

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/142/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, SEPTEMBER 13, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
John Gonsalves 2063 Vickery Drive Oakville ON L6L 2J2	Glen Schnarr & Associates Inc c/o Stephen Closs 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN 852 LOT 58 2063 Vickery Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL2-0
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 variances:

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 1115.00 m ² and 1207.99 m ² shall be 35% (391.68 m ²); (Lot area is 1119.08 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 39.16% (438.19 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (279.77 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 29.98% (335.50 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
3	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.50 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/142/2022 - 2063 Vickery Dr (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 is characterized by a mix of one-storey dwellings original to the area and two-storey new construction with no sidewalks along Vickery drive.

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 35% (391.68 square metres) to 39.16% (438.19 square metres) for an increase of 46.51 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 which results in an external visual floor area ratio of 45.17% (339.93 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. A variance for residential floor area ratio is interrelated to variances for lot coverage and height since they all regulate the mass and scale of the dwelling. The requested variances have been evaluated together below.

Variance #2 – 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% (279.77 square metres) to 29.98% (335.50 square metres) for an increase of 55.73 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling with a mass and scale that appears larger than dwellings in the surrounding neighbourhood. Staff are of the opinion that a variance for lot coverage is interrelated to a variance regarding residential floor area ratio and height since they all regulate the mass and scale of the dwelling. The requested variances have been evaluated together below.

Variance #3 –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 9.50 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 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 the impacts of shadowing and overlook. The increase in height is interrelated with other variances and has a cumulative impact which have been evaluated below. A variance for height is interrelated to variances for lot coverage and residential floor area ratio since they all regulate the mass and scale of the dwelling. The requested variances have been evaluated together below.

Evaluation of requested variances #1 (Residential Floor Area Ratio), #2 (Lot Coverage) & #3 (Height):

Staff are of the opinion that the requested variances are interrelated as they all contribute to facilitating the proposed development. Based on staff's review of the application, it is staff's opinion that the proposed dwelling, including scale, height and proportions, fail to maintain and protect the existing neighbourhood character.

The Town's Design Guidelines for Stable Residential Communities were reviewed in the context of this application. Section 3.1.1.2. states, "*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*". The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. The proposed dwelling also contravenes the Design Guidelines, particularly the following sections:

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.

Staff also have concerns with the proposed attic space at the front of the dwelling which includes a window and may be converted to living space in the future, resulting in a higher residential floor area ratio than what is applied for. The large open to below area at the rear of the dwelling above the great room also contributes to the overall mass and scale of the building. Elements such as the two-storey front porch further emphasize the increase in height and mass of the dwelling.

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

The applicant is advised that should this application be approved, 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.

Existing dwelling:



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: SFD. Adequate Fire Access

Oakville Hydro: We do not have any objection or comments for this Minor Variance Application.

Transit: No Comments

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 an increase in the maximum residential floor area ratio, 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.

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

Heather McCrae, ACST
Secretary-Treasurer