

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/152/2023**

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>
OMER KALKAVAN ZEYNEP KALKAVAN	JORIS KEEREN KEEREN DESIGN INC 11 BRONTE RD UNIT 31 OAKVILLE ON, L6L 0E1	510 WELLINGTON CRES PLAN 619 LOT 90

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2**

**ZONING: RL3-0
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 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.	Zoning By-law Regulation	Variance Request
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 650.00 m ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area to 44.22%.

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/152/2023 - 510 Wellington Crescent (West District) (OP Designation: Low Density Residential) – Deferred from November 1, 2023

The applicant proposes to permit 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 1, 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 1, 2023	March 20, 2024
Window Well Encroachment	1.8m width, 0.6m encroachment	3.0m width, 0.75m encroachment	N/A
Residential Floor Area Ratio	41% (287.82 m ²)	44.22% (310.40 m ²)	44.22% (310.40 m ²)

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 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. Staff are of the opinion that the proposal complies with Livable Oakville.

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

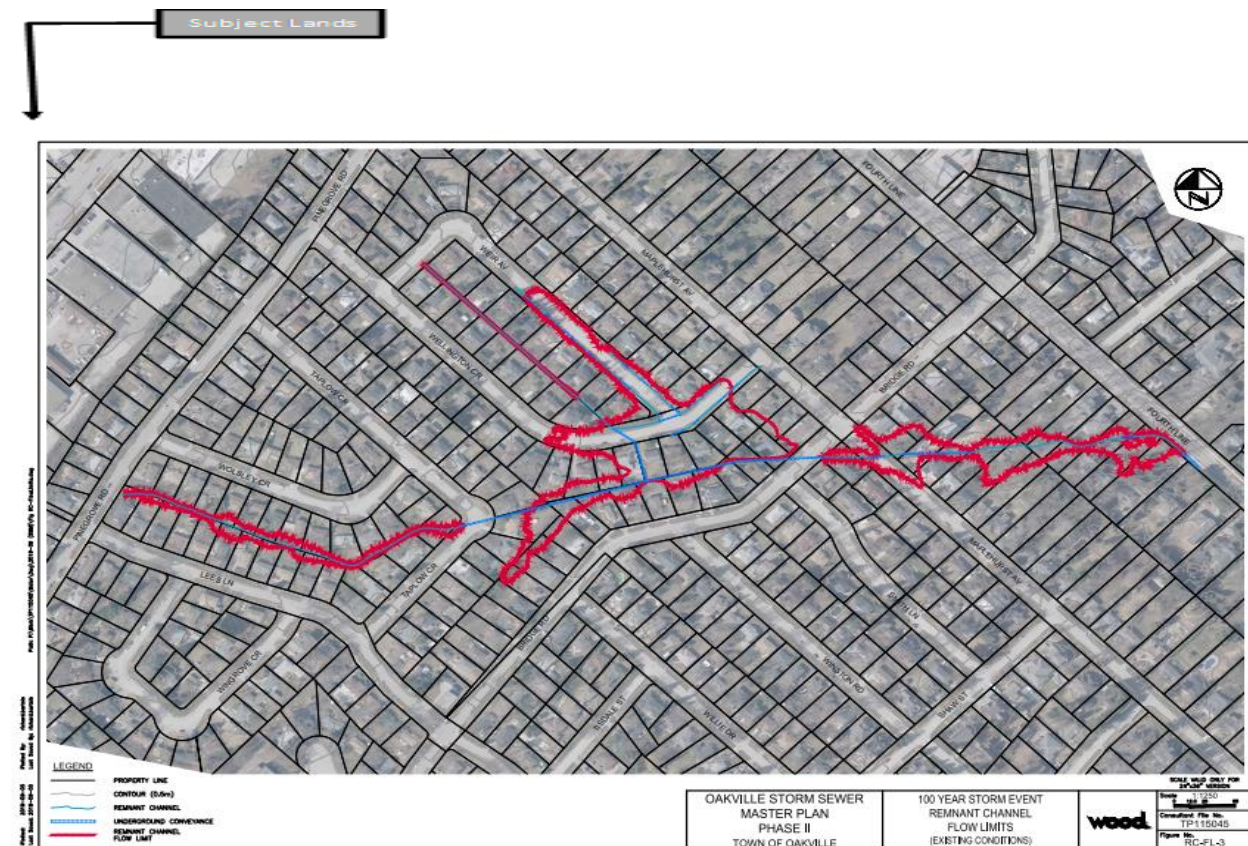
The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Residential Floor Area Ratio (Objection) – 41% increased to 44.22%

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a residential floor area ratio of 44.22% (310.40 m²), whereas a maximum floor area ratio of 41% (287.82 m²) is required. 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 neighbourhood. Staff are of the opinion that the proposed dwelling meets the intent of the Zoning By-law.

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

As mentioned through staff comments prepared ahead of the November 1, 2023 Committee of Adjustment meeting, the subject property is located within close proximity to a remnant channel and may be subject to flooding under 100-year conditions, as can be seen in Appendix K of the Oakville Storm Sewer Master Plan below:



Based on the information available as part of the completion of the Stormwater Master Plan (2019), the entire subject property is within the estimated area of inundation during the 100 year storm event. As such, redevelopment of the subject property may lead to adverse flooding impacts to both the subject property itself, as well as adjacent properties, which is not desirable for the appropriate development of the subject lands. Staff are concerned that any increase to the footprint, beyond the footprint of the existing home, will result in increased impacts to both the subject property and adjacent properties, as flood waters would be displaced further. Staff appreciate the submission of the Remnant Channel Floodplain Analysis for review. It is stated in the report that the existing remnant channels have less capacity than suggested in the Town of Oakville Storm Water Master Plan and that overland flow would, therefore, be conveyed by the roadway (Wellington to Maplehurst), primarily. The report, however, does not account for the proposed development, rather, only existing conditions. It is advised that the applicant contact the Town of Oakville Development Engineering department directly to discuss how to appropriately address the foregoing flooding issues prior to advancing redevelopment of the subject property.

As mentioned above, Staff are of the opinion that redevelopment of the subject property could result in increased flood risk to the subject property and adjacent properties.

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommends that the application be denied.

Fire: No concerns for Fire.

Transit : Comments not received.

Halton Region: CAV A/152/2023 – Z. & O. Kalkavan, 510 Wellington Crescent, Oakville

- It is understood this application was deferred from November 1st, 2023. Regional comments provided on October 24th, 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 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, 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.

A rectangular box containing a handwritten signature in cursive script, which reads "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment