

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/065/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, April 17th, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MOHEB SHARED	TOM KOLBASENKO OUR COOL BLUE ARCHITECTS INC. 450 BRONTE ST S SUITE 213 MILTON ON, L9T 8T2	1071 SCOTT AVE PLAN 579 LOT 50

**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 proposing the following variance(s) to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area of the private garage to 59.0 square metres.
2	<i>Section 6.4.1 d)</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 38.9%.
3	<i>Section 6.4.2 a) (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 30.0%.

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/065/2024 - 1071 Scott Avenue (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 original one-storey and one-and-a-half storey dwellings and newer two-storey detached dwellings. Most newer two-storey dwellings consist of single-storey elements, lowered roof lines integrating the second-storey into the roof, second-storey step-backs, and massing that is broken into smaller elements.



Aerial Photo of 1071 Scott Avenue



1071 Scott Avenue – 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:

3.2.1. 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. This 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*
- *Variation 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*

3.2.4. Primary Façade: *New development is discouraged to project significant built form and elements towards the street which may create an overpowering effect on the streetscape.*

The intent of the Official Plan is to protect the existing character of stable residential neighbourhoods. While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed dwelling would not implement the Design Guidelines for Stable Residential Communities, nor maintain and protect the existing neighbourhood character. The proposed dwelling projects full two-storey windows towards the street and includes full second storey without adequate recesses or wall plan variations, contributing to the massing and scale of the dwelling.

It is staff's opinion that the additional residential floor area and overall design of the dwelling have not been properly considered when examining it against the existing character of the surrounding neighbourhood.

On this basis, it is staff's opinion that variance #2 does not maintain the general intent and purpose of the Official Plan as this variance contributes to a proposal that would not maintain nor protect the character of the existing neighbourhood as described later in this report. Variances #1 and #3 however, do maintain the intent and purpose of the Official Plan. The increase in garage floor area is included within the interior of the dwelling while maintaining the appearance of a two-car garage from the streetscape. The additional lot coverage is entirely attributed to the front and rear porches which are single-storey elements and do not contribute to the massing and scale of the actual dwelling.

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 – Garage Floor Area (No Objection) – increased from 45 sq m to 59 sq m

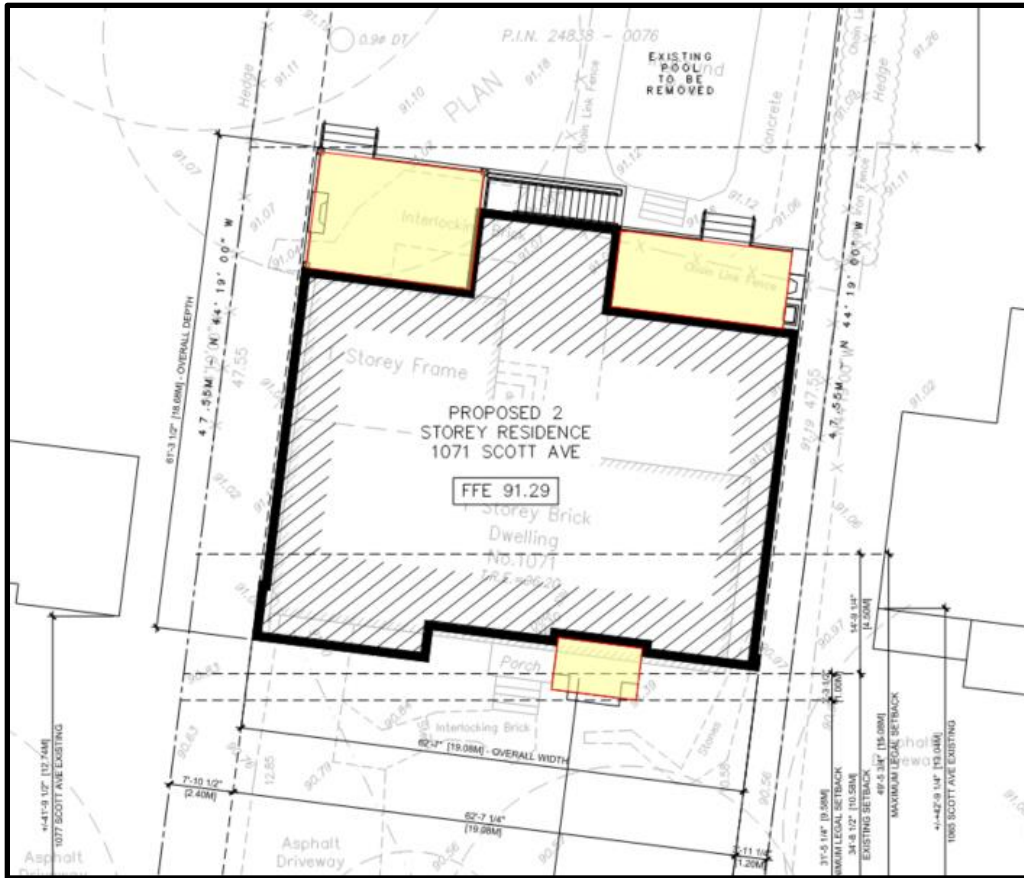
The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum garage floor area increase of 14 sq m. The intent of regulating the garage floor area is to prevent the garage from being the visually dominant feature of the dwelling. The additional garage floor area of 14 sq m is internal to the dwelling. The garage appears to be a two-car garage from the street and is not a prominent feature of the dwelling. 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) – increased from 37% to 38.9%

The applicant requests relief from the Zoning By-law 2014-014, as amended, to permit a residential floor area increase of 1.9% (approximately 20.48 sq m). 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 relatively tall two-storey windows on the front façade and the lack of measures to mitigate the massing such as second-storey step-backs, adequate recesses and wall plane variations, result in the dwelling appearing visually larger than surrounding neighbourhood. Most newer two-storey dwellings in the neighbourhood integrate the second storey within the roof, giving the appearance of one-and-a-half storey dwellings from the streetscape as demonstrated by both abutting dwellings. As such, the proposed dwelling with full two-storey massing does not align with the neighbourhood character. Staff are of the opinion that the increase in residential floor area does not maintain the general intent and purpose of the Zoning By-law and contributes to mass and scale that is not in keeping with the existing neighbourhood character.

Variance #3 – Lot Coverage (No objection) – increased from 25% to 30%

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a lot coverage increase from 25% to 30%. The intent of regulating lot coverage is to prevent the construction of a dwelling with a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. According to the site plan, the additional lot coverage of 5% is attributed entirely to front covered porch and rear uncovered porch and rear covered porch as shown in the image below. Since the uncovered porch do not count towards the lot coverage as defined in the Zoning By-law 2014-014, as amended, the actual additional lot coverage would be less than 5%. The front and rear covered porches are single-storey elements and do not contribute to the massing and scale of the dwelling. Staff are of the opinion that lot coverage variance maintains the general intent and purpose of the Zoning By-law.



Proposed Site Plan with highlighted covered and open porches

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

Staff are of the opinion that the variance proposed for an increase in residential floor area does not represent the appropriate development of the subject property as the variance is not minor in nature. The proposed dwelling creates negative impact 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, object to the requested variances related to the garage floor area and lot coverage as they are in keeping with the character of the neighbourhood and are minor in nature.

Staff object to variance #2 on the basis that it does not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variances #1 and #3 satisfy 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: 6.5 CAV A/065/2024 – M. Shared, 1071 Scott Avenue, 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 total floor area of the private garage, an increase in the maximum residential floor area

ratio, and an increase in the maximum lot coverage, 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