

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/138/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 16, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Roman Boyko 741 Bloor Street Mississauga ON L4Y 2M7	Guitberg Group Inc c/o Victor Guitberg 33 Belvedere Crescent Richmond Hill ON L4C 8W1	PLAN 536 LOT 71 1527 Constance Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0
DISTRICT: East

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	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% (286.02 m ²); (Lot area is 697.60 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 51.36% (358.31 m ²).

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/138/2022 - 1527 Constance Dr (East District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling and cabana subject to the variance above.

The neighbourhood consists of one and one and a half storey dwellings that are original to the area and two-storey dwellings that are newly constructed. Constance Drive has sidewalks on both sides of the street and the lotting pattern is consistent along the street, which results in a relatively similar built form of existing and new dwellings.

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 (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (286.02 square metres) to 51.36%. (358.31 square metres) for an increase of 72.29 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 requested increase in residential floor area is significant given the context of the area. The second storey appears to be a replication of the first storey and results in a proposed massing that is significantly larger than other dwellings in the immediate area. It is Staff's opinion that it is not compatible with the character of the area.

The massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. New development shall ensure that proposed building forms are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks and façade step backs in order to reduce adverse impacts on adjacent properties and/or the public realm. Therefore, the proposed dwelling, based on the proposal as submitted, does not maintain or protect the existing character of the neighborhood and is not compatible with the pattern of new or existing development.

The proposed development has also been evaluated against the "Design Guidelines for Stable Residential Communities", which is used to direct the design of new development to ensure the maintenance and preservation of neighbourhood character. The proposal is not consistent with the Design Guidelines, particularly the following sections:

- 3.1.3 Scale: New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity; and
- 3.2.1 Massing: New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area.

According to the Town's Design Guidelines for Stable Residential Communities, Section 3.1.1.2., "New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood." Also, new development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and that complement the qualities of the surrounding residential community (3.1.1.1).

The requested variance would have a negative impact on the streetscape and abutting properties related to mass and scale. The Zoning By-law is the implementing tool to protect the stability of neighbourhoods as required in the Official Plan. The intent of establishing regulations that would have the effect of controlling the built form in relation to scale and mass is to prevent a dwelling that is out of character with the existing neighbourhood. It is Staff's opinion that the requested variance would result in a dwelling that is too large for the property and the surrounding neighbourhood. The proposed dwelling does not protect or represent a desirable transition in the existing character of the neighbourhood, and therefore does not maintain the intent of the Zoning By-law or Official Plan.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the variance should not be supported as it does not satisfy 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 variance would result in a development that is appropriate for the site.

Fire: No concerns. SFD. Adequate FD access

Oakville Hydro: We have no objections or comments for any of the items on the agenda

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 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 two-storey detached dwelling on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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

From:
Sent: Thursday, August 4, 2022 4:08 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Subject: 1527 Constance Dr, PLAN 536 LOT 71

To whom it may concern,
My name Victor Hanoun and my address 1513 Constance Dr, I received the notice of public hearing for committee of adjustment application, and I disagree completely with this Variance, this new homeowner/builder knew the bylaws before he bought the property, the bylaws says that 41% of lot coverage it's more than enough, these are small lots, we don't need monsters homes on them, slowly we are eroding the green space around us. This is need to stop. Please take this in to concede-ration.
Regards
Victor.