

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/165/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 18, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Harbhagat Gakhal and Harjot Gakhal 247 Tweedsdale Crescent Oakville ON L6L 4P8	Glen Schnarr & Associates Inc c/o Stephanie Matveeva 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN 709 LOT 40 247 Tweedsdale Crescent Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

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 variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 5, Column RL2) The <i>minimum interior side yard</i> shall be 2.4 m.	To permit a <i>minimum</i> (northerly) <i>interior side yard</i> of 1.83 m.
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 1022.00 m ² and 1114.99 m ² shall be 37% (394.44 m ²); (Lot area is 1066.06 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 40.35% (430.15 m ²).
3	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (266.51 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 31.84% (339.43 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
4	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.26 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/165/2022 - 247 Tweedsdale Cres (West District) (OP Designation: Low Density Residential)

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

The neighbourhood is characterized by two storey dwellings along the lane with no sidewalks along Tweedsdale Crescent 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.

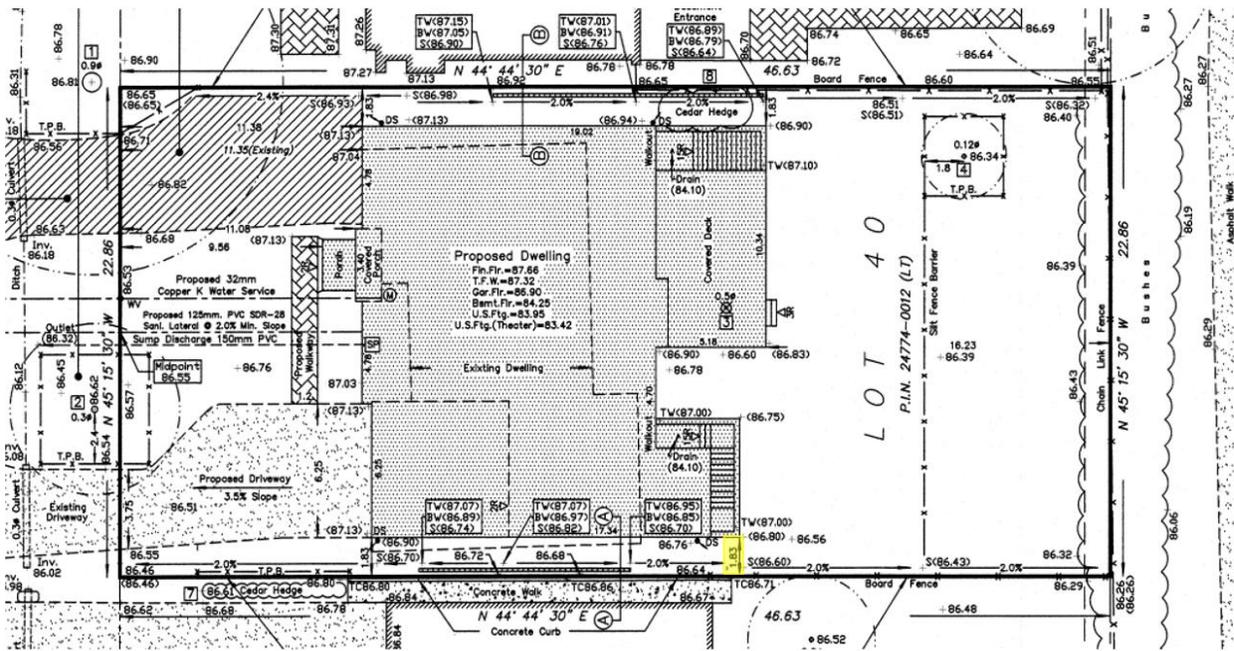
b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

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 – Interior side yard (Unsupported)

The applicant requests relief from By-law 2014-014, as amended, to permit a reduced southerly interior side yard setback from a minimum of 2.4 metres to 1.83 metres. The side yard is measured from the northerly lot line to the main wall of the dwelling. The intent of regulating the side yard setback is to ensure sufficient spacing and buffering between buildings that are beside one another in order to provide adequate access and appropriate transition and scale, while also avoiding privacy and overlook concerns and to allow for adequate drainage. In this instance, staff are of the opinion that the requested reduction in side yard setback is interrelated to the requests for an increase in Residential Floor Area and Lot Coverage as the reduced side yard is proposed to accommodate a larger dwelling. Staff are of the opinion that this variance is not minor and would have negative impacts on adjacent properties.

Excerpt of the Site Plan by the applicant



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 37% (394.44 square metres) to 29.15% (430.15 square metres) for an increase of 35.71 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 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. Staff are of the opinion that a variance for residential floor area ratio is interrelated to a variance regarding lot coverage.

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% (255.51 square metres) to 31.84% (339.43 square metres) for an increase of 83.92 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. Staff are of the opinion that a variance for lot coverage is interrelated to a variance regarding lot residential floor area ratio.

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 9.26 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.

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 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.

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 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: No concerns for Fire

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

Transit: No Comment

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 a decrease in the minimum side interior yard, an increase in the maximum residential floor area ratio for the detached dwelling, 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.



Heather McCrae, ACST
Secretary-Treasurer