

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/123/2024

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on November 13, 2024 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|---------------------|--|--|
| C. LATIF S. AMIR | JONATHAN BENCZKOWSKI SOL-ARCH 301 KEEWATIN AVE Toronto ON, CANADA M4P 2A4 | PLAN 716 LOT 2 324 Wendy Lane Town of Oakville |

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 on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <i>Table 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 39.18%. |
| 2 | <i>Table 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 29.76%. |
| 3 | <i>Section 6.4.3 (a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 12.5 metres. | To reduce the minimum front yard to 11.60 metres. |

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)

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 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. There has been very minimal redevelopment of properties in the immediate area. Most newly constructed homes include angled roofs and step backs at the second storey level to transition to abutting dwellings.



Aerial Photo of 324 Wendy Lane



Street View of 324 Wendy Lane

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 residential floor area, lot coverage, and front yard setback do not meet this character as the variances proposed result in massing and scale impacts on the existing streetscape.

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 – Residential Floor Area Ratio (Objection) – 37% increased to 39.18%

Variance #2 – Lot Coverage (Objection) – 25% increased to 29.76%

Variance #3 – Front Yard Setback (Objection) – 12.5 m reduced to 11.60 m

The intent of Zoning By-law provisions for residential floor area and lot coverage are 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 39.18% (412.08 m²) results in a 22.94 m² increase in residential floor area from that permitted 37% (389.14 m²). The open to below areas above the living room, family room, and front foyer add to be a total of 69.75 m² in size and act to push the second-storey floor area to the perimeter of the dwelling. The open to below elements, specifically at the front of the dwelling facing the southerly interior side yard, do not mitigate the impact of the increased massing and scale on the adjacent one-and-a-half storey dwelling. The 69.75 m² of open-to-below area combined with the additional residential floor area of 22.94 m² results in 92.69 m² of additional area that contributes towards the massing and scale of the proposed dwelling. This, combined with limited transitional massing, creates massing and scale impacts visible from the public realm, and would not be in keeping with the established neighbourhood character.

The lot coverage of 29.76% (313.06 m²) results in a 50.13 m² increase in lot coverage from that permitted 25% (262.93 m²). The increase in lot coverage as proposed would have the effect of expanding the building footprint and increasing the amount of hardscaped and impermeable areas on the lot. Staff note that the subject property is inside the 14 Mile Creek Flood Plain, and having fewer soft landscaped areas on the property means additional stormwater runoff cannot be absorbed as quickly, exacerbating potential drainage impacts. A stormwater management report and flood study will be required as part of the submission requirements for the required 'minor site plan' application. Furthermore, the subject property is regulated by Conservation Halton, and permission is required from Conservation Halton prior to undertaking any development within the regulated area. It is recognized that Conservation Halton has issued a permit for the proposed dwelling on September 11, 2024 approving of that proposed.

The intent of the provision for minimum front yard setback is to ensure a relatively uniform setback along the street. Although the dwelling proposed would result in a front yard setback relatively uniform with the property directly north of the subject property, that proposed will be closer to the street line than the one-and-a-half storey dwelling directly south of the subject property. The reduced front yard setback, combined with the requested variances for an increased residential floor area ratio and lot coverage will cumulatively result in an overpowering effect on the streetscape.

The requested variances are interrelated, as they all contribute towards facilitating the proposed development, and as a whole would result in negative cumulative impacts on the existing neighbourhood. It is Staff's opinion, the proposed variances do not meet the general 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 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.

Bell Canada: No comments received.

Fire: No concerns for Fire. Passed.

Finance: No comments received.

Halton Conservation:

CH issued a permit (File: RAPP-9392) for the proposed dwelling on September 11, 2024.

We do not have a concern from a PPS natural hazards perspective.

As such, we do not have an objection to the approval of the variances requested.

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 to the maximum residential floor area ratio to 39.18%, an increase to the maximum lot coverage to 29.76% and a decrease to the minimum front yard to 11.6m, 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.
- RNHS
Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- General ROP Policy
The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Metrolinx:

Thank you for circulating Metrolinx the November 13, 2024, Committee of Adjustments Agenda for Oakville. Please be advised there are no applicable Metrolinx comments for the applications/properties in this agenda as all properties were outside our designated review zones.

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

Transit: No comments received.

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment