

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/049/2024-Deferred Mar.20, 2024 RELATED FILE: N/A

DATE OF MEETING:

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

Applicant / Owner	Authorized Agent	Subject Property
Zana Yassen	Lawrence Malek SG&M Architects Inc 193 ROE Ave Toronto ON, Canada M5M 2J1	326 Sandlewood Rd PLAN 1060 LOT 53

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1**

**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(s) 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 1,022.00 m ² and 1,114.99 m ² shall be 37%.	To increase the maximum residential floor area ratio to 38.39%.

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 August 21, 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.

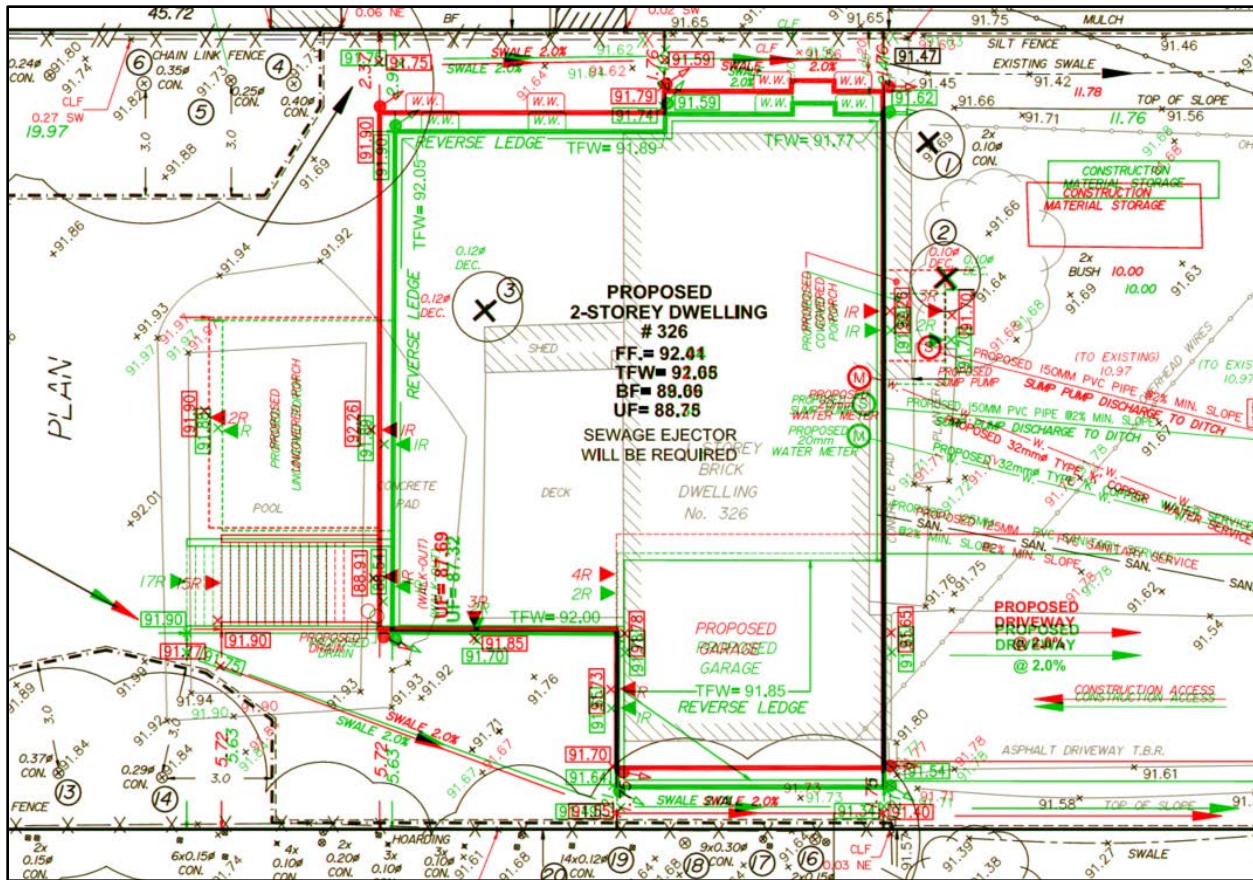
CAV A/049/2024 – 326 Sandewood Road (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling, subject to the variances 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. Please see the table below for the list of variances applied for.

Town of Oakville Zoning By-law 2014-014	Requirement	Agenda	
		March 20, 2024	August 21, 2024
Regulation			
Minimum Interior Side Yard	2.4m	1.76m (easterly)	-
Maximum Residential Floor Area	37%	40.16%	38.39%
Maximum Lot Coverage	25%	26.89%	-
Maximum Height	9m	9.56m	-

The variances for minimum interior side yard, maximum lot coverage and maximum height have been removed. The variance for maximum residential floor area has been reduced from 40.16% in March 2024 to 38.39%. The removal of lot coverage is the result of minor reduction in the footprint of the dwelling along the east and rear facades of the dwelling as shown in the site plan overlay below of the original submission from March 2024 (red) and the revised submission from August 2024 (green). This reduction in the footprint along the eastern façade and the rear is facilitating removal of the lot coverage and interior side yard variances as well as reduction in the residential floor area.



Original Site Plan (red) and Revised Site Plan (green) Overlay

There have been no changes made to the front elevation, except for the reduction in height, to address staff comments regarding the impacts of mass and scale on the surrounding properties and the streetscape as discussed later in this report.



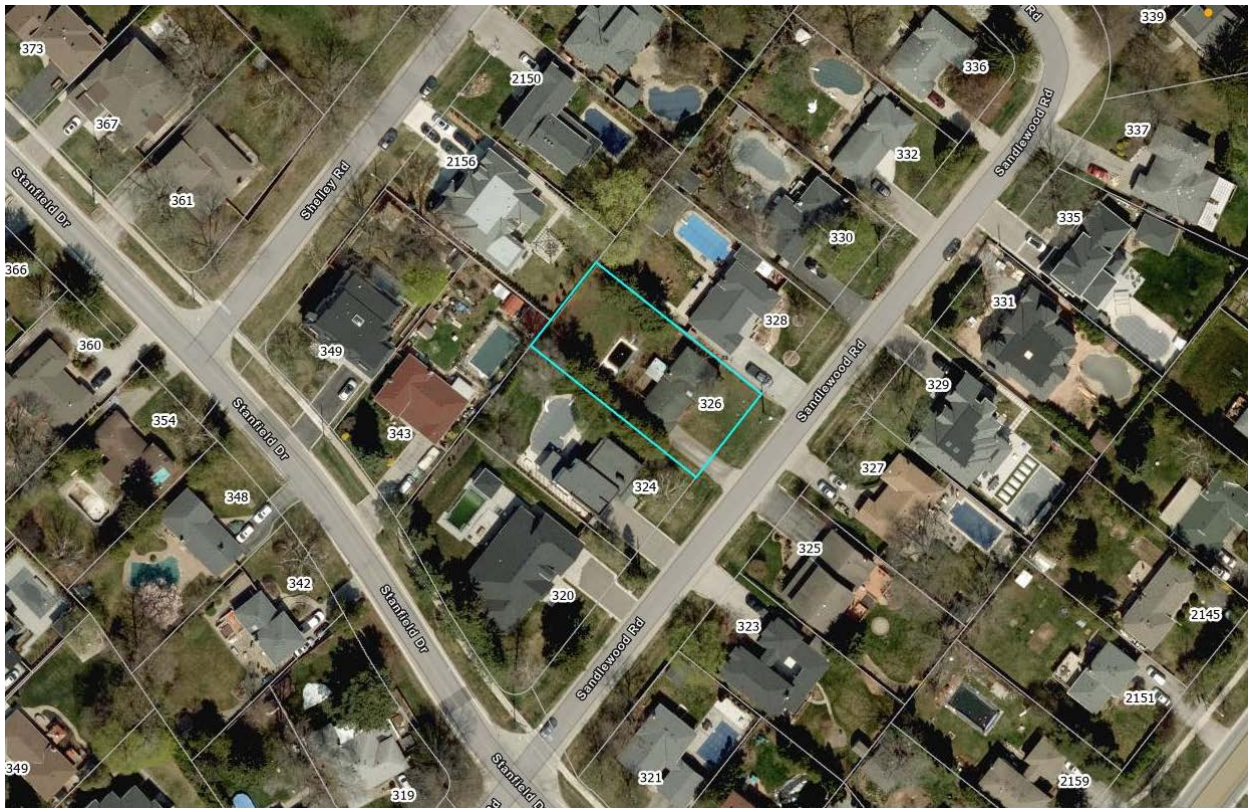
Proposed Front Elevation – March 20, 2024



Proposed Front Elevation – August 21, 2024

Site Area and Context

The neighbourhood consists of dwellings that are original to the area as well as newer one-and-a-half and two-storey detached dwellings of diverse architectural forms. The newer dwellings consist of façade articulation and massing that is broken up into smaller elements.



Aerial Photo of 326 Sandeewood Road

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the

requirements set out under 45(1) in the *Planning Act* are met. Staff's 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 property is designated Low Density Residential by Livable Oakville. 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."*

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.

3.2.1. 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. This design approach may incorporate:

- *Projections and/or recesses of forms and/or wall planes on the façade(s)*
- *Variation in roof forms*
- *Single-level building elements when located adjacent to lower height dwellings*

3.2.5.2. Window Openings: New development is encouraged to incorporate adequate window openings on the primary façade to add visual interest and to maximize light penetration and views. Window openings are encouraged to be designed in proportion and scale with the façade.

The proposed dwelling lacks the mitigation measures such as step backs on the second storey, façade articulation, increased setbacks of height transition adjacent to lower height dwellings etc. to reduce the impact of mass and scale. The increased residential floor area combined with the continuous façade wall exacerbate the massing impacts. The windows that do not proportionally align with the façade cumulatively add to the massing impacts. As discussed above, except for the reduction in height, no changes have been made in the front

façade to address staff comments from March 20, 2024 and the impact of mass and scale remain unchanged from the March 2024 submission.

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

Variance #1 – Maximum Residential Floor Area (Objection) – 37% increased to 38.39%

The intent of the Zoning By-law provision for maximum residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The increased residential floor area of 1.39% results in approximately 14.6 m² of residential floor area more than the permitted. The lack of mitigation measures such as transition to the adjacent single-storey dwelling, second-storey step backs from the main wall of the first-storey, façade articulation, windows that do not proportionally align with the façade, variation in roof forms and massing that is broken up into smaller elements exacerbates the negative adverse impacts of mass and scale on the surrounding properties and the streetscape. The additional residential floor area variance although reduced still contributes to the massing and scale and results in a dwelling that is not compatible with the surrounding neighbourhood.

On this basis, it is staff's opinion that the variance has the potential to negatively impact adjacent properties and the surrounding area, as massing and scale of the proposed dwelling would make it visually appear larger than existing dwellings in the immediate area. It is staff's opinion that the residential floor area variance 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 residential floor area variance is not minor in nature as it does not represent the appropriate development of the subject property. The proposed dwelling creates negative adverse impacts on the public realm in terms of massing and scale, which does not fit within the context of the existing neighbourhood.

Staff object to the variance for residential floor area on the basis that the application does not maintain the general intent and purpose of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received.

Heritage: No heritage issues.

Metrolinx: No Comments received.

Halton Region:

- It is understood that this application was deferred from March 20, 2024. Regional comments provided on March 14, 2021 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 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.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Union Gas: No Comments received

Bell Canada: No Comments received

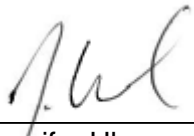
Letter(s)/Emails in support: None

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.



Jennifer Ulcar
Secretary-Treasurer