

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/157/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 04, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
SANDRA COVELLI 71 BIRCH HILL LANE OAKVILLE ON, L6K 2P1	DANIEL VENTURUZZO VERUS DESIGN INC. 91 SKYWAY AVE TORONTO ON, M9W 6R5	71 BIRCH HILL LANE PLAN 546 LOT 5

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SPECIAL POLICY ZONING: RL1-0
WARD: 2 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 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 62.2 square metres.
2	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29% (404.58 m ²); (Lot area is 1395.12 m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 29.15% (406.70 m ²).
3	Section 6.4.3 a) The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre; (Existing 13.70 m -1.0 m = 12.70 m minimum).	To permit a minimum front yard of 12.19 metres. .
4	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To permit a maximum height of 10.9 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/157/2022 - 71 Birch Hill Lane (West District) (OP Designation: Low Density Residential)

No.	Zoning By-law Regulation	Variance Request
1	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total floor area 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 62.2 square metres.
2	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% (404.58 m ²); (Lot area is 1395.12 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 29.15% (406.70 m ²).
3	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 13.70 m -1.0 m = 12.70 m minimum).	To permit a <i>minimum front yard</i> of 12.19 metres. .
4	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 10.9 metres.

The applicant proposes to permit the construction of two-storey dwelling subject to the variances listed above.

The neighbourhood is characterized by a mix of one and two storey dwellings along the lane. There are no sidewalks along Birch Hill lane 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 – 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 62.2 square metres for a total increase of 6.2 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 #2 – Residential Floor area Ratio (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 29% (404.58 square metres) to 29.15% (406.70 square metres) for an increase of 2.12 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. The proposed dwelling also

includes an open to below area at the rear and high ceiling area at the front. The open to below area serves to push the second storey floor area to the perimeter of the dwelling which would create a mass and scale that would be considered an over building on the lot.

Variance #3 – Front yard setback (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 12.70 metres to 12.19 metres. The front yard is measured from the front property line to the main wall. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street.

Variance #4 – Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 10.9 metres. The height is measured from the established grade of the property at the front lot line 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 impacts of shadowing and overlook.

Subject Property:



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 #1 (Private Garage Floor area), #2 (Residential Floor Area Ratio), and #4 (Height) are interrelated as they all regulate the mass and scale of the dwelling. Variance #53 (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 that the lack of transition in terms of height to the adjacent one-storey dwelling is not adequate. 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.

The applicant is advised that 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

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: No concerns for Fire. DL

Transit : No comments.

Halton Region: CAV A/157/2022 – S. Covelli, 71 Birch Hill Lane, Oakville

- As an advisory, the subject site has archaeological potential. Should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- 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 total floor area for the private garage, an increase in the maximum residential floor area ratio for the detached dwelling, a decrease in the minimum front yard, 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: 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment