

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/023/2025 (Deferred from February 19, 2025)**

**RELATED FILE: N/A**

### **DATE OF MEETING:**

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) on Wednesday, April 02, 2025 at 7 p.m.

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

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL3-0, Residential**

**WARD: 1**

**DISTRICT: West**

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### **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:

No.	Current	Proposed
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 44.33%.

## **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)

**A/023/2025 – 2358 Rebecca St (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.

### **Background**

A Minor Variance application was previously submitted for consideration by the Committee on February 19, 2025. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application.

The revised application results in a reduced variance request to increase the residential floor area ratio from 41% to 44.33%; whereas the previous request was to permit an increase of 45.87%. The original increase was equivalent to 34 sq m (366 sq ft) and the revised application seeks an increase of 23.27 sq m (250 sq ft). The reduction in residential floor area ratio is attributed to a reduced dwelling depth and the applicant has increased the front yard setback to minimize perceived impacts of scale and massing of the proposed dwelling.

### 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 (Photo taken February 11, 2025)*



*Lands to the West – 2362, 2366 and 2370 Rebecca Street (Photo taken February 11, 2025)*

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

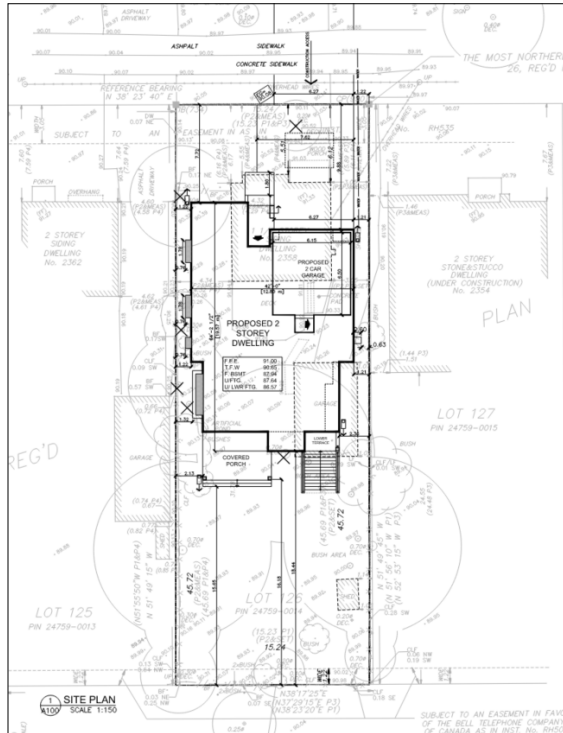


*Subject lands – 2358 Rebecca Street (Photo taken February 11, 2025)*

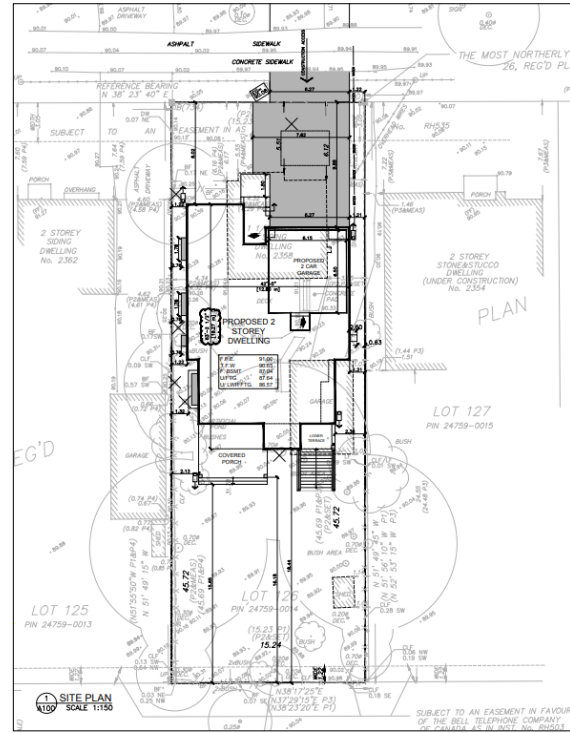


*Excerpt of 3D View – 2358 Rebecca Street*

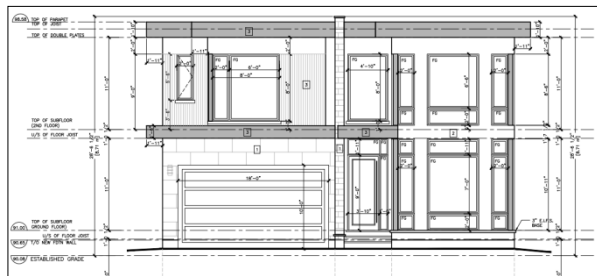
The following images are excerpts of the revised site plan and elevations submitted with the application.



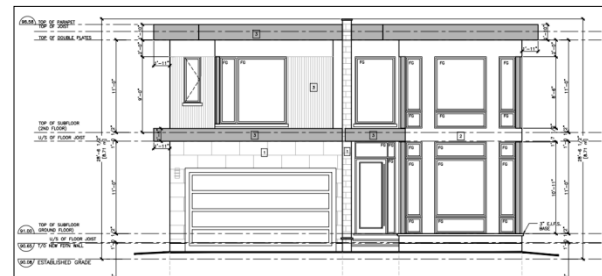
Proposed Site Plan –September 16, 2024



Proposed Site Plan –February 18, 2025



Proposed Front Elevation – September 16, 2024



Proposed Front Elevation – February 18, 2025

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 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.”*

The revised submission fails to address staff's previous concerns regarding architectural mitigation of the scale and massing of the proposed dwelling, such as the incorporation of varying building materials and step backs along the sides of the building towards the front of the property. Two-storey elements along the front façade, such as the double height of the entrance and living room, remain unchanged, 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, including recently constructed dwelling to the east, and 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 seeking relief from the Zoning By-law 2014-014, as amended, to increase the Residential Floor Area from 41% to 44.33%, which is equivalent to an increase of 23.27 sq m (250 sq ft). The intent of regulating residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. In addition to the requested increase in residential floor area, the open to below areas above the living room and foyer continue to push the second-storey floor area to the perimeter of the dwelling, resulting in effectively an overall increase of approximately 19 sq m (212.8 sq ft) in residential floor area and a perceived built-form increase of 2.7%. While the open-to-below areas do not technically count towards the residential floor area, the full two-storey massing adjacent the public realm contributes to the massing and scale of the dwelling in a manner that does not maintain or protect the existing neighbourhood character. Furthermore, the increase to the front yard setback results in the proposed dwelling being shifted further into the rear yard and significantly beyond the adjacent dwelling to the east, which was recently constructed.

Therefore, the proposal fails to address staff's previous concerns regarding architectural mitigation of the scale and massing of the proposed dwelling and the proposal does not maintain 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 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 (CAV A/008/2018). The Minor Variance Application submitted for 2354 Rebecca Street (adjacent lands to the east) proposed an increase in residential floor area of 43.92% (CAV A/059/2022); however, the dwelling design included stepping back the second storey in various locations. The recently constructed dwelling located at 2356 Rebecca Street has a similar architectural design to the subject application, although it was constructed in compliance with the Zoning By-law.

The proposed dwelling for the subject site would create negative impacts on the adjacent lands and streetscape, in terms of massing and scale, and ultimately it does not fit within the context

of the surrounding neighbourhood. Accordingly, in staff's opinion the proposal is not desirable for the appropriate development of the subject lands and not minor in nature.

**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.

**Oakville Hydro:** We do not have any comments to add.

**Transit:** No comments received.

**Finance:** No comments received.

**Halton Region:**

- It is understood that this application was deferred from February 19, 2025. Regional comments provided on February 13, 2025, still apply.
- 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 in the maximum residential floor area ratio to 44.33%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling on the Subject Property.

**Union Gas:** No comments received.

**Bell Canada:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 1**

Tilo Blankenfeldt  
Sussex Street  
Oakville, ON  
L6L 3H1

March 26, 2025

Jen Ulcar  
Secretary-Treasurer, Committee of Adjustment  
1225 Trafalgar Rd  
Oakville, ON L6L 0H3

**Subject: Variance Request by Allison Weir for Subject Property  
2358 Rebecca Street, PLAN M6 LOT 126**

Let me give you a brief Background before addressing our concerns in regards to the above application. We have lived at [redacted] Sussex Street for a number of decades. It has for the most part been a quiet neighborhood in which we raised our children. The construction of the Bronte bridge changed traffic patterns in the area dramatically. It is not unusual to see the late afternoon rush hour traffic on the west bound Rebecca Street backing up from Bronte Rd past Sussex Street, making entry to and exit from Sussex Street difficult all the while the traffic on Sussex Street is backing up to St.Dominics Crescent and at times beyond.

Now to the application before us.

While it is difficult to object to a neighbor's house being slightly larger than allowed, there are some points worth considering before approval is given. And perhaps some conditions should be in place before proceeding.

It is obvious that a larger home requires: more building materials, deliveries, contractors and workers, longer construction time, and upgrading of the lot's services and infrastructure (200 amp electrical from 100amps, Sewer and Water, Gas, Communications lines and cables). And in regards to the later, I can't even recall how often the Eastbound lane of this busy through fare has been ripped up over the past few years for the two properties constructed on the south side of Rebecca, just East and West to the applicant's property.

Living on Sussex Street, our neighbors and our family, had the unpleasant experience over the last few years to being impacted by the construction of above mentioned two homes on the south side of Rebecca. Sussex Street became the staging area for their building materials. Meaning, dumping material on the road in front of our homes and leaving it there until needed: Bricks, gravel, soil, dirt. All day long, smaller but none the less, noisy frontend loaders were shuttling between construction site and the afore mentioned materials. With an almost constant beep — beep — beep, while going in reverse. Between 6am and 10am Big trucks with flat beds were unloading heavy construction and excavation equipment. All the while big diesel engines were running. All contractors and their employees were parking their vehicles in the few spaces left available on both sides of Sussex Street, leaving only one lane open for both directions of traffic, thereby resulting in traffic chaos especially during the morning and afternoon rush hours. Collection services of brush and garbage was also impacted. The Garbage collection trucks were forced to block the only available lane and their personnel had difficulty retrieving the waste materials from the roadside because they were blocked by the aforementioned parked vehicles and deposited building materials.

In summary, our street and our homes are negatively impacted by the effects of new large home construction on Rebecca Street and unless a satisfactory solution or an acceptable



compromise can be found, we are opposed, not necessarily to new construction, but the way it is carried out. We are also deeply concerned over our declining quality of living on Oakville, and particularly on Sussex Street. The noise, from the construction site, the noise and vibration from the heavy construction equipment on our street, rude contractors (blocking our driveway for hours) and the traffic congestion contribute to an unpleasant, dirty and annoying environment.

Perhaps it is time to look for some new solutions. It may be possible to work out an arrangement with St. Dominics Church to utilize their empty parking lot during weekdays. And maybe some traffic controls could be implemented to regulate traffic and minimize the risk of mishap or accidents. Other jurisdictions require a police officer present for extended lane closures, as on Rebecca. It would also help if the town were to restrict construction in residential areas to the hours from 8am to 6pm Monday to Saturday, from the current 6am to 10pm on any day.

Whatever you decide, we are not looking forward to another summer of construction congestion, excessive noise and dirt.

Oh, and one more thing: At no time did the home owners, their construction companies or contractors of the two above mentioned properties on Rebecca contact us to prepare us for what was going to happen or god forbid, even apologize for any inconvenience. Rather, they have treated our Street as if they owned it.

Please consider this letter also as our request to be notified in writing, of your decision for the application under consideration.

Sincerely,

Tilo and Doris Blankenfeldt

*J. Ulcar*

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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment