

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/034/2023-Deferred from March 22, 2023

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 29, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Aisha Cheema	Professional Floor Plans Inc c/o Raed Al-Rawi 4183 Loyalist Drive Mississauga ON L5L 3W3	PLAN 709 LOT 44 223 Tweedsdale Crescent Town of Oakville

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

**ZONING: RL2-0
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 variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.2 (Row RL2, 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 28.20%.

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 May 29, 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/034/2023 – 223 Tweedsdale Cres (West District) (OP Designation: Low Density Residential)

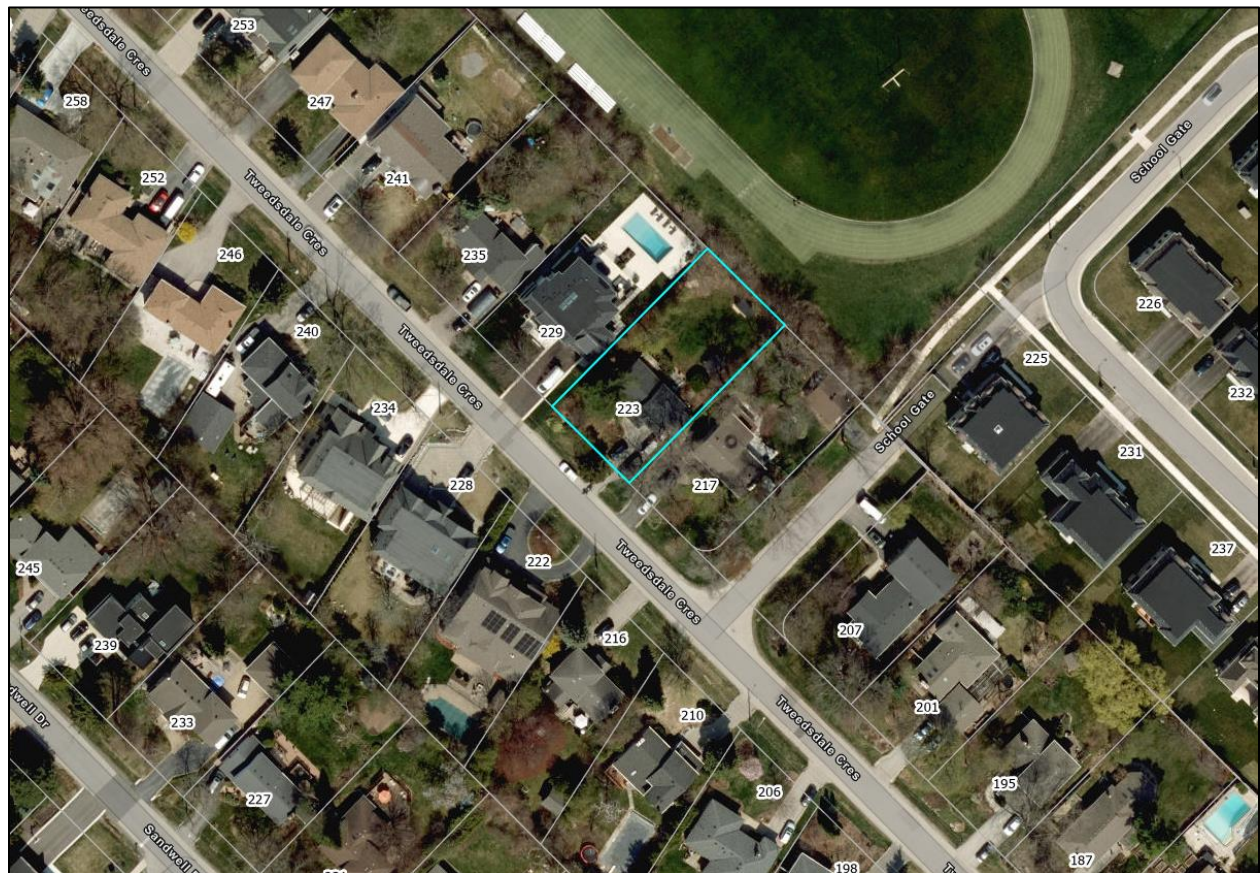
The applicant proposes a two-storey detached dwelling, subject to the variance listed above.

A minor variance application was previously submitted for consideration by the Committee on March 22, 2023. This application was deferred due to staff objection to the proposed variances being lot coverage and residential floor area. Please see the table below for the list of variances proposed in March 2023, and revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	March 22, 2023	May 29, 2024
Maximum Residential Floor Area	37.0%	39.60%	-
Maximum Lot Coverage	25.0%	29.01%	28.20%

Site and Area Context

The subject property is located in a neighbourhood that is in transition with newer two-storey detached dwellings as well as original one and one-half storey dwellings. Most newer two-storey dwellings consist of lowered roof lines, massing that is broken up into smaller elements and designed to provide a transition to adjacent smaller detached dwellings, such as incorporating the second-floor area into the roof line.



A few surrounding newer two-storey dwellings are shown in the image below as an example of the emerging neighbourhood character.



229 Tweedsdale



234 Tweedsdale



228 Tweedsdale

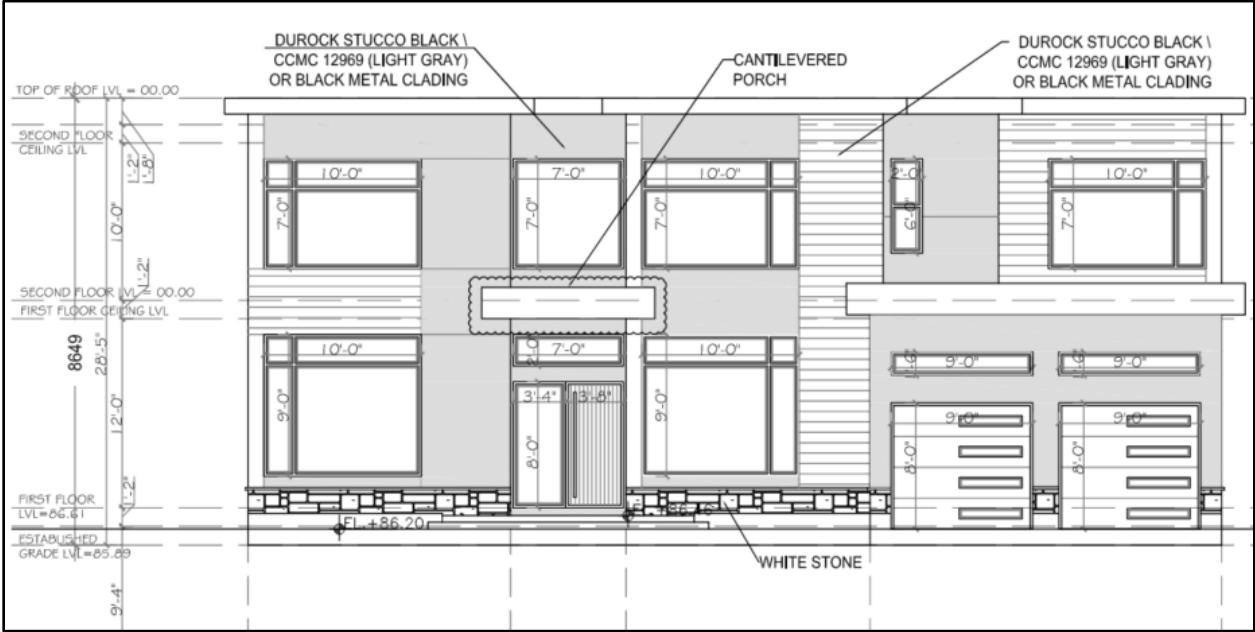


222 Tweedsdale

The proposed front elevations from March 22, 2023, have been revised to reduce the front porch to a one-storey element. There are some additional cosmetic changes such as change in materials and position and size of the windows as shown in the images below. The revision also includes removal of the residential floor area variance, and reduction in the lot coverage due to the removal of the rear covered deck. However, the numerical changes to the variances and the cosmetic changes to the dwelling do not result in the mitigation of the massing and scale impacts of the dwelling as discussed later in the report.



Proposed Front Elevation – March 2023



Proposed Front Elevation – May 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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:

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

The subject lands are 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 intent of the above-mentioned Official Plan policies is to protect the existing character of stable residential neighbourhoods and to ensure that any potential impacts on adjacent properties are effectively mitigated. While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed variance and the design elements of the proposed dwelling will result in a dwelling that appears larger than those in the existing neighbourhood.

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 in accordance with Section 11.1.9 of the Livable Oakville Plan. 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:

3.1.1.1. Character: *New development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and that complement the qualities of the surrounding residential community.*

3.1.1.2. 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 responds 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 revised front elevation still contains the full two-storey walls lacking compatible transitions to adjacent dwellings. The two-large open to below areas still exist and serve to push the second-floor area to the perimeter of the dwelling, which would create a mass and scale that would appear larger than the massing and scale of the adjacent and surrounding dwellings within the neighbourhood.

The proposed increase in lot coverage does not conform to the criteria for development in Section 11.1.9, noting that there is an established existing neighbourhood character, and the proposed dwelling does not maintain or protect that character. As noted previously, the proposed dwelling is not compatible with the existing and newly constructed dwellings in this residential area. It is staff's opinion that the increased lot coverage introduces negative massing and scale impacts onto the streetscape of the surrounding area. The proposed dwelling does not protect or represent a desirable transition in the existing and developing character of the neighbourhood, and therefore does not maintain the intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 – Lot Coverage (Objection) – 25% increased to 28.20%

The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed 28.20% (300.60 m²) lot coverage results in approximately 34.13 m² of covered area more than the permitted 25% (266.47 m²). This additional covered area contains full two-storey massing without any transitions resulting in massing and scale that is larger than existing and surrounding properties.

The presence of two open to below areas including the large open to below area of approximately 30 m² in the rear above the great room pushes the second-floor area to the perimeter of the dwelling and combined with the additional lot coverage further exacerbates the massing and scale impacts of the dwelling.

Staff is of the opinion that the proposed lot coverage has a potential to negatively impact the adjacent and surrounding properties, as it results in a dwelling that is larger than the existing dwellings in the neighbourhood. Therefore, the proposed lot coverage does not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

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 appropriate development of the subject property as the variance is not minor in nature and will result in a dwelling that appears larger than those in the immediate area. The proposed dwelling creates negative impacts on the streetscape in terms of mass and scale, which does not fit within the context of the surrounding area.

On this basis, it is staff's opinion that the application does not meet the four tests under the Planning Act, and staff recommends that the application be denied. 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 development that is appropriate for the site.

Fire: SFD. No impact to Fire Dept. Access or Exposure limits. (JRO).

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

Transit: No Comments received.

Finance: No Comments received

Halton Region:

- It is understood that this application was deferred from March 22, 2023. Regional comments provided on March 13, 2023 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 to the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a two-storey detached dwelling on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

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.



Heather McCrae, ACST
Secretary-Treasurer