

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/183/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Shuyu Zheng 1019 Bridge Road Oakville ON L6L 6T4	UnikHouse Inc c/o Zhe Wang 201-80 Fulton Way Richmond Hill ON L4B 1J5	PLAN 805 LOT 17 1230 Donlea Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL1-0
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 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> 1301.00 m ² or greater shall be 29% (404.55 m ²); (Lot area is 1395.00 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 31.90% (445.01 m ²).
2	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.96 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/183/2022 - 1230 Donlea Crescent (East District) (OP Designation: Low Density Residential)

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

The subject property is a corner lot located at the intersection of Donlea Crescent and Cleaver Dr. The neighbourhood is characterized by two-storey dwellings in the area with no sidewalks.

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.”

Additional Variances May be Required:

As part of the review of the application, staff note that it appears variances may have been missed. The following Zoning By-law deficiencies should be confirmed by the applicant:

- **Section 5.8.6 c) of the Zoning By-law:** For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres. It appears that 66.11 square metres is proposed.
- **Section 6.4.3 a) of the Zoning By-law:** 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 12.53 m -1.0 m = 11.53 m minimum). It appears that 9.96 metres is proposed.
- **Section 5.8.4 b) subsection 5.8.4 a) of the Zoning By-law:** shall not apply where the driveway is located a minimum of 15.0m from the point of intersection of the front and flankage lot lines. It appears that driveway location is proposed at 9.76 metres.
- **Section 5.8.5 b) of the Zoning By-law:** The maximum cumulative width of the driveway entrances, measured at the point of crossing the front lot line and flankage lot line, shall be 9.0 metres. It appears that proposed width is 9.76 metres.
- **Section 5.8.5 c) ii) of the Zoning By-law:** The separation distance between two driveway entrances on the same lot that cross the same lot line, measured at the point of crossing the applicable lot line, shall be a minimum of 15.0 metres if the driveway has access to a local road or a collector road that is greater than 75.0 metres from an arterial road. It appears that separation distance proposed is 8.11 metres.

The applicant will need to confirm whether additional variances are required. Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application. Alternatively, the applicant may request a deferral of this application to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather, confirm the accuracy of the variances applied for. Staff have noted the above deficiencies as a courtesy and to support a fulsome review of the proposed application.

The application has been assessed as a whole including concerns with respect to the missed variances outlined above and their potential impact on the requested variances.

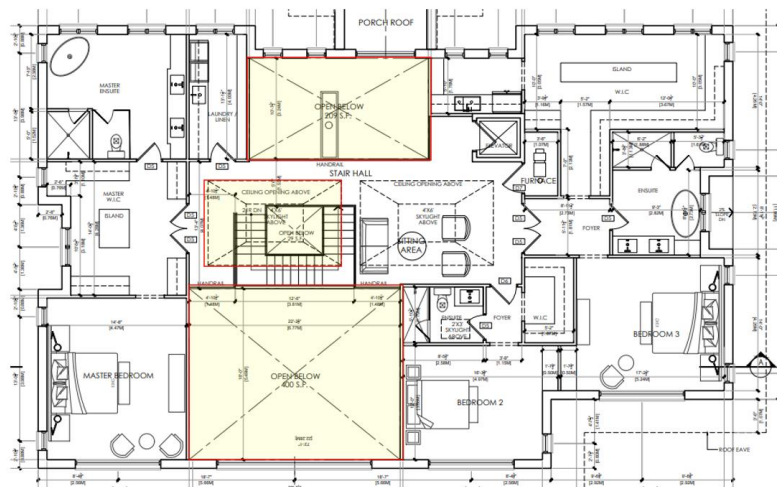
Variance #1: Residential Floor Area (Unsupported)

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% (404.55 square metres) to 31.90% (445.01 square metres) for an increase of 40.46 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 design of the dwelling includes large open to below areas which 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. Staff are of the opinion that the requested variance is not minor in nature and will have adverse effect on the surroundings.

Subject Property



Excerpt of the Main floor plan by the applicant:



Variance # 2: 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 9.96 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.

Excerpt of the Front Elevation by the applicant:



Evaluation of requested variances:

Staff are of the opinion that the requested variances are interrelated as they contribute to facilitating the proposed development. As a whole, there is a negative cumulative impact of the requested variances.

Based on staff's review of the application, it is staff's opinion that the proposed dwelling, (as a result of the proposed additions), including the setbacks and scale fail to maintain and protect the existing neighbourhood character. As mentioned, Section 11.1.9 of the Livable Oakville Official Plan sets out criteria to ensure new development will 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.

The intent of establishing zoning regulations, amongst others, is to control built form in relation to scale and mass, thereby maintaining and protecting 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 variances should not be supported as they do not satisfy the four tests under the Planning Act. 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 access to rear yard provided. O.K.

Oakville Hydro: We do not have any objection or comments for the Minor Variance Applications on the agenda.

Transit: No Comment

Finance: None

Halton Region:

- 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.
- A portion of the subject property falls within Conservation Halton (CH) regulated area and watersheds. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 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.

Conservation Halton:

The subject property at 1230 Donlea Crescent is regulated by CH as it is adjacent to Morrison Creek and contains portions of the erosion hazard associated with that watercourse. CH regulates a distance of 7.5 m from the limit of the erosion hazard for this particular site. CH staff have **no objection** to the requested minor variances subject to the following conditions to be added to the approval of this application:

1. That, prior to the initiation of works, a CH "No Objections" letter be obtained from Conservation Halton for the proposed development.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

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.

Requested conditions from circulated agencies:

1. That, prior to the initiation of works, a CH "No Objections" letter be obtained from Conservation Halton for the proposed development.

A handwritten signature in blue ink, reading "Heather McCrae", enclosed within a rectangular box.

Heather McCrae, ACST
Secretary-Treasurer