

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/161/2023 Deferred from November 15th, 2023**
RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M

Owner (s)	Agent	Location of Land
VIPUL DUBEY SUGANDHA ANAND	TOMASZ GORAL 720 KING ST W #411 TORONTO ON, M5V 3S5	1089 MELVIN AVE PLAN 475 LOT 20

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 3

ZONING: RL2-0
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 construction of a two storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00 m ² and 835.99 m ² shall be 40%.	To increase the maximum residential floor area ratio to 43.30%.
2	<i>Section 6.4.2 a) (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To permit the maximum lot coverage to be 28.40%.

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/161/2023 - 1089 Melvin Avenue (East District) (OP Designation: Low Density Residential) – Deferred from November 15, 2023

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

A minor variance application was previously submitted for consideration by the Committee on November 15, 2023. This application was deferred due to Staff objecting to the variances proposed. Please see the table below for the list of variances proposed in November 2023, and revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	November 15, 2023	February 21, 2024

Residential Floor Area	40% (316.68 m ²)	45.66% (361.49 m ²)	43.30% (342.81 m ²)
Lot Coverage	25% (197.93 m ²)	29.18% (231.02 m ²)	28.40% (224.85)

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The application has been revised to break up the massing in the front façade to mitigate the impact of mass and scale. The front porch has been reduced to a one-storey element and the second-storey has been stepped back in the front to reduce the appearance of massing from the streetscape. There is an open to below area in the rear of the dwelling, however, it is staff's opinion that the transitions provided in terms of step backs and breaking up of the massing with one-storey elements adequately mitigate the massing impacts and results in a dwelling that is compatible with the neighbourhood character. The proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of the Zoning By-law provisions for residential floor area and 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. The reduction in residential floor area by 18.68 m² as well as the reduction in lot coverage by 6.17 m² from the previous submission, combined with the breaking up of massing in the front façade helps mitigate the mass and scale impacts. Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 7, 2023; 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.

Fire: No concerns for fire.

Transit : Comments not received.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Halton Region:

7.0 CAV A/161/2023 – S. Anand & V. Dubey, 1089 Melvin Avenue, Oakville

- It is understood this application was deferred from November 15th, 2023. Regional comments provided on November 3rd, 2023 still apply.
- 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 an increase in the maximum lot coverage, under the

requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

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. The detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 7, 2023; 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