

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/026/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M

Owner (s)	Agent	Location of Land
NILESH PATEL MEENU PATEL-KHINDRI	PAUL DEMCZAK BATORY MANAGEMENT 4-1550 KINGSTON RD SUITE 1345 PICKERING ON, L1V 6W9	1594 VENETIA DR PLAN 1252 LOT 4

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) to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Section 6.4.2 (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 25.51%.
2	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.50 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/026/2024 - 1594 Venetia Drive (West District) (OP Designation: Low Density Residential)

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

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

The subject lands are within a neighbourhood that predominately consists of two-storey dwellings with some raised one-storey dwellings. Some dwellings in this neighbourhood have undergone exterior renovations to modernize the design or have been replaced with new dwellings. The prevailing character for both the existing and new dwellings provides for single-

storey elements for either the garage or main living area, step-backs in the second floor, or the second floor is built into the roofline. The collective impact of these design elements minimizes the massing of the second floor.



Aerial photo of 1594 Venetia Drive

The original and proposed dwelling can be viewed in the images below.



1594 Venetia Drive – Existing Dwelling



1594 Venetia Drive – Proposed Dwelling

As shown above, the existing dwelling has a newer constructed two-storey dwelling to the south (left side) with the second floor built into the roof line, and single storey covered front porch. To the north of the existing dwelling is a two-storey dwelling that appears to have been altered to redesign the second floor to provide a tudor style design with a single storey element on the south side. While the applicant's requested variances could be considered a minor numerical deviation from the zoning by-law, the cumulative affect of the variances results in a dwelling that does not maintain or protect the character of this neighbourhood. Further, the variances contribute to a design that does not provide an appropriate massing and scale consistent with what is found in the neighbourhood or align with the Urban Design Guidelines for Stable Residential Communities.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is 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 11.1.9, and the following criteria apply:

Policy 11.1.9 a) states:

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

Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. The variances have been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and protection of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

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.*

3.1.3 Scale: *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

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. The design approach may incorporate:*

- *Projections and/or recesses of forms and/or wall planes on the façade(s).*
- *Single-level building elements when located adjacent to lower height dwellings.*
- *Variations in roof forms.*
- *Subdividing the larger building into smaller elements through additive and/or repetitive massing techniques.*
- *Porches and balconies that can reduce the verticality of taller dwellings and bring focus to the main entrance.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

The proposed dwelling does not provide an adequate transition to dwellings on abutting properties, nor does it incorporate design elements that would help to mitigate the impact of the significant massing and scale on abutting properties, and the requested variances exacerbate this condition. On this basis, it is staff's opinion that the requested variances do not maintain the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Lot Coverage (Objection) – 25% increased to 25.51%

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. As mentioned above, the proposed lot coverage contributes to the design of the proposed dwelling which is not compatible with the surrounding neighbourhood character. Further, staff are of the opinion that the dwelling proposed introduces a mass and scale that does not protect or maintain the character of the neighbourhood. On this basis, staff are of the opinion that the request does not maintain the general intent and purpose of the Zoning By-law.

Variance #2 – Height (Objection) – 9.0m increased to 9.5m

The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than the dwelling in the surrounding neighbourhood. Similar to variance 1 above, the cumulative impact of the proposed height, and additional lot coverage contributes to the development of a dwelling that does not maintain or protect the neighbourhood character. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Is the proposal minor in nature?

It is staff's opinion that an increase of 0.51% in lot coverage or 0.50m increase in height may seem nominal, but the cumulative effect of the increases and the resulting mass and scale of the dwelling is not minor in nature.

Is the proposal desirable for the appropriate development of the subject lands?

Staff are also of the opinion that the requested variances are not appropriate for the development of the lands as the resulting variances contribute to a dwelling that has a mass and scale that is not compatible with the adjacent dwellings and surrounding area, and has not been designed to protect or maintain the character of the neighbourhood.

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests and staff recommends denial of the application.

Fire: No concerns for fire.

Transit : Comments not received.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Halton Region: 6.1 CAV A/026/2024 – M. Patel-Khindri, 1594 Venetia 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 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 permitting the construction of 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment