

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/055/2021

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT
OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Praveen and Zina Rutnam 288 Wedgewood Drive Oakville ON L6J 4R8	Structured Creations Inc c/o Darren Sanger-Smith 1-2061 Maria Street Burlington ON L7R 0B5	PLAN 545 LOT 60 288 Wedgewood Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential Special Policy Area

ZONING: RL1-0

WARD: 3

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 variances(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.4 c) A <i>driveway</i> crossing a <i>flankage lot line</i> on a <i>corner lot</i> shall be located a minimum of 15.0 metres from the point of intersection of the <i>front</i> and <i>flankage lot lines</i> , measured along all points of the <i>driveway</i> .	To permit a <i>driveway</i> crossing a <i>flankage lot line</i> on a <i>corner lot</i> to be located a minimum of 12.0 metres from the point of intersection of the <i>front</i> and <i>flankage lot lines</i> , measured along all points of the <i>driveway</i> .
2	Section 5.8.7 c) Attached <i>private garages</i> shall not project more than 1.5 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>flankage lot line</i> .	To permit the attached <i>private garage</i> to project not more than 2.42 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>flankage lot line</i> .
3	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> 1301.00 m ² or greater shall be 29% (406.61 m ²); (Lot area is 1,402.10 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 34.92% (489.59 m ²).
4	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.30 metres.
5	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 13.23 m -1.0 m = 12.23 m minimum).	To permit a <i>minimum front yard</i> of 10.06 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/055/2021 - 288 Wedgewood Drive (East District) (OP Designation: Low Density Residential Special Policy Area)

The applicant proposes to demolish the existing dwelling and construct a new detached dwelling. The applicant requests the variances listed above.

The neighborhood consists of one-storey and two storey dwellings that are original to the area and two-storey dwellings that are newly constructed. There is a sidewalk along the east side of Wedgewood Drive and mature trees contribute to a distinct character of the area. Driveways along the street contain culverts to maintain the drainage within the road allowance. Wedgewood Drive is a long street with no stop signs in the north-south bound directions, save and except for the intersections at Trelawn Avenue at the south end of the street and Devon Road at the north end of the street.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, Section 11.1.9 indicates that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), f) 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.

f) Surface parking shall be minimized on the site.

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 intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and does not negatively impact surrounding properties.

Variance #1 – Driveway Setback (Supported)

The request to reduce the setback from a driveway crossing a flankage lot line from an intersection, is measured from the Wedgewood lot line, to the proposed new driveway. The intent of the by-law is to prevent safety and sight-line issues pertaining to vehicular and pedestrian conflicts in proximity to an intersection. It should be noted that the newly proposed driveway is situated in a similar manner to the property located at 302 Wedgewood Drive, opposite the subject lands. Noting that Alscot Crescent does not experience as much vehicular

traffic as Wedgewood Drive, locating the driveway off of the flankage lot line would reduce safety conflicts with vehicles exiting and entering the site as a corner lot. Furthermore, it would allow for tree protection to be installed and increase landscaping by reducing the amount of paved surface and parking visible from the public realm as seen on 302 Wedgewood Drive with a circular driveway and provide for a dwelling orientation that is compatible with the streetscape and abutting properties.

Variance #2 – Garage Projection (Supported)

The request to increase the projection of the proposed private garage from 1.5 metres to 2.42 m would be measured from the flankage wall of the proposed dwelling to the front of the attached private garage. It should be noted that based on the proposed siting of the dwelling on the corner lot, the private garage will be side loaded and face Alscot Crescent, which is a similar built form element found on the property across from the subject lands located at 302 Wedgewood Drive. Therefore, the proposed garage projection would be compatible with the surrounding neighbourhood, which maintains and protects its character.

Variance #3 – Residential Floor Area (Supported)

The request to increase the floor area ratio of the proposed dwelling from 29% to 34.92% would add an additional 82.98 square metres (893.19 square feet) of floor area. It should be noted that as per the definition of Residential Floor Area subsection c), the height of the garage roof appears to exceed 6.0 m and the residential floor area above the garage exceeds 25% of the garage floor area below. Therefore, the entire garage floor area is required to be counted as Residential Floor Area as defined under Part 3 of the 2014-014 Zoning By-law, although it is not a full two-storey element. If the garage area was not included, the residential floor area would be approximately 30.8% (i.e. additional 25.54 square metres or 274.91 square feet). The intent of regulating the residential floor area in the Zoning By-law is to prevent a dwelling from having a mass and scale that appears larger than surrounding dwellings. Staff are of the opinion that the current design is appropriate as it does not have a negative impact on adjacent properties or the surrounding area, since the overall massing is broken up and the second storey design incorporates step backs from the ground floor which accentuates the stepping of the one and a half portions to the two-storey portion of the dwelling. The proposed dwelling would have a mass and scale that appears similar to the new dwellings in the surrounding neighborhood, which meets the intent of the Zoning By-law.

Variance #4 – Dwelling Height (Supported)

The request for additional height from 9 m to 9.3 m is measured from the established grade of the property to the peak of the roof which is located in the centre of the proposed dwelling. The property is relatively level and the building height is approximately 9 m based on the grade, whereas measured from the established grade it is proposed to be 9.3 m. The intent of regulating the height of a dwelling is to prevent it from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Based on the proposed centralized additional height and the new two-storey dwellings in the immediate area, the request for additional height would be compatible with the surrounding area, which therefore maintains and protect the character of the neighbourhood.

Variance #5 – Front Yard Setback (Supported)

The proposed reduced minimum front yard setback from 12.23 m to 10.06 m is measured from the front lot line to the pinch point of the proposed one-storey front covered porch. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, the required setback is measured to the as-of-right permissions along Wedgewood

Drive of the existing dwelling and the proposed setback would generally maintain the alignment of the existing dwelling along the street in relation to the siting of the dwelling on the property.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it maintains the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan No. 9 dated March 23, 2021 and elevation drawings No. 8 dated 01.03.21; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. A two (2) year timeframe allows the owner to construct what is ultimately approved within a reasonable timeframe of the application being processed to 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 the construction does not take place within this timeframe, a new application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

Fire: SFD. 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 alter the building bulk requirements, and other yard requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of new two-storey detached dwelling on the subject property.

Bell Canada: No Comments Received

Letter(s)/Emails in support: Five

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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan No. 9 dated March 23, 2021 and elevation drawings No. 8 dated 01.03.21.
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.

A rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Emails in Support - 5

(1)

-----Original Message-----

From: Lise Robert

Sent: April 15, 2021 12:40 PM

To: Heather McCrae <heather.mccrae@oakville.ca>

Subject: 288 Wedgewood Drive, Oakville, ON - File No.: CAV A/055/2021

We have no issues with the requested minor variance application. Please notify us of the decision for this application.

Sincerely,

ROBERT LISE
GALLANT JAMES
289 ALSCOT CRES
OAKVILLE ON L6J 4R5

(2)

----- Original message -----

From: Joanne Robbins

Date: 4/15/21 7:30 PM (GMT-05:00)

To: Zina Rutnam

Subject: Re: 288 Wedgewood

Hi Zina,

Thank you so much for sending over this information. It was a pleasure meeting you and Praveen, and I truly appreciate that you took the time to explain your plans to me. Like you, I'm very dedicated to the preservation of our urban forest and am often heart-broken by the devastation caused by construction projects in our neighbourhood. I'm very happy to know that you are committed to preserving the trees on your property, which we both believe is more important than maintaining the maximum setback. As such, Garry and I are both happy to support your proposal.

All the best,
Joanne

S - C

STRUCTURED
CREATIONS

Committee of Adjustment
Town of Oakville

April 1, 2021

To Whom it May Concern,

I/We have reviewed the drawings shown to us for Mr. and Mrs. Praveen and Zina Rutnam for the proposed new home at 288 Wedgewood Dr, Oakville, Ontario. We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,


Signature

YANLING SONG
Print

278 Wedgewood Drive
Address

April 14th, 2021
Date

S - C

STRUCTURED
CREATIONS

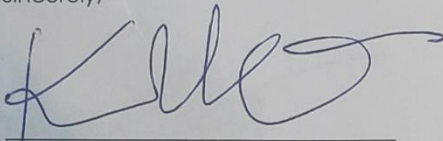
Committee of Adjustment
Town of Oakville

April 1, 2021

To Whom it May Concern,

I/We have reviewed the drawings shown to us for Mr. and Mrs. Praveen and Zina Rutnam for the proposed new home at 288 Wedgewood Dr, Oakville, Ontario. We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,



Signature

Kathleen McPhie

Print

304 Alcott Cres

Address

April 14 '21

Date

S - C

STRUCTURED
CREATIONS

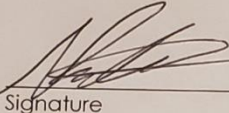
Committee of Adjustment
Town of Oakville

April 1, 2021

To Whom it May Concern,

I/We have reviewed the drawings shown to us for Mr. and Mrs. Praveen and Zina Rutnam for the proposed new home at 288 Wedgewood Dr, Oakville, Ontario. We understand these drawings have been submitted to the Town of Oakville for a Minor Variance Application and we have no objections to the proposal.

Sincerely,



Signature

NIRAV PATEL

Print

302 WEDGEWOOD DRIVE

Address

APRIL 15, 2021

Date