



## Memorandum

**To:** Heather McCrae, Secretary Treasurer

**From:** Planning Services

**Date:** November 16, 2017

**Subject:** Comments on Minor Variance Applications for the  
Committee of Adjustment Meeting – November 21, 2017

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on November 21, 2017. 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

**CAV A/192/2017 - 1198 Cynthia Lane (East District)** (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling. The applicant requests the variances listed above.

### Official Plan – Livable Oakville

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all 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.”*

#### Minor Variance

The following analysis and comments has been provided on the requested variances:

##### Variance 1

The applicant is requesting relief from By-law 2014-014 to permit an increase in residential floor area ratio from 41% to 48.1%. The intent of regulating the residential floor area is to assist in preventing a dwelling from having a mass and scale that is out of character with the surrounding neighbourhood.

##### Variance 2

The applicant is seeking relief from Zoning By-law 2014-014 to permit an increase in lot coverage from 35% to 36.2%. The intent of regulating lot coverage is to assist in preventing the construction of a dwelling that has a mass and scale that is out of character with the surrounding neighbourhood.

##### Variance 3

The applicant is seeking relief from Zoning By-law 2014-014 to permit an increase in height from 9m to 9.6m. The intent of regulating the height of a dwelling is to assist in preventing a dwelling from having a mass and scale that is out of character with the surrounding neighbourhood.

#### Analysis

The character of the neighbourhood consists of modest one-storey dwellings closer to Morrison Road, then changes to two-storey dwellings westerly towards Chamberlain Lane. The two-storey dwellings have attached one-storey garages with no living space above, while many of the one-storey dwellings have detached garages or no garages at all. Staff note that the lot fabric and dwellings closer to Morrison Drive contribute to the character of the neighbourhood in that the one-storey dwellings were constructed in the late 1950s whereas the two-storey dwellings further west along Cynthia Lane were constructed in the late 1970s. The blending together of both 1950's and 1970's styles of development contribute to the scale and character of the neighbourhood as a whole. The Official Plan directs that new development in stable residential areas shall protect the character of the neighbourhood. The subject lands abut a one and a half storey dwelling to the east and one storey dwelling to the west. Due to the configuration of the road allowance, the properties closer to Morrison Road appear smaller than the properties further west toward Chamberlain Lane, likely due to the different plans of subdivision established for the two developments.

The proposed development introduces a massing and scale that has a negative impact on the character of the neighbourhood and the abutting properties. The proposal does not protect the character established by the 1950s era development as it is significantly

larger than the abutting dwellings. While staff note that the applicant has provided side yards greater than what is required, the massing of the building appears larger than adjacent dwellings. The proposed dwelling has not been designed to incorporate appropriate transitions to adjacent properties, and reduce the visual impact of the building from the street or the surrounding properties.

It is staff's opinion that the requested variance does not meet the intent of the Official Plan, as the proposal would result in a dwelling that does not maintain or protect the character of the neighbourhood.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the minor variance application does not maintain the intent of the Official Plan. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether the approval of the proposed variances would result in a dwelling that is appropriate for the development of the site.

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