

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/005/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JANUARY 25, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Brenda Sweeney & Donald Nelson 67 Raymar Place Oakville ON L6J 6M1	Glen Schnarr & Associates c/o David Capper 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN M353 LOT 4 67 Raymar Place Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0
DISTRICT: East

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):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 6, Column RL3) The <i>minimum rear yard</i> shall be 7.5 m.	To permit a <i>minimum rear yard</i> of 6.05 m.
2	Section 6.4.1 The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> less than 557.5 m ² shall be 43% (237.76 m ²); (Lot area is 552.94 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 50.5% (279.23 m ²).
3	Section 6.4.2 a) (Row RL3, Column 3) The maximum <i>lot coverage</i> shall be 35% (193.53 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> .	To permit the maximum <i>lot coverage</i> to be 37.60% (207.9 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
4	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.19 metres.

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)

CAV A/005/2022 - 67 Raymar PI (East District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by two-storey dwellings original to the area and newly constructed two-storey dwellings. There are sidewalks on the east side of Raymar Place in front of the subject property.

A previous minor variance application (CAV A/026/2021) was approved for the subject property on March 9, 2021, for a different design that involved an addition to the existing dwelling. This decision approved variances for an increase in residential floor area ratio from a maximum of 43% to 47.7% for an increase of 26.05 square metres and an increase in maximum lot coverage from a maximum of 35% to 37.0% for an increase of 11.02 square metres.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will 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.”

Variance #1 – Rear Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014 to reduce the minimum rear yard setback from 7.5 metres to 6.05 metres for a decrease of 1.45 metres which is measured from the rear lot line, to the closest point of the proposed dwelling which is a raised deck feature that transitions into a covered porch with a privacy wall. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts.

From a landscape perspective, staff are concerned that the layout of the proposed dwelling may negatively impact existing trees. The applicant should provide an Arborist report, clarifying minimum tree protection zones to the town's satisfaction. Based on the arborist's recommendations, the building layout should be adjusted as necessary to mitigate damage to trees on the subject site and/or trees within 6m of the subject site. Staff would like to review an arborist report to confirm that the construction of the rear porch will not have a negative impact on the mature trees located in the rear yard in close proximity to the proposed covered porch. The backyard mature trees can be seen at the in the picture below. These trees are identified on the site plan provided with the application.

Existing dwelling:



Variance #2 – Residential Floor Area Ratio (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014 to permit an increase in residential floor area ratio from 43% (237.76 square metres) to 50.5%. (279.23 square metres) for an increase of 41.47 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

From a design perspective, staff have commented that single-detached homes should be designed in compliance with the Town's Design Guidelines for Stable Residential Communities. As per these guidelines, the second storey is encouraged to incorporate facade articulation and different materials to minimize the appearance of greater height. The height of the stairwell window is excessive and should be articulated to reduce the verticality of the dwellings and bring focus to the main entrance.

The massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. New development shall ensure that proposed building forms are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development. This may include setbacks and façade step backs in order to reduce adverse impacts on adjacent properties and/or the public realm. Therefore, the proposed dwelling, as submitted, does not maintain or protect the existing character of the neighbourhood and is not compatible with the pattern of new or existing development.

The proposed development has also been evaluated against the Town's "Design Guidelines for Stable Residential Communities", which is used to direct the design of new development to ensure the maintenance and preservation of neighbourhood character. The proposal is not consistent with the Design Guidelines, particularly the following sections:

- 3.1.3 Scale: New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity; and

- 3.2.1 Massing: New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area.

According to the Town's Design Guidelines for Stable Residential Communities, Section 3.1.1.2., *"New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood."* Also, new development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and complement the surrounding residential community (3.1.1.1).

The requested variance would have a negative impact on the streetscape and abutting properties related to mass and scale. The Zoning By-law is the implementing tool to protect the stability of neighbourhoods as required in the Official Plan. The intent of establishing regulations that would have the effect of controlling the built form in relation to scale and mass is to prevent a dwelling that is out of character with the existing neighbourhood. It is Staff's opinion that the requested variance would result in a dwelling that is too large for the property and the surrounding neighbourhood. The proposed dwelling does not protect or represent a desirable transition in the existing character of the neighbourhood, and therefore does not maintain the intent of the Zoning By-law or Official Plan.

Variance #3 – Lot Coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in lot coverage from 35% (193.53 square metres) to 37.60% (207.9 square metres) for a total increase of 14.37 square metres. The intent of regulating lot coverage is to limit the massing of buildings and structures and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. Staff are of the opinion that the variance for a rear yard setback reduction is interrelated to a variance regarding an increase in lot coverage since the proposed covered porch triggers both of these variances. Staff would like to review an arborist report to understand the impact of the proposed covered porch on nearby trees. At this time, staff cannot support this variance.

Variance #4 – Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 9.19 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook. It is staff's opinion that a variance regarding height is interrelated to a variance regarding floor area ratio since they both serve to manage the mass and scale of a dwelling. Given that it is Staff's opinion that the dwelling has a proposed mass and scale greater than what would be appropriate for the area, it is Staff's opinion that a variance regarding an increase in height, based on the current proposal, is not appropriate.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the variances should not be supported as they do not satisfy the four tests under the *Planning Act*. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variance would result in a development that is appropriate for the site.

Fire: SFD. FD Access Acceptable. No concerns to submit

Transit: No Comment

Finance: None

Halton Region:

- 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 a decrease in the minimum rear yard, an increase in the maximum residential floor area ratio for a detached dwelling, an increase in the maximum lot coverage, and an increase in the maximum height, 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.

Bell Canada: No Comments Received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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.



Heather McCrae, ACST
Secretary-Treasurer