



Memorandum

To: Heather McCrae, Secretary Treasurer

From: Planning Services

Date: April 20, 2017

Subject: Comments on Minor Variance Applications for the Committee of Adjustment Meeting – April 25, 2017

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on April 25, 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 otherwise stated. The following comments are provided:

CAV A/070/2017 - 132 Caulder Drive (East District) (OP Designation: Low Density Residential – Special Policy)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling. The applicant had initially presented their proposal to the Committee on November 29, 2016. Staff were not supportive of the application and it was subsequently denied by the Committee. The applicant has submitted a new application after having many discussions with staff regarding the proposal. The applicant requests four variances.

Official Plan – Livable Oakville

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, Section 11.1.9 indicates 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 Variances

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

Variance 1

The applicant requests relief from By-law 2014-014 to permit an increase in garage floor area from 56m² to 66m². The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling.

Variance 2

The applicant is requesting relief from By-law 2014-014 to permit an increase in residential floor area ratio from 29% to 33.35%. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that is out of character with the surrounding neighbourhood.

Variance 3

The applicant is requesting relief from By-law 2014-014 to permit a decrease in front yard setback from 12.3m to 12.14m. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street.

Variances 4 and 5

The applicant is seeking relief from both Zoning By-laws to permit an increase in height from 9m to 9.19m. The intent of regulating the height of a dwelling is to prevent a dwelling from having a mass and scale that is out of character with the surrounding neighbourhood.

Analysis

Caulder Drive is a crescent type street that appears to have two definitive characters. On the north-south portion of Caulder Drive, there are number of newer dwellings which have replaced the existing housing stock which appear to have been mostly one-storey dwellings with large one-door garages. On the east-west portion of Caulder Drive, the original housing stock consists primarily of large two-storey dwellings with three-door garages, with few two-storey dwellings with two-door garages. The lotting fabric is generally varied with both larger and smaller lots in terms of width and depth, but it appears that the majority of lots contain the same area with the exception of one larger lot toward the end of the north-south section of Caulder Road.

The subject site is located in the middle of the north-south section of Caulder Drive. The existing dwelling is one of the few remaining dwellings along this section of the road, and is adjacent to a newer two-storey dwelling to the north and a one-storey dwelling to the south. There are also a number of mature trees and other vegetation on the property which are considered to be character defining features of the neighbourhood.

The applicant is requesting relief from the Zoning By-law to permit an increase in garage floor area. The design of the dwelling proposes a two-door garage and the additional area is maintained internally. Therefore, the garage is not a visually dominant feature of the dwelling and does not present any negative impacts along the streetscape. Further, the requested decrease in front yard setback is to the proposed front covered porch. The proposed dwelling is generally in line with the abutting dwellings maintaining a relatively consistent setback along the street. The decrease in front yard setback does not present any negative impacts along the streetscape or onto the abutting properties and maintains the character of the neighbourhood. Staff note that the applicant had revised these variances and they have been reduced since the last application.

The applicant is also seeking relief from the Zoning By-law to increase the residential floor area and height of the proposed dwelling. While the applicant has reduced the requested increase in height and floor area from the previous application, the design of the dwelling still incorporates a mass and scale that is not found within the neighbourhood. In considering the north-south section of Caulder Drive, some of the newer dwellings do not have living space above the garage, and for those that do they have been incorporated into the roof line. This approach provides for moderate transitions in building height abutting one storey dwellings and reduces the visual appearance of mass along the street. Staff note that the applicant has reduced the floor area from the original application by removing space from the rear and northerly side of the dwelling, which is not reflective of our previous comments to address the massing above the garage. Further, while the height has been reduced, the overall massing of the dwelling remains out of character with the neighbourhood. It is staff's opinion that the requested increases in floor area and height results in a dwelling that does not protect the character of the neighbourhood and has a negative visual impact from the streetscape and abutting properties.

On this basis, it is staff's opinion that the requested variances 2, 4 and 5 for increases in residential floor area ratio and height does not comply with the general intent of the Official Plan and is not appropriate for the development of the lands as it does not maintain the character of the existing neighbourhood. Further, variances 1 and 3 conform with the general intent of the Official Plan and Zoning By-law as they do not affect the character of the neighbourhood. Additionally, the requested variances 1 and 3 are minor in nature and appropriate for the development as there are no negative impacts onto the abutting dwellings or surrounding neighbourhood.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variances 1 and 3 of the minor variance application satisfies all four tests under the *Planning Act*, however variances 2, 4 and 5 do not maintain the general intent of the Official Plan and are not appropriate for the development. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a dwelling that is appropriate for the development of the site.

Prepared By:

Kate Mihaljevic, MCIP, RPP
Planner, Current Planning

Submitted By:

Heinz Hecht, MCIP, RPP
Manager, Current Planning – East District