

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/128/2022**

RELATED FILE: **N/A**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 30, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
GEOFFREY NAKAMURA SUSAN MAYNE-NAKAMURA 59 WEST ST OAKVILLE ON, L6L 2Y8	JORIS KEEREN KEEREN DESIGN INC 11 BRONTE RD 31 OAKVILLE ON, L6L 0E1	59 WEST ST PLAN M11 LOT 20

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL5-0
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	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 650.00 m ² and 742.99 m ² shall be 41% (272.98 m ²); (Lot area is 665.80 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 42.90% (285.62 m ²).
2	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.10 metres.

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/128/2022 – 59 West Street (East District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by two-storey dwellings original to the area and two-storey new construction with some one-storey dwellings original to the 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 –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 41% (272.98 square metres) to 42.90% (285.62 square metres) for an increase of 12.64 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 proposed dwelling has been designed to reduce the mass and scale by lowering the roofline, incorporating the second storey into the roof, stepping back the second storey and incorporating one and a half and one-storey elements. The dwelling design is compatible and in keeping with the pattern of new development in the neighbourhood. Staff are of the opinion that the requested variance is minor and will not have a negative impact on adjacent properties or the surrounding area.

As the applicant is requesting to increase the residential 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 #2 – Height (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 9.10 metres. The height is measured from the established grade which is an average of the centre points of each lot line abutting a road 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 reduce impacts of shadowing and overlook. In this instance, the majority of the roof is below the maximum permitted height and the increase will apply to peaked elements which will not have an impact on the public realm. Given the size of the lot and changes in grade across the property, the established grade is lower than the grade abutting the proposed dwelling. Staff are of the opinion that the requested height is appropriate for the development of the subject property and the dwelling will not appear substantially larger than other dwellings in the surrounding 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 the proposed dwelling is in keeping with 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 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 June 14,2022; 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: COA:

1. Maximum floor area increase from 41% to 42.9%
 2. Maximum height increase from 9m to 9.1m
- No issues noted for fire.

Transit : Comments not received.

Halton Region: CAV A/128/2022 – G. & S. Mayne-Nakamura, 59 West Street

- As an advisory, the subject site has archaeological potential and Historic Towns overlay. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- 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 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.

Oakville Hydro: No Objections.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 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 June 14,2022; 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:

Committee of Adjustment Application
59 West St.
Oakville, ON. L6L 2Y8

In view of the belief that by-laws have been established to maintain a common set of common sense rules for all buildings in a residential area, I see no reason to approve this variance request. Each small variance breeds new variances with greater stretches to the rules.

Variance No. 1

The request to permit the maximum residential floor area ratio for the detached dwelling to be 42..90% (285.62 m²) should be rejected. The lot in question is 665.80 m² which is at the lower

end of the range of areas (650.00 m² to 742.99 m²) The regulation should be maintained at 41% of the lot area of 665.80 m² which allows 272.98 m² of maximum residential floor area. I see no justification to stretch the residential floor area to 42.90% and 285.62 m².

Variance No. 2

The height of the building will be in full view of our third floor balcony and it should not be any higher than the regulation of 9.0 meters.

Norman & Nerina Murray
51 West St, Oakville, ON L6L 2Y8