

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/071/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT
OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Laura Brutto	Gus Ricci Architect c/o Gus Ricci 64 Rebecca Street Oakville ON L6K 1J2	PLAN 545 LOT 86 221 Wedgewood Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area

ZONING: RL1-0

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 a new two storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.5 b)</i> The maximum cumulative width of the driveway entrances at the point of crossing the front lot line shall be 9.0 metres.	To increase the maximum cumulative width of the driveway entrances to be 12.00 metres.
2	<i>Section 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 94.80 square metres.
3	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29%.	To increase the maximum residential floor area ratio to 36.30%.
4	<i>Section 6.4.2 (Row RL1, 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 29.90%.
5	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.75 metres.

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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

CAV A/071/2024 – 221 Wedgewood Drive (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey 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:

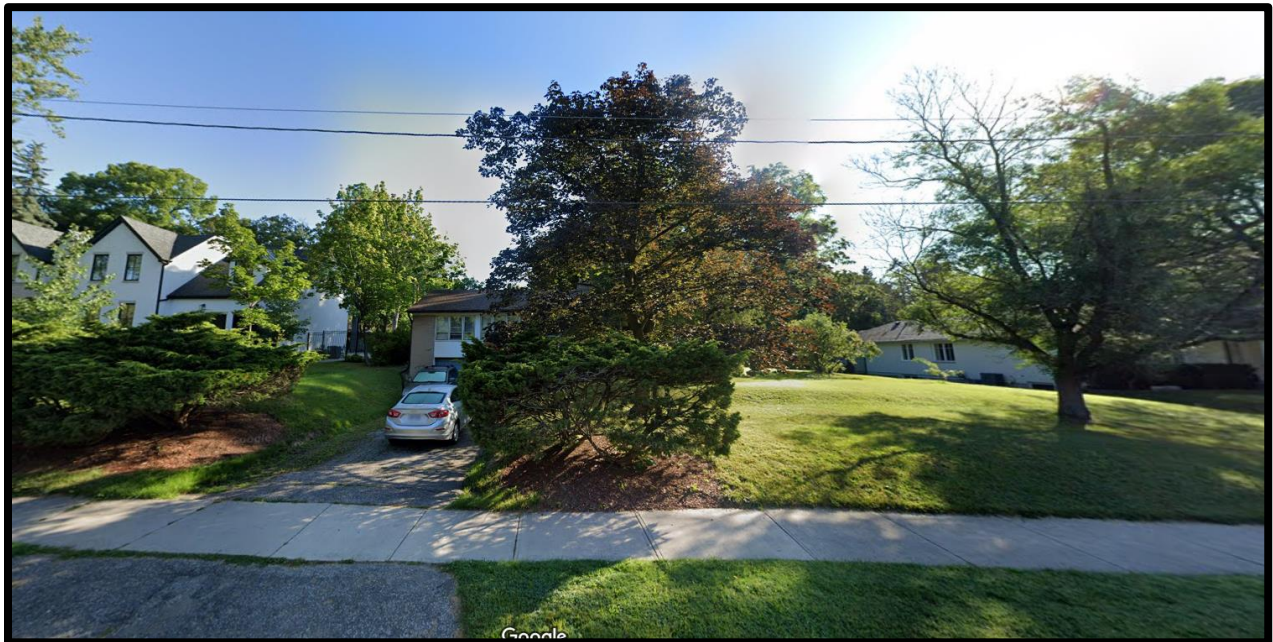
Site and Area Context

The subject property is located within an established neighbourhood that contains both one- and two-storey detached dwellings, some of which have been modified or replaced with newer two-storey dwellings. The neighbourhood is within the Special Policy exception area of the Official Plan that reflects the large lot character of the area. The character of these large lots tends to accommodate larger scale homes with double car garages that are intermixed with mature vegetation, and have been constructed to compliment the varying grades. The neighbourhood character is also described by large spaces between dwellings and deep front yard setbacks to better accommodate the rise and fall in grade from the street line. The subject lands rise in grade with the existing one-storey dwelling built over the highest point of the property and the existing attached garage entrance at a below grade level as shown in the image below. Based on the plans submitted and a site visit, the highest point of the site appears to align with the grades of the newer two-storey dwelling to the north, and slopes downwards towards the existing one-storey dwelling to the south. This change in grade results in the existing one-storey dwelling to the south being situated lower than the siting of the proposed new two-storey dwelling. Additionally, based on Town records, it appears that the subject lands may contain existing drainage patterns for the northern properties and must be investigated by a qualified professional.

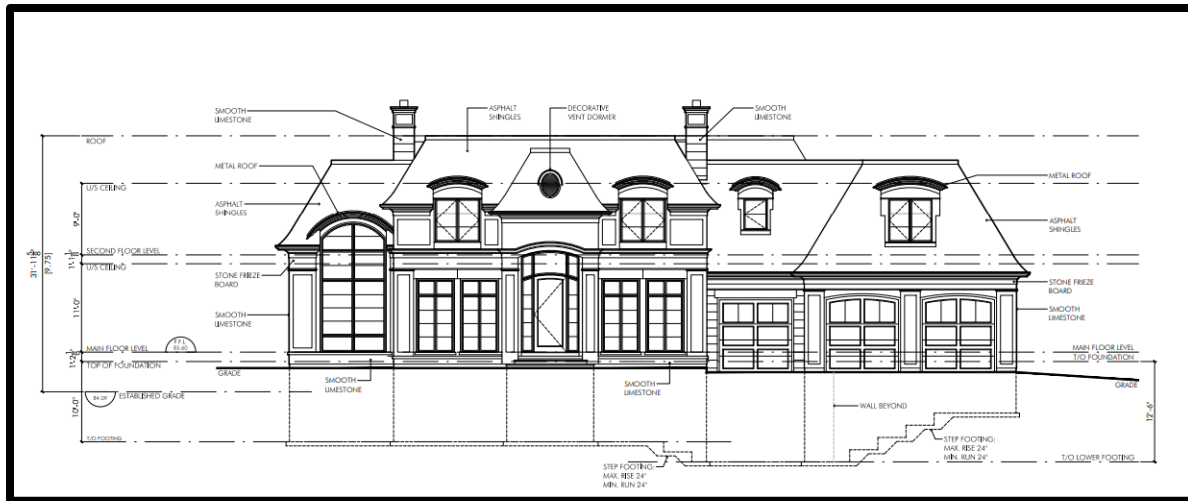
It appears from the applicant's proposal that the existing driveway to the below grade garage will be filled in to bring the site in-line with the grades to the north, and the mature vegetation in the front yard will be removed to accommodate the proposed circular driveway.



Aerial photo of 221 Wedgewood Drive



Existing dwelling at 221 Wedgewood Drive



Proposed dwelling at 221 Wedgewood

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

The subject property is designated Low Density Residential Special Policy 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.

c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.

f) Surface parking shall be minimized on the site.”

Further, section 26.2.1 recognizes the character of the special policy area within the RL1-0 Zones and is intended to protect the unique character of this area within the Town. 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.*

3.2.6 Garages and Accessory Structures: *New development should make every effort to minimize the visual prominence of the garage and the surface parking area on the property frontage in order to maintain a positive pedestrian experience along the streetscape. Detached garages and accessory structures should be located within the rear or side yards to reduce their prominence on the streetscape.*

3.3.2 Driveways and Walkways: *The majority of residential properties in Oakville integrate vehicular and pedestrian access to the dwelling through a driveway located within the front yard. The objectives are to maximize opportunities for landscaping and retaining the established front yard pattern and to minimize the amount of impermeable paved areas and potential impacts on the root zones of existing trees.*

1. *New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*
4. *New development is discouraged from incorporating circular driveways in order to reduce the amount of paved surface and the number of curb cuts that may impact the streetscape and pedestrian environment. However, this form of driveway may be considered on larger lots for access purposes only and in instances where no existing street trees are impacted. The island within the circular driveway should be extensively landscaped.*

On this basis, it is Staff's opinion that the variances do not maintain the intent of the Official Plan as the proposal would result in a dwelling that is not in keeping with 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** – Cumulative Driveway Width: 9m increase to 12m (Objection)
- Variance #2** – Garage Floor Area: 45m² increase to 94.8m² (Objection)
- Variance #3** – Residential Floor Area: 29% increase to 36.30% (Objection)
- Variance #4** – Lot Coverage: 25% increase to 29% (Objection)
- Variance #5** – Height: 9m increase to 9.75m (Objection)

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, to permit the construction of a new two-storey dwelling which in Staff's opinion has the appearance of being substantially larger than the dwellings in the surrounding area, does not appropriately transition

to the dwelling to the south, provides a three-car garage that visually dominates the front façade of the dwelling, and introduces large amounts of hard surface area within the front yard.

It is staff's opinion that each of the variances requested present negative impacts to the abutting properties and surrounding area and does not protect or maintain the character of the existing neighbourhood. For instance, variances 1 and 2 are related to the proposed three-car garage. The intent of these regulations is to limit the amount of hardscaping in the front yard and ensure that garages are not a visually dominant feature of the dwelling. Variances 3, 4 and 5 are related to the mass and scale of the dwelling. The intent of these regulations is to ensure a dwelling does not appear larger than the dwellings in the surrounding area. Additionally, the proposed increase in lot coverage also relates to the proposed accessory building in the rear yard which increases the impervious area of the property, and total increase in lot coverage may have a negative impact on existing drainage patterns for the subject lands and the surrounding area. Further, the requested increase in height exacerbates the existing site grading conditions. Collectively, it is staff's opinion that these variances result in an overbuilding of the site and therefore does not maintain the intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the requested variances are not desirable for the appropriate development of the site as the cumulative effect of the variances results in a dwelling that does not maintain or protect the existing neighbourhood character. Further, the variances are not minor in nature as the development presents unacceptable adverse impacts to the abutting properties and the surrounding 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 property. Accordingly, the application does not meet the four tests and staff recommends that the application be denied.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments for this minor variance application.

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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 cumulative width of the driveway entrances, an increase in the maximum total floor area for the private garage, 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.

Union Gas: No Comments received

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, 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.

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

Heather McCrae, ACST
Secretary-Treasurer