

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/068/2024-Deferred May 01, 2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 26, 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 ² and 742.99 m ² shall be 41%	To increase the maximum residential floor area ratio to 45.42%.
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 28.58%.

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 June 26, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, 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.

A minor variance application was previously submitted for consideration by the Committee on May 1, 2024. This application was deferred due to Staff comments objecting to two of the proposed variances, those being residential floor area and lot coverage. Please see the table below for the list of variances proposed in May 2024, and the revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	May 1, 2024	June 26, 2024
Maximum Residential Floor Area Ratio	41.0%	48.41%	45.42%
Maximum Lot Coverage	25.0%	29.26%	28.58%

Changes to the Proposal

Through the comments prepared for the May 1, 2024, Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling appearing as substantially larger than adjacent dwellings, therefore creating an overpowering effect on the streetscape;
- The two-storey front porch element that projected outward towards the public realm;
- The overall increase in residential floor area and lot coverage being requested, resulting in a dwelling with a mass and scale that would not be compatible with the existing stable residential neighbourhood;
- The height variance that appeared to have been missed by the applicant and was not listed in the Notice of Public Hearing. The height of the dwelling was 9.78 metres on the plans that were submitted, whereas 9.0 metres is the maximum height allowed under the By-law; and,
- The proposed floor area ratio and lot coverage variances would not maintain or protect the existing neighbourhood character.

As seen in the renderings below, revisions have been made to reduce the massing of the proposed dwelling to provide an adequate transition to the existing dwellings in the immediate neighbourhood. The floor area ratio and lot coverage variances have been reduced to mitigate some of the massing and scale concerns from the original proposal. This also results in a slightly smaller building footprint, therefore decreasing the amount of hardscaped and impermeable areas on the lot to help better deal with on-site stormwater management. Additionally, the two-storey front porch element that projected outward towards the street has been lowered to one-storey in height to reduce the impacts on the public realm. The height of the dwelling has also been lowered from 9.78 metres to 8.38 metres, below the maximum permitted under the By-law (9.0 m), which helps to further reduce the concerns over any potential shadowing or overlook conditions onto abutting properties. The introduction of the one-storey front porch element, along with the inclusion of a decorative wooden railing along the westerly portion of the dwelling helps to create a continuous architectural element along the front façade between the first and second floors. This further assists in breaking up the verticality of the front façade by de-emphasizing height and massing of the dwelling.

It is Staff's opinion that the reduction to the floor area ratio and lot coverage variances, in addition to the changes made to the front façade, helps break up the massing and scale of the dwelling and adequately mitigates potential impacts. The revised proposal results in a dwelling that is compatible with the existing character of the neighbourhood.



Front Elevation – May 1, 2024



Front Elevation – June 26, 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 regulating the maximum residential floor area and lot coverage 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 May 17, 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 Concern for Fire.

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

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- It is understood that this application was deferred from May 01, 2024. Regional comments provided on April 25, 2024 still apply.
- 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 to the maximum

residential floor area ratio and an increase to the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of constructing 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: None

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 May 17, 2024.
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.

A rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer