

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/033/2024**

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

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|------------------|---|----------------------------------|
| MEJBEL KAOOD | JORIS KEEREN KEEREN DESIGN INC. 11 BRONTE RD 31 OAKVILLE ON, L6L 0E1 | 218 WANETA DR PLAN 544 LOT 15 |

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 2**

**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 variances to Zoning By-law 2014-014:

| No. | Zoning By-law Regulation | Variance Request |
|-----|---|---|
| 1 | <i>Table 4.3 (Row 7)</i> The maximum encroachment into a minimum yard for window wells with a maximum width of 1.8 metres shall be 0.6m. | To increase the maximum encroachment into the minimum rear yard for the window well to 0.90m with a maximum width of 3.30 metres. |
| 2 | <i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00m ² and 742.99m ² shall be 41%. | To increase the maximum residential floor area ratio to 44.30%. |
| 3 | <i>Section 6.4.3 (a)</i> The minimum front yard shall be 8.69m in this instance. | To decrease the minimum front yard to 8.44m. |

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)

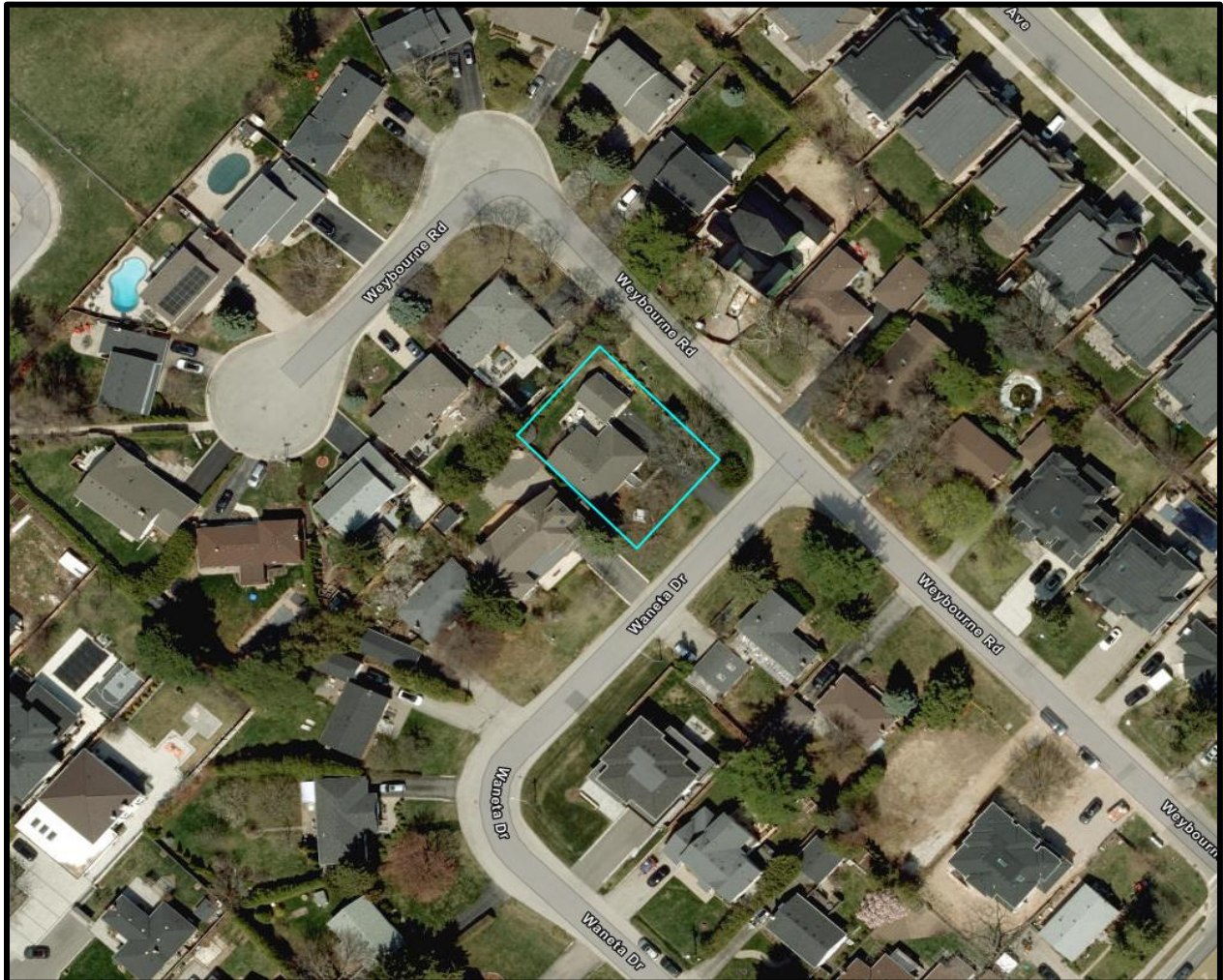
CAV A/033/2024 - 218 Waneta Drive (West District) (OP Designation: Low Density Residential)

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 variance 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 and Area Context

The subject property is a corner lot located in a neighbourhood with one-storey, one-and-a-half storey, and two-storey dwellings that are original to the area, as well as some newly constructed two-storey homes with diverse architectural styles. Most newly constructed homes include attached two-car garages that are either flush or recessed behind the front porch or the main wall of the front façade, as well as prominent front entrance features.



Aerial photo of 218 Waneta Drive

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

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.”

The proposed development has 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 preservation of 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:

3.2.1. 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.*

3.2.6. Garages and Accessory Structures: *New development with an attached garage on the front façade should position the garage flush or recessed behind the front façade of the dwelling. Where applicable, additional building elements, such as porches or trellises, are encouraged to extend along the garage face and primary façade to lessen the visual prominence of the garage.*

Planning Staff are of the opinion that the proposed residential floor area and front yard are not consistent with the Design Guidelines for Stable Residential Communities. There is established, existing neighbourhood character and the proposed residential floor area and front yard does not meet this character as the residential floor area and the front yard due to the garage encroachment result massing and scale impacts on the streetscape, as well as the garage being the most prominent feature of the dwelling.

On this basis, it is Staff's opinion that variances #2 and #3 do not maintain the intent of the Official Plan as these variances would result in a dwelling that is not in keeping with the character of the neighbourhood. Variance #1, however, does maintain the intent of the Official Plan as it does not create negative adverse drainage impacts on adjacent and surrounding properties.

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 – Window Well Encroachment (No objection)

The intent of the Zoning By-law provision for maximum encroachment into a minimum yard for window wells is to ensure adequate drainage is maintained on site. The window well is located in the rear yard and does not cause any negative adverse impacts on drainage. Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

Variance #2 – Residential Floor Area (Objection) – 41% increased to 44.30%

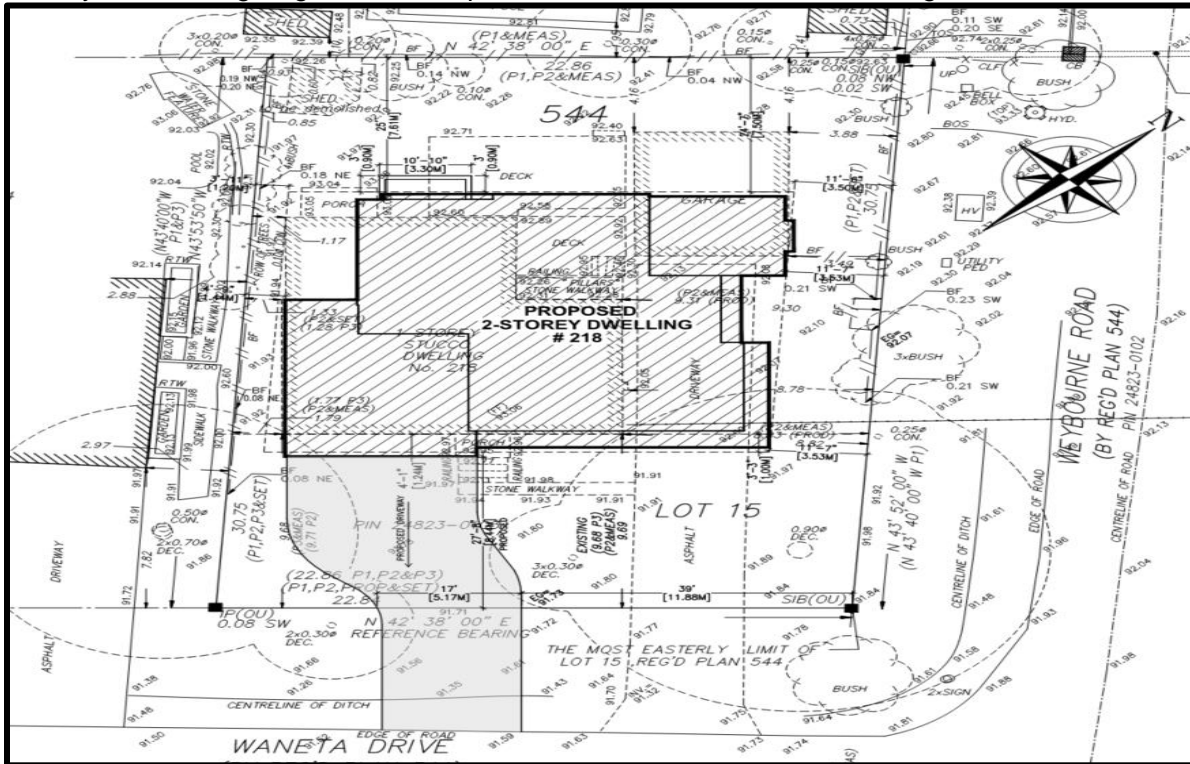
The intent of the Zoning By-law provision for residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The residential floor area of 44.30% (310.72 m²) results in approximately 23.16 m² floor area more than the permitted 41% (287.56 m²). The proposed dwelling is a full two-storey with no transitional massing resulting in massing and scale impacts on the streetscape. Specifically, the second-storey massing at the corner overlooking Waneta Drive and Weybourne Road intersection is overwhelming. The second-storey massing and the prominent garage results in the dwelling visually appearing larger than dwellings in the neighbourhood. The proposed dwelling also includes an open to below area in the foyer. While open to below areas do not count towards residential floor area, they do contribute to the massing and scale of the dwelling in a manner that is not compatible with the neighbourhood character.



Rendering of the proposed dwelling

Variance #3 – Minimum Front Yard (Objection) – 8.69m decreased to 8.44m

The intent of the Zoning By-law provision for minimum front yard is to ensure a relatively uniform setback along the street. The proposed front yard is generally aligned with the front yard of the adjacent dwelling to the west. However, the two-car garage projection beyond the main wall and into the minimum front yard, results in the garage being a visually dominant feature of the dwelling and combined with the impacts of residential floor area, add to the massing and scale impacts of the dwelling. The neighbourhood consists of original one, one-and-a-half, and two-storey dwellings and new two-storey dwellings with garages that are either flush or recessed behind the porch or main wall of the dwelling. Therefore, the front yard variance resulting in a visually dominant garage is not compatible with the character of the neighbourhood.



Excerpt from the Site Plan

It is staff's opinion that the cumulative effect of variances #2 and #3 have the potential to negatively impact adjacent properties and the surrounding area, as the massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. In staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the variances proposed for residential floor area and front yard do not represent the appropriate development of the subject property as the variances are not minor in nature. The proposed dwelling creates negative impacts on the public realm in terms of massing and scale, which does not fit within the context of the existing neighbourhood. Staff does not, however have concerns with the requested variance related to the window well encroachment as it is in keeping with the character of the neighbourhood and is minor in nature.

Staff object to variances #2 and #3 on the basis that they do not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variance #1 satisfies all 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.

Transit : Comments not received.

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

Halton Region: 6.8 CAV A/033/2024 – M. Kaood, 218 Waneta 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 rear yard for the window well, an increase in the maximum residential floor area ratio, and a decrease in the minimum front yard, 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.

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

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment