

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/155/2024 86 SELGROVE CRES

RELATED FILE: N/A

DATE OF MEETING: October 30, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
S. SAMARA	Joseph Domb JD COA Consulting 133 Torresdale Ave Unit 207 North York ON, M2R 3T2	PLAN 669 LOT 221 86 Selgrove Cres 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 new two-storey detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to 1.61 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
2	<i>Table 6.3.1 (Row 5, Column RL2)</i> The minimum interior side yard shall be 2.4 m.	To reduce the minimum easterly interior side yard to 1.78m.
3	<i>Section 6.4.2 (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 27.57%.

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/155/2024 - 86 Selgrove Crescent (West District) (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling subject to the variances listed above.

Site Area and Context

The subject lands are located in a neighbourhood consisting of original one 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 – 86 Snelgrove Crescent

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 by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character.

Section 11.1.9 (b) states that development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood. Under the Livable Oakville Official Plan, compatible means the development or redevelopment of uses which may not necessarily be the

same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.

The applicant is requesting relief for lot coverage which is partially triggered by extended eaves that project beyond 0.6 metres from the wall. Through the review of the proposed application, it has been identified that the eaves extend further than 0.6 metres into a required yard which is not permitted. The larger eaves are proposed to extend as close as 0.14 metres to the lot line which has a risk of having an adverse impact on adjacent properties making the proposed variances not desirable for the appropriate development of the subject lands and not in keeping with the Official Plan. It is also noted that the proposed design of the dwelling may be updated to reduce the eaves and that updated design should be reviewed by staff to confirm compatibility.

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

The variances combine to result in a dwelling that has a potential adverse impact on an adjacent property, therefore none of the variances can meet the intent of the Zoning By-law as the design of the dwelling could change in order to address reducing the enlarged eaves.

Variance #3 – Maximum Lot Coverage – (Objection) 25% to 27.57%

The intent of regulating the lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The statistics provided on the site plan show that the applicant has requested a lot coverage increase of approximately 2.57% (26.87 m²) from the maximum permitted through the Town's Zoning By-law. As noted, part of the increase in lot coverage (10.09 sq. m.) is triggered by the enlarged eaves that do not comply with maximum projection into a required yard. As a result, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #2 – Minimum Interior Side Yard – (Objection) 2.4 m reduced to 1.78 m

The intent of regulating side yard setbacks is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. When combined with the enlarged eaves, there appears to be insufficient space in the side yard to allow for the maintenance of the eaves. Therefore, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #1 – Maximum Private Garage Projection (No Objection) – 1.5 m increased to 1.61 m

The intent of regulating the garage projection is to prevent the garage from being a visually dominant feature of the dwelling. The garage is not a visually dominant feature of the dwelling, as a result Staff do not have an objection to the variance.

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

It is staff's opinion that the cumulative impacts of the requested variances result in a proposed dwelling that has the potential to have an adverse impact on adjacent properties as a result of the eaves projecting too far into the required yards. The requested variances are not minor in nature or appropriate for the development of the lands.

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Fire: No concerns for fire.

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 attached private garage projection to 1.61 m from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented towards the front line, a decrease to the minimum easterly interior side yard to 1.78m and an increase to the maximum lot coverage to 27.57% , under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new two-storey detached dwelling on the Subject Property.

Halton Conservation: No comments received.

Hydro: No comments.

Metrolinx: No comments.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 1 (see below)

Additional Roof / shading increasing the lot coverage from 25% to 27.57%



Good day,

This is Maria Eskandar & Fady Gerges the owners of [REDACTED] of 86 Selgrove Cres (subject property).

We are highly concerned about the following:

Our understanding is that the lot coverage increase request was for the most part to accommodate the roof overly extension (see the drawing attached).

We noted that the distance from the house at 86 Selgrove to the property line from the west side is roughly 4 feet and the roof extension is 3.5 feet from the wall end (see picture attached), which leaves only 6 inches from the rooftop end to the property line. We believe this will be too close to our property and will affect the overall appearance adversely, block the light to some extent throughout the side path and windows, and in addition we are planning to add privacy plants which will, in turn, need good light to grow. We would kindly request that the roof get back to align with the house and not extend overly.

We would appreciate considering our concern. Please feel free to call and discuss.

Thank you,

Maria & Fady
[REDACTED]

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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment