

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/079/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 15th, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MOHAMMAD AMIN AZRA AMIN	MICHAEL BARTON MB1 DEVELOPMENT CONSULTING INC 1489 ABBEYWOOD DR OAKVILLE ON, L6M 2M6	2092 SEABROOK DR PLAN 852 LOT 228

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1**

**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 the construction of a two-storey detached dwelling on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 7)</i> The maximum encroachment into a minimum yard for window wells with a maximum width of 1.8 metres shall be 0.6m.	To increase the maximum encroachment into the minimum rear yard for the window well to 0.6 m with a maximum width of 4.27 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 743.00 m ² and 835.99 m ² shall be 40%.	To increase the maximum residential floor area ratio to 44.86%.

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/079/2024 – 2092 Seabrook Dr (West District) (OP Designation: Low Density Residential)

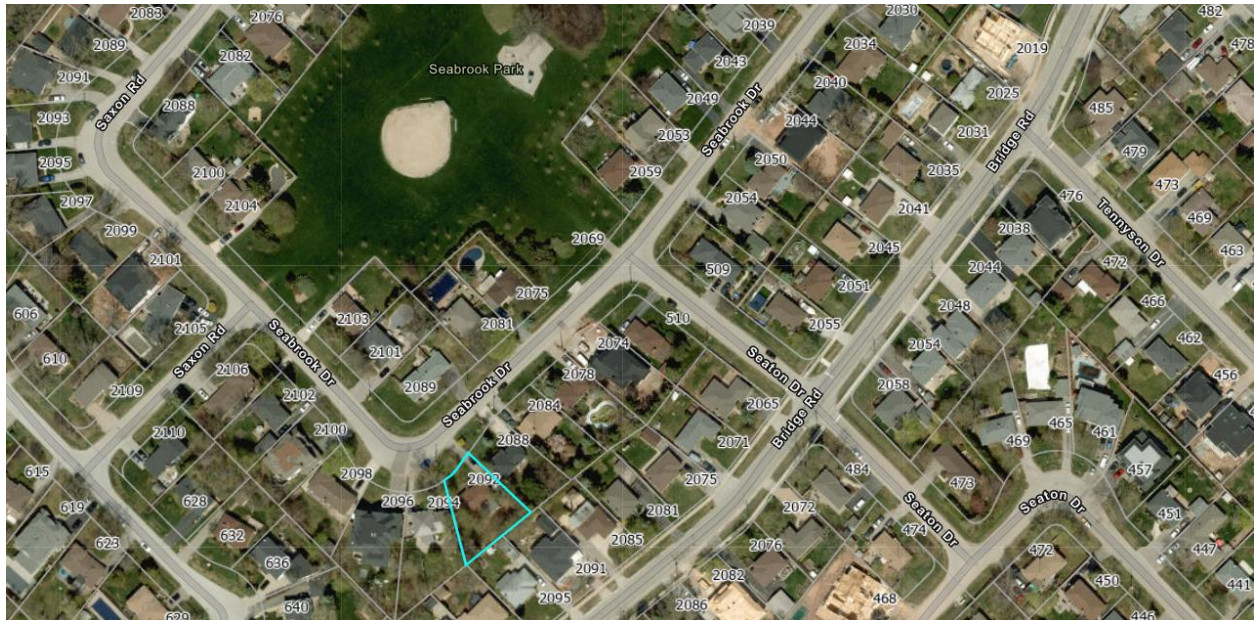
The applicant proposes to construct a two-storey detached dwelling on the subject property, subject to the variances listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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 on the southeast side of Seabrook Drive, as seen in the aerial photo below. The neighbourhood consists of original one and one-and-a-half-storey dwellings,

along with some newer two-storey dwellings that did not require Minor Variance applications at the time of construction.



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

The subject lands are designated Low Density Residential in the Livable Oakville 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 intent of the above-mentioned Official Plan policies are to protect the existing character of stable residential neighbourhoods and to ensure that any potential impacts on adjacent properties are effectively mitigated. The proposed development has also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Subsection 6.1.2 c) of the Livable Oakville Plan 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.

While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed variance to permit an increase in residential floor area ratio would not maintain and protect the existing neighbourhood character. The proposed dwelling presents as substantially larger than abutting dwellings and creates an overpowering effect on the streetscape.

On this basis, it is staff’s opinion that variance #2 does not maintain the general intent and purpose of the Official Plan as this variance contributes to a proposal that would not maintain nor protect the character of the existing neighbourhood. Variance #1 however, does maintain the intent and purpose of the Official Plan. The increase in the width of the window well located at the rear of the proposed dwelling will not impact the dwelling appearance from the streetscape.

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 – Window Well Encroachment (No Objection)

The intent of regulating the window well encroachment is to allow for adequate drainage and passage through a yard so that the window well does not impede access and to allow for adequate open space and landscaping. In this case, the window well is located in the rear yard and will not impede access, and adequate landscaping will be accommodated on-site.

Furthermore, drainage will continue to be reviewed as part of the building permit submission of detailed engineering plans. Staff note that a portion of the window well extends into the rear yard setback, which may or may not comply with the by-law.

Variance #2 – Residential Floor Area Ratio (Objection)

The intent of regulating the residential floor area ratio is to ensure that the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The statistics provided on the site plan show that the applicant has requested a residential floor area ratio increase of 4.86% (36.6m²) from that permitted through the Town of Oakville Zoning By-law. In reviewing the site plan and elevations provided, it appears the proposal may result in a dwelling with a mass and scale that results in an overpowering effect on the directly abutting properties. Staff recognize that this is a pie shaped lot, which permits a large dwelling as of right.

Staff requested additional information from the applicant to assist in completing a more fulsome review of the requested residential floor area ratio variance. The additional information has not yet been received. Based on the information provided through the submission, Staff are of the opinion that the increase in residential floor area ratio does not maintain 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 variance proposed for an increase in residential floor area does not represent the appropriate development of the subject property as the variance is not minor in nature. The proposed dwelling may create negative impacts on the public realm in terms of massing and scale, which does not fit within the context of the existing neighbourhood. Staff does not object to the requested variance related to the window well width as it is minor in nature, and it is staff's opinion that variance #1 satisfies all four tests under the Planning Act. Staff object to variance #2 on the basis that 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.

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: CAV A/079/2024 – A. Amin & M. Amin, 2092 Seabrook Drive, Oakville

- 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 encroachment into the minimum rear yard for the window well and an increase In the

maximum residential floor area ratio, 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 – 1

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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

1 Letter of Objections:

I am opposed to the submission to increase the maximum residential floor area ratio from 40% (301.2 sq m) to 44.86% (337.8 sq m) based on the following;

- Infill development is decreasing the amount of greenspace on the lot and is in direct conflict with the declaration of climate emergency put forward by Town of Oakville in 2019.
- This property is located in the Saville Neighbourhood corridor which is currently experiencing challenges with stormwater management. Continuing to decrease greenspace will increase pressure on an already at risk system. See <https://www.oakville.ca/home-environment/environment/environmental-projects-studies/saville-area-stormwater-system-improvement-study/>
- The maximum residential floor area ratio established for this lot is adequate to accommodate a family environment.

Thank you for your consideration,
Rod Sowerby
2082 Saxon Road