

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/145/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT
OAKVILLE.CA ON TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Shaima Abid / Fareed Hameed 50 Stewart Street Oakville ON L6K 1X5	In Roads Consultants c/o Ida Evangelista 53 Bentworth Avenue Toronto ON M6A 1P5	PLAN 200 PT LOT B 50 Stewart Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

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 proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 5, Column RL5) The <i>minimum interior side yard</i> shall be 1.2 m	To permit a <i>minimum</i> (westerly) <i>interior side yard</i> of 0.914 m.
2	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 7.57 m -1.0 m = 6.57m minimum).	To permit a <i>minimum front yard</i> of 6.067 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/145/2022 - 50 Stewart St (West District) (OP Designation: Low Density Residential)

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

The subject property is characterized by one storey dwellings original to the area and new two-storey construction with sidewalks on both sides of Stewart Street.

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.”

Additional Variances May be Required:

As part of the review of the application, staff note that it appears variances may have been missed. The following Zoning By-law deficiencies should be confirmed by the applicant:

- **Table 4.3 (Row 3) of the Zoning By-law:** The maximum encroachment into a *minimum yard* for eaves and gutters shall be 0.6 metres. It appears that 0.76 metres is proposed.
- **Section 6.4.1 of the Zoning By-law:** The maximum *residential floor area ratio* for a *detached dwelling* on a *lot* with a *lot area* Less than 557.5 square metres shall be 43% (203.85 square metres); (Lot area is 474.08 square metres). It appears that 51.09 % (242.21 square metres) is proposed.
- **Section 6.4.2 of the Zoning By-law:** It appears that the applicant may be exceeding the maximum coverage due to extra large eaves. The applicant will need to confirm.
- **Section 6.4.6 c) of the Zoning By-law:** The maximum *height* shall be 9.0 metres. It appears that 9.6 metres is proposed.

The applicant will need to confirm whether additional variances are required. Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application. Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather confirm the accuracy of the variances applied for. Staff have noted the above deficiencies as a courtesy and to support a fulsome review of the proposed application.

The application has been assessed as a whole including concerns with respect to the missed variances outlined above and their potential impact on the requested variances.

Variance #1 – Interior Side Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a minimum interior side yard of 0.914 metres whereas a minimum of 1.2 metres is required. The intent of regulating a side yard setback is to provide adequate spatial separation, reduce privacy and overlook impacts, and allow for adequate drainage. The interior side yard is measured from the side lot line to the main wall of the dwelling. In this instance, the reduction in side yard setback could have technical implications as the reduction may cause grading issues which will be

reviewed further through the Development Engineering Site Plan (DESP) process. The Fire department has also identified concerns with the reduction of the side yard based on the minimum limiting distance for fire spread between properties as well as the access to the rear and side yards.

Variance #2 – Front Yard (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 6.57 metres to 6.067 metres for a reduction of 0.503 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. In this instance, the potential missed variances such as enlarged eaves, may impact the evaluation of this variance. As a result, staff are not in support of this variance.

The potential missed variances in combination with the variances that are unsupported by staff could result in a redesign of the dwelling. All of the requested variances will need to be considered as a whole as the variances are interrelated. Based on the current design and requested variances, the application fails as a whole and is not supported by staff. The overall application does not meet the intent of the Official Plan or Zoning By-law, is not minor in nature and is not desirable.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variances do not maintain the general intent of the Official Plan and are not appropriate for the development of the lands. 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: Side yard proposed to be decreased from minimum. Minimum side yard set back based on minimum limiting distance for fire spread between properties as well as Fire Department access to rear and side yards. This proposal is not supported by the Fire Department

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

Transit: Oakville Transit staff would like to remind the applicant that Stewart Street is an existing transit corridor. Any existing bus stop locations will remain. New bus stop locations and amenities such as bus shelter can be installed at any time. The nearest bus stop is located in front of 17 Stewart Street, approximately 100m from the site.

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 a decrease in the minimum interior side yard 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.

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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.

A rectangular box containing a handwritten signature in blue ink. The signature appears to read 'Heather McCrae'.

Heather McCrae, ACST
Secretary-Treasurer