

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/156/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 04, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
KHALID TOMA HEDEEL SALMAN 5256 ADOBE CRT MISSISSAUGA ON, L5M 0K8	JONATHAN BENCZKOWSKI SOL-ARCH 301 KEEWATIN AVE TORONTO ON, M4P 2A4	1415 REBECCA ST PLAN 641 LOT 16

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2

ZONING: RL2-0
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 ground floor and second floor additions to the existing dwelling on the subject property proposing the following variances:

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 1,022.00 m ² and 1,114.99 m ² shall be 37% (386.81 m ²); (Lot area is 1,045.42 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 41.30% (431.80 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (270.24 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> .	To permit the maximum <i>lot coverage</i> to be 25.85% (270.24 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

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/156/2022 - 1415 Rebecca St (West District) (OP Designation: Low Density Residential)

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 1,022.00 m ² and 1,114.99 m ² shall be 37% (386.81 m ²); (Lot area is 1,045.42 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 41.30% (431.80 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (270.24 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> .	To permit the maximum <i>lot coverage</i> to be 25.85% (270.24 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .

The applicant proposes to permit the construction of ground floor and second floor additions to the existing dwelling subject to the variances listed above.

The neighbourhood is characterized by mostly one-storey and few two storey dwellings with sidewalks on both sides along the Rebecca 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.”

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 37% (386.81 square metres) to 41.30% (431.80 square metres) for an increase of 44.99 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 design is a complete replication of first to second storey with large open to below areas. 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 massing and scale of the proposed additions in the dwelling would make it visually appear larger than existing dwellings in the immediate area. 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 significant negative impact to 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

Staff are of the opinion that the requested lot coverage variance is interrelated to a variance regarding residential floor area since they both regulate the mass and scale of the dwelling. The eastern portion of the dwelling, around the garage area, does not provide adequate transitioning in terms of massing and height to the adjacent dwelling to the east. In this instance, staff are of the opinion that the proposed scale and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.

The applicant is advised that 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

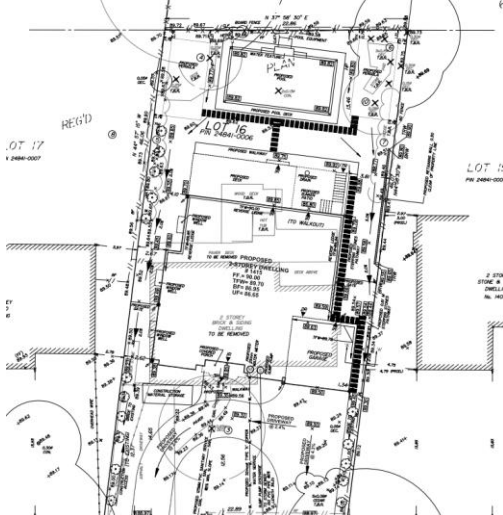
Variance #2 – Lot coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (270.24 square metres) to 25.85% (270.24 square metres). The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The increase in lot coverage appears to be minor but the variance for lot coverage is interrelated to the variance for floor area ratio in that the intent of these regulations is to reduce the mass and scale of the dwelling. Given the excessive proposed floor area ratio resulting in an over-build on the subject property which is out of character with the neighbourhood and surrounding dwellings, Staff are of the opinion that the request for increased lot coverage is not minor in nature, is not desirable and does not meet the intent of the Official Plan or Zoning By-law.

Subject Property



Excerpt of the Site plan by the applicant:



Conclusion:

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

Fire: No concerns for Fire. DL

Transit : CAV A/156/2022 (1415 Rebecca St.)

Oakville Transit staff would like to remind the applicant that Rebecca 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 at Sherin Drive, approximately 100m from the site.

Halton Region: CAV A/156/2022 – K. Toma & H. Salman, 1415 Rebecca Street, Oakville

- 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 and an increase in the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing ground floor and second floor additions to the existing dwelling on the subject property.

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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of objection:

Would like to know the overall height and the side lot setbacks per the submitted drawings
In addition serious concern for new roadcuts at that location and concern for existing tree.

Best regards
Steven Fava