

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/163/2024

RELATED FILE: N/A

DATE OF MEETING: By videoconference and live-streaming on the Town of Oakville's Live Stream webpage at [www.oakville.ca](http://www.oakville.ca) on November 27, 2024 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
K. VIRDI A. VIRDI T. SINGH	Shane Edwards Huis Design Studio 1A Conestoga Unit 301 Mississauga ON L4Y 2A1	PLAN 1008 LOT 30 1291 Cambridge Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area  
WARD: 3

ZONING: RL 1-0  
DISTRICT: East

### 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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.1 (Row 6, RL1 Column) The minimum rear yard shall be 10.5 metres.	To reduce the minimum rear yard to 4.25 metres.
2	Table 6.3.1 (Row 9, RL1 Column) The maximum dwelling depth shall be 20.0 metres.	To increase the maximum dwelling depth to 24.28 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/163/2024 1291 Cambridge Drive (East District)** (OP Designation: Low Density Residential – Special Policy Area)

The applicant is proposing to construct a new two-storey detached dwelling, subject to the variances listed above

#### **Site Area and Context**

The subject lands are located within an established neighbourhood that consists predominantly of two-storey detached dwellings with some newer two-storey detached dwellings in a range of architectural forms with two-car garages and one-storey architectural elements. The subject lands are located at the northwest corner of Cairncroft Road and Cambridge Drive with the primary façade of the dwelling and driveway entrance fronting onto Cambridge Drive. The existing dwelling located along the northeast corner of Cairncroft Road and Cambridge Drive is oriented with the primary façade and driveway entrance along Cairncroft Road. The front yard of the subject lands is defined as

the lot line along Cairncroft Road, which given the orientation of the proposed dwelling, has the effect of a flankage yard.



*Aerial Photo – 1291 Cambridge Drive*

The following images depict existing and newer two-storey detached dwellings in the established neighbourhood.



*Flankage Condition – 1305 Cambridge Drive (across from subject lands)*



Primary Façade - 114 Cairncroft Road (across from subject lands)



Primary Façade – 1286 Cambridge Drive (CAV A/024/2017)



*Primary Façade – 1276 Cambridge Drive (CAV A/118/2022)*



*Primary Façade – 1306 Cambridge Drive (east of Carincroft Road)*



*Primary Façade – 1316 Cambridge Drive (east of Cairncroft Road)*



*Primary Façade – 1321 Cambridge Drive (east of Cairncroft Road)*



*Primary Façade - 1324 Cambridge Drive (east of Cairncroft Road)*

The existing dwelling and proposed dwelling are shown below, with the existing and proposed flankage yard conditions.



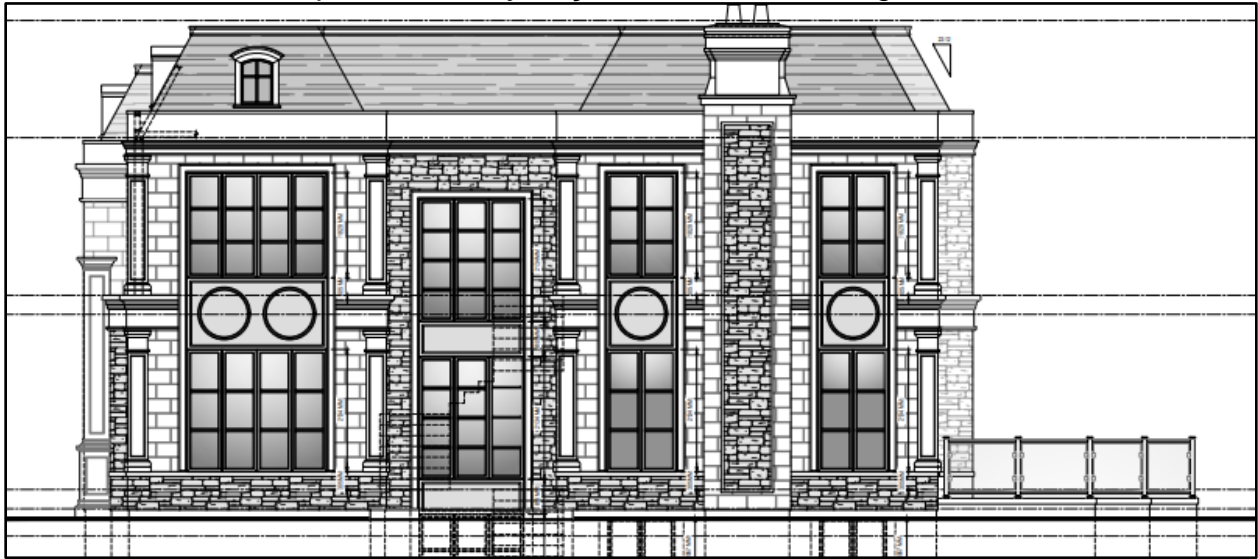
*Existing Primary Façade – 1291 Cambridge Drive*



*Existing Flankage Yard – 1291 Cambridge Drive*



*Proposed Primary Façade – 1291 Cambridge Drive*



*Proposed Flankage Yard – 1291 Cambridge Drive*



## Flankage Yard Open to Below – 1291 Cambridge Drive



*Proposed Site Plan – 1291 Cambridge Drive*

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 – Special Policy Area in the Livable Oakville Plan. Accordingly, Policy 26.2.1 applies and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, 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 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.

Based on the submitted plans, staff have concerns with the cumulative impact of the requested variances, primarily due to the inclusion of a full second storey without adequate recesses or wall plane variation which 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 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*
- *Porches and balconies that can reduce the verticality of taller dwellings and bring focus to the main entrance*
- *Architectural components that reflect human scale and do not appear monolithic*
- *horizontal detailing to de-emphasize the massing*
- *variation in building materials and colours*

The proposed two-storey elements along the public frontages contribute to a larger overall massing. Staff also has concerns that the dwelling does not implement the following sections of the Design Guidelines for Stable Residential Communities:

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

**3.2.2.2 Height:** *New development is encouraged to incorporate upper storey living spaces wholly or partially within the roof structure to de-emphasize the height and overall building scale, and to divide the massing of the roof. Dormer and end gable windows can provide adequate light into these spaces.*

While the proposed dwelling incorporates minor step backs of various portions of the building, the proposed architectural elements along with the requested variances will contribute to a dwelling that does not maintain or preserve the scale and character of the surrounding neighbourhood.

Additionally, the proposed dwelling does not adequately mitigate the visual impact of the proposed dwelling on the public realms (Cambridge Drive and Cairncroft Road). Staff are of the opinion that the three car garage contributes to the proposed dwelling having a massing and scale that would result in a dwelling that appears larger than those in the surrounding area and the impacts are not being effectively mitigated through the design. Therefore, on this basis it is staff's opinion that the requested variances are not in keeping with the intent of the Town's Official Plan.

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

The applicant is seeking relief from Zoning By-law 2014-014, as amended, as follows:

**Variance #1** – Minimum Rear Yard (Objection) – 10.5 m reduced to 4.25 m

**Variance #2** – Maximum Dwelling Depth (Objection) – 20.0 m increased to 24.28 m

The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. The intent of regulating dwelling depth is to ensure that dwellings are of a consistent mass and scale and prevent a dwelling from having a mass and scale that appears larger than the dwellings in surrounding neighbourhood. Staff note that despite the proposed

dwelling's orientation to front onto Cambridge Drive, the defined front lot line of the property is Cairncroft Road. This results in the rear yard as defined by the Zoning By-law functioning as an interior side yard, and the frontage on Cairncroft Road functioning as the flankage yard. The orientation of the proposed dwelling, along with the chosen architectural elements and three car garage serves to elongate the dwelling into the defined rear yard. The requested increase in dwelling depth is associated with the requested reduction in rear yard setback as the attached three car garage and secondary entrance contribute to the overall depth of the dwelling, from the defined front lot line. Additionally, the proposed dwelling includes full two-storey open to below areas oriented towards the defined front lot line of the property, which serve to increase the massing and scale of the proposed dwelling along the public realm. The large open to below and two-storey windows along Cairncroft Road contributes to increasing the massing and scale of the proposed dwelling along the public realm and will result in impacts on the streetscape.

The design of the proposed dwelling on a large corner lot, together with the requested increase in dwelling depth and reduction in rear yard setback, will result in a dwelling that appears significantly larger than those in the surrounding neighbourhood. Additionally, the dwelling depth is related to the proposed three-car garage which is not an established character feature within the surrounding neighbourhood, as three-car garages are discouraged due to the dominating impact they can have on the public realm. The proposed reduction in rear yard, increase in dwelling depth, proposed three car garage and secondary entrance, and inclusion of large two-storey open to below areas within the flankage yard, will result in a dwelling that appears substantially larger than those in the surrounding neighbourhood. On this basis, staff are of the opinion that the requested variances do not maintain 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, along with the inclusion of large two-storey open to below areas along the defined frontage, the three-car garage and second primary façade entrance results in a proposed dwelling that represents an overbuild of the site, will result in a dwelling that appears larger than those in the surrounding area and is not in keeping with the established neighbourhood character. It is acknowledged that the established neighbourhood has a variety of existing and newer large two-storey detached dwellings with a variety of architectural styles, the proposed variances and chosen architectural elements will not maintain or preserve the established character. The requested variances, three-car garage and proposed two-storey open to below areas, along the defined frontage (Cairncroft Road), serves only to increase the massing and scale of the dwelling and will have an overwhelming impact on the public realm. 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 or protect the established 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.

**Bell:** No comments received.

**Fire:** No concerns for fire.

**Metrolinx:** No applicable Metrolinx comments.

**Finance:** 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 a decrease to the rear yard setback and an increase to the maximum dwelling depth, 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.
- RNHS: Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region’s EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.

**Halton Conservation:** No comments received.

**Trans Canada Pipeline :** No Comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – None**

*Sharon Coyne*

Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment