

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/109/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 05TH, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
LARRY FLETCHER DONA ASCIAK 1118 LAKESHORE ROAD E OAKVILLE ON, L6J 1L2	STEPHANIE MATVEEVA & JIM LEVAC GLEN SCHNARR & ASSOCIATES INC. 10 KINGSBRIDGE GARDEN CIR SUITE 700 MISSISSAUGA ON, L5R 3K6	1118 LAKESHORE RD E PLAN 948 LOT 8 AND CON 4 SDS PT LOT 9

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY

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 one-storey addition to the existing two-storey detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.2 c) iii) The maximum width of a <i>driveway</i> shall be 9.0 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.	To permit the maximum width of the <i>driveway</i> to be 15.66 metres for a <i>lot</i> having a <i>lot frontage</i> equal to or greater than 18.0 metres.
2	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) <i>Zone</i> the maximum total <i>floor area</i> for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> for the <i>private garage</i> to be 137.56 square metres.
3	Table 6.3.1 (Row 5, Column RL1) The <i>minimum interior side yard</i> shall be 4.2 m.	To permit a <i>minimum</i> (easterly) <i>interior side yard</i> of 2.69 m.
4	Table 6.3.1 (Row 5, Column RL1) The <i>minimum interior side yard</i> shall be 4.2 m.	To permit a <i>minimum</i> (westerly) <i>interior side yard</i> of 1.71 m.
5	Table 6.3.1 (Row 9, Column RL1) The maximum <i>dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 42.52 m.
6	Section 6.4.2 a) (Row RL1, Column 3) The maximum <i>lot coverage</i> shall be 25% (690.59 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 2762.36 m ²).	To permit the maximum <i>lot coverage</i> to be 31.79% (878.09 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
7	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.2 metres.
8	Section 6.5.2 c) The maximum <i>height</i> for any <i>accessory building</i> or <i>structure</i> shall be 4.0 metres measured from <i>grade</i> .	To permit a maximum <i>height</i> for the <i>accessory building</i> to be 5.28 metres measured from <i>grade</i> .

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/109/2022 - 1118 Lakeshore Rd E (East District) (OP Designation: Low Density Residential - Special Policy)

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.2 c) iii) The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To permit the maximum width of the driveway to be 15.66 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
2	Section 5.8.6 c) For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To permit the maximum total floor area for the private garage to be 137.56 square metres.
3	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.2 m.	To permit a minimum (easterly) interior side yard of 2.69 m.
4	Table 6.3.1 (Row 5, Column RL1) The minimum interior side yard shall be 4.2 m.	To permit a minimum (westerly) interior side yard of 1.71 m.
5	Table 6.3.1 (Row 9, Column RL1) The maximum dwelling depth shall be 20.0 m.	To permit a maximum dwelling depth of 42.52 m.
6	Section 6.4.2 a) (Row RL1, Column 3) The maximum lot coverage shall be 25% (690.59 m ²)	To permit the maximum lot coverage to be 31.79% (878.09 m ²) for the detached dwelling which is greater than 7.0 metres in height.
	where the detached dwelling is greater than 7.0 metres in height; (Lot area is 2762.36 m ²).	
7	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To permit a maximum height of 9.2 metres.
8	Section 6.5.2 c) The maximum height for any accessory building or structure shall be 4.0 metres measured from grade.	To permit a maximum height for the accessory building to be 5.28 metres measured from grade.

The applicant is proposing to construct an addition to the existing heritage home subject to the variances above.

The area is characterized by one and two-storey dwellings original to the area and two-storey new construction with a variety of lot sizes and dwelling designs. Large dwellings in the area typically have adequate separation to adjacent dwellings and properties.

The subject property is designated under Part IV of the Ontario Heritage Act by By-law 1993-023.

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.

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.”

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 unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development which maintains the integrity of the large lots and does not negatively impact surrounding properties.

Evaluation of Variances:

Staff are of the opinion that the variances are interrelated and have provided comments as a whole. The applicant proposes to maintain a portion of the existing heritage home, replace the existing three car garage with a new six car garage, replace a two-storey portion of the existing dwelling, add a one-storey addition at a two-storey height incorporating open to below elements, add covered walkways and a covered porch and introduce an accessory building (cabana).

Variance #1 – Driveway Width (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increased driveway width from a maximum of 9.0 metres to 15.66 metres. The intent of regulating the driveway width in the Zoning By-law is to minimize the amount of paved surface in the front yard visible to the public realm, including impacts on drainage and stormwater infiltration. Staff are of the opinion that a variance regarding driveway width is interrelated to the variance regarding private garage floor area since the increased width is proposed to accommodate a larger garage.

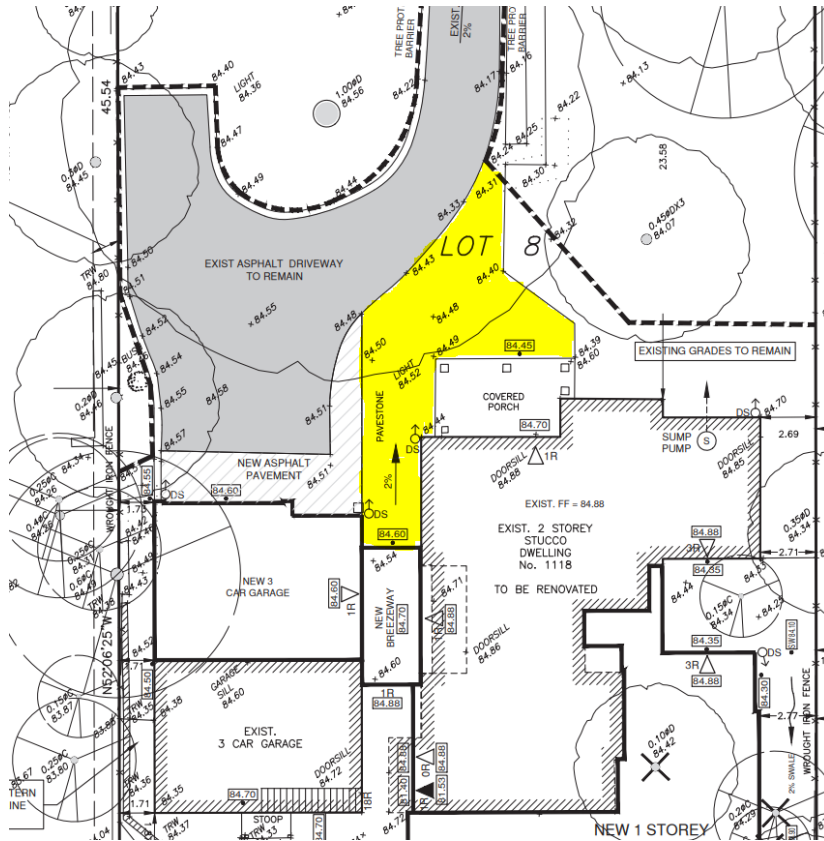
The Design Guidelines for Stable Residential Communities serves as a basic framework to guide decision-making on the physical layout, massing, functioning and relationships of new and modified dwellings in stable residential communities. Section 3.3.2 provides guidance on driveways and walkways specifically the following guideline:

- 1. New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*

It is staff's opinion that the proposed driveway does not meet the intent of the Official Plan and Zoning By-law.

Notwithstanding the comments above, it appears that pave stone is proposed adjacent to the proposed driveway and wraps around the front porch which would be considered an extension of the driveway as highlighted in the excerpt of the site plan below. This would result in a greater driveway width than requested. Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with the driveway width regulation during construction, which may or may not be in general accordance with the plans submitted with this application. Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications.

Excerpt of site plan prepared by applicant with pave stone area highlighted:



Variance #2 – Private Garage Floor Area (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56 square metres to 137.56 square metres for a total increase of 81.56 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. Staff are of the opinion that the requested variance related to private garage floor area is interrelated to the request for a reduced westerly interior side yard setback.

Variance #3 – Easterly Interior Side Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a reduced easterly interior side yard setback from a minimum of 4.2 metres to 2.69 metres. The side yard is measured from the easterly lot line to the main wall of the addition. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, the reduced setback is interrelated to variances related to dwelling depth, lot coverage and height.

Variance #4 – Westerly Interior Side Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a reduced westerly interior side yard setback from a minimum of 4.2 metres to 1.71 metres. The side yard is measured from the westerly lot line to the main wall of the garage. This variance also allows for relief to the proposed covered porch allowing for a setback of approximately 3 metres when 4.2 metres is required. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook

concerns and to allow for adequate drainage. In this instance, the reduced setback is interrelated to variances related to private garage floor area, lot coverage and dwelling depth.

Variance #5 – Dwelling Depth (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 42.52 metres for an increase of 22.52 metres. One of the intentions of regulating the dwelling depth is to ensure that an adequate rear yard amenity space is provided and reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. It is also intended to control the massing and size of new dwellings in relation to adjacent properties. In this instance, the increased dwelling depth is interrelated to variances related to lot coverage, side yard setback and height.

Variance #6 – Lot Coverage (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (690.59 square metres) to 31.79% (878.09 square metres) for an increase of 187.5 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. In this instance, the increased lot coverage is interrelated to variances related to dwelling depth, side yard setback and height.

As the applicant is requesting to increase the lot coverage beyond zoning requirements, and increase coverage from the existing conditions, the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process.

Variance #7 – Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 9.2 metres. The height is measured from the established grade which is an average of the centre points of each lot line abutting a road to the top 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. In this instance, the increased height is interrelated to variances related to dwelling depth, lot coverage.

Variance #8 – Accessory Building Height (Supported)

The applicant is seeking relief from By-law 2014-014, as amended, to permit an increase in height of an accessory building from 4 metres to 5.28 metres for the detached garage. The intent of regulating the height of accessory buildings is to ensure that they are of an appropriate scale and mass and are subordinate to the principle use of the property. In this instance, staff are of the opinion that the accessory building will be subordinate in mass and scale to the dwelling on the property and will not have an adverse impact on the adjacent properties.

Analysis:

As a whole, there is a negative cumulative impact of the requested variances with the exception of variance #8 related to the accessory building. The subject property is a large lot with an existing heritage home. Based on the application as submitted, it is staff's opinion that the cumulative impact of the requested variances results in an unacceptable adverse impact. The current design undermines the heritage value of the property and undermines performance standards.

Based on staff's review of the application, it is staff's opinion that the proposed dwelling, (as a result of the proposed additions), including the setbacks, scale, and height fail to maintain and protect the existing neighbourhood character. As mentioned, Section 11.1.9 of the Livable Oakville Official Plan sets out criteria to ensure new development will maintain and protect the existing neighbourhood character. As part of this review, the Design Guidelines for Stable Residential Communities were applied. The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. This is an important objective of the Livable Oakville Plan in stable residential areas.

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).

Variances #3 (easterly interior side yard), #5 (dwelling depth), #6 (lot coverage) and #7 (height) are all related to the addition that extends along the easterly property line. The covered porch along the westerly lot line also benefits from the relief being sought through variances #4 (westerly interior side yard), 5 (dwelling depth), #6 (lot coverage) and #7 (height). Lot coverage, dwelling depth and height are all intended to regulate the mass and scale of a dwelling. The subject property is a large long lot which already allows for a greater lot coverage since lot coverage is a percentage of the area of the lot. The increase in lot coverage and dwelling depth in combination with the reduced side yard setback for the full length of the dwelling results in an impact that is considered unacceptable. The reduced side yard setback results in reduced separation to the adjacent property and the loss of trees which currently act as a privacy screen between the properties. When reviewing renderings it is not visually clear where the two-storey portions of the dwelling transitions to the one-storey portions demonstrating that the one-storey portions maintain the two-storey massing, which increases the impact of the requested variances related to lot coverage and dwelling depth.

Variances #1 (driveway width), #2 (private garage floor area), and #4 (westerly interior side yard) are all related to the 6 car garage as the driveway is wider to facilitate the three tandem bays, there is a reduced westerly side yard setback to accommodate the width of the garage and the garage area is proposed to be increased by 81.56 square metres. The proposed garage is set closer to the front lot line and will be more prominent on the lot as seen from the streetscape and detracts from the heritage portion of the dwelling. It also results in an increased massing along the westerly lot line adjacent to the rear yard of the neighbouring property. The private garage area also contributes to the requested increase in lot coverage. It is staff's opinion that the variances related to the proposed garage are not minor and do not meet the intent of the Official Plan or Zoning By-law, are not minor, and are not desirable for the neighbourhood.

Heritage Assessment:

The subject property is designated under Part IV of the Ontario Heritage Act by By-law 1993-023. A Heritage Impact Assessment (HIA) has been submitted by the applicants as part of the Committee of Adjustment application and provides an assessment of the proposal regarding its impact on the cultural heritage value of the property. The HIA includes a list of heritage attributes which are consistent with those described in Designation By-law 1993-023.

The HIA references the Standards and Guidelines for the Conservation of Historic Places in Canada ('Standards and Guidelines') as a relevant policy to consult when assessing this type of proposal. Oakville Town Council has also adopted the Standards and Guidelines as a policy framework to be used when assessing alterations to individually designated properties. Heritage

Planning Staff have concerns with the proposed application where the proposed work, in their opinion, does not comply with number 11 and number 12 of these standards and guidelines. The following comments detail these concerns and provide further context for staff's comments on each of the requested variances.

Standards and Guidelines:

11. Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

12. Create any new additions or related new construction so that the essential form and integrity of an historic place will not be impaired if the new work is removed in the future.

The bulk of the new additions has been designed with the same height as the existing heritage house, despite them only being one-storey. In order to ensure that the new additions are subordinate to and distinguishable from the heritage house, the roofs of the new additions need to be lower than the roof of the heritage house (#11). This will help to ensure that the new additions do not physically and visually overwhelm the heritage house, and will allow for a clear demarcation of where the heritage house ends and where the new additions begin.

The proposed garage and breezeway addition is significant in size and is not considered to be compatible with the heritage house. Its design, massing and location result in an addition that is neither physically nor visually compatible with, nor subordinate to, the heritage house (#11). The breezeway portion of this addition covers a significant section of the original c.1866 house, impairing the essential form and integrity of the heritage house and therefore making it difficult to restore this portion of the house in the future (#12). In order to retain the integrity of the heritage house, and allow the addition to be physically and visually compatible with the heritage house, the garage and breezeway addition should be made smaller and/or pushed back so that the whole of the west wall and the southwest corner of the original heritage house remains revealed and conserved.

The east wall of the new addition where the new addition meets the heritage house (location of the Butler's Pantry), should be pushed back so that the southeast corner of the heritage house remains revealed. This will retain the essential form and integrity of the historic house so that it is not impaired if the new addition is removed in the future (#12).

The proposed chimney on the existing sunroom is not considered to be subordinate to the heritage house and sunroom. The chimney is too large in size and has been designed in the same style as the chimneys on the new addition, blurring the legibility of what is old and what is new (#11). The chimney should be removed or redesigned to be smaller and more compatible with the c.1866 Italianate style house.

In order to ensure that the new additions are distinguishable from the heritage house, they should be clad in a material that is different from the heritage house (#11). Rather than stucco, wood siding or wood shingles should be considered for the new additions. Stone cladding can be a visually strong element that could overwhelm the softer stucco cladding of the heritage house (#11). Stone should therefore only be used for the foundation/base of the walls, chimneys or landscape elements, and not for entire walls.

The door proposed for the breezeway is not considered to be visually compatible with the heritage house as its size and design diminishes the prominence of the historic front entryway (#11). A smaller, visually less obtrusive door should be installed in the breezeway in order to retain the importance of the historic front porch and front door.

Conclusion:

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties, and a dwelling with a disproportionate mass and scale, in the context of the surrounding neighbourhood. The dwelling, as proposed, fails to maintain and protect the existing neighbourhood character. This would not maintain the intent of the Livable Oakville Plan, the Zoning By-law, nor be minor or desirable.

In summary, based on the application as submitted, staff are of the opinion that variances #1, #2, #3, #4, #5, #6 and #7 should not be supported as they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #8 satisfies the four tests under the *Planning Act*.

Fire: SFD No concerns with FD access.

Transit : Comments not received.

Halton Region: CAV A/109/2022 – L. M. Fletcher & D. L. Asciak, 1118 Lakeshore Road East

- 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 maximum width of the driveway, an increase in maximum total floor area for the private garage, a decrease in minimum interior side yards, an increase in maximum dwelling depth, an increase in maximum lot coverage, an increase in maximum height and an increase in maximum height for the accessory building under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a one-storey addition to the existing two-storey detached dwelling on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 1.

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 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.

J. Radomirovic

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment
1 Letter of Support:

November 1, 2021

1124 Lakeshore Road East
Oakville, ON
L6J 1J2

Dear Neighbour:

As noted in the email sent November 15th, we Larry Fletcher and Dona Asciak; as owners of 1118 Lakeshore road East are seeking to make renovations on our existing dwelling. Given it is a heritage home, we are required to maintain certain attributes and request for renovations require town of Oakville approval. Part of this approval considers the effects on the adjacent properties.

With this in mind, we have attached the plans in place as at date of this letter, and kindly request your review in anticipation of moving forward with these plans and acknowledgement of support by signing the enclosed.

Should you have any questions at all, please do not hesitate to contact us.

Thank you again,

Sincerely

Dona Asciak

Dona Asciak

1118 Lakeshore Road Owner

1124 Owner Name – Printed ZH. HONG ZHANG

1124 Owner Signature *[Signature]*

Date: Nov. 18, 2021