

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/030/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M

Owner (s)	Agent	Location of Land
SACHIN KHARBANDA ANEESHA JAIN	BILL OUGHTRED W.E. OUGHTRED & ASSOCIATES INC. 2140 WINSTON PARK DR UNIT 26 OAKVILLE ON, CANADA L6H 5V5	1502 MANSFIELD DR PLAN 553 LOT 142

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5**

**ZONING: RL3-0
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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m ² and 742.99 m ² shall be 41%	To increase the residential floor area to 43.57%

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)

CAV A/030/2024- 1502 Mansfield Drive (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling, subject to the variance 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 Area and Context

The neighbourhood is in transition and consists of original one and one and a half storey dwellings and newer two-storey dwellings. Most newer two-storey dwellings include massing that is broken up into smaller elements to reduce its impact on the streetscape. The original and proposed dwelling can be viewed in the images below.



Aerial photo of 1502 Mansfield Drive



1502 Mansfield Drive – Existing Dwelling



1502 Mansfield Drive – Proposed Dwelling

As shown above, the existing dwelling has a newer constructed two-storey dwelling to the south (left side), with the second floor footprint having been reduced so that the integral garage presents as a single storey element, helping to break up the massing. To the north of the existing dwelling is a one-storey dwelling original to the neighbourhood. While the applicant’s requested variance could be considered a minor numerical deviation from the zoning by-law, the variance contributes to a dwelling that does not maintain nor protect the character of the neighbourhood. Further, the variance contributes to a design that does not provide for an appropriate transition, scale, and massing consistent with what is found in the neighbourhood or implement the Urban Design Guidelines for Stable Residential Communities.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is 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 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.”

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 variance 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 protection of the existing 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.*
- *Porches and balconies that can reduce the verticality of taller dwellings and bring focus to the main entrance.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

The proposed dwelling does not provide an adequate transition to the existing abutting single-storey dwelling, nor does it incorporate design elements that would help to mitigate the impact of the significant massing and scale on adjacent properties. There is an established, existing neighbourhood character and staff are of the opinion that the proposed dwelling does not maintain this character of the existing neighbourhood; hence, the variance does not maintain the general intent and purpose of the Official Plan.

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 (Objection) – 41% increased to 43.57%

The intent of regulating the residential floor area ratio is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The 2.57% increase in RFA results in an additional 17.79 square metres of gross floor area. The variance request generally can be considered minor in nature, but little has been done to the overall design of the dwelling to try and help mitigate some of the potential massing and scale impacts onto abutting properties. The roofline for instance, has not been lowered or integrated into the second storey to help improve the visual appearance from the public realm. From the street it presents as a full two-storey dwelling with roof above. The proposed dwelling does not provide an adequate transition to the existing abutting single-storey dwelling to the north. There has also been no attempt to make the second floor footprint smaller than the main floor, which serves to push the second-storey floor area to the perimeter of the dwelling, making it appear larger than others in the neighbourhood. Additionally, staff note that the design of the proposed dwelling includes open to below areas. While these features of the design do not count towards RFA, they do contribute to the massing and scale of the dwelling in a manner that is not compatible with the neighbourhood character.

This results in a dwelling that does not maintain nor protect the existing character of the neighbourhood and negatively contributes to a mass and scale that is not in keeping with the area. On this basis, Staff are of the opinion that the request does not maintain the general intent and purpose of the Zoning By-law.

Is the proposal minor in nature?

It is staff's opinion that an increase of 2.57% in residential floor area may seem nominal, but the increase contributes to the mass and scale of the dwelling, making it appear larger than those in the neighbourhood, which is not minor in nature.

Is the proposal desirable for the appropriate development of the subject lands?

Staff are also of the opinion that the proposal does not represent the appropriate development of the subject lands as it contributes to a dwelling that has a mass and scale that is not

compatible with the adjacent dwellings and surrounding area, and has not been designed to protect nor maintain the character of the neighbourhood.

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 the application be denied.

Fire: No concerns for fire.

Transit : Comments not received.

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

Halton Region: 6.5 CAV A/030/2024 – S. Kharbanda & A. Jain, 1502 Mansfield Drive, Oakville

- 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 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: Comments not received.

Union Gas: Comments not 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 Services, 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment