

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/167/2022

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
Santo Ranieri 420 Sumner Avenue Oakville ON L6J 1S9	Gren Weis Architect and Associates c/o Terry Martino 210-341 Kerr Street Oakville ON L6K 3B7	PLAN 113 LOT 264 420 Sumner Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential - Special Policy

ZONING: RL3-0 SP 10

WARD: 3

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 proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 4, Column RL3)</b> The <i>minimum flankage yard</i> shall be 3.5 m.	To permit a <i>minimum flankage yard</i> of 2.95 m.
2	<b>Section 6.4.1</b> 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 <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41% (284.25 m <sup>2</sup> ); (Lot area is 693.3 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 44.4% (307.6 m <sup>2</sup> ).
3	<b>Section 15.10.1 c)</b> The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19 % (131.72 m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> to be 26.8 % (185.6 m <sup>2</sup> ).
4	<b>Section 15.10.1 e)</b> The maximum total <i>floor area</i> for a <i>private garage</i> shall be 38.0 m <sup>2</sup>	To permit the maximum total <i>floor area</i> for a <i>private garage</i> to be 39.0 m <sup>2</sup>

### 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/167/2022 - 420 Sumner Ave (East District) (OP Designation: Low Density Residential- Special Policy)

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

The neighbourhood consists of two-storey dwellings that are original to the area and newly constructed two-storey dwellings.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low-Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

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.”*

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the unique attributes of the large lots and related homes in the Special Policy Area, intensification shall be limited to the development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

#### **Variance #1 – Flankage Yard (Unsupported)**

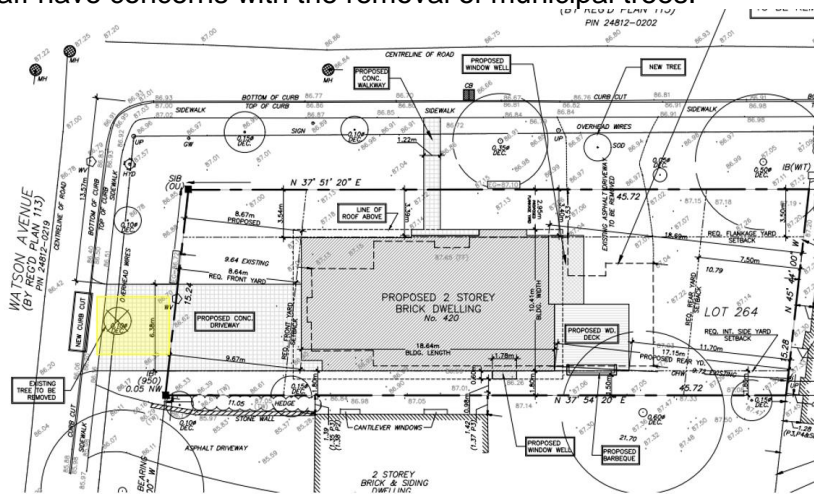
The applicant is seeking relief from Zoning By-law 2014-14, as amended, to permit a decrease in minimum flankage yard setback from 3.5 metres to 2.95 metres for a decrease of 0.55 m. The intent of regulating the flankage yard is to ensure adequate separation from the street, provide a safe distance for visibility at the corner and ensure that a dwelling does not dominate the streetscape. In this instance, flankage yard setback reduction is for a small portion of the dwelling.

#### **Excerpt of Site Plan by the applicant:**



The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 38 square metres to 39 square metres for a total increase of 1 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 requested increase for the two-car garage would be internal to the dwelling which is minor in nature and it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law.

In addition to the above comments, an existing municipal tree is located within the new proposed driveway entrance which has been proposed to be removed (Shown in figure below). Staff have concerns with the removal of municipal trees.



### Site photo including the tree:



### 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 (Flankage Yard), #2 (Residential Floor Area Ratio), #3 (Lot coverage) and #4 (Garage Floor Area) are interrelated as they all regulate the mass and scale of the dwelling. 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

**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 flankage yard, an increase in the maximum residential floor area ratio for the detached dwelling, an increase in the maximum lot coverage for a dwelling having two storeys, and an increase in the maximum total floor area for a private garage, 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.

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

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Heather McCrae, ACST  
Secretary-Treasurer