

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/123/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 02, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
RYAN WASZCZUK 518 TAPLOW CRES OAKVILLE ON, L6L 4W1	PATRYK KOT 30 WOODLAWN AVE MISSISSAUGA ON L5G 3K6	518 TAPLOW CRES PLAN 682 LOT 48

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2

ZONING: RL3-0
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 two-storey detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m.	To permit the maximum encroachment into the <i>minimum</i> (westerly) <i>interior side yard</i> for the window well with a maximum width of 4.7 metres to be 0.45m.
2	Section 5.8.6 b) For <i>detached dwellings</i> on <i>lots</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> , the maximum total <i>floor area</i> for a <i>private garage</i> shall be 45.0 square metres.	To permit the maximum total <i>floor area</i> for the <i>private garage</i> to be 63.34 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</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> between 743.00 m ² and 835.99 m ² shall be 40% (305.44 m ²); (Lot area is 763.59 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 41.45% (316.5 m ²).
4	Section 6.4.2 a) (Row RL3, Column 3) The maximum <i>lot coverage</i> shall be 35% (267.25 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 36.0% (274.9 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
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 9.37 m -1.0 m = 8.37m minimum).	To permit a <i>minimum front yard</i> of 7.71 metres.
6	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.28 metres.

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/123/2022 - 518 Taplow Cres (West District) (OP Designation: Low Density Residential)

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

The neighbourhood consists of predominately one-storey dwellings that are original to the area and some two-storey dwellings that are newly constructed. There are no sidewalks along Taplow Crescent and landscaped boulevards provide additional separation between the public road allowance and private properties.

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 – Window Well (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit a window well with a maximum width of 4.7 metres to encroach 0.45 metres into the minimum westerly interior yard when a window well is permitted to have a maximum width of 1.8 metres and encroach a maximum of 0.6 metres into a side yard. The intent of regulating window wells is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allows for adequate open space and landscaping.

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 45 square metres to 63.34 square metres for a total increase of 18.34 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling.

Variance #3 – Residential Floor Area Ratio (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 40% (305.44 square metres) to 41.45% (316.5 square metres) for an increase of 11.06 square metres. The proposed dwelling also includes an open to below area of approximately 23.43 square metres. The open to below area serves to push the second storey floor area to the perimeter of the dwelling and result in an external visual floor area ratio of 45.17% (339.93 square metres), which would create a mass and scale

that would be considered an over building on the lot. 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.

Variance #4 – Lot Coverage (Unsupported)

The applicant proposes to construct an accessory structure (pool cabana) in the rear yard, and seeks relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (267.25 square metres) to 36% (274.9 square metres) for an increase of 7.65 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.

Variance #5 – Front Yard (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 8.37 metres to 7.71 metres. The front yard is measured from the front property line to the main wall of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street.

Variance #6 – 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 9.28 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.

Evaluation of requested variances:

Staff are of the opinion that the requested variances are interrelated as they all contribute to facilitating the proposed development. As such, the cumulative impact of the requested variances leads to a dwelling that is not in character with the surrounding area.

Variances #3 (Residential Floor Area Ratio), #4 (Lot Coverage) and #6 (Height) are interrelated as they all regulate the mass and scale of the dwelling. Variance #5 (Front Yard Setback) emphasizes the increase in mass and scale by bringing the dwelling closer to the street out of line with the consistent setback of the adjacent dwellings.

Staff have concerns with the lack of transition to the adjacent one-storey dwelling to the south. Elements such as the two-storey front porch emphasize the increase in height and mass of the dwelling. Based on staff's review of the application, it is staff's opinion that the proposed dwelling, including the setback, scale, height and proportions, fail to 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 Urban Design Guidelines for Stable Residential Communities:

3.1.1. Character: 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.

3.2.2. Height: New development should make every effort to incorporate a transition in building height when the proposed development is more than a storey higher than the adjacent dwellings. The transition may be achieved by:

- stepping down the proposed dwelling height towards the adjacent shorter dwellings
- constructing a mid-range building element between the shorter and taller dwellings on either side
- increasing the separation distance between the dwellings

One of the intents of establishing zoning regulations which have the effect of controlling built form in relation to scale and mass, is to maintain and protect the existing neighbourhood character.

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties related to mass and scale, 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.

As the applicant is requesting to increase the residential floor area and 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. Staff have concerns with the enlarged window well impacting the opportunity for a swale for a substantial portion of the side yard between dwellings. Additionally, staff do not support landscaping/hardscaping that would hinder grading features. It is noted that the walkway along the side yard will hinder drainage and Development Engineering staff do not support this and would request additional details be provided during a DESP submission.

Subject Property:



Excerpt of Town Mapping:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variances do not maintain the general intent of the Official Plan and are not appropriate for the development of the lands. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: COA

1. window encroachment to west side yard.
2. Maximum garage size increase from 45mSQ. to 63.34mSQ.
3. Floor area ratio increase from 40% to 41.25%
4. maximum lot coverage increase from 35% to 36%
5. Minimum front yard decrease from 8.37m to 7.71m
6. max height increase from 9m to 9.28m

No issues noted for Fire. DL

Transit : Comments not received

Halton Region: 6.3 CAV A/123/2022 – R. Waszczuk, 518 Taplow Crescent

- 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 encroachment for a window well, an increase in maximum total floor area for the private garage, an increase in maximum residential floor area ratio for the detached dwelling, an increase in maximum lot coverage for the detached dwelling, a decrease in the minimum front yard, and an increase in 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.

Oakville Hydro: No Objections.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

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.

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

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment