

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/071/2024 (Deferred from May 1, 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>
L. BRUTTO	A.Gus Ricci Gus Ricci Architect 64 Rebecca St Oakville ON, CANADA L6K 1J2	PLAN 545 LOT 86 221 Wedgewood Dr 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 with an accessory building (pool cabana) on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to be 11.75 metres for a lot having a lot frontage equal to or greater than 18.0 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 91.50 square metres.
3	<i>Table 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 32.20%.
4	<i>Table 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 27.80%.
5	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.15 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 demolish the existing one-storey dwelling and construct a new two-storey dwelling, subject to the variances listed above. The applicant had previously submitted their application which was presented to the Committee on May 1st, 2024 and subsequently deferred at the applicant's request to address staff's comments. The applicant has made revisions to their proposal and request 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:

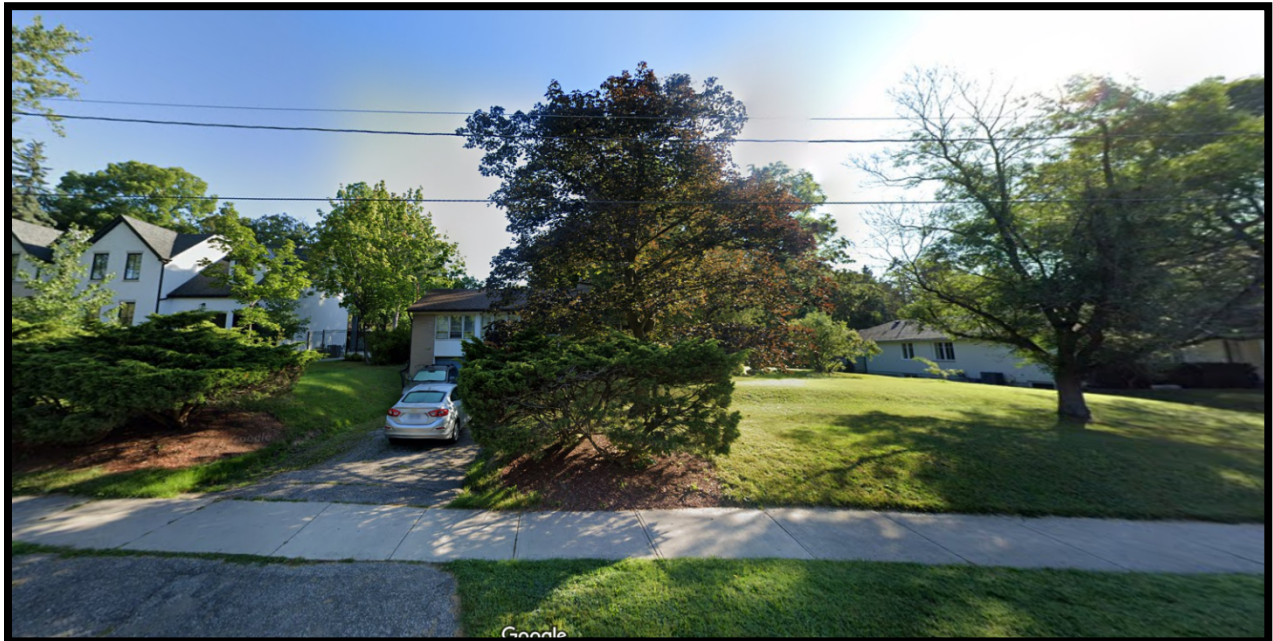
Site and Area Context

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. The property is also within 300m of Wedgewood Creek and would be subject to a 'minor site plan' application in accordance with Bill 97. Further investigations to the drainage patterns and connections to the municipal right-of-way may be further assessed through that process.

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

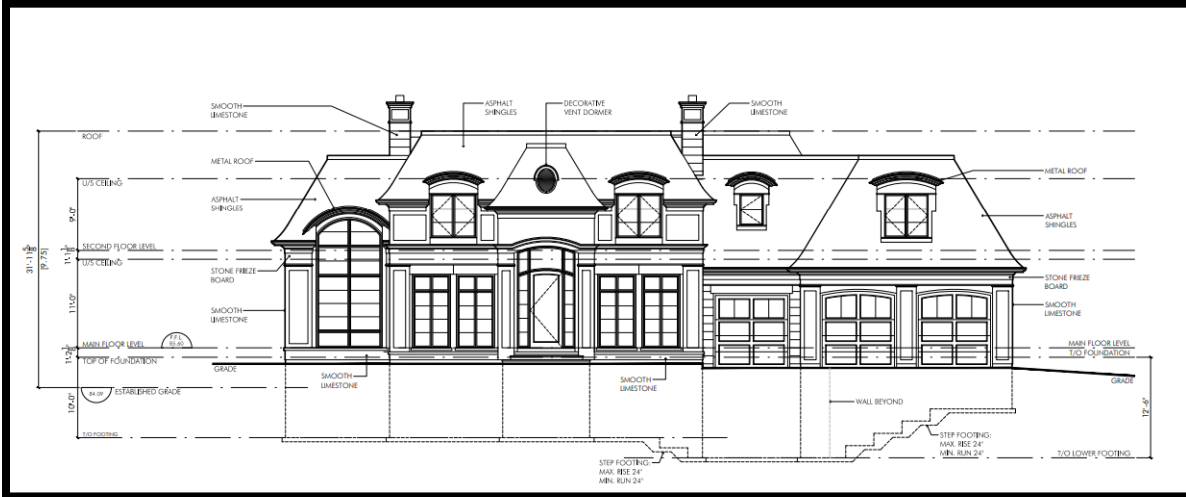


Existing dwelling at 221 Wedgewood Drive

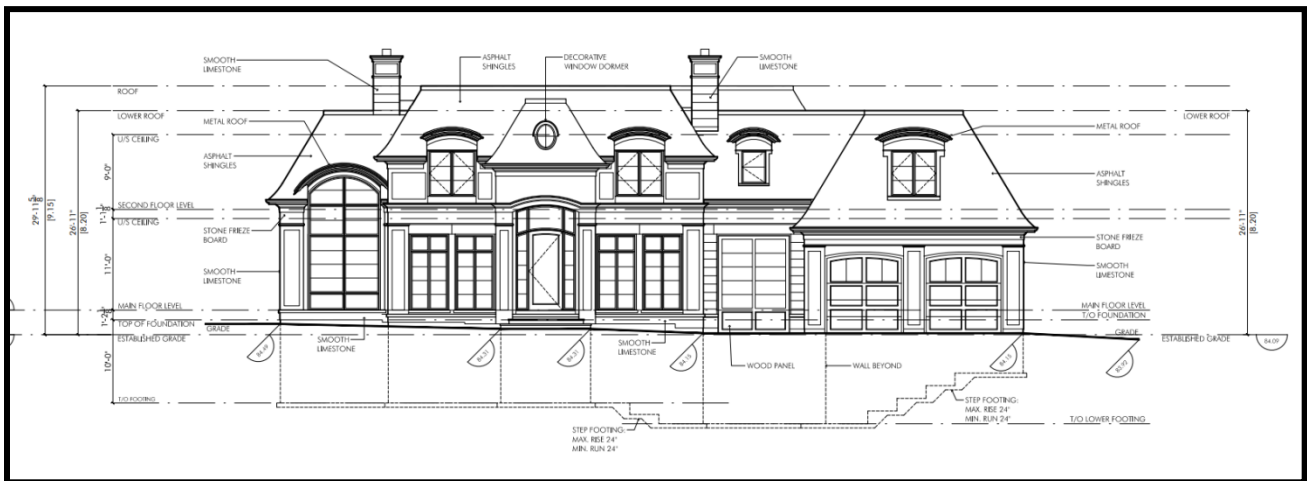
The applicant has made a series of modifications to their proposal to better maintain the character of the neighbourhood. These changes have resulted in changes to the variances requested as follows:

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	May 1, 2024	November 13, 2024
Driveway Width	9m	12m	11.75m
Garage Floor Area	45m ²	94.8m ²	91.5m ²
Residential Floor Area Ratio	29%	36.3%	32.2%
Lot Coverage	25%	29%	27.8%
Height	9m	9.75m	9.15m

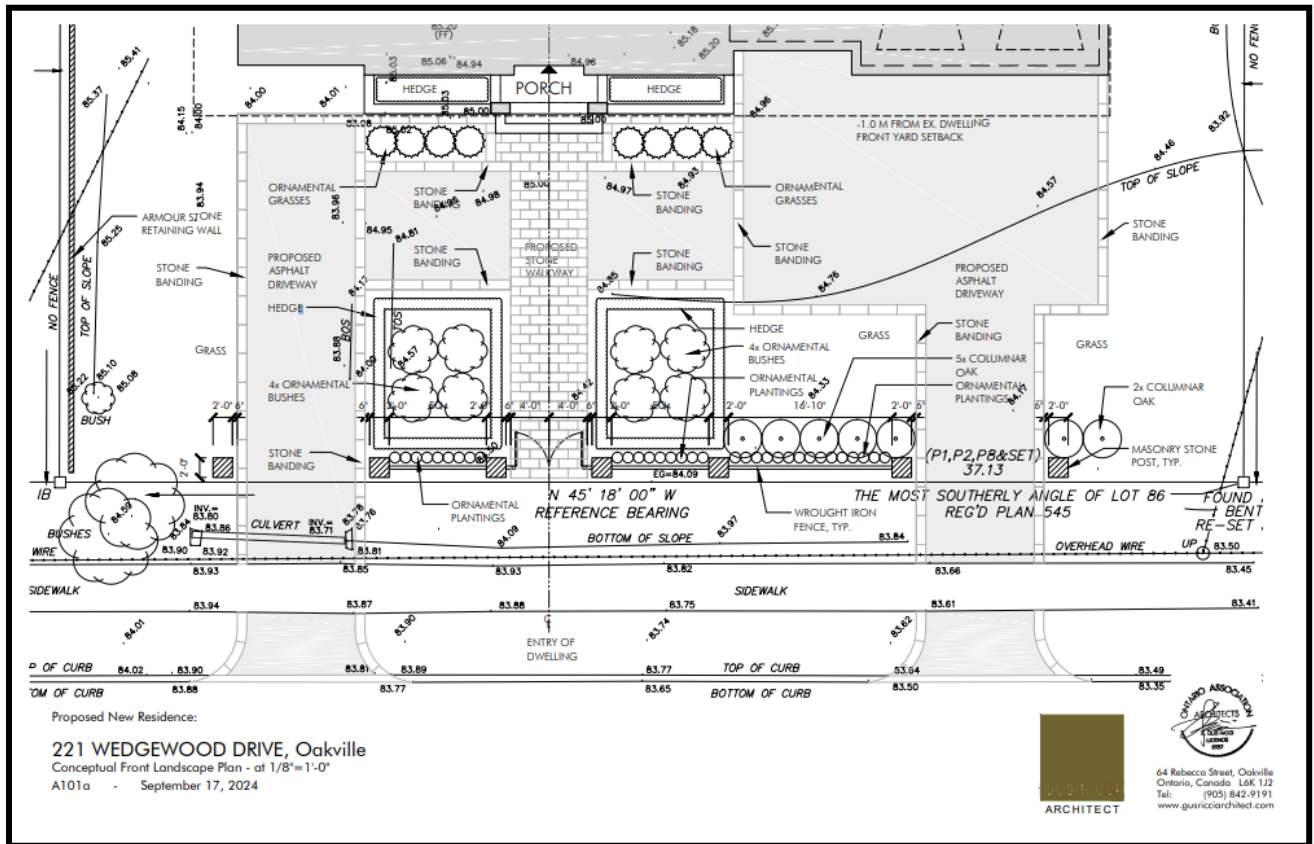
The modifications to the dwelling together with the reductions in the variances requested have resulted in a dwelling that is more compatible with the surrounding neighbourhood. Additionally, the applicant has included a robust landscape plan to further mitigate the massing of the dwelling and mitigate the visual impacts of the circular driveway and additional garage.



Previous Proposed dwelling at 221 Wedgewood



Revised Proposed Dwelling at 221 Wedgewood



Proposed Landscape Plan 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. The modifications to the articulation of the garage and reduced driveway width and enhanced landscaping results in assists in reducing the visual impact of the garage. Combined with the reduced residential floor area and lot coverage, creating larger setbacks, and reduction in height overall, it is staff’s opinion that the proposal maintains the intent of the Official Plan and is compatible with the neighbourhood character.

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 11.75m (No Objection)

Variance #2 – Garage Floor Area: 45m² increase to 91.5m² (No Objection)

Variance #3 – Residential Floor Area: 29% increase to 32.2% (No Objection)

Variance #4 – Lot Coverage: 25% increase to 27.8% (No Objection)

Variance #5 – Height: 9m increase to 9.15m (No 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. The applicant has made a variety of modifications which has resulted in a dwelling that maintains and protects the character of the neighbourhood. Special attention has been given to integrating the three-car garage to reduce the visual impact on the streetscape, and introduce robust landscaping treatments to further mitigate the appearance of the widened, circular driveway. Additionally, the use of paver stones throughout the circular driveway design improves the imperviousness of the driveway. Lastly, by further reducing the lot coverage and floor area ratio, greater side yard setbacks have been accommodated to provide more space between dwellings, in keeping with the neighbourhood character; and the lowering of the central portion of the dwelling brings the height in line with surrounding buildings, reducing the visual dominance of the dwelling on the streetscape.

It is staff's opinion that the application as submitted maintains the general intent and purpose of the Zoning By-law and results in a dwelling that is compatible with the 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 represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan, concept landscape plan and elevation drawings dated September 17, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

Bell Canada: No comments received.

Fire: No concerns for fire. Passed

Finance: No comments received.

Halton Conservation: No comments received.

Halton Region:

- It is understood that this application was deferred from May 1, 2024. Regional comments provided on April 24, 2024, still apply.
- 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 width of the driveway, an increase in the maximum total floor area for the private garage, an increase to the maximum residential floor area ratio, an increase to the maximum lot coverage, and an increase to 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 with an accessory building (pool cabana) on the Subject Property.
- 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

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,

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 states, 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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan, concept landscape plan and elevation drawings dated September 17, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment