

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/023/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A.Weir E. Eldaly	Homeowner; A.Weir	PLAN M6 LOT 126 2358 Rebecca St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL3-0, Residential  
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 on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
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 <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 45.87%.

### 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)

**2358 Rebecca Street (West District)** (OP Designation: Low Density Residential)

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

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:

#### **Site Area and Context**

The subject lands are located along the south side of Rebecca Street between Jones Street and Vilma Drive, which is characterised as having a mix of one-, one-and-a-half and two-storey dwellings with some newer two-storey dwellings having been constructed in recent years.



*Aerial Photo – 2358 Rebecca Street*

The following images are of adjacent dwellings and other dwellings along Rebecca Street.



*Lands to the East – 2346, 2350 and 2354 Rebecca Street*





*Lands to the West – 2362, 2366 and 2370 Rebecca Street*

The following images illustrate the existing dwelling and proposed dwelling at 2358 Rebecca Street.

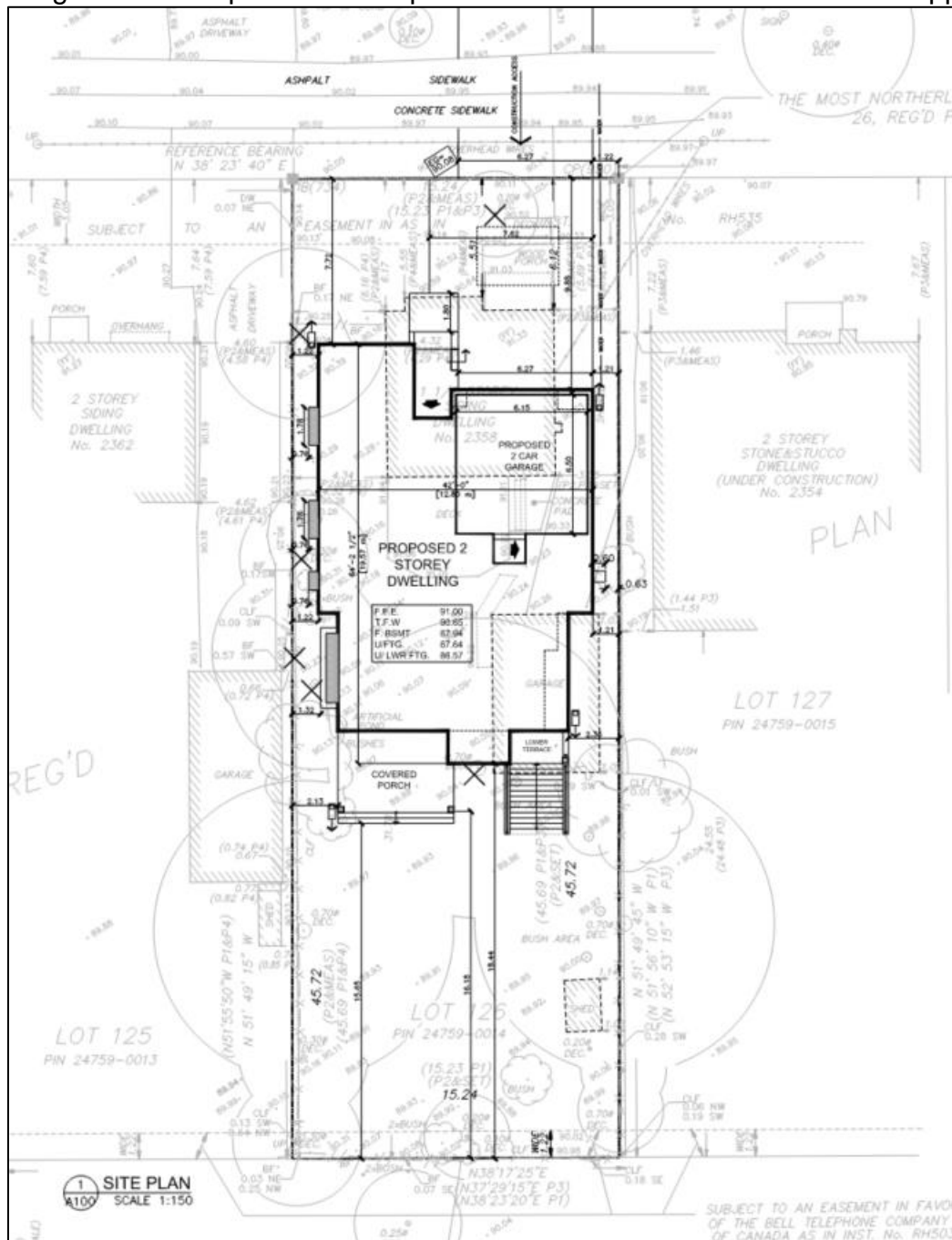


*Subject lands – 2358 Rebecca Street*

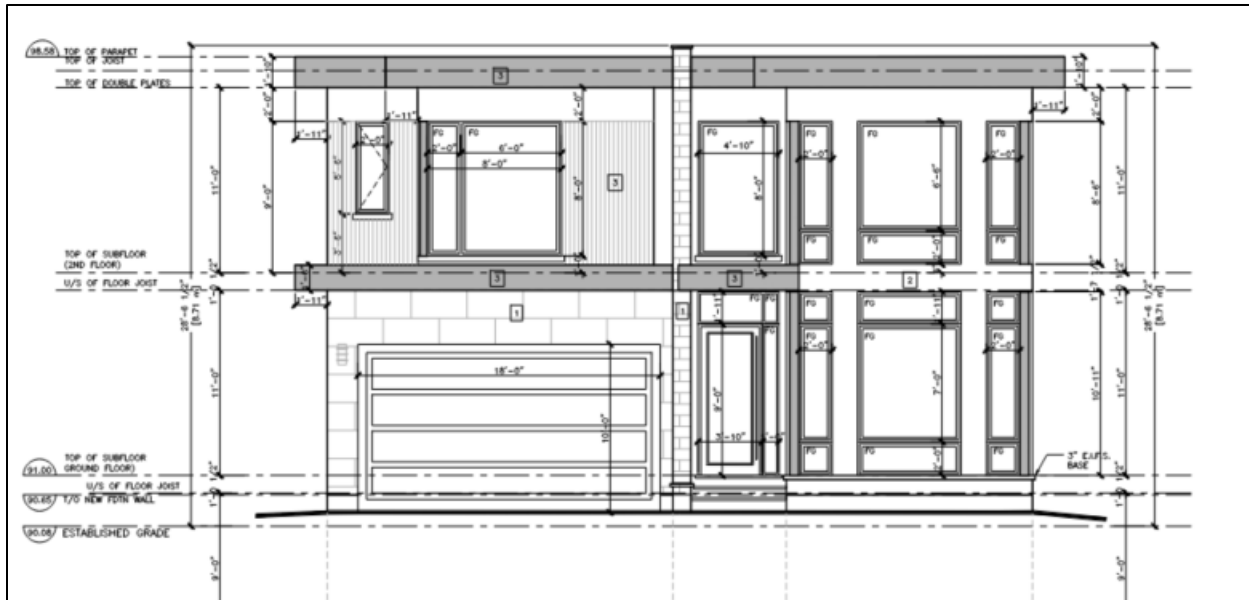


*Excerpt of 3D View – 2358 Rebecca Street*

The following images are excerpts of the site plan and elevations submitted with the application.







*Excerpt of North Elevation – 2358 Rebecca Street*

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

The subject property is designated Low Density Residential in the Livable Oakville 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. 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.”*

In staff’s opinion, the proposed residential floor area increase, along with the architectural design of the dwelling’s exterior, have not been properly considered when examining it against the character of the existing neighborhood. The proposed dwelling appears relatively monolithic and imposing with the reduced setbacks and lacks mitigation such as step backs. The design also incorporates the use of vertical elements in the front façade, such as the double height of the entrance and living room, which further emphasize the massing and scale of the building. As such, the proposal results in a development that appears to be substantially larger than the surrounding dwellings, which would result in negative cumulative impacts on the surrounding neighbourhood.

On this basis, it is staff’s opinion that the proposed variance does not maintain the general intent and purpose of the Official Plan, as it would contribute to a proposed development that would not maintain nor protect the character of the existing neighbourhood.

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

The applicant is requesting relief from By-law 2014-014 to permit an increase in residential floor area from 41% to 45.87%, which equals an increase of 34 square metres. The intent of regulating the residential floor area ratio is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff note that in the subject application, a significant increase to residential floor area is being sought and that there is an open to below above the living room in the front portion of the dwelling, as well as a small open to below over the foyer. In addition to the requested increase in residential floor area, the open to below areas push the second-storey floor area to the perimeter of the dwelling, resulting in effectively an overall increase of approximately 29 square metres in residential floor area and a perceived built-form increase of 4.1%. While the open-to-below areas do not technically count towards the residential floor area, it contributes to the massing and scale of the dwelling in a manner that is not maintain or protect the neighbourhood character. Therefore, staff cannot confirm that the proposal does not maintain the general intent and purpose of the Zoning By-law based on the exterior scale and massing impacts.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the proposal does not represent the appropriate development of the subject lands as the variance is not minor in nature and will result in a dwelling that appears larger than those in the immediate area. Although there are other newer two-storey dwellings along this portion of Rebecca Street, they were either built in compliance with the Zoning By-law or staff did not support the requested increases to residential floor area ratio. For example, the Minor Variance Application submitted for 2366 Rebecca Street requested an increase to 45.99% residential floor area and, following a deferral, withdrew their application. The proposed dwelling for the subject site would create negative impacts on the streetscape, in terms of massing and scale, and ultimately it does not fit within the context of the surrounding neighbourhood.

### **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.

### **Note:**

Development Engineering staff advise that the proposed development will be subject to the Site Alteration process and that a "best-efforts" approach for stormwater management will need to be implemented (25mm retention is recommended), as the hardscaped area of the site is significantly increasing. Staff also note that the westerly interior side yard will be heavily constrained due to the proposed window well locations. A grading plan has not been submitted, so it is difficult for staff to provide additional comments at this time.

**Fire:** No concerns for fire.

**Halton Region:**

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 45.87%, 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.

**Metrolinx:** Upon review, we note no properties fall within our review zones.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 3**

**PETITION IN SUPPORT**

To: Town of Oakville, Committee of Adjustment and Planning Department.

I, the undersigned, have discussed with the applicant the variance related to the increase in floor area for the proposed detached dwelling at 2358 Rebecca St. Oakville. I have no objection to the proposal and support the application for Minor Variance.

Laure Girdle Feb 2/25 [Redacted] Jennifer C. [Redacted]

Name

Date

Address



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I, the undersigned, have discussed with the applicant the variance related to the increase in floor area for the proposed detached dwelling at 2358 Rebecca St. Oakville. I have no objection to the proposal and support the application for Minor Variance.

Name Address Date  
Juan Pinaros [REDACTED] Rebecca St  
Feb 2nd/2025

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I, the undersigned, have discussed with the applicant the variance related to the increase in floor area for the proposed detached dwelling at 2358 Rebecca St. Oakville. I have no objection to the proposal and support the application for Minor Variance.

Name Address Date  
Karen Mercer [REDACTED] Sussex Street  
Feb 2/25

Letter(s) in opposition – None.

### 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