

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/122/2022**

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>
OMAR AL-TAIE ISRAA AL-AZAWI 2330 STONE GLEN CRES OAKVILLE BC, L6M 0C9	JORIS KEEREN KEEREN DESIGN INC 11 BRONTE RD UNIT 31 OAKVILLE ON, L6L 0E1	2450 REBECCA ST PLAN M6 LOT 13

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1

ZONING: RL3-0
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 6.3.1 (Row 6, Column RL3) The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 7.29 m.
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 650.00 m ² and 742.99 m ² shall be 41% (274.65 m ²); (Lot area is 669.87 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 44.40% (297.42 m ²).
3	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 12.63 m -1.0m = 11.63 m minimum).	To permit a <i>minimum front yard</i> of 11.16 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/122/2022 - 2450 Rebecca St (West 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 mostly original houses, but the neighbourhood is transitioning to various new construction of two-storey 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 – Minimum Rear Yard (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 7.29 metres, which is measured from the rear lot line to the closest point of the main wall of the dwelling. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. In this instance, the covered porch at the rear projects out from the minimum rear yard setback, ~~building line~~ reducing the setback by 0.21 metres, which would not create ~~not~~ have any privacy impacts or overlooking concerns. Staff are of the opinion that the proposed variance is minor, meets the intent of the Official Plan and zoning by-law and will not have a negative impact on adjacent properties.

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 41% (274.65 square metres) to 44.40% (297.42 square metres) for an increase of 22.77 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 overall massing and the scale of the proposed dwelling is mitigated by the design of the dwelling and the request for the additional floor area ratio is compatible and in keeping with the pattern of new development in the area. The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations.

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.

Staff are of the opinion that the requested increase in residential floor area is minor, and this variance will not have a negative impact on adjacent properties or the surrounding area.

Variance #3 – Minimum Front Yard (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 11.63 metres to 11.16 metres for a reduction of

0.47 metres The front yard is measured from the front property line to the front porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed setback is consistent with the setbacks of the adjacent dwellings which meets the intent of the Zoning By-Law. In this instance, staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

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 they result in a dwelling that 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 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: COA

1. Decrease minimum rear yard from 7.5m to 7.29m
2. increase maximum floor area ratio from 41% to 44%
3. Decrease minimum front yard from 11.63m to 11.16m

No issues noted for Fire.

Transit : Comments not received.

Halton Region: CAV A/122/2022 – O. W. Al-Taie & I. Al-Azawi, 2450 Rebecca Street

- 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 a decrease in the

minimum rear yard, increase in maximum residential floor area ratio for the detached dwelling and a decrease in the minimum front yard, 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 – None.

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 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