

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/112/2021-Deferred from December 21, 2021 **RELATED FILE:** N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 16, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Juri Roopra 1279 Winterbourne Drive Oakville ON L6J 7E4	Len Angelici Design Inc c/o Len Angelici 270 Sherman Avenue North Unit Mill-125 Hamilton ON L6L 6N4	PLAN 641 LOT 182 1397 Bridge Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL1-0
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	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 650.00 m ² and 742.99 m ² shall be 41% (285.89 m ²); (Lot area is 697.29 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 45.23% (315.38 m ²).

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/112/2021 - 1397 Bridge Rd (West District) (OP Designation: Low Density Residential)
(Deferred from December 21, 2021)

This application was deferred at the December 21, 2022 meeting. The applicant has made changes to the application by eliminating variances for height and lot coverage and reducing the requested increase in residential floor area ratio from 49.73% (394.44 square metres) (increase of 61.36 square metres) to 45.23% (315.38 square metres) (increase of 29.49 square metres). The Staff comments are updated as follows:

The applicant is proposing to construct a two-storey detached dwelling subject to the variances above.

The neighbourhood consists of dwellings that are original to the area and few newly constructed two-storey dwellings. There is a sidewalk along the north side of Bridge Road in front of the

subject property. Driveways along the street contain culverts to manage the drainage within the road allowance. The lotting pattern is consistent throughout the area, which results in similar built form for the original and newly constructed dwellings.

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- 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 41% (285.89 square metres) to 45.23% (315.38 square metres) for an increase of 29.49 square metres. The proposed design of the dwelling includes an open to below area above the great room of approximately 25.72 square meters, which pushes the second storey floor area closer to the perimeter of the dwelling, resulting in a perceived residential floor area ratio of 48.92% (341.1 square meters) for a perceived increase of 55.21 square meters. 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 neighborhood.

Although the applicant has made improvements to the design of the dwelling by eliminating variances for height and lot coverage and reducing the requested residential floor area, staff are still of the opinion that the requested increase in residential floor area is still significant given the context of the area. There are other new builds on Bridge Road but the majority of them complied with the zoning by-law and did not require variances to increase the residential floor area ratio. The massing and scale of the proposed dwelling would make it visually appear larger than other dwellings in the 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, which may include setbacks and façade step backs to reduce adverse impacts on adjacent properties and/or the public realm. Therefore, the proposed dwelling, based on the proposal as submitted, does not maintain or protect the existing character of the neighborhood and is not compatible with the pattern of new or existing development.

The proposed development has also been evaluated against the “Design Guidelines for Stable Residential Communities”, which is used to direct the design of new development to ensure the maintenance and preservation of neighborhood 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 neighborhood." Also, new development should positively contribute to the surrounding neighborhood character by incorporating building and site elements that provide a visual reference to existing neighborhood features and that complement the qualities of 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 neighborhoods 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 neighborhood. It is Staff's opinion that the requested variance would result in a dwelling that is too large for the property and the surrounding neighborhood. The proposed dwelling does not protect or represent a desirable transition in the existing character of the neighborhood, and therefore does not maintain the intent of the Zoning By-law or Official Plan.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variance does not maintain the general intent of the Official Plan and is 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: No concerns. SFD. Adequate FD access

Oakville Hydro: We have no objections or comments for any of the items on the agenda

Transit: Oakville Transit staff would like to remind the applicant that Bridge Road is an existing transit corridor. Any existing bus stop locations will remain. New bus stop locations and amenities such as bus shelter can be installed at any time. Existing bus stop is located 40m from the site at Sherin Drive.

Finance: None

Halton Region:

- It is understood this application was deferred from December 21, 2021. Regional comments provided on December 15, 2021 still apply.
- 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 for the detached dwelling, 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.

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

Heather McCrae, ACST
Secretary-Treasurer