

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/049/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 20, 2024 AT 7:00 P.M

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|------------------|---|---------------------------------------|
| ZANA YASSEN | LAWRENCE MALEK SG&M ARCHITECTS INC 193 ROE AVE TORONTO ON, M5M 2J1 | 326 SANDLEWOOD RD PLAN 1060 LOT 53 |

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1**

**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>Table 6.3.1 (Row 5, Column RL2)</i> The minimum interior side yard shall be 2.4 m. | To reduce the minimum (easterly) interior side yard to 1.76 m. |
| 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 1,022.00 m ² and 1,114.99 m ² shall be 37%. | To increase the maximum residential floor area ratio to 40.16%. |
| 3 | <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 26.89%. |
| 4 | <i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres. | To increase the maximum height to 9.56m. |

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)

AV A/049/2024 - 326 Sandlewood Road (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 property is located in a neighbourhood that is currently in transition. The neighbourhood contains dwellings that are original to the area as well as newer two-storey detached dwellings of diverse architectural forms. The newer dwellings consist of façade articulation and massing that is broken up into smaller elements.



Aerial Photo of 326 Sandelewood Road



326 Sandelewood Road – Existing Dwelling



Proposed Front Elevation

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.”

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.*

3.2.1. 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. This design approach may incorporate:*

- *Projections and/or recesses of forms and/or wall planes on the façade(s)*
- *Variation in roof forms*

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 dwellings.

3.2.5.2. Window openings: New development is encouraged to incorporate adequate window openings on the primary façade to add visual interest and to maximize light penetration and views. Window openings are encouraged to be designed in proportion and scale with the façade.

The proposed dwelling lacks the transitions in height, setbacks, and steps backs on the second storey to mitigate its impact on the adjacent one-storey dwelling. Concerning the increased residential floor area, the continuous façade walls further exacerbate the massing impacts on the streetscape and lack any mitigation measures that would break up the massing into smaller elements to reduce its impact. The additional lot coverage, height and windows that do not proportionally align with the façade add to the cumulative impact of massing and scale. It is noted that the plans show the dwelling height to be 9m while the notice the proposed dwelling height to be 9.56m, hence the plans do not reflect the variances as requested.

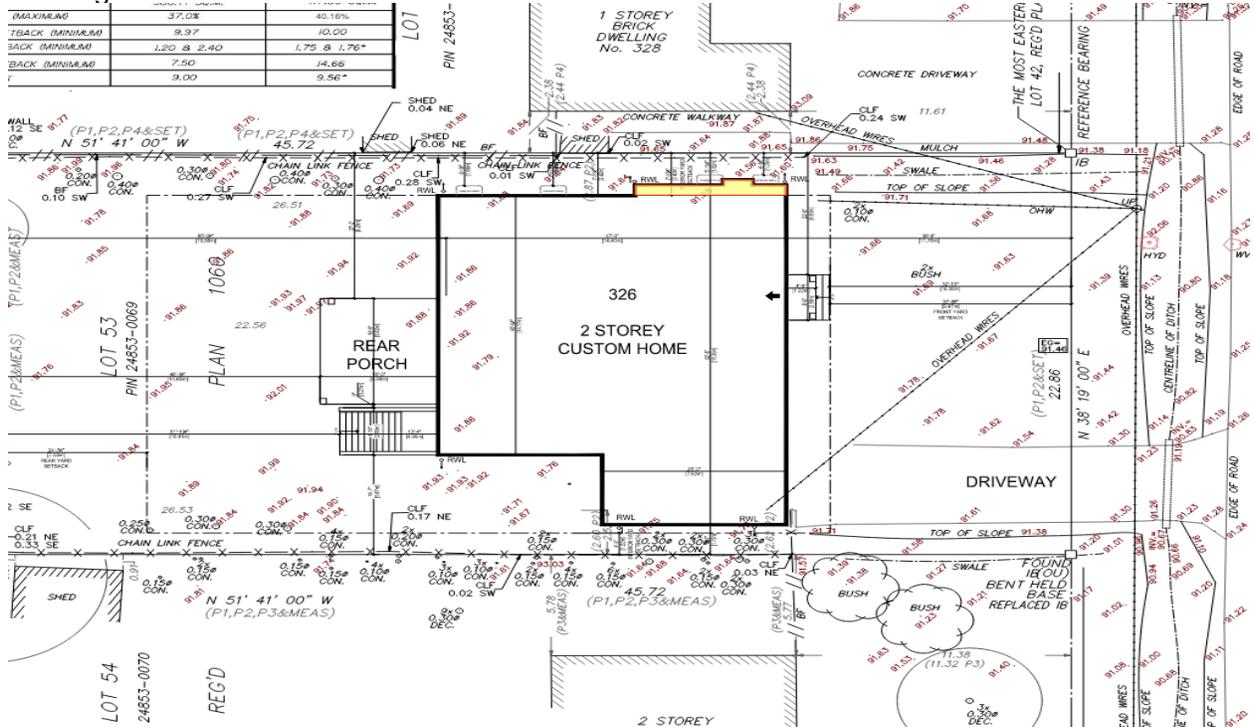
Staff are of the opinion that the proposed dwelling does not maintain the general intent and purpose of the dwelling as it does not maintain the character of the existing neighbourhood.

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 – Minimum (easterly) Interior Side Yard (Objection) – 2.4m decreased to 1.76m

The intent of Zoning By-law provision for interior side yard setback is to ensure adequate spatial separation between dwellings and no negative massing or drainage impacts. The reduction in interior side yard results from the portion of the eastern façade wall that projects into the side yard setback, as highlighted in the image below. The reduced easterly interior side yard results in the two-storey massing of the proposed dwelling being shifted closer to the existing single detached dwelling (top of image below) and creating negative impact.. The reduced interior side yard may also cause negative drainage impacts cumulatively with the requested increased lot coverage.



Variance #2 – Residential Floor Area (Objection) – 37% increased to 40.16%

Variance #3 – Lot Coverage (Objection) – 25% increased to 26.89%

The intent of the Zoning By-law provision for regulating the residential floor area and lot coverage, is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The additional lot coverage of approximately 19.58 m² and additional residential floor area of approximately 31.09 m², cumulatively add to the massing and scale of the proposed dwelling. The lack of mitigation measures such as transition in height adjacent to the single-storey dwelling, second storey being stepped back from the main wall of the first storey, façade articulation, variation in roof forms and massing that is broken up into smaller elements exacerbates the negative impacts of mass and scale on the surrounding properties and the streetscape. It is staff's opinion that the residential floor area and lot coverage cumulatively contribute to the mass and scale of the dwelling in a manner that is not compatible with the neighbourhood character.

Variance #4 – Height (Objection) – 9m increased to 9.56m

The intent of the Zoning By-law provision for regulating height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The additional height of approximately 0.56m as per the notice and the site statistics table on the site plan drawing, would add to the cumulative impacts of mass and scale along with other variances. It is noted that the elevation drawings show the dwelling to be 9m in height which does not accurately represent the massing and scale that would result from the additional height of 0.56m. Therefore, the negative adverse impact of massing and scale due to the additional height would be greater than what is shown in the plans provided. If the dwelling is to be 9m in height according to the elevation drawings, a height variance is not needed as the dwelling would comply with the Zoning By-law. It is staff's opinion that the height variance, as per the notice, would cumulatively contribute to the mass and scale of the dwelling in a manner that is not compatible with the neighbourhood character.

On this basis it is staff's opinion that the cumulative effect of variances has the potential to negatively impacts adjacent properties and the surrounding area, as 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 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 object to variances #1, #2, #3, and #4 on the basis that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Fire: No concerns for Fire.

Transit : Comments not received.

Halton Region: 6.5 CAV A/049/2024 – Z. Yassen, 326 Sandlewood Road, 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 a decrease in the minimum (easterly) interior side yard, an increase in the maximum residential floor area ratio, 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 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.

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, 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.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
 - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
 - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment