

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/068/2024

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Diamond Crete & Construction Inc c/o Navjot Singh	Manjinder Kaur 15845 River Drive Georgetown ON L7G 4S7	PLAN 417 LOT 3 499 Rebecca Street Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**WARD:** 2

**ZONING:** RL2-0  
**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 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>Section 6.4.1 d)</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 48.41%.
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 increase the maximum lot coverage to 29.26%.

## 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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

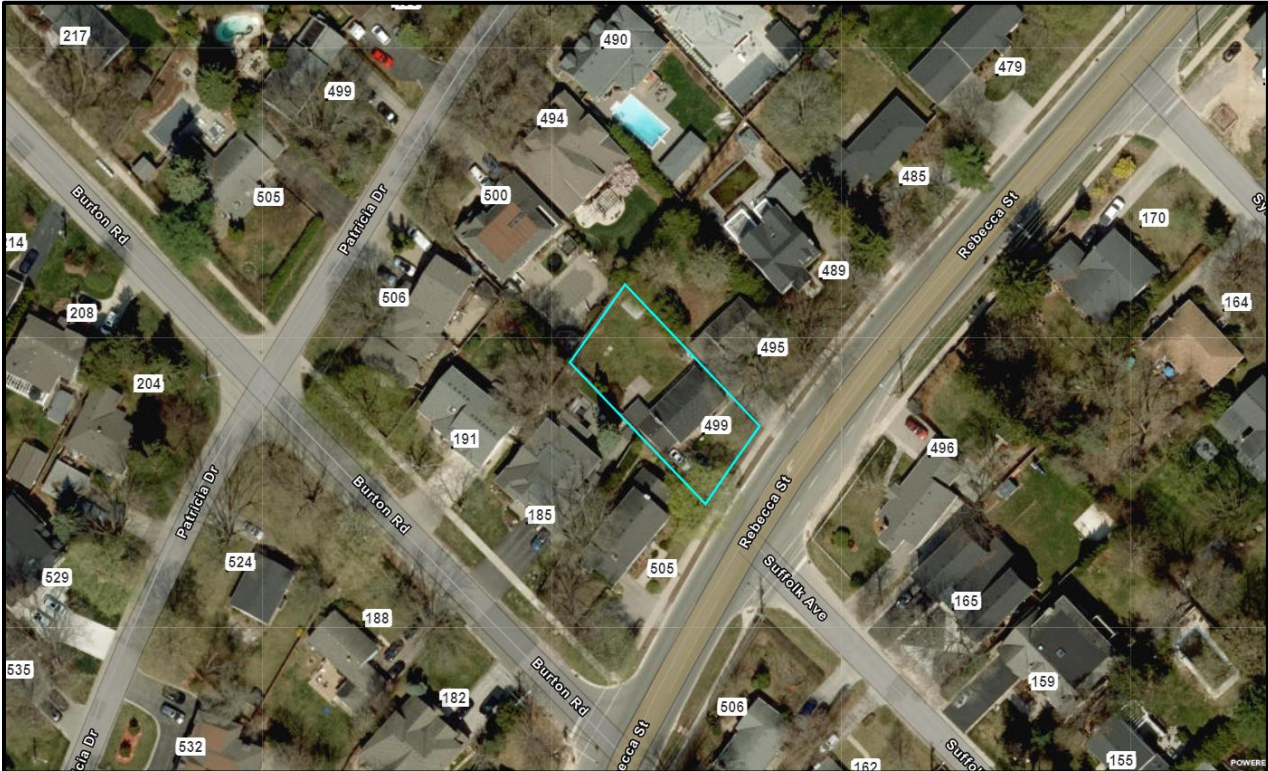
**CAV A/068/2024 – 499 Rebecca Street (West District)** (OP Designation: Low Density Residential)

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

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:

**Site and Area Context**

The subject property is located in a neighbourhood containing both one-storey bungalows and two-storey detached dwellings that are original to the area, along with some newly constructed two-storey homes with diverse architectural styles. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



*Aerial Photo of subject lands – 499 Rebecca Street*



*Street View of subject lands – 499 Rebecca Street and the neighbouring dwellings abutting the property to the west at 505 Rebecca Street (left side of photo) and the east at 495 Rebecca Street (right side of photo)*



*Street View of the one-storey dwelling located on the south side of Rebecca Street (496 Rebecca Street), opposite the subject lands*



499 Rebecca Street – Proposed Front Elevation

As seen in the photos above, to the immediate east of the proposed development is a one-storey bungalow original to the neighbourhood. To the west is a two-storey dwelling with an integral garage and a one-storey addition that is located closest to the shared interior side lot line. This one-storey built form element creates a sympathetic transition to the one-storey dwelling that is currently on the subject lands. Across the street from the subject lands is another one-storey bungalow original to the neighbourhood.

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

The subject lands are 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. 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 proposed development has been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with

Section 11.1.9 of Livable Oakville. Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. Staff are of the opinion that the proposal would not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

**3.1.1. Character:** *New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

**3.1.3 Scale:** *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

**3.2.1 Massing:** *New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area. The design approach may incorporate:*

- *Projections and/or recesses of forms and/or wall planes on the façade(s).*
- *Single-level building elements when located adjacent to lower height dwellings.*
- *Variations in roof forms.*
- *Subdividing the larger building into smaller elements through additive and/or repetitive massing techniques.*
- *Porches and balconies that can reduce the verticality of taller dwellings and bring focus to the main entrance.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

**3.2.2. Height:** *New development should make every effort to incorporate a transition in building height when the proposed development is more than a storey higher than the adjacent dwellings. The transition may be achieved by:*

- *stepping down the proposed dwelling height towards the adjacent shorter dwellings*
- *constructing a mid-range building element between the shorter and taller dwellings on either side*
- *increasing the separation distance between dwellings*

**3.2.4 Primary Façade:** *New development is discouraged to project significant built form and elements toward the street which may create an overpowering effect on the streetscape.*

In Staff's opinion, the proposed floor area and lot area increases, along with the architectural design of the dwelling's exterior, have not been properly considered when examining it against the existing character of the stable residential neighbourhood in which it is located. As such, the proposal results in a development that appears to be substantially larger than those around it and would result in negative cumulative impacts on the surrounding neighbourhood. In particular, the proposed two-storey entryway feature would enhance the verticality of the primary façade and contribute to the development of a dwelling which helps further exacerbate the negative impacts of mass and scale on nearby properties, and the local streetscape. Furthermore, the proposed dwelling does not provide an appropriate transition to the abutting one-storey dwelling to the east or the existing one-storey dwelling across the street either. The height of the proposed dwelling should be stepped down towards the eastern end of the property or the second floor integrated into a lowered roofline. Portions of the second floor could

also be stepped back along the front main wall to help mitigate the potential shadowing, massing, and scale impacts on the abutting one-storey dwelling.

On this basis, it is Staff's opinion that the proposed variances do not maintain the general intent and purpose of the Official Plan as it would contribute to a proposal that would not maintain nor protect the character of the existing neighbourhood.

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

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 7.41% from what is permitted, and a maximum lot coverage increase of 4.26% from what is permitted. The intent of the Zoning By-law provisions for residential floor area and lot coverage are to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

The residential floor area ratio (RFA) variance results in a total increase of approximately 51.41 square metres above the maximum permitted under the By-law for this lot, while the proposed lot coverage variance results in an increase of approximately 29.59 square metres above the maximum allowable under the By-law.

The approximately 51.41 square metres of additional residential floor area combined with the additional lot coverage of approximately 29.59 square metres, results in 81.0 square metres of additional area that cumulatively adds towards the massing and scale of the proposed dwelling in a manner that is not compatible with the neighbourhood character.

The dwelling design does not appropriately mitigate the potential massing and scale impacts on abutting properties either. It is noted that the roofline for instance, has not been lowered or integrated into the second storey to help mitigate massing and scale from the public realm. In addition, the inclusion of the two-storey front porch creates an overpowering front façade element which also projects massing towards the public realm.

In addition, the proposal does not incorporate design elements that would help to mitigate the impact of the significant massing and scale on adjacent properties such as: the second storey being stepped back from the front main wall of the first storey, variations in dwelling height, lowered rooflines, wall plane variations, façade articulation, adequate recesses, variation in roof forms, and massing that is broken up into smaller elements.

On this basis, it is Staff's opinion that the proposed development would appear visually larger than the surrounding dwellings and would not maintain nor protect the neighbourhood's existing character. In Staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

Notwithstanding the comments above, it appears that the following variance may have been missed, and therefore, the proposal may not comply with the Zoning By-law requirements:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 6.4.6 c)</b> The maximum height shall be 9.0 metres	To permit a maximum height of 9.78 metres

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application.

Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted Staff do not

complete a full Zoning review of Minor Variance applications; rather, they only confirm the accuracy of the variances applied for.

Development Engineering Notes to Applicant:

*Development Engineering typically doesn't support large increases in coverage. The 4.3% additional lot coverage results in an increase of 17% hardscaped area at a minimum. This is quite excessive and may add to cumulative downstream impacts.*

Urban Design Notes to Applicant:

*Urban Design requests the lowering of the height of the entrance feature to a single storey as this further emphasizes the height. The roofline should incorporate more second storey to create appropriate transitions with neighbouring properties.*

Liveable by Design Manual Part B, Section 3.2.2 Height:

- *New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*
- *New development with a full second storey is encouraged to incorporate facade articulation and different materials on the upper storey façade to minimize the appearance of greater height.*

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

Staff are of the opinion that the proposal does not represent appropriate development of the subject property as the variances are not minor in nature and will result in a dwelling that appears larger than those in the immediate area. The proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, which does not fit within the context of the surrounding area.

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.

**Oakville Hydro:** We do not have any comments for this minor variance application.

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

***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.





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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition – 1

**From:**  
**Sent:** Friday, April 26, 2024 9:53 AM  
**To:** Heather McCrae <heather.mccrae@oakville.ca>  
**Subject:** File #CAV A/068/2024 499 Rebecca Street

Good morning Heather;  
The attached contains my comment and question regarding the above-referenced property that is on the May 1 2024 Committee of Adjustment meeting agenda.  
Thank you for the opportunity to make a submission.  
Maureen Latocki  
495 Rebecca

File #CAV A/068/2024

Contact information:

Heather McCrae

Secretary-Treasurer, Committee of Adjustment

1225 Trafalgar Road

Oakville, ON L6H 0H3

Phone: 905-845-6601 ext. 3281

Email: [heather.mccrae@oakville.ca](mailto:heather.mccrae@oakville.ca)

Public Hearing May 1, 2024

Committee of Adjustment Application

**File #CAV A/068/2024 499 Rebecca Street**

#### **COMMENT**

The previous owner had a second entrance at the rear of the home and the occupants of the basement suite exited on the east side of the property and had to walk across the entire front of the home to the west side to get to their vehicle. This was necessary because the house butted right up against the west side property line so there was no room for a sidewalk. This is not the case with the new proposed design (with 2.4 meters on the west side of the home.)

Would it not be more efficient for the occupants using the second entrance to have the entrance on the west side of the back of the home so they can access the garage (and driveway) without having to walk (from east to west) across the entire front of the home?

**Recommendation: Move the second entrance from the east to the west side of the back of the home.**

#### **QUESTION**

**Can you ensure the grade of the new dwelling and property will not result in excess water flowing onto my property?** I have learned from others in the neighbourhood that some new home construction has resulted in flooded basements (in adjacent existing homes.)

M Latocki 495 Rebecca Street