

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/039/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 06, 2024 AT 7:00 P.M.

| Owner/Applicant | Agent | Location of Land |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| | Matthews Design and Drafting Services Inc c/o Doug Matthews/Bethany VanRavens P.O Box 92 Georgetown PO Main Halton Hills ON L7G 4T1 | PLAN 544 LOT 8 186 Waneta Drive Town of Oakville |

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2**

**ZONING: RL3-0
DISTRICT: West**

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. | Current | Proposed |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1 | <i>Section 4.27 a)</i> A rooftop terrace is permitted on a lot in any Zone, except for Residential Low -0 Suffix Zones. | To permit a rooftop terrace. |
| 2 | <i>Section 4.27 i)</i> In Residential Low Zones, a rooftop terrace is only permitted on the first storey of the dwelling having two or more storeys with a maximum 1.5m depth measured from the main wall. | To increase the maximum depth to 3.69m. |
| 3 | <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 50.71%. |

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 March 6, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/039/2024 - 186 Waneta Dr (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 in a neighbourhood containing one-storey, one-and-a-half storey, and two-storey dwellings that are original to the area, along with some newly constructed two-storey homes with diverse architectural styles. Most newly constructed homes include attached two-car garages and prominent front entrance features.



Aerial photo of 186 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:

3.1.1 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.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

Planning Staff are of the opinion that the proposed variances are not consistent with the Design Guidelines for Stable Residential Communities. There is an established, existing neighbourhood character and the proposed dwelling does not meet this character as the rooftop terrace and residential floor area result in massing and scale impacts on the existing streetscape. Furthermore, the proposed dwelling is a full two-storey with limited transitional massing. Staff recommend appropriate transitions and modulations to the building façade to ensure compatibility with the existing neighbourhood character.

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 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 – Rooftop Terrace (Objection) – Rooftop terrace not permitted in Residential Low - 0 Suffix Zones.

Variance #2 – Rooftop Terrace Depth (Objection) – 1.5 m increased to 3.69 m

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a rooftop terrace, whereas, a rooftop terrace is not permitted in the Residential Low -0 suffix zone. Further, the applicant seeks to increase the maximum depth requirement for a rooftop terrace from 1.5m to 3.69m. The intent of the Zoning By-law provision for rooftop terraces is to prevent potential overlook and privacy impacts and prevent a dwelling from having a mass and scale that appears larger than dwellings in the surrounding neighbourhood.

The rooftop terrace is proposed to be located at the front of the dwelling above the two-car garage. It is Staff's opinion that introducing an element that is not permitted in the Zoning By-law would not meet the intent and purpose of the Zoning By-law.

Variance #3 – Residential Floor Area Ratio (Objection) – 41% increased to 50.71%

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 50.71% (354.80 m²) results in a 67.95 m² increase in residential floor area from that permitted 41% (286.85 m²). The proposed dwelling is a full two-storey dwelling with limited transitional massing, resulting in a dwelling that appears larger than other dwellings within the area from the public realm. As mentioned above, Staff recommend appropriate transitions and modulations to the building façade as to ensure compatibility with the existing neighbourhood character.

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

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature as the proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, which does not fit within the context of the surrounding area.

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 recommend 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: None

Halton Region:

- 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 rooftop terrace, an increase in the maximum depth, and an increase in the maximum residential floor area ratio, 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: 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.



Heather McCrae, ACST
Secretary-Treasurer