

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/203/2022

RELATED FILE: N/A

DATE OF MEETING:

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

| Owner/Applicant | Agent | Location of Land |
|--|---|--|
| Yusef Yenilmez 142 Wolfdale Avenue Oakville ON L6L 4S1 | SGL Planning & Design c/o Graham Barrett 1547 Bloor Street West Toronto ON M6P 1A5 | PLAN 1005 LOT 4 142 Wolfdale Avenue Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential-Special Policy

ZONING: RL1-0

WARD: 2

DISTRICT: West

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 <i>lot</i> with a <i>lot area</i> 1301.00 m ² or greater shall be 29% (434.02 m ²); (Lot area is 1496.64 m ²). | To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 32.82% (491.18 m ²). |
| 2 | Section 6.4.5 <i>Balconies</i> are prohibited above the floor level of the <i>first storey</i> on any <i>lot</i> in the -0 Suffix Zone. | To permit a <i>balcony</i> above the floor level of the <i>first storey</i> . |

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/203/2022 - 142 Wolfdale Ave (West District) (OP Designation: Low Density Residential-Special Policy)

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

The neighbourhood consists of one-storey dwellings original to the area and two-storey dwellings that are newly constructed. There are no sidewalks along Wolfdale Avenue.

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.

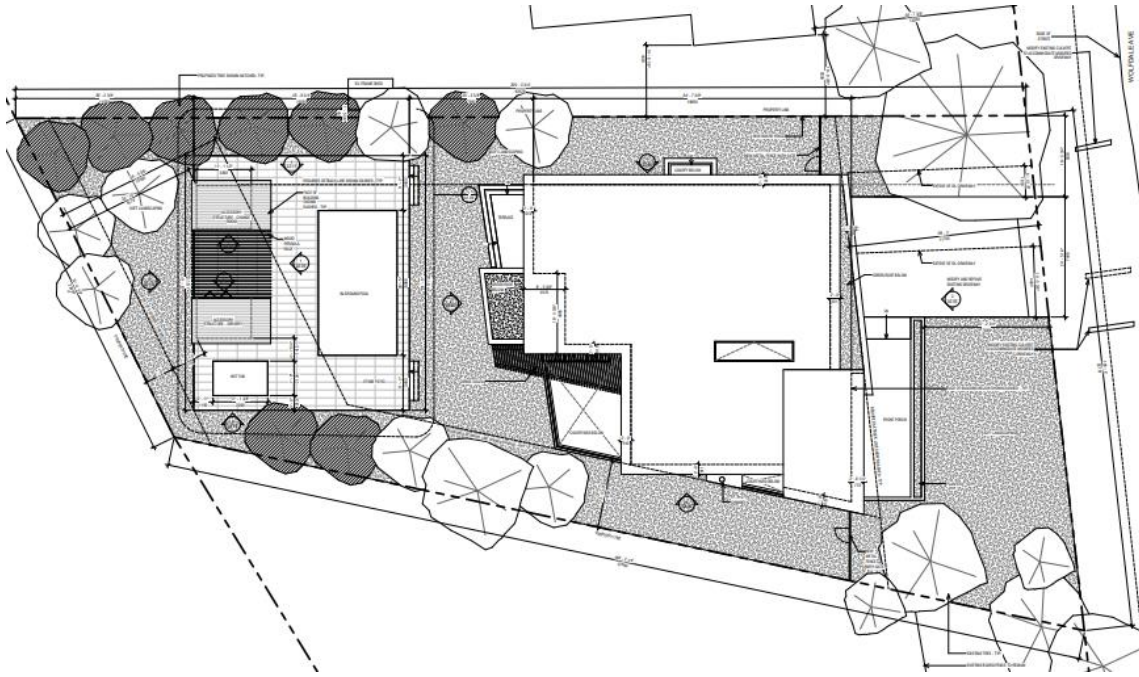
Variance #1- Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 29% (434.02 square metres) to 32.82% (491.18 square metres) for an increase of 57.16 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 with various alterations and stepbacks in the design. Staff are of the opinion that the requested increase in residential floor area is appropriate and compatible with the development in the neighbourhood, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

Variance #2- Permission of Balcony (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a balcony above the first storey floor level whereas second storey balconies and uncovered platforms are prohibited. It is Staff's opinion that introducing an element that has been prohibited in the Zoning By-law would not meet the intent and purpose of the Official Plan or Zoning By-law, is not considered minor in nature and is not appropriate for the development of the site.

Proposed Site Plan by the applicant



Subject Property:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variance #2 should not be supported as it does 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.

Further, it is staff's opinion that variance # 1 satisfies the four 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, floor plans and elevations dated November 2, 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: No concerns for fire. DL

Oakville Hydro: We do not have any objection to this minor variance application but please note the new house will require a new underground service from Hixon St. In addition, any relocations due to conflicts with the existing pole(s) and/or wire(s) located on the property will be at the property owner's expense.

Transit: No Comments Received

Finance: None

Halton Region:

- The subject property is within 120 meters of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently with adjacent residential properties between the sensitive natural features or areas, and will not likely result in any impacts on the features or ecological functions of the RNHS.
- 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 and a balcony above the floor level of the first storey, 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: Two

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, floor plans and elevations dated November 2, 2022.
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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails of Opposition – 2

From:
Sent: Monday, November 21, 2022 1:48 PM
To: coarequests <coarequests@oakville.ca>
Subject: 142 Wolfdale Avenue, Oakville

Dear Committee Members,

We live at 1193 Stirling Dr, Oakville, and the home to be build at 142 Wolfdale is both beside and behind us.

We strongly object to the second story proposal for a "minor" variance to allow for a balcony. The overlook onto our property is significant. We retired to this home 6 years ago and are trying to maintain the sense of privacy we thought we purchased. Our garden, pool and outdoor dining area would be significantly affected by the proposed balcony. Furthermore, we question the necessity of this space when there will be several lovely green sitting areas built on the back property of 142 Wolfdale.

We spoke to the owner several months ago, in a very friendly conversation, and requested only 2 things, that they keep the grass cut prior to demolition, and that there be no windows on our side of the property. He agreed to both requests.
Thank you for the opportunity to share our concerns.

Sincerely,

Lyn and Richard Labenski

Letter of Objection:

Re: Variance application for CA A/203/2022 – 142 Wolfale Avenue

I am contacting you in regards to the above variance application and specifically the relief for adding a second story balcony on the new development.

My family has owned and I have resided at 137 Wolfdale Avenue for 60 + years. Our small street and the adjoining street of Stirling Drive has undergone various demolitions and rebuilds over the years. In every situation, balconies on the second floor have been prohibited. Most recently, I have a newly constructed dwelling abutting our property to the south of us. When the family made their application for variances one of those was for a second story balcony. Fortunately, they listened to those in the existing neighbourhood in their opposition to second story balcony and removed from their application. We now have a beautiful that while larger then what was there previously, still maintains privacy for those properties beside them and to the rear of the property.

I will be attending the meeting to voice my opposition to this variance as I believe it is totally unwarranted. There is a large amount of window exposure at the rear of this home and if they are wanting to have the upper floor windows open (floor to ceiling) then a Juliet balcony would meet that requirement without the loss of privacy on either side or to the rear of this property. While I appreciate that the developer is trying to maintain the existing tree canopy (reference is made that this provides screening) you always have to be mindful of the impact of such a balcony without the trees or other suggestions made to mitigate the issue. There is no assurance that once this property changes hands that a new owner would not either remove trees or remove some of the "walls" that are being suggested to overcome the privacy issue. The developer may or may not reside in this home for the long term, many of us in this neighbourhood have been long time residents and will be left to deal with the issues that might arise from permitting such a variance.

It is worth noting that the property to rear of this site, the abutting property to the north, and the one across the street are either in the process of redevelopment (homeowners are not in residence) or a rental property.

Thank you for providing me the opportunity to comment on this application and voicing my opposition to the variance for a second story balcony.

Regards,

Cathy & Bernd Duddeck
137 Wolfdale Avenue
Oakville, On L6L 4R9