

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/177/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M

Owner (s)	Agent	Location of Land
SONYA JEYASEELAN-GIBBONS 38 PARK AVE OAKVILLE ON, L6J 3X8	DANIEL PETERS GREN WEIS ARCHITECT AND ASSOCI 341 KERR ST 210 OAKVILLE ON, L6K 3B7	38 PARK AVE PLAN 110 LOT 17 & PT CLSD LANE RP 20R4200 PART 35 RP 20R8649 PART 11

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 two-storey detached dwelling currently under construction on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.82 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/177/2022 - 38 Park Ave (East District) (OP Designation: Low Density Residential)

The applicant is proposing to permit the two-storey detached dwelling currently under construction subject to variances above.

The neighbourhood consists of one and half and two-storey dwellings in the area along the Park Avenue with sidewalks on the side of the subject property.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low-Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

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.

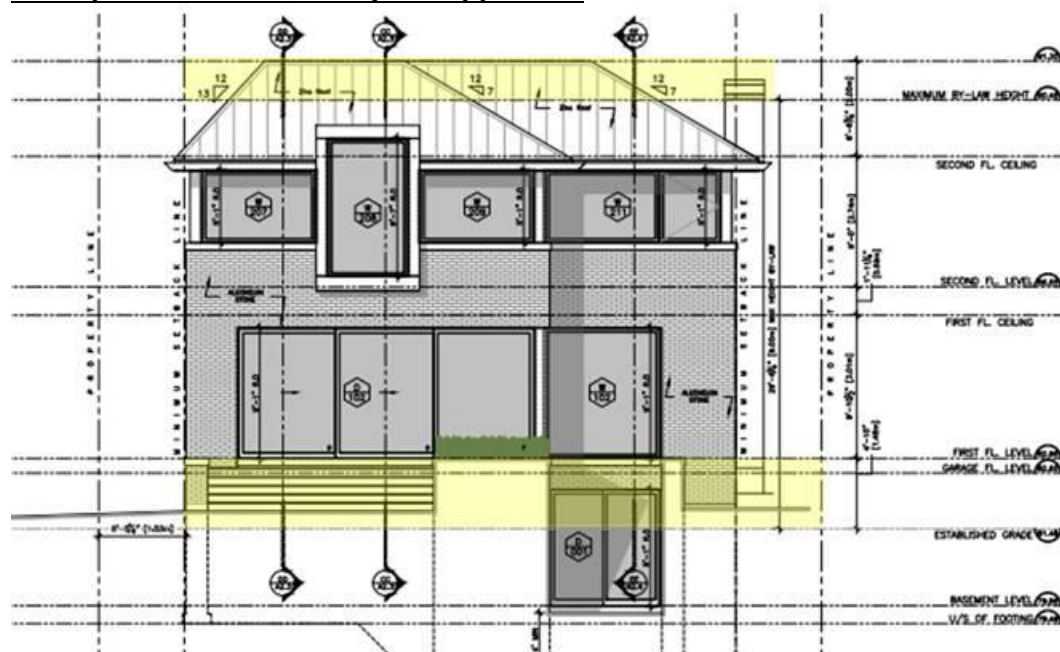
h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

Variance #1 – Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum permitted height from 9 metres to 9.82 metres. The height is measured from the established grade of the property at the front lot line 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 to reduce impacts of shadowing and overlook. In this instance the requested variance for height is more than the surrounding dwellings in the area which will make the dwelling look taller along the streetscape and will not maintain its character. On this basis, it is staff's opinion that the requested variance is not minor in nature, does not meet the general intent and purpose of the Official Plan and Zoning By-law.

Excerpt of the elevation by the applicant:



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: No Concerns for Fire. DL

Transit : No comments.

Halton Region: Comments not provided. Fee outstanding.

Bell Canada: Comments not provided.

Union Gas: Comments not provided.

Letter(s) in support – None.

Letter(s) in opposition – 3.

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:

Opposition to the variance requested at 38 Park Avenue file # CAV A/177/2022 to extend the height of the roofline beyond the allowable by-law height:

1) Integrity of the neighbourhood aesthetic

- The area has many storied and historical homes that set the tone for the community's aesthetic.
- This is enjoyed by all residents and more important, is also part of the appeal that factors into our resale value.
- New builds should take care to respect the existing by-laws and maintain the integrity of the neighbourhood.

2) Protect the Tree Canopy

- There are many old trees in this radius, too many of which have been lost due to construction in the area.
- We have one large tree in our backyard and it borders #38. The teardown and rebuild of a new home on the lot means the roots have already been compromised and now it appears the tree canopy is going to be adversely impacted by the building.

3) Reduced sunlight

- A higher roofline impacts the amount of sun that neighbours have in their own yards.
- A by-law sets the bar for 'worst case scenario' and it is only fair to maintain it. Particularly where there are a number of significantly smaller homes and backyards immediately surrounding #38.

4) Sets a precedent for future construction and renovations

- Approved variances become a touch stone for other builds or renos.
- For all the same reasons listed here, it would do a disservice to allow an unnecessary variance that builders will request to match or exceed.

The construction at #38 is already well underway. Presumably the home can accommodate the existing by-law based on the drawings. To that end, the drawings demonstrate that a heightened roofline is strictly a preference of the builder. On the other hand, there is nothing but downside for the existing neighbours and neighbourhood.

Thank you for considering and understanding these concerns which are meant to be objective points.

Please confirm receipt.

Cory & Rena Bast / 30 Park Avenue

Letter of objection:

Hello. I received a notice of public hearing regarding property 38 Park Ave. There is a request to increase the height by approximately a metre. My house backs onto this property. The house itself is quite large and not in keeping with the design of the houses around it. While I understand they are allowed to build the house they choose, to increase the height will make it more over bearing, compromising light for all the dwellings around them. Although my property will not be affected directly by the building, it will be significantly affected by the plan to build a pool. There are mature trees on my property whose roots systems extend well into their back yard. Similarly on my neighbours properties. These mature trees will not survive as I have experienced this on a previous occasion. The trees in this area are really what define it. Historically people have worked hard to maintain the growth in this area. The plan to increase

the height of the building will compromise the light and putting in a pool will ultimately destroy healthy trees.

Allison Elliott
28 Park Ave

Letter of objection:

My name is Duncan Smith and I reside at 26 Park Ave within 60 metres (200feet) of the property to which the application applies .

I am writing to support the more local residents who have objected and are directly affected by the proposed height increase to the building at 38 Park .

The proposal to increase the height of the building does not comply with the official zoning by-law and exceeds it by a height of almost 3 feet . Although this may appear a minor variance it has considerable impact on the following aspect.

I believe it does not meet one of the intents of the zoning by-law which is to prevent “massing” or overbuilding on lots and out of keeping with the local area. The proposed height increase and the previous removal of mature trees to accommodate the new structure would in my view give rise to a rather dominant street structure. Even more so to those adjacent property owners .

I notice from the application and drawings at the Oakville agenda site that there were several revised roof plans with the last roof revision on 12/12/21 .

Hopefully it is not too late to revise the roof height back to the legal 9 metres .

Sincerely,

Duncan Smith