

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/019/2024-Deferred from Feb. 07, 2024

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, APRIL 03, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
1000657398 Ontario Inc	Huis Design Studio c/o Kurtis Van Keulen 301-1a Conestoga Drive Brampton ON L6Z 4N5	PLAN 686 LOT 52 491 Fourth Line Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2**

**ZONING: RL3-0  
DISTRICT: West**

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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 single detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00m <sup>2</sup> and 742.99m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 43.26%.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on April 3, 2024. 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/019/2024 – 491 Fourth Line (West District) (OP Designation: Low Density Residential)**

The applicant proposes to permit the construction of a two-storey detached dwelling, subject to the variance listed above.

A minor variance application was previously submitted for consideration by the Committee on February 7, 2024. This application was deferred due to Staff objecting to the variances

proposed. Please see the table below for the list of variances proposed on February 7, 2024, and the revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	February 7, 2024	April 3, 2024
Interior Side Yard Setback	1.2 m	0.99 m	N/A
Residential Floor Area Ratio	41% (287.91 m <sup>2</sup> )	43.19% (303.28 m <sup>2</sup> )	43.26% (~303.78 m <sup>2</sup> )

### Changes to the Proposal

Through the comments prepared for the February 7, 2024, Committee of Adjustment meeting, staff concerns were related to:

- the proposed dwelling being considerably larger than the adjacent dwellings and those in the surrounding area,
- the combined effects of the variances created undue massing and scale impacts visible from the public realm, and
- the proposed variances would not maintain or protect the existing neighbourhood character.

In addition, the large open-to-below area at the front of the dwelling and large two-storey entryway extends and lengthens the primary façade of the dwelling, which presents massing and scale impacts. Staff also had previous concerns related to the reduced interior side yard setback, which expanded the building footprint closer to the neighbouring one-storey detached dwelling without any mitigative measures. This further enhanced the massing and scale of the proposed dwelling.

As seen in the renderings below, the applicant has revised the proposal to remove the architectural element on the left side of the garage that reduced the interior side yard setback. However, the applicant did not incorporate effective mitigative measures into the architectural design of the proposed dwelling, as previously advised in accordance with the [Urban Design Guidelines for Stable Residential Communities](#), to ensure there will be no negative impacts on the public realm, streetscape and that the dwelling would not appear larger than dwellings in the surrounding area.

### Site Plans:

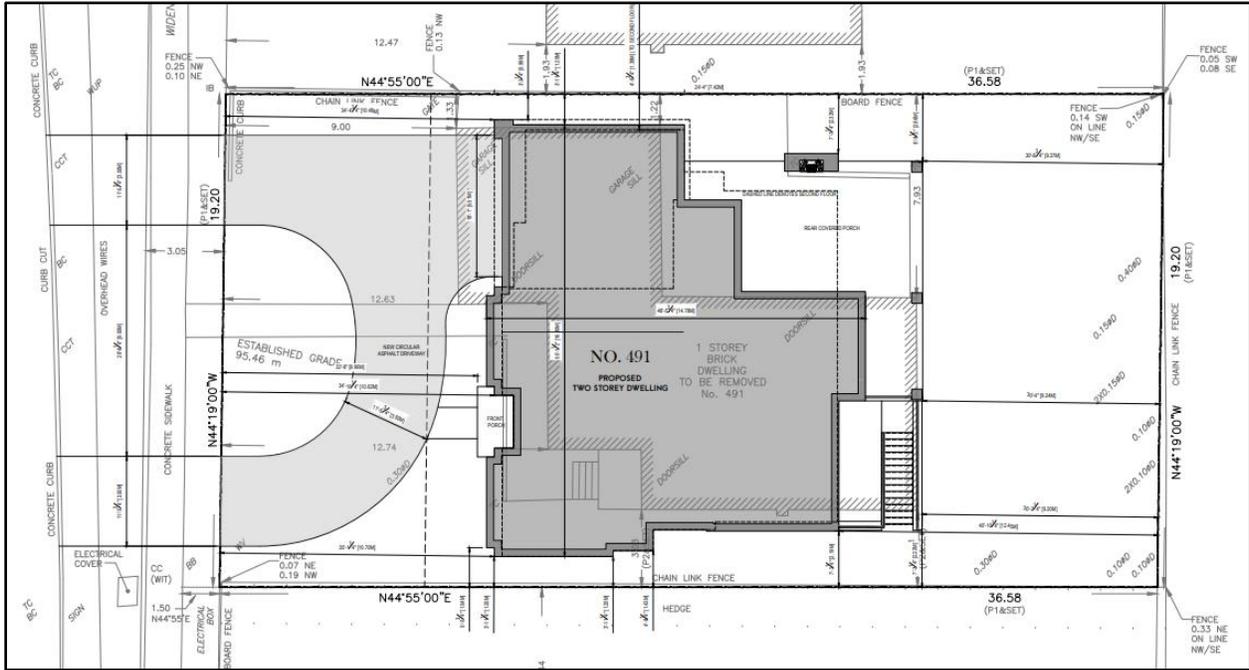


Figure 1: 491 Fourth Line Site Plan (1<sup>st</sup> Submission)

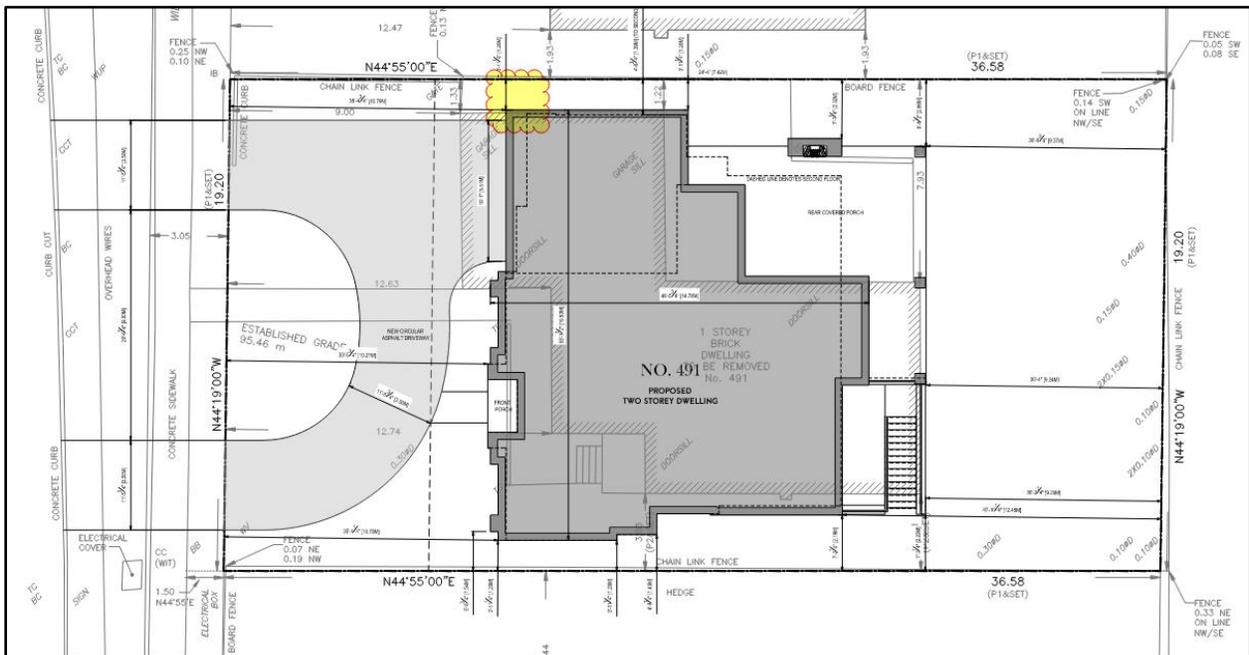


Figure 2: 491 Fourth Line Site Plan (2<sup>nd</sup> Submission)

**Front Elevations:**



Figure 3: 491 Fourth Line rendering (1<sup>st</sup> Submission)



Figure 4: 491 Fourth Line rendering (2<sup>nd</sup> Submission) – changes shown in red

The applicant has incorporated a traditional pitched roofline over the attached garage which has reduced the height by approximately 0.48 m (1.57 feet). The applicant has also removed the architectural element on the side of the attached garage which previously created an interior side yard setback reduction.

The two-storey entryway feature remains unchanged. It is noted that a revision to the architectural feature which frames the front entryway would assist to help mitigate the scale and massing of the proposed dwelling.



Figure 5: 491 Fourth Line Primary Façade (1<sup>st</sup> Submission)



Figure 6: 491 Fourth Line Primary Façade (2<sup>nd</sup> Submission)

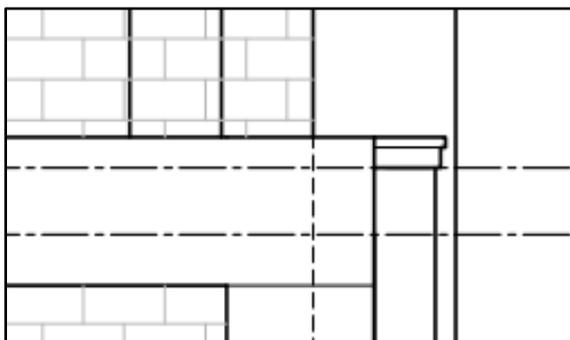


Figure 7: Garage roofline (1<sup>st</sup> Submission)

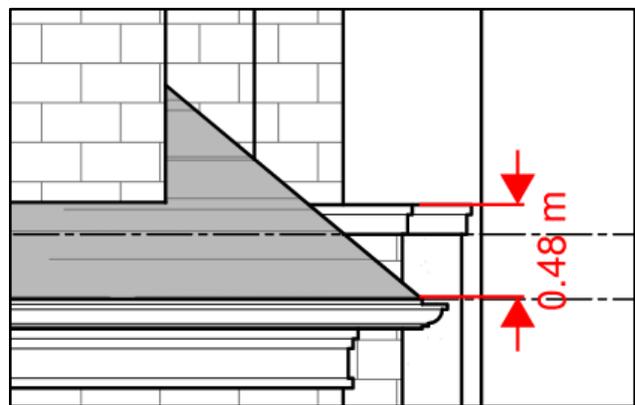


Figure 8: Garage roofline (2<sup>nd</sup> Submission)

Other than the above changes to the front elevation, the proposed two-storey detached dwelling has not been substantially modified or revised to address the previous comments from Staff and to align with the Town's Urban Design Guidelines for Stable Residential Communities. Staff

encourage the applicant to explore further transitional elements to reduce the massing and scale of the dwelling and mitigate the impact of a dwelling that may appear larger than those in the surrounding area and impacts to the public realm.

### Rear Elevations:

The rear elevations below demonstrate the modifications and revisions made to the rear façade, including a modification to the roofline where the large open to below is located and a modification to the area above the rear covered patio.



Figure 9: 491 Fourth Line rear façade (1<sup>st</sup> Submission)

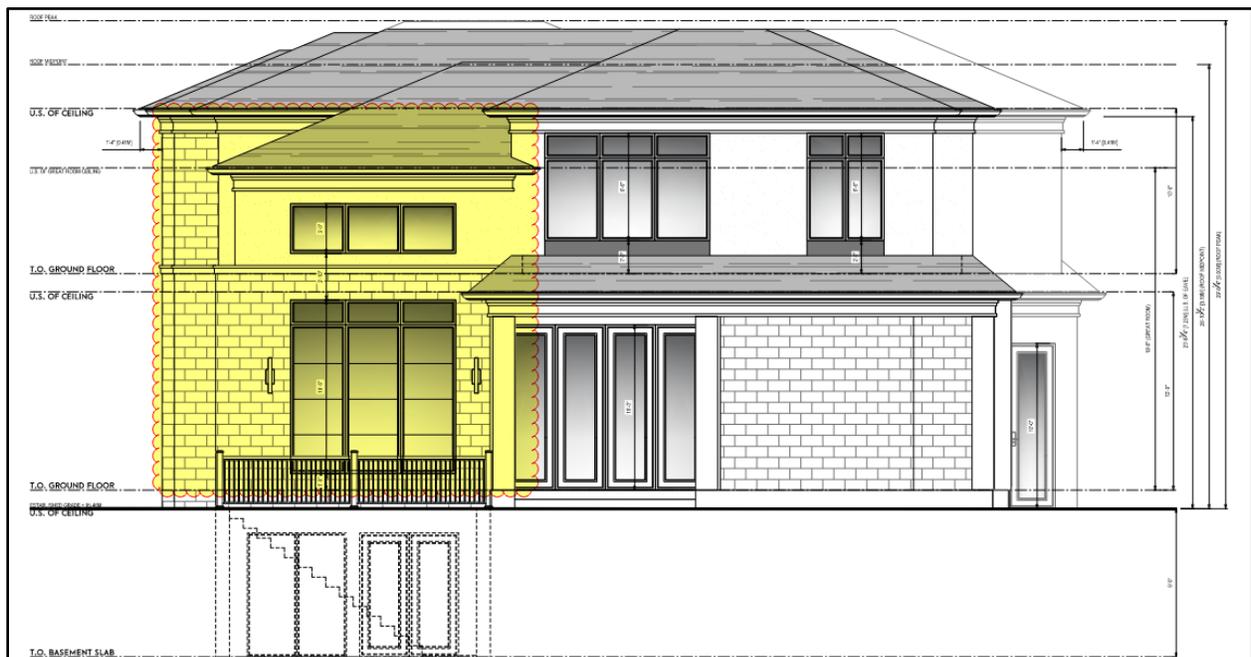


Figure 10: 491 Fourth Line rear façade (2<sup>nd</sup> Submission)



Figure 11: 2<sup>nd</sup> Storey rear roofline revision (2<sup>nd</sup> Submission)

The applicant is proposing a modification to the rear façade of the proposed two-storey detached dwelling, which includes lowering the rear yard roofline above the rear open to below area by approximately 1.1 m (3.6 feet) to mitigate the massing and scale impacts and provide a transition to the neighbouring one-storey dwellings.

It is noted that due to the existing site constraints and irregular lotting and siting patterns of neighbouring properties and dwellings, further attention is required for transitional elements to mitigate the impacts of an increased massing and scale on adjacent properties. Likewise, further modifications to the rear elevation roofline would contribute to a more appropriate transition between the proposed two-storey dwelling and neighbouring one-storey dwellings. In addition, incorporating an angular plane of 45 degrees into the roofline and 2<sup>nd</sup> floor windows would help achieve a more appropriate transition (Figure 13). This modification to the rear elevation roofline would provide a more appropriate transition to the adjacent one-storey dwellings, as directed by the Town's Urban Design Guidelines for Stable Residential Communities.



Figure 12: 2<sup>nd</sup> storey roofline (1<sup>st</sup> Submission)



Figure 13: 2<sup>nd</sup> storey roofline with angular plane

Lastly, the applicant has increased the Residential Floor Area ratio for the proposed two-storey detached dwelling from the 1<sup>st</sup> submission. The design continues to include large open-to-below areas within the dwelling that increase the mass and scale of the proposed dwelling. The applicant's submission has not identified why the increase in floor area following the 1<sup>st</sup> Submission is necessary and how this increase in floor area is mitigated through transitional architectural considerations.

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 on the east side of Fourth Line, north of Parkside Drive, south of Pine Grove Public School and west of Weldon Avenue. The surrounding neighbourhood is predominantly comprised of one-storey single detached dwellings with driveways extending past the main wall of the dwelling units. The subject property is immediately adjacent to one-storey single detached dwellings with regular parcels and lotting patterns. The subject property immediately abuts a one-storey detached dwelling at the rear with an irregular lotting pattern, resulting in a one-storey detached dwelling within close proximity to the shared property line.



Figure 14: 491 Fourth Line Aerial Imagery

The following images provide the neighbourhood context in the immediate area consisting of one-storey dwellings and two-storey dwellings built in compliance with the Town's zoning by-law. The majority of all newer two-storey dwellings in the larger neighbourhood area have primary facades that effectively break up the massing of the two-storey entryway features and results in a consistent streetscape within the established neighbourhood amongst the existing one-storey housing stock.



Figure 15: 491 Fourth Line Streetview



Figure 16: Neighbouring properties (497 & 501 Fourth Line)



Figure 17: 615 Parkside Drive (abuts 491 Fourth Line)



Figure 18: 609 Parkside Drive (abuts 491 Fourth Line)



Figure 19: Example of one-storey dwellings across from 491 Fourth Line



Figure 20: Example of two-storey dwellings south of 491 Fourth Line



Figure 21: Example of newer two-storey dwellings south of 491 Fourth Line (Bridge Road)

The irregular lotting and siting patterns of neighbouring properties and dwellings on adjacent lots, combined with the character of the area being predominantly comprised of one-storey dwellings (including all adjacent properties), requires the implementation of effective transitional elements incorporated into the design of the proposed dwelling. Effective transitional elements are critical to ensure that the proposed dwelling does not appear larger than those in the immediate area and that the proposed dwelling does not have negative impacts on the public realm, streetscape or adjacent lands within the established residential neighbourhood.

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

The subject property is designated Low Density Residential in the Livable Oakville 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 also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Subsection 6.1.2 c) of the Livable Oakville Plan 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. Staff are of the opinion that the proposal would 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.*

**3.2.1. 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. This 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*
- *variation 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*

**3.2.2. Height:** *New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*

**3.2.4 Primary Façade:** *New development is discouraged to project significant build form and elements toward the street which may create an overpowering effect on the public realm streetscape.*

The intent of the Official Plan policy highlighted above is to maintain and protect the existing character of stable residential neighbourhoods. While redevelopment of some of the original housing stock has taken place in the surrounding area (Bridge Road, Stephens Crescent), Staff are of the opinion that the proposed dwelling would not implement the Design Guidelines for Stable Residential Communities, nor maintain and protect the existing and established neighbourhood character.

The proposed dwelling is substantially larger than the abutting and adjacent dwellings, and is larger than those in the surrounding neighbourhood, does not provide adequate mitigative measures to the massing and scale, through transitional (one-storey) design elements, to address the impacts on the neighbourhood character. The combined impacts of the chosen architectural elements, lack of one-storey architectural elements and step-backs, combined with the requested increase in floor area will cumulatively result in an overpowering effect on the streetscape and public realm.

Furthermore, the large, two-storey open-to-below area at the front of the dwelling and the two-storey entryway feature increases the verticality of the proposed dwelling and will result in a dwelling that has a negative impact on the public realm and streetscape of the established neighbourhood. Staff encourage the applicant to revise this architectural element to mitigate the impact that the massing and scale of the proposed dwelling will have on the established neighbourhood.

The large two-storey open-to-below at the rear of the dwelling increases the massing and scale of the proposed dwelling, by pushing out the perimeter wall to the abutting dwellings. The proximity of existing dwellings to the new two-storey open to below area may result in negative impacts on the neighbouring properties. The applicant is encouraged to further mitigate these impacts per the Town's Urban Design Guidelines for Stable Residential Communities.

In reviewing this application, Staff also considered the orientation of the neighbouring dwelling units and their existing setbacks to the subject property, the absence of effective mitigative measures and transitional elements to the one-storey dwellings abutting the property. As a

result of the foregoing, staff are of the opinion that the proposal, as submitted, would result in a negative impact on adjacent property owners and the established neighbourhood character.

The requested variance contributes towards facilitating the proposed development, will result in negative impacts on the established neighbourhood character, and a dwelling that is larger than those in the immediate and surrounding area.

On this basis it is Staff's opinion that the variance does not maintain the general intent and purpose of the Official Plan as the proposal would result in a dwelling that would not maintain or protect the character of the existing 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 – Maximum RFA Ratio (Objection) – increase from 41% to 43.26%**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 2.26% (15.50 square metres) from what is permitted. The intent of regulating residential floor area is to ensure that the dwelling does not appear larger than those in the surrounding area, and that the massing does not present any unacceptable, adverse impacts on neighbouring properties or the public realm.

The residential floor area ratio variance results in a total increase of 15.50 square metres above the maximum permitted for the RL3-0 zone. The open to below area located at the rear of the dwelling is approximately 40.73 square metres in size and pushes the second-storey floor area to the perimeter of the dwelling. This, combined with the increase in residential floor area and the two-storey window elements along both the front and interior side yard, creates massing and scale impacts visible from the public realm, and would not be in keeping with the established neighbourhood character. The variances, along with the lack of mitigative measures, transitional design elements and the existing siting and lotting patterns of adjacent properties, cumulatively contribute to a massing and scale of the proposed dwelling making it appear significantly larger than the existing dwellings in the neighbourhood. The two-storey open to below element facing the southerly interior side yard does not mitigate the impact of the increased massing and scale on the adjacent one-storey dwelling. The two-storey primary façade element that frames the entrance to the proposed dwelling elongates and establishes an undesirable verticality to the proposed dwelling, which is inconsistent with dwellings in the surrounding area.

It is Staff's opinion that the proposed variance would result in a dwelling that is larger than those in the surrounding area and will negatively impact adjacent properties and the public realm, as the massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. In staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape and surrounding area.

### **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 variance is not minor in nature as the proposed dwelling creates negative impacts on adjacent properties and the streetscape in terms of massing and scale, and does not maintain or protect the established neighbourhood character. The proposed variance will result in the construction of a two-storey dwelling that appears larger than those in the surrounding neighbourhood, does not adequately provide transitions to the abutting one-storey detached dwellings and will have impacts on the public realm.

Staff encourage the applicant to revisit the Urban Design Guidelines for Stable Residential Communities to further implement effective transitional elements that will ensure the proposed two-storey dwelling does not appear larger than the dwellings in the surrounding area.

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommends that the application be denied.

**Fire:** No Concern for Fire.

**Oakville Hydro:** We do not have any comments for this minor variance application.

**Transit:** No Comments received.

**Finance:** None

**Halton Region:**

- It is understood this application was deferred from February 7<sup>th</sup>, 2024. Regional comments provided on January 29<sup>th</sup>, 2024, still apply.
- 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 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-story single detached dwelling on the Subject Property.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Six

**Letter(s)/Emails in opposition:** None

**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 stated, 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.

A rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Email in Support – 6

DATE: Nov. 28, 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We Hieu Dinh are the residents of 501 Fourth Line  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

 (Owner of 501 Fourth line)  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Owner of \_\_\_\_\_)  
\_\_\_\_\_  
(Signature)

DATE: Nov 28, 2019

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We OSGA - ADAGANY are the residents of 465 Fourth Line  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

OSGA - ADAGANY (Owner of 465 Fourth Line)  
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Owner of \_\_\_\_\_)  
\_\_\_\_\_  
(Signature)

DATE: Nov. 28, 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We MARIA VITORIA are the residents of 494 FOURTH LINE  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

Maria Vitoria (Owner of 494 Fourth Line)

[Signature] (Signature)

\_\_\_\_\_ (Owner of \_\_\_\_\_)

\_\_\_\_\_ (Signature)

DATE: Nov. 28, 2023

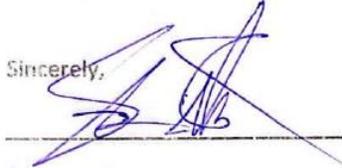
TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We STEPHEN NOVAK are the residents of 500 4<sup>th</sup> LINE  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Owner of \_\_\_\_\_)

\_\_\_\_\_  
(Signature)

DATE: Dec 06 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We Julie Leutem are the residents of 446 Fourth Line  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

Julie Leutem (Owner of 446 Fourth Line)

Julie Leutem (Signature)

\_\_\_\_\_ (Owner of \_\_\_\_\_)

\_\_\_\_\_ (Signature)

DATE: Dec. 06 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line  
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We \_\_\_\_\_ are the residents of \_\_\_\_\_  
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

J. NAPOLI (Owner of 456 FOURTH LINE)

[Signature] (Signature)

\_\_\_\_\_ (Owner of \_\_\_\_\_)

\_\_\_\_\_ (Signature)