

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/193/2022**

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|---|---|-------------------------------------|
| JIBRAN SAKRANI 131 MAYFIELD DR OAKVILLE ON, L6H 1K6 | JIM WALLACE ARCHAUS ARCHITECTS INC. 1358 HURONTARIO ST MISSISSAUGA ON, L5G 3H4 | 131 MAYFIELD DR PLAN 553 LOT 127 |

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5**

**ZONING: RL3-0
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 | Table 4.3 (Row 7) The maximum encroachment into a <i>minimum yard</i> for window wells with a maximum width of 1.8 metres shall be 0.6m | To permit the maximum encroachment into the <i>minimum side yard</i> for the window well with a maximum width of 3.185 metres to be 0.61m |
| 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> between 650.00 m ² and 742.99 m ² shall be 41% (301.01 m ²); (Lot area is 734.18 m ²). | To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 43.69% (320.75 m ²). |
| 3 | Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres. | To permit a maximum <i>height</i> of 10.0 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/193/2022 - 131 Mayfield Dr (West District) (OP Designation: Low Density Residential))
The applicant proposes to permit the construction of a two-storey detached dwelling subject to the variance listed above.

The subject property is located along Mayfield Avenue and the area is under transition with new two-storey dwellings in the area with sidewalks on one side along Mayfield 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.

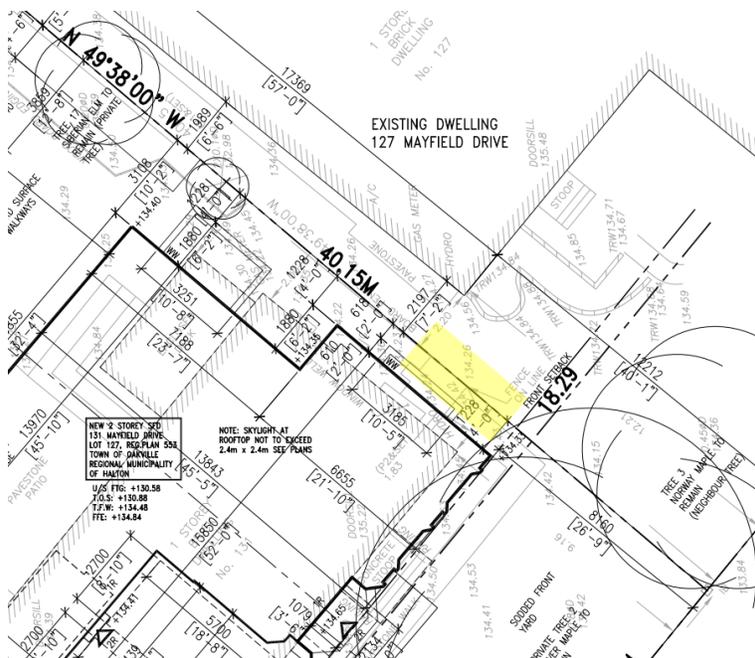
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

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: Window Well Encroachment (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit an increase in the window well width from 1.8 m to 3.185 m into the minimum side yard. The intent of regulating window wells is to allow for adequate side yard drainage, access and allows for landscaping. In this instance, the increased width has the potential to impact grading in the area and can cause potential flooding onto the adjacent property due to drainage issues. In this instance, the increased length of the window well has the potential to impact grading in the area and reduce the opportunity for an appropriate ability swale in the side yard. Staff are of the opinion that the requested variance is not minor in nature and does not meet the intent of the Zoning By-law and Official Plan.

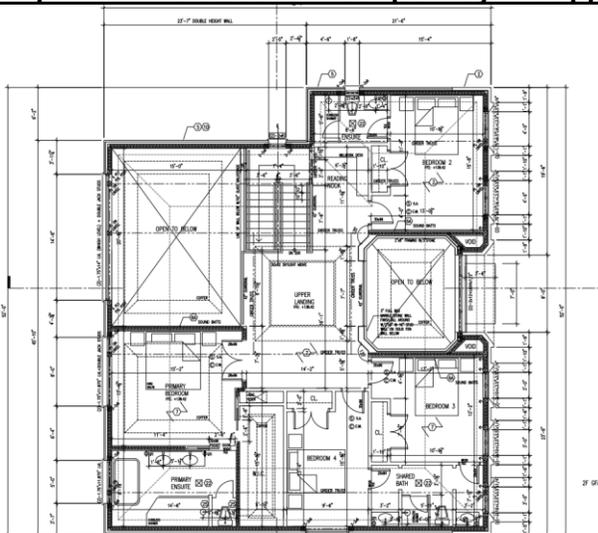
Excerpt from the Site Plan:



Variance #2: 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 41% (301.01 square metres) to 43.69% (320.75 square metres) for an increase of 19.74 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 large open to below areas. 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. Staff are of the opinion that a variance for residential floor area ratio is interrelated to the height variance and it is not minor in nature.

Excerpt from the Second Floor plan by the applicant



Variance #3: 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 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. Staff are of the opinion that a variance for height is interrelated to the Residential floor area ratio.

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

Staff are of the opinion that the requested variances are interrelated as they contribute to facilitating the proposed development. Staff have concerns with the significant height increase and double storey entrance which make the dwelling more dominant than other dwellings in the neighbourhood. As a whole, there is a negative cumulative impact of the requested variances. 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:

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 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.

Transit : Comments not received.

Halton Region: CAV A/193/2022 – J. Sakrani, 131 Mayfield Drive, Oakville

- 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 encroachment into the minimum side yard for the window well, 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.

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.

A rectangular box containing a handwritten signature in cursive script that reads "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment