

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/004/2025

RELATED FILE: N/A

DATE OF MEETING: January 22, 2025

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
O. ANIFOWOSHE	TOMASZ GORAL 720 KING St W #411 Toronto ON M5V 3S5	PLAN 682 LOT 24 583 Taplow Cres Town of Oakville

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 two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
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 ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 42.8%.
2	<i>Section 6.4.3 a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 8.21 metres.	To reduce the minimum front yard to 7.3 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)

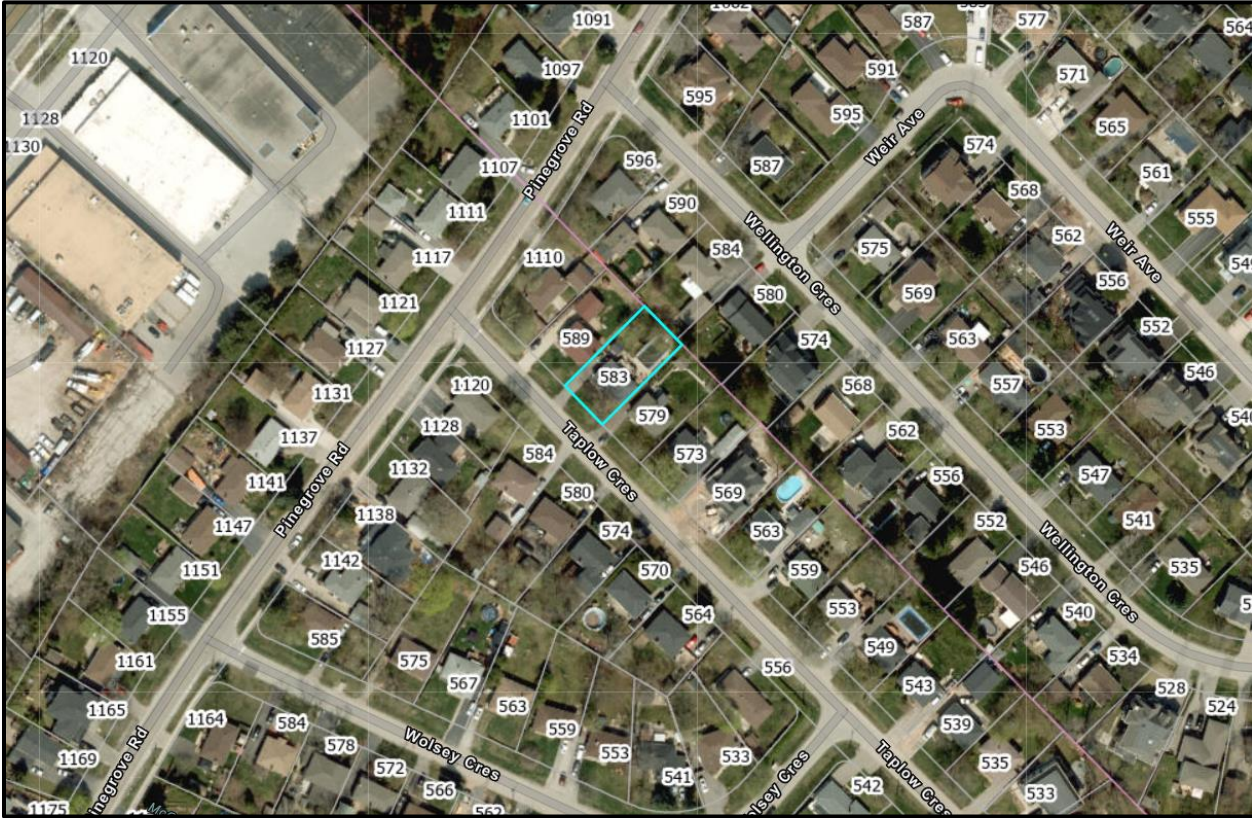
A/004/2025 - 583 Taplow Crescent (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling subject to the variances listed above.

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:

Site Area and Context

The neighbourhood consists of predominately one-storey dwellings that are original to the area and some two-storey dwellings that are newly constructed. There are no sidewalks along Taplow Crescent and landscaped boulevards provide additional separation between the public road allowance and private properties.



Aerial Photo of 583 Taplow Crescent



583 Taplow Crescent – taken on January 14, 2025



Properties adjacent to 583 Taplow Crescent – Taken January 14, 2024



Excerpt of South (Front) Elevation prepared by applicant

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. The 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.*
- *Variations 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.*

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*

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.

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.*

The intent of the Official Plan is to maintain and protect the existing character of established residential neighbourhoods. The subject property is surrounded by one-storey dwellings with some redevelopment of the original housing stock in the broader neighbourhood. The proposed dwelling does not incorporate design elements to assist in mitigating the impact of the requested variances. Staff are of the opinion that the proposed dwelling would not maintain and protect the existing neighbourhood character. The proposed dwelling presents as substantially larger than adjacent dwellings and on foregoing basis the proposed variances do not maintain the general intent and purpose of 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 – Maximum Residential Floor Area Ratio (Objection) – increase from 41% to 42.8%

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 1.8% (12.54 sq. m) from what is permitted. In addition to the requested increase in residential floor area an open to below area, that pushes the second-storey floor area to the perimeter of the dwelling, of approximately 32.38 square metres is also proposed resulting in an overall increase of 44.92 square metres in residential floor area. While the open-to-below areas do not technically count towards the residential floor area, it contributes to the massing and scale of the dwelling in a manner that is not compatible with the neighbourhood character.

The intent of the Zoning By-law provisions for residential floor area and lot coverage are to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The dwelling design does not appropriately mitigate the potential massing and scale impacts on abutting properties.

On this basis, it is Staff's opinion that the proposed dwelling would negatively impact adjacent properties, as the effect of the proposed variance creates a massing and scale that is not in keeping with other dwellings in the area.

Variance #2 – Minimum Front Yard Setback (Objection) – decrease from 8.21 m to 7.3 m

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a decrease in the minimum required front yard setback of 0.91 m. The intent of the provision for minimum front yard setback is to ensure a relatively uniform setback along the street. the cumulative impacts of the front yard setback reduction in combination with the increase in residential floor area results in a dwelling that is not compatible with the existing neighbourhood character. As such, Staff are of the opinion that the variance request for minimum required front yard setback does not maintain the general intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the variances proposed for floor area ratio and front yard setback do not represent the appropriate development of the subject property. The proposed dwelling represents an overbuild of the site and would create negative impacts on the public realm in terms of massing and scale and does not fit within the context of the existing neighbourhood. The development as proposed may result in unacceptable adverse impacts on the abutting properties, and the requested variances

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

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 desirable for the appropriate development of the subject lands, and cumulatively, the impact of the variances are not minor in nature. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application as submitted be denied.

Notes:

- Staff further note that this site will need to go through Minor Site Plan. This site will need to control the 25mm storm volume through private controls. The design information is to be provided in a SWM report completed by a professional engineer.

Fire: No concerns for fire.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 42.8% and a decrease to the minimum front yard to 7.3 m, 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.

Halton Conservation: No comments received.

Bell Canada: No comments received.

Trans Canada Pipeline : No comments received.

CNR: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

General notes for all applications:

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 states, 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer,
Committee of Adjustment