

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/141/2024

RELATED FILE: N/A

DATE OF MEETING: October 16, 2024

Owner (s)	Agent	Location of Land
1000135399 ONTARIO INC.	Amritpal Bansal Khalsa Design Inc. 3 FOREST HILL Lane East Garafraxa ON, CANADA L9W 7S4	1178 Wood Pl Town of Oakville PLAN 716 LOT 111

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

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 new two-storey detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1.	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 50.01 square metres.
2.	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 4.89 m.
3.	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00 m ² and 835.99 m ² shall be 40%.	To increase the maximum residential floor area ratio to 45.2%.
4.	<i>Section 6.4.3 (a)</i> The minimum front yard shall be 9.55 metres in this instance.	To reduce the minimum front yard to 6.04 metres.
5.	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.5 metres.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

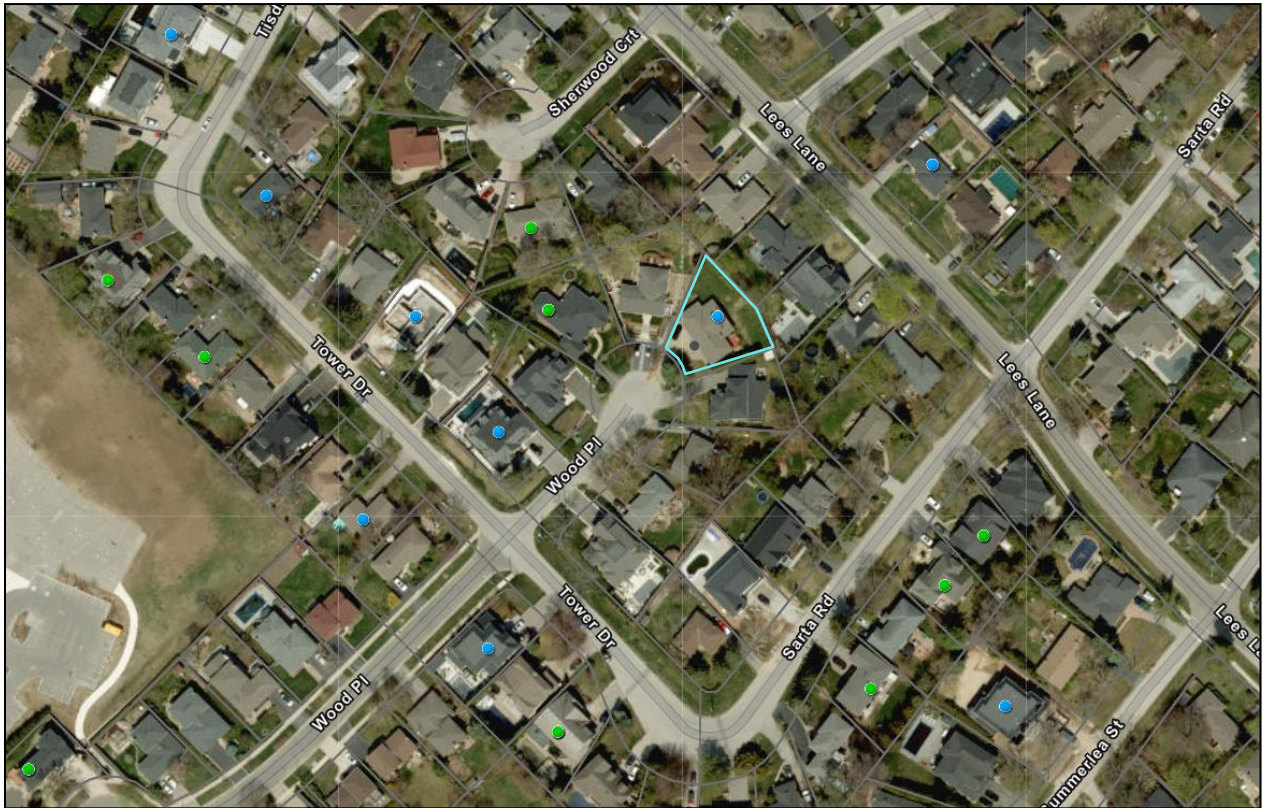
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

CAV A/141/2024 – 1178 Wood Place (West District) (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling subject to the variances listed above.

Site Area and Context

The subject lands are located at the end of a cul-de-sac within a neighbourhood that consists of one- and two-storey dwellings with some newer two-storey dwellings having been constructed in recent years.



Aerial Photo – 1178 Wood Place



Easterly View of Wood Place (Subject lands in centre – 1178 Wood Place)

The following images are of adjacent dwellings and recently constructed dwellings along Wood Place.



1177 Wood Place



1182 Wood Place



1186 Wood Place



1189 Wood Place (left) & 1183 Wood Place (right)



1195 Wood Place

The existing dwelling and proposed dwelling for the subject lands may be viewed in the images below.



Existing Dwelling – 1178 Wood Place



Excerpt of Proposed Front (West) Elevation – 1178 Wood Place



Excerpt of Proposed Rear (East) Elevation – 1178 Wood Place

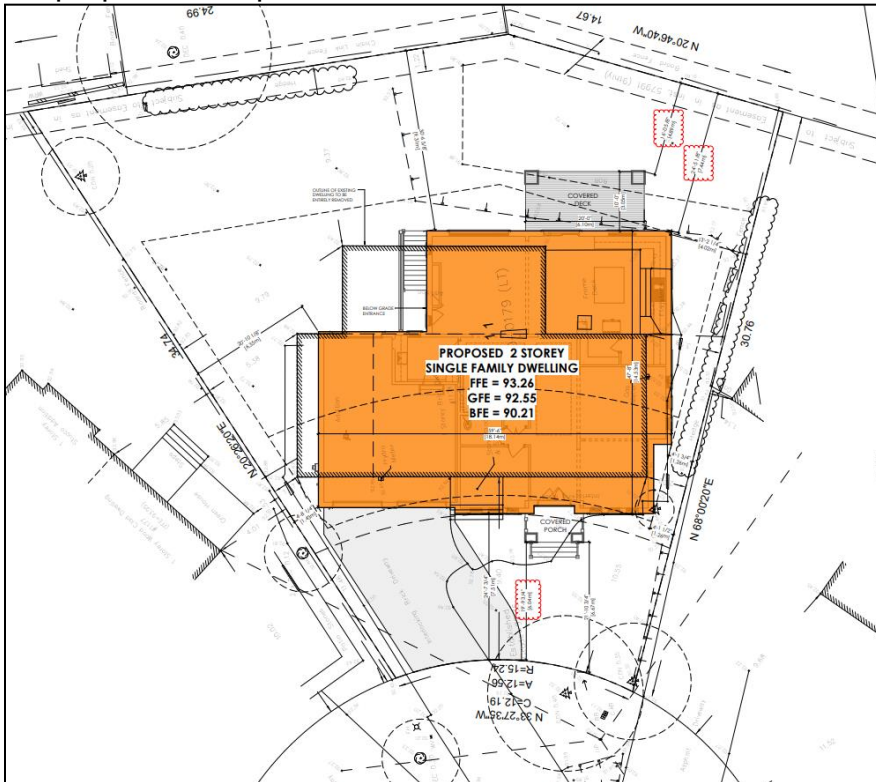


Excerpt of Proposed Left (North) Elevation – 1178 Wood Place



Excerpt of Proposed Right (South) Elevation – 1178 Wood Place

Being located at the end of a cul-de-sac, the subject lands are irregularly shaped, and the proposed site plan is shown below:



Excerpt of Proposed Site Plan – 1178 Wood Place

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:

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:

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 variances have 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:

3.1.3 Scale: 1. 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 proposed dwelling does not maintain nor protect the existing neighbourhood character, nor does the proposal sufficiently mitigate the impact of the massing and scale on abutting properties. Although the principle front wall of the proposed dwelling maintains the required setback from the street frontage, the two-storey covered porch accentuates the massing and increased height of the dwelling. The requested variances are interrelated as they all contribute to facilitating the proposed development, and as a whole would result in negative cumulative impacts on the existing neighbourhood.

Therefore, on the foregoing basis, it is staff's opinion that the requested variances are not in keeping with 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 – Garage Floor Area (Objection) – 45m² increased to 50.01m²

The intent of regulating garage floor area is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage is setback slightly from the principal front elevation and the increased size is not visible from the public realm. However, the increased area contributes to a full second storey and the design of which increases the massing of the proposed dwelling. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #2 – Rear Yard (Objection) – 7.5m reduced to 4.89m

The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. The proposed reduction to the rear yard setback is to address the corner of a covered deck that is approximately 18.6 m² in area. Staff recognize the irregular shape of the subject lands and are of the opinion that the proposed setback will result in inadequate rear yard amenity space. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #3 – Residential Floor Area (Objection) – 40% increased to 45.2%

Variance #5 – Height (Objection) – 9.0m increased to 9.5m

The intent of regulating the residential floor area and height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant is proposing an increase in residential floor area of 42 m². However, the proposed dwelling includes open to below elements in the front entrance, front living, room and family room in the rear will create negative adverse impact of mass and scale onto adjacent and surrounding properties and the streetscape. With respect to the requested increase in building height, the roofline of the proposed dwelling has not been lowered or integrated into the second storey to help mitigate massing and scale from the public realm, which has been incorporated in the designs of new dwellings on the cul-de-sac. The lack of other mitigation measures, such as the second storey not being stepped back from the front main wall of the first storey, variation in roof forms, and massing that is broken up into smaller elements, exacerbates the negative impacts of mass and scale of the proposed dwelling on the adjacent properties and the surrounding streetscape. Therefore, staff are of the opinion that proposed variances do not meet the general intent and purpose of the Zoning By-law.

Variance #4 – Front Yard (Objection) – 9.55m reduced to 6.04m

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The reduced front yard of 6.04m allows significant two-storey massing being projected towards the street, creating an overpowering effect on the streetscape

and resulting in a dwelling that is not compatible with the surrounding neighbourhood. Furthermore, the scale and massing of the proposed dwelling will be compounded by the contextual prominence which naturally occurs with the central location of the subject lands at the end of the cul-de-sac. As such, staff are of the opinion that proposed minimum front yard setback does not meet the general intent and purpose of the Zoning By-law.

Is the proposal minor in nature or desirable for the appropriate development of the subject lands?

It is staff's opinion that the cumulative impacts of the requested variances result in a proposed dwelling that represents an overbuild of the site and is not in keeping with the surrounding neighbourhood. The dwelling design does not appropriately mitigate the potential massing and scale impacts on the public realm. In addition, the inclusion of the two-storey front porch creates an overpowering front façade element which also projects massing towards the public realm.



Excerpt of Proposed Front (West) Elevation with emphasized architectural elements – 1178 Wood Place

The requested variances are not minor in nature or appropriate for the development of the lands. The variances intend to facilitate a development that does not maintain the character of the neighbourhood.

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, 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. Passed.

Transit: No comments received.

Finance: The tax account is not clear. There is an outstanding balance of \$45.36 to be paid.

Halton Region:

6.1 CAV A/141/2024 – 1000135399 Ontario Inc., 1178 Wood Place, Oakville

- 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 total floor area for a private garage to 50.01 square metres, a decrease to the minimum rear yard to 4.89 metres, an increase to the maximum residential floor area ratio to 45.2%, a decrease to the minimum front yard to 6.04 metres and an increase to the maximum height to 9.5 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing 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.

Halton Conservation: We will not be providing comments.

Bell Canada: No comments received.

Union Gas: No comments received.

Oakville Hydro: We do not have any comments to add.

Letter(s) in support – 0

Letter(s) in opposition – 0

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment