

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/173/2022

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 01, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
ANOOP CHUGH RAJIV CHUGH 1240 BALDWIN DR OAKVILLE ON, L6J 2W5	BILL HICKS HICKS DESIGN STUDIO INC 295 ROBINSON ST 200 OAKVILLE ON, L6J1G7	1240 BALDWIN DR PLAN 689 LOT 12

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 3

ZONING: RL3-0
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 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 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 57.49 square metres on a <i>lot</i> having greater than or equal to 12.0 metres in <i>lot frontage</i> .
2	Table 6.3.1 (Row 6, Column RL3) The <i>minimum rear yard</i> shall be 7.50 m.	To permit a <i>minimum rear yard</i> of 3.36 m.
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 836.00 m ² and 928.99 m ² shall be 39% (332.04 m ²); (Lot area is 851.39 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 45.82% (390.11m ²).
4	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 9.42 m -1.0 m = 8.42 m minimum).	To permit a <i>minimum front yard</i> of 3.94 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/173/2022 - 1240 Baldwin Dr (East District) (OP Designation: Low Density Residential)

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

The subject property is located along the curve of the Baldwin drive with no sidewalks. The area is characterized by one storey dwellings original to the area and many two-storey new construction marking it as a neighbourhood in transition.

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:

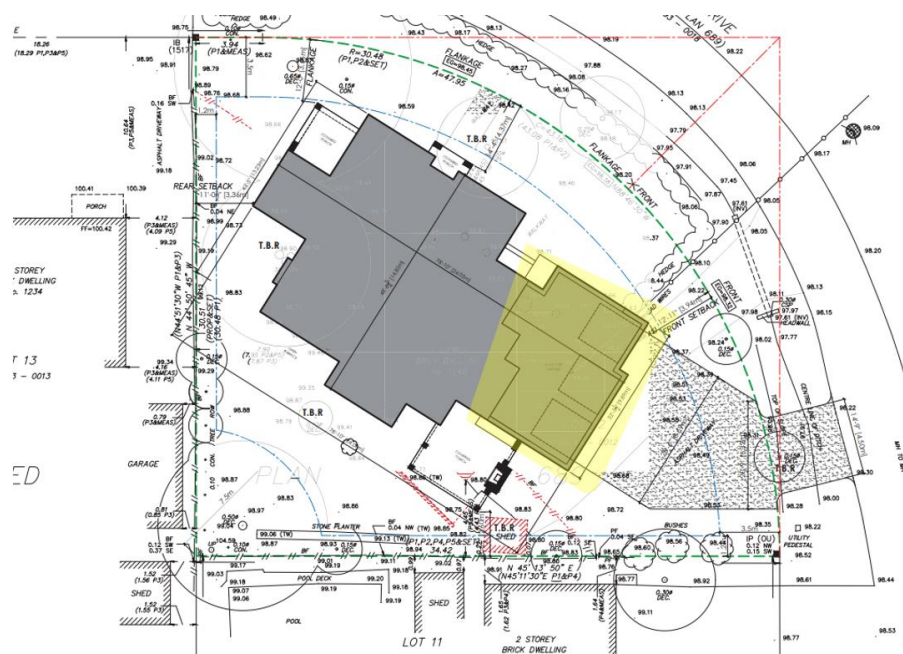
“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

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 45.0 square metres to 57.49 square metres for a total increase of 12.49 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. The proposed design for the three-car garage will be a visually dominant feature from the Baldwin Drive. Staff are of the opinion that the requested variance related to private garage floor area is not minor in nature and does not meet the intent of the Official Plan and Zoning By-law.



Variance #2 – Rear Yard (Unsupported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.50 metres to 3.36 metres, which is measured from the rear lot line to the closest point of the main dwelling. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. Staff are of the opinion that a variance for rear yard setback is interrelated to variances regarding front yard setback, garage floor area and Residential floor area ratio.

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 39% (332.04 square metres) to 45.82% (390.11 square metres) for an increase of 58.07 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 a great room with open to below area. 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 a small lot comparing to the adjacent lots. Staff are of the opinion that a variance for residential floor area ratio is interrelated to variances regarding front yard setback, rear yard setback and garage floor area.

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 neighbourhood 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 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 that complement the qualities of the surrounding residential community (3.1.1.1).

The requested variance would have a significant negative impact to the streetscape and abutting properties related to mass and scale. The Zoning By-law is the implementing tool to protect the stability of neighbourhoods 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 neighbourhood. It is Staff’s opinion that the requested variance would result in a dwelling that is too large for the property and the surrounding neighbourhood. The proposed dwelling does not protect or represent a desirable

transition in the existing character of the neighbourhood, and therefore does not maintain the intent of the Zoning By-law or Official Plan

Staff are of the opinion that the requested residential floor area ratio variance is interrelated to a variance regarding front yard setback and rear yard setback. In this instance, staff are of the opinion that the proposed scale and proportions of the dwelling are not compatible with the adjacent existing dwellings or others in the surrounding neighbourhood.

Variance #4 – 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 8.42 metres to 3.94 metres with the decrease of 5.00 m. 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. In this instance, the proposed dwelling on the subject property located on the curve of Baldwin drive with decrease in front yard setback will be closer to the street appearing visually large on the smaller lot as compared to other dwellings on the larger lot. Staff are of the opinion that the requested variance is not minor in nature and does not meet the intent of the Official plan and Zoning By-law.

View of the subject property from the street:



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 (Rear yard Setback), #3 (Residential Floor Area Ratio), and #4 (front yard setback) are interrelated as they all regulate the mass and scale of the

dwelling. Staff have concerns with the proposed three car garage, given that it will be a dominant feature from the street. As per staff's review of the application, it is staff's opinion that the proposed dwelling, including the setback, scale, 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/173/2022 – A. & R. Chugh, 1240 Baldwin Drive, Oakville

- The subject property is within 120 meters of the Regional Natural Heritage System (RNHS), therefore the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the Regional Official Plan (ROP). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently with adjacent residential properties between the sensitive natural features or areas and will not likely result in any impacts on the features or ecological functions of the RNHS.

- 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, a decrease in the minimum rear yard, an increase in the maximum residential floor area ratio for the detached dwelling, and a decrease in the minimum front yard, 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.

Trans Northern Pipeline: Good afternoon,
Thank you for contacting Trans-Northern Pipelines Inc. (TNPI)
We can confirm that TNPI has NO infrastructure in the mentioned area.

CNR: Comments not received.

Bell Canada: Comments not provided.

Union Gas: Comments not provided.

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