

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/113/2024 Deferred from August 7, 2024

RELATED FILE: N/A

DATE OF MEETING: October 30, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
C. PAUL C. PAUL	Pamir Rafiq Lucid Homes Inc 28 Crescent Rd Oakville ON L6K 1W4	PLAN 347 PT LOTS 136,137 28 Crescent Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL4-0
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 variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 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 43.52%.
2	<i>Section 6.4.3 (a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 8.54 metres.	To reduce the minimum front yard to 7.77 metres.

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/113/2024 Deferred from August 7, 2024 - 28 Crescent Rd (West District) (OP Designation: Low Density Residential)

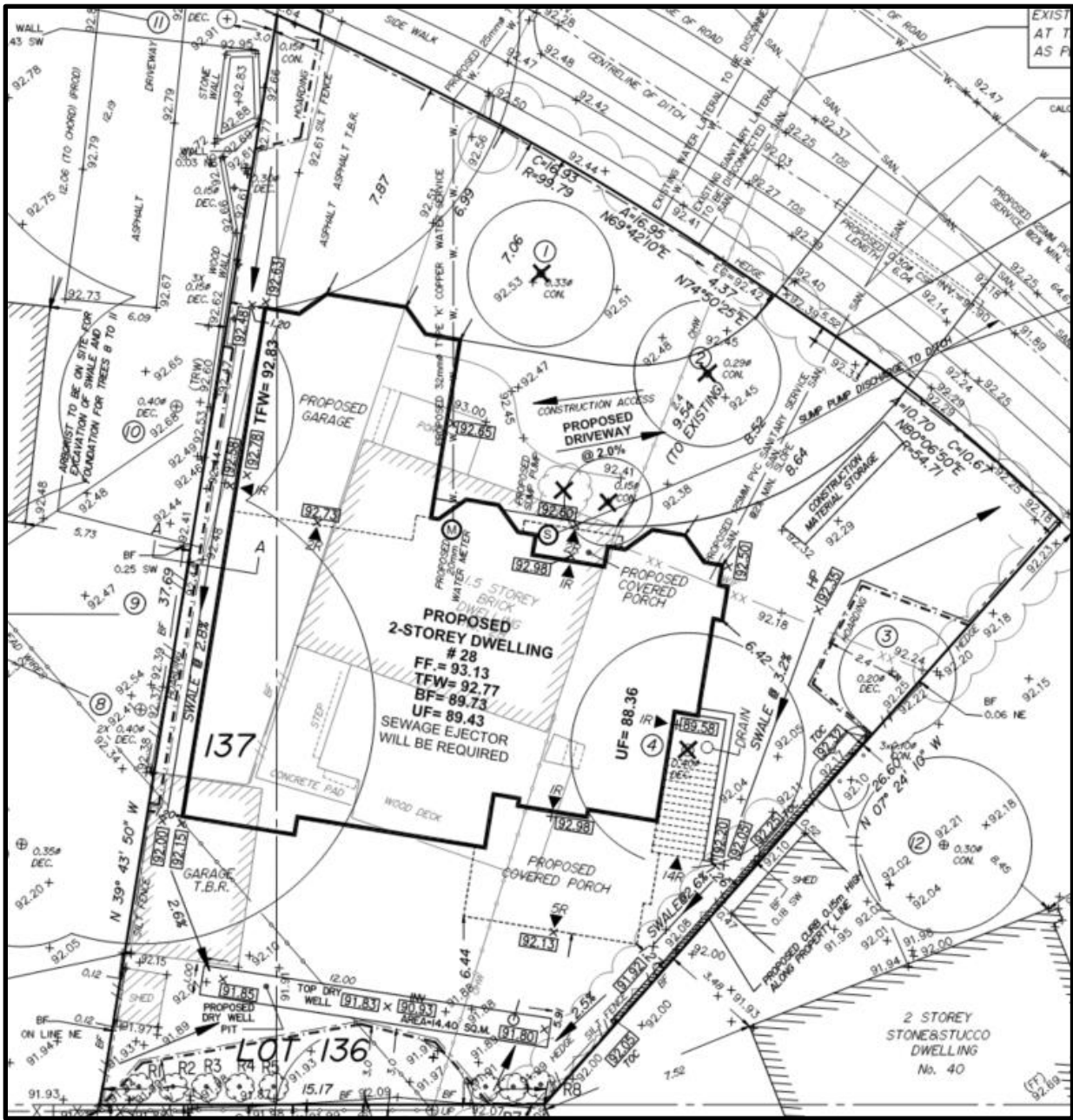
The applicant is proposing to construct a two-storey detached dwelling, subject to the variances listed above.

A minor variance application was previously submitted for consideration by the Committee on August 7, 2024. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application. A revised minor variance application is now before the Committee of Adjustment for consideration.

The revised application results in a reduced variance request for residential floor area ratio and front yard setback, along with updates to the dwelling design and the elimination of two variances that were previously sought. Please see the table below for the variances proposed in August of 2024, and the variances brought forward today.

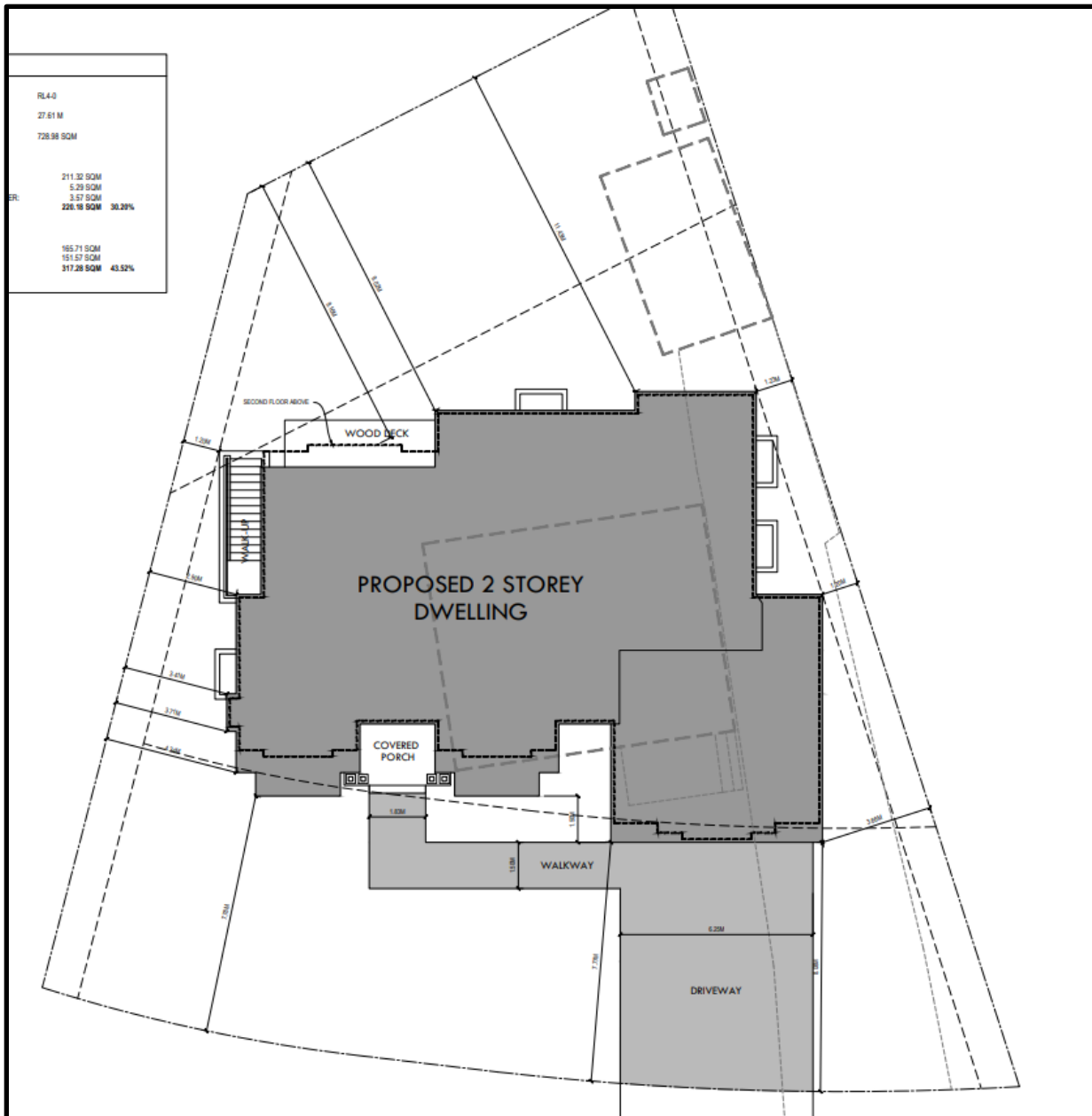
Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	August 7, 2024	October 30, 2024
Residential Floor Area	41%	43.79%	43.52%
Front Yard Setback	8.54 m	6.99 m	7.77 m
Garage Projection	1.5 m	7.66 m	-
Rear Yard Setback	7.5 m	5.91 m	-

The original application resulted in an increase in residential floor area of approximately 20.36 square metres and the revised application results in an increase of approximately 18.40 square metres. In addition to the decrease in residential floor area, the applicant eliminated the garage projection variance so that the dwelling now has a street facing integral two-car garage, and a rear yard setback which complies with the minimum requirements under the By-law. The second floor of the dwelling has also been stepped-back to help mitigate some of the previous concerns with the overall massing and scale. Below is a comparison of the site plans and elevations of the two dwellings and the changes that have been implemented to address staff concerns around the massing and scale impacts on abutting properties.



Site Plan

August 7, 2024 – 28 Crescent Road



RL4-0	
27.61 M	
728.98 SQM	
211.32 SQM	
5.29 SQM	
3.57 SQM	
226.18 SQM	30.20%
165.71 SQM	
161.57 SQM	
317.26 SQM	43.52%

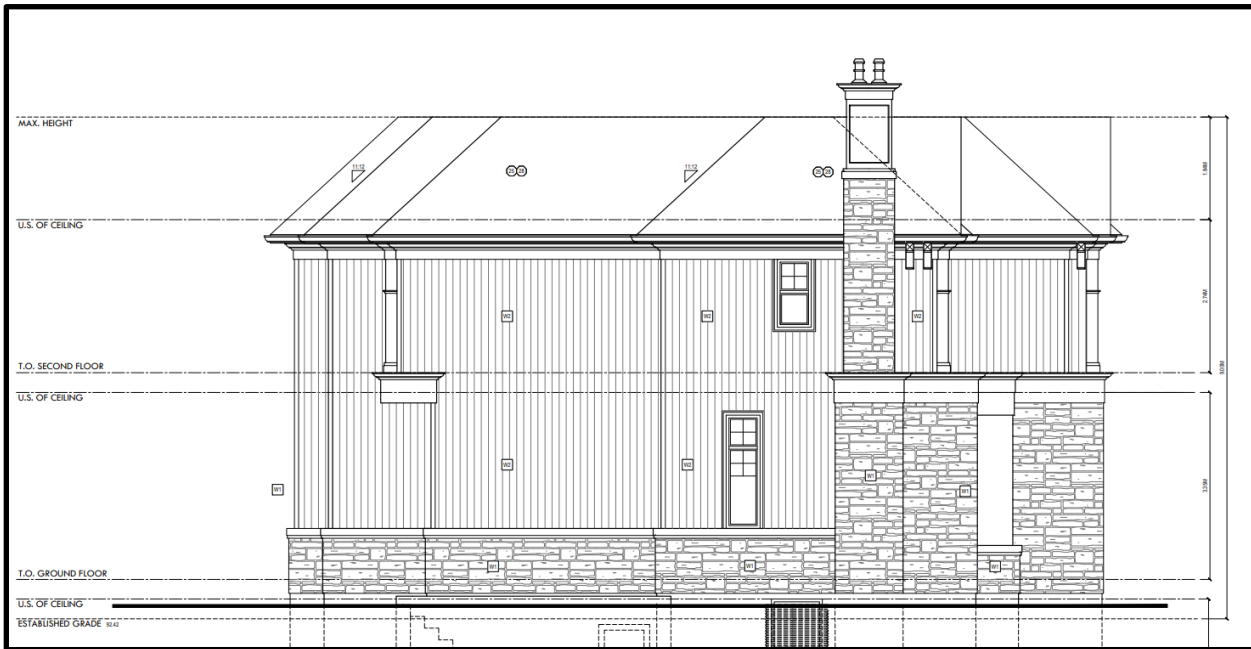
Revised Site

Plan October 30, 2024 – 28 Crescent Road



East Elevation

August 7, 2024 – 28 Crescent Road



Revised East

Elevation October 30, 2024 – 28 Crescent Road



Front Elevation

August 7, 2024 – 28 Crescent Road

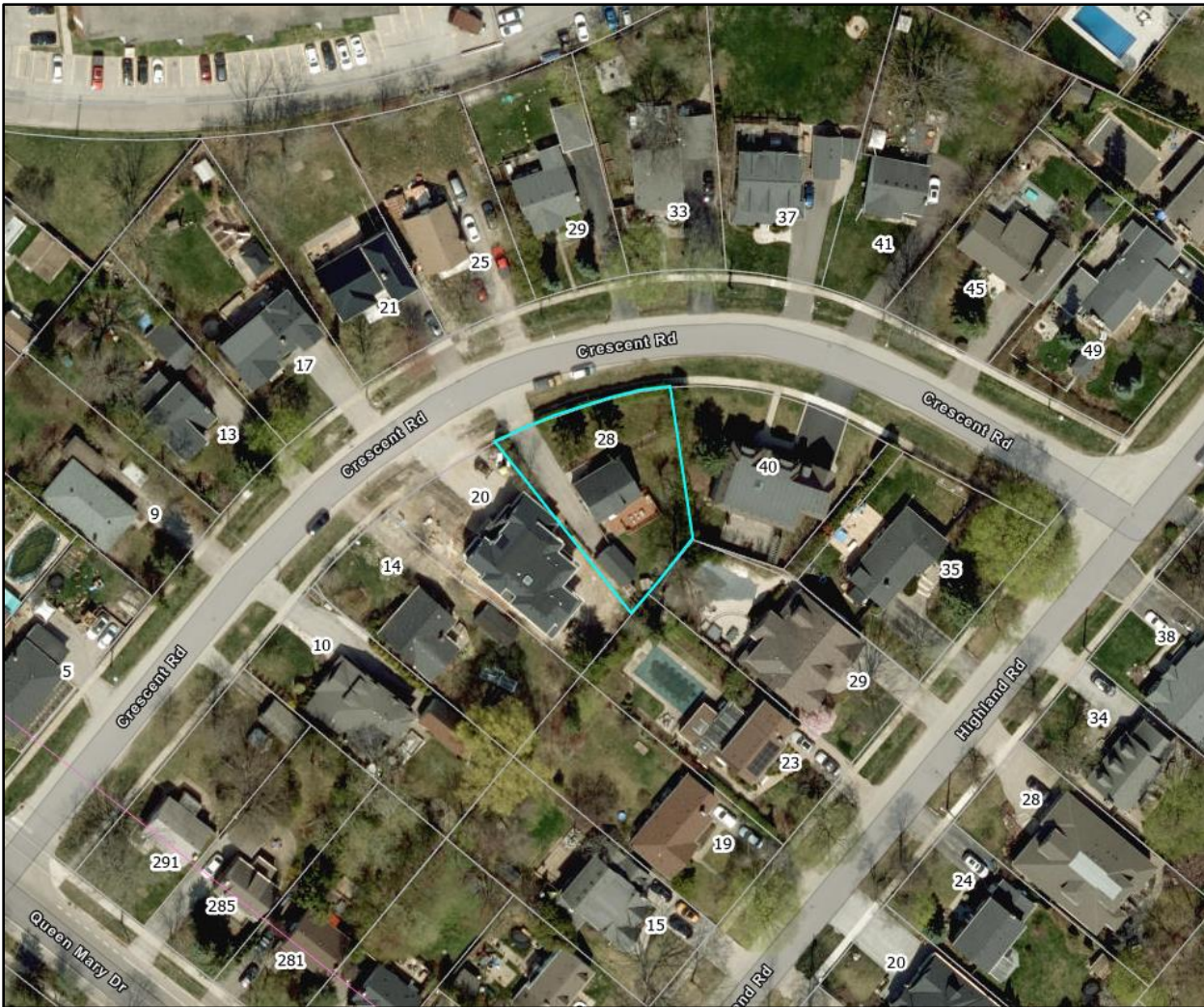


Revised Front

Elevation October 30, 2024 – 28 Crescent Road

Site and Area Context

The subject property is located in a neighbourhood with original one, one-half, and two-storey dwellings, as well as newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs and consist of massing that is broken up into smaller elements, lowered roof lines, front façade articulation to create visual interest, 1-storey front porch elements, and attached garages most of which are either flush with the front main wall of the dwelling or are within the permitted garage projection.



Aerial Photo – 28 Crescent Road

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. The revised proposal includes a more traditional street facing two-car integral garage, which is similar to others in the neighbourhood, has stepped-back significant portions of the second floor along the front façade to limit any perceived massing or scale impacts from the public realm, eliminated the rear yard setback variance to ensure proper grading and drainage on the lot, and increased the front yard setback to be more in line with adjacent properties. It is staff's opinion that the revised proposal 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 applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Residential Floor Area (No Objection) – 41% increased to 43.52%

Variance #2 – Minimum Front Yard (No Objection) – 8.54 m decreased to 7.77 m

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 intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The applicant has requested a revised residential floor area ratio increase of approximately 2.52% (18.40 square metres) from the maximum permitted through the Town's Zoning By-law. Although there is still an open-to-below area at the rear of the dwelling, the overall improvements to the exterior design of the dwelling, in combination with the elimination of two additional variances results in a proposal that is significantly more in keeping with the area. The proposed reduction in the front yard setback results in a 0.77 m decrease from the minimum requirement under the By-law. This has been improved from the 1.55 m decrease that was requested in the previous version of the development proposal, and the new front yard setback of 7.77 m is considerably more in line with abutting properties and does not cause any negative impacts to the local streetscape. As mentioned above, the massing and scale of the proposed dwelling is mitigated by the updates to the design of the dwelling. Staff are of the opinion that the proposal is compatible and in keeping with the character of the neighbourhood and are supportive of the requested variance.

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

Staff are of the opinion that the proposal represents appropriate development of the subject property. The variances are 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 variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated September 19, 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.

Halton Region:

- It is understood that this application was deferred from August 7, 2024. Regional comments provided on August 1, 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 to 43.52% and a decrease to the minimum front yard to 7.77 m, 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.

Halton Conservation: No comments.

Hydo: No comments received.

Metrolinx: No comments.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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, 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 states, 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment