

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/161/2024

RELATED FILE: N/A

### **DATE OF MEETING:**

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) on November 13, 2024 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
N. WALIA A. WALIA	GERARDO CASTILLO KEYSTONE HOME DESIGNS 251 North Service Rd. West Rd suite 303 OAKVILLE ON, Canada L6M 3E7	PLAN 1090 LOT 61 12 Rayne Ave Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 5**

**ZONING: RL7-0  
DISTRICT: East**

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### **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>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 44.17%.

## **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)

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 and Area Context

The surrounding neighbourhood is comprised of side split dwellings and one-storey dwellings as part of the original house stock within the subdivision. The subject land is located near the intersection of Rayne Avenue and Sewell Drive. The orientation of the lotting fabric results in the property to the north having its functional front yard along Sewell Drive and it's resulting rear yard amenity space to the south and west abutting the subject land. The abutting property to the south is oriented in the same manner as the subject land, with its defined and functional front yard along Rayne Avenue. There has been very minimal redevelopment of properties in the immediate area and the following are images of the aforementioned homes adjacent to the subject land:



*8 Sewell Drive (north of the subject land)*



16 Rayne Avenue (south of the subject land)

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

The subject lands are 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 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 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 preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. 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. 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.*

**3.1.3 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.*

**3.2.2. Height:** *New development should make every effort to incorporate a transition in building height when the proposed development is more than a storey higher than the adjacent dwellings. The transition may be achieved by:*

- *stepping down the proposed dwelling height towards the adjacent shorter dwellings*
- *constructing a mid-range building element between the shorter and taller dwellings on either side*
- *increasing the separation distance between dwellings*

The intent of the Official Plan is to protect the existing character of stable residential neighbourhoods. While very minimal redevelopment of the original housing stock has taken place in the surrounding area, 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 neighbourhood character. The proposed dwelling is substantially larger than adjacent dwellings and creates an overpowering effect on the streetscape and abutting properties. The large full two-storey open to below space being approximately 25.27 square metres (272 square feet) in size, contributes to a mass and scale that is not in keeping with the existing neighbourhood. The current bungalow, and the proposed development of a new two-storey dwelling are compared in following images:



*12 Rayne Avenue (existing subject land)*



*12 Rayne Avenue (proposed front 3D image)*



*12 Rayne Avenue (proposed rear 3D image)*

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 nor 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 – Residential Floor Area Ratio (Objection) – increase from 41% to 44.17%**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 3.17% beyond what is permitted, which does not include the proposed large open to below space on the second floor. The intent of the Zoning By-law provision for 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 residential floor area ratio variance results in a total increase of 22.09 square metres (237.77 square feet) above the maximum permitted. The approximately 25.27 square metre (272 square feet) open to below space located on the north side of the dwelling along the interior side yard, pushes the second-storey floor area to the perimeter of the dwelling. The resulting overall built-form massing equates to a residential floor area ratio of 47.78%. This, combined with the increase in residential floor area and the full two-storey rear and side yard facades, creates undue massing and scale impacts on abutting properties. These factors cumulatively add to the massing and scale of the proposed dwelling making it appear significantly larger than the existing dwellings in the neighbourhood.

It is staff's opinion that the effect of the proposed variance would negatively impact adjacent properties and the surrounding neighbourhood, 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 variance does not meet the general intent and purpose of the Zoning By-law and would negatively impact abutting properties and 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 and is not minor in nature as the proposed dwelling creates negative impacts on the streetscape in terms of massing 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 and staff recommends that the application be denied.

**Bell:** No comments received.

**Fire:** No concerns for fire. Passed.

**Finance:** No comments received.

**Halton Conservation:** No comments received.

**Halton Region:**

- 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 to 44.17%, 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.

**Metrolinx:**

Thank you for circulating Metrolinx the November 13, 2024, Committee of Adjustments Agenda for Oakville. Please be advised there are no applicable Metrolinx comments for the applications/properties in this agenda as all properties were outside our designated review zones.

**Oakville Hydro:**

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

**Transit:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – None**

*J. Ulcar*

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Jennifer Ulcar  
Scanning Clerk  
Committee of Adjustment