising the value of the property (almost 3-fold!) may indirectly raise the value of the houses in the area. That's great in principle if we are thinking of selling. As "lifers" it just means our property taxes will rise, a burden we will carry in perpetuity, even after retirement and loss of steady employment income.
- Second floor bedrooms will be able to see into our yard. In particular, although unclear from the plans, the master bedroom appears to have double sliding doors that will open onto the roof of the patio. This may a way to gain a de-facto balcony while avoiding the restriction on second floor balconies in this zone. Either way, our privacy will be lost.

- Construction is planned to begin in July. We make the most of summer months by spending a great deal of our time in our backyard oasis throughout the week and on weekends. After we have waited 9 months to get outdoors again, we instead will be shut up inside during the short summer to avoid construction noise and dust. Ironically, I have to work at home this summer as my office is temporarily not available until September at the earliest, so I can anticipate a summer of videocalls and deep technical mental work (health economics) to be filled with construction noise in the background.

The narrative is that a large construction project is being proposed that is out-of-keeping with one of the most livable parts of the “most livable town in Canada”. We seek to not impede progress but to manage it in keeping with the ambience of the neighbourhood and to not contribute to the runaway escalation of housing prices. **We ask that the Town support a much more modest and appropriate renovation.**

Please forward this note to those within the Town that have influence or authority over residential developments and consider this project against the principles of the town's thoughtfully-managed development. Do contact us at any time for further elaboration or discussion.

With kind regards,

Ben & Saori Peacock

45 Glenmanor Drive, Oakville, Ontario, L6K 2B3, Canada

I (name) Robert De Angelis OWNER OF
(address) 37 GLENMANOR OAKVILLE ONT L6B 2B3

Support new owner Roberto Alvarado with his build at 41 Glenmanor Drive, Oakville.

I have reviewed the plans and variance being brought forward to CofA

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m.	To permit the maximum encroachment into the <i>minimum front yard</i> for the window well with a maximum width of 3.10metres to be 0.88m.
2	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% (334.27m ²); (Lot area is 835.67 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 42% (350.99m ²).
3	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To permit a maximum height of 9.14 metres.

I have no objections to the three requested variances.

ROBERTO DE ANGELIS Roberto De Angelis
(name and signature)

MAY-5-2200.
(date)