

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/077/2022** Deferred from May 17th, 2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 05TH, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
57TH STREET ENTERPRISES LTD. C/O ROBERTO ALVARADO 601 EDGELEY BLVD UNIT 4 CONCORD ON, L4K 4G2	TOMASZ GORAL 720 KING ST W #411 TORONTO ON, M5V 3S5	41 GLENMANOR DR PLAN 776 LOT 43

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2

ZONING: RL4-0
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	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 3.15metres to be 0.89m.
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).

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/077/2022 - 41 Glenmanor Dr (West District) (OP Designation: Low Density Residential) (*Deferred from May 17, 2022*)

This application was deferred at the May 17, 2022, meeting at the request of the applicant in order to address staff and neighbour concerns. The applicant updated the application by removing the previously requested height variance and stepping back the second storey above the garage to reduce the impact of the requested increase in residential floor area ratio. The Staff comments previously provided are revised as follows:

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 (Supported)

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 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. The requested increase has not changed from the previous iteration but the interrelated variance related to height has been removed and the second storey above the garage has been stepped back to reduce the impact on the public realm. The open to below area at the rear of the dwelling has a reduced height which will prevent it from being filled in in the future. Staff are now satisfied that the requested increase is appropriate and will not have a negative impact on adjacent and surrounding properties and meets the intent of the Official Plan and Zoning By-law.

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 May 30, 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: SFD No concerns with FD access.

Transit : Comments not received.

Halton Region: CAV A/077/2022 – 57th Street Enterprises Ltd, 41 Glenmanor Drive

- It is understood this application was deferred from May 17th, 2022. Regional comments provided on May 17th, 2022 still apply.
- 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 encroachment into a minimum yard for window wells and 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 received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 4

Request to Attend: -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 dated May 30, 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 Opposition:

Hope the attached scanned document is sufficient to represent our views of the request for variance

at 41 Glenmanor Road ...meeting I believe is July 5th 2022

We DO NOT support the request for a variance. The proposed new houses should be designed and limited to

the existing By Laws that are set by the Town... We do not understand why plans for new HUGE houses need to be even larger.

Bruce and Dee McAulay
16 Kingswood Road
Oakville, Ont. L6K 2E3

Letter of Opposition:

Hi Jasmina,

I am the immediate next door neighbour of #41 Glenmanor Dr., and will be heavily and negatively impacted by the new owner's planned build. Please provide me with the opportunity to speak at the upcoming CoA on the topic, at 7pm on July 5th, and inform me how to join the discussion.

Ben Peacock
45 Glenmanor Drive, Oakville

I (name) John + Bruce + Darlene McAulay OF 16 Kingswood Road, Oakville OWNERS

(address) 16 Kingswood Road, Oakville

Do NOT 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

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2	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling 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 835.67m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 42% (350.99m ²).

Do have ~~I have no~~ objections to the two requested variances.

- Rules + limitations are set in place for a reason. Why do extremely large building plans need to be larger.
- This is too large!
- Reduce other areas in the plans to stay within the Zoning By-law.

Darlene McAulay -Darlene McA
John Bruce McAulay -John Bruce
 McAulay

Letter of Opposition:

Hi Jasmina,

I wish to register for the Committee of Adjustments hearing on July 5th and/or provide concerns regarding File No.: CAV A/077/2022 Deferred form May 17th, 2022 (41 Glenmanor Drive).

My personal details:

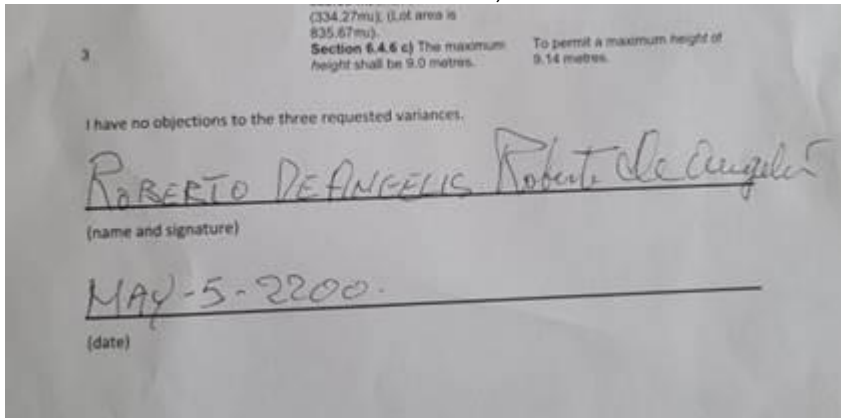
- Name: LeBaron David LeBlanc
- Address: 49 Glenmanor Drive
- Application Number: CAV A/077/2022

Re. Variance Request #2 – Section 6.4.1, Maximum Residential Floor Area

- The proposed scale, height and proportions of the dwelling are not compatible with the adjacent existing dwellings.
- Adjacent property privacy severely impacted by raised deck and balcony (labeled "Flat Room" on drawings shared by the developer).
- This house represents 8 bedrooms when you include the gym, nanny suite and study. This is far overbuilt for the neighborhood of 3-bedroom homes.
- It is believed that if approved, the owner will seek to remove two old-growth trees from their backyard. Trees of this size and scale cannot be replaced, and since the devastating affects of the Ash Bore infestation a few years ago, priority needs to be given to preserving out healthy, mature trees. Further, the Town of Oakville Council launched a Canopy Conservation program in 2015, and declared a Climate Emergency in 2019. The latter, included 10 Steps that residents could take to affect change. #6, was

to Speak Up to government that residents want action. Approving the Maximum Residential Floor Area would in facilitate the removal of these trees which is in direct opposition to these two Town Programs.

- As this meeting is a deferral hearing, I am not sure if artifacts from the first year are still being considered as part of the application, but if so, I wish to draw attention to the sole signatory on the neighbours in support. The individual dated their signature as May 5, **2200**. Since this is a date in the future, it should be void from consideration.



Re. the Application overall

- The applicant has made passing comments in the neighbourhood regarding entertaining town staff or officials from the Planning Department, leading up to the first application hearing. No names were shared, but I have slight concern over conflict of interest if this we in fact true.

Thanks,
L David LeBlanc

Letter of Opposition:

John Arnold

Sent from 96° 48'35"
53 Glenmanor Drive

I would like to pre-register for participation; and also receive notice for the outcome of the decision of the Committee of Adjustment.

My concerns and objections to the development are outlined as follows:

1. Increasing the width and length of the window well in the front yard:
 - a. - poses an increased risk for persons, including children as well as pets and wildlife. With snowfall, the risk would be inestimable
 - b. - snow removal from walkways and drive around the building will necessarily be affected by the larger window well
 - a. - imposes upon the root protection zone of the oak tree at residence 37
2. Increasing the floor area on the lot:
 - a. - reduces potential growth for arbor, tree canopy and root as well as bush
 - b.
 - c. - reduces area for surface drainage, which is an existing issue in the back yard and downstream. Drainage is compromised by additional surface coverage of the decks and stairways as well as the larger drive illustrated in the detailed property report. A topographical and/or floodplain survey would be beneficial.
 - d.

- e. - reduces property parking available, forcing additional public street parking. Street parking is already concomitant with the additional residents of the increased density usage of a new two-storey dwelling in the neighbourhood designed for three bedroom residences on a relatively narrow lot. The residence at 41 already has a common drive with 45.
- f.
- g. - infringes on space between adjacent properties exacerbating potential fire outcomes-snow removal with the expanded parking drive planned (to co-exist with the common mutual drive of 45), will involve pushing snow in proximity to the roadway, creating visual obstruction for pedestrians and vehicle operators exacerbated by the increased number of vehicles possessed at 41 which will park on the street. A two storey edifice reduces privacy of surrounding neighbours with windows surveying the perimeter. A larger two storey edifice magnifies this issue.