

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/001/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 20, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
YASIR AZHAR CHERYL PAGULAYAN	JOSEPH DOMB JD COA CONSULTING 133 TORRESDALE AVE UNIT 207 NORTH YORK ON, M2R 3T2	17 RAYNE AVE PLAN 1090 LOT 218

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5**

**ZONING: RL7-0
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 proposing the following variance(s) to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Table 6.3.2</i> The minimum flankage yard shall be 3.5 m.	To decrease the minimum flankage yard to 3.28 metres.
2	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 42.66%.

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/001/2024 – 17 Rayne Avenue (East District) (OP Designation: Low Density Residential)

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 of the Committee on January 24, 2024. This application was deferred due to Staff comments objecting to the variances proposed. Please see the table below for the list of variances proposed in January 2024, and revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	January 24, 2024	March 20, 2024
Minimum Flankage Yard Setback	3.5 m	2.92 m	3.28 m
Residential Floor Area Ratio	41% (286.82 m ²)	43.8% (306.41 m ²)	42.66% (298.44 m ²)

Through comments prepared for the January 24, 2024, Committee of Adjustment meeting, Staff concerns were that the proposed dwelling was considerably larger than the adjacent dwellings, that the combined effects of the variances created undue massing and scale impacts visible from the public realm, and that it would be an undesirable addition to the neighbourhood streetscape. The large open-to-below area extending across the entire length of the dwelling, along with the two-storey window treatments extending across the flankage yard façade, contributed to a mass and scale that was not in keeping with the existing neighbourhood. In addition, Staff had concerns with the reduced flankage yard setback, which had the effect of expanding the building footprint closer to the public right-of-way. This had the potential to impact sightlines and would have increased the amount of hardscaped area on the lot.

As can be viewed in the renderings below, revisions have been made to reduce the massing of the proposed dwelling to provide an adequate transition to the existing single-storey and two-storey dwellings in the immediate neighbourhood. The second-storey roofline has been lowered significantly along the flankage yard façade, so the dwelling appears to be 1-storey in height where the large open-to-below area is located. The full two-storey windows have also been removed and replaced by one-storey windows with transoms above, that better reflect the current character of the neighbourhood. The flankage yard setback has also been increased, so that Staff's concerns with potential sightline impacts and an increased building footprint that would contribute to more hardscaped areas has been addressed. Although the open to below area has not been removed, 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 any potential impacts. The revised proposal results in a dwelling that is compatible with the existing character of the neighbourhood.



Front Elevation – January 24, 2024



Front Elevation – March 20, 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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. It is staff's opinion that the proposal, as revised, maintains the general intent and purpose of the Official Plan.

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

The intent of the Zoning By-law provision for the flankage yard is to ensure adequate separation from the public right-of-way, maintain proper sightlines for safety and visibility, maintain relatively consistent setbacks along the street, and to ensure there are no negative impacts on drainage. The intent of the Zoning By-law provision for residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. 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 dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated February 8, 2024; 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.

Halton Region: CAV A/001/2024 – C.A. Pagulayan & Y.A. Azhar, 17 Rayne Avenue, Oakville

- It is understood this application was deferred from January 24th, 2024. Regional comments provided on January 17th, 2024 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 a decrease in the minimum flankage yard and an increase in the maximum residential floor area ratio, 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.

Oakville Hydro:

17 Rayne Ave and 1260 Cleaver Drive will require new underground service from the front of the lot. We do not have any additional comments to add for the remaining minor variance applications.

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, 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.

- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:

- 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.

- 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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated February 8, 2024; 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