

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/108/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JULY 24, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Pratik Babariya	Kurtis Van Keulen Huis Design Studio 301-1a Conestoga Dr Brampton ON, Canada L6Z 4N5	453 Scarsdale Cres PLAN 852 LOT 138

**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>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 44.96%.

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.

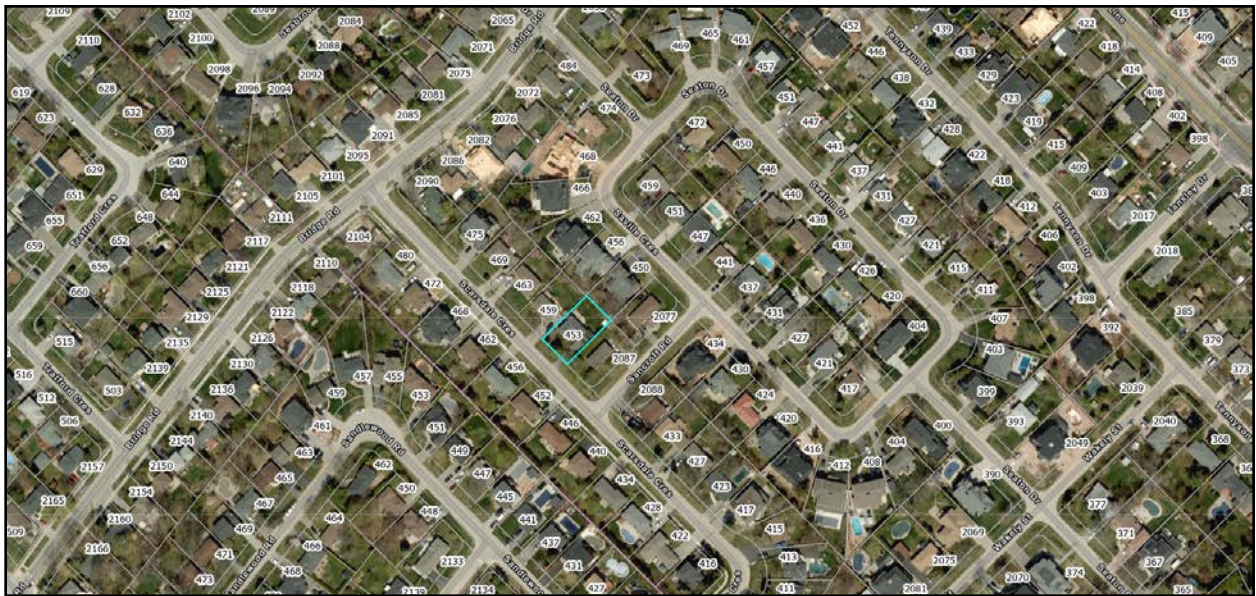
The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on July 24, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

CAV A/108/2024 - 453 Scarsdale Cres (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling, subject to the variance listed above.

Site Area and Context

The subject lands are located in a neighbourhood that is in transition. The neighbourhood consists of original one-storey, one-half-storey and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs.



Aerial Photo – 453 Scarsdale



Rendering of the proposed development prepared by the applicant

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 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 described above,

maintains the general intent and purpose of the Official Plan.

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

Variance #1 – Residential Floor Area (No Objection) – increased from 41% to 44.96%

The intent of the Zoning By-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale do not appear larger than the dwellings in the surrounding area. The applicant is proposing an approximate increase in residential floor area of 27.6 square metres. The overall massing and scale of the proposed dwelling is mitigated by the articulation of the façade, the dropping of height above the main living area and various stepbacks and one-storey elements. Staff are satisfied that the proposed development is compatible and in keeping with the pattern of new development in the area. Accordingly, staff are of the opinion that the proposed variance 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 on 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 29, 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.

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

Transit: No Comments received.

Finance: No Comments received

Metrolinx: There are no applicable comments for this application.

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 to the maximum residential floor area, 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.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated May 29, 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.



FOR

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email in Opposition – 1

From: [REDACTED]
To: [coarequests](#)
Subject: [EXTERNAL] 453 Scarsdale Cres, Plan 852, LOT 138 / COA Application
Date: July 17, 2024 9:59:11 AM

Further to your letter regarding the above, I live next door at [REDACTED] Scarsdale. My question is how many houses in this neighbourhood, given the numerous tear downs and builds, exceed the standard of 41%. And given there is a difference between 650 and 742.99 m² of 14%, the requested additional 4% (rounded) may make a significant difference given the EXACT size of this lot. And then how does the Town ensure it isn't larger than that.

Also, speaking with the various individuals of some of the new builds, there are numerous water issues – basements requiring many sump pumps or experiencing flooding, as well as flooding to backyards and other properties given the expansion and patios with rainwater not having much space to go. FYI, there's a house on Salisbury where the sump pump is constantly draining water into the ditch – I notice as I walk my dog that way most days.

I also introduced myself to a couple who said they were the owners and “dentists from North Bay”, but didn't introduce themselves. I heard from a friend in Mississauga who said that she too had met 3 “dentists from North Bay” who had just bought a property. I wonder what potential deception(s) may be next.

I realize there are rules and by-laws, but the waste, impact on the environment, and can someone pick a colour other than grey or beige?

To summarize:

How many huge monster (ugly) homes does one neighbourhood need? I am guessing property taxes play into this decision? How does the Town ensure that things are done to specifications and to code given the sheer number of tear downs/rebuilds are happening in this neighbourhood? Will my property taxes be impacted by having so many houses being over the 41% "rule"?

Sincerely
Diane Petrie