

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/014/2025

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 on Wednesday, February 05, 2025 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|------------------|---|--|
| T. NAGRA | Keller Engineering Henry Jansen 25 First St Orangeville ON, CANADA L9W 2E1 | PLAN 684 LOT 106 244 Sabel St Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 1

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 to Zoning By-law 2014-014:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <i>Table 6.4.1</i> The maximum residential floor area for a detached dwelling with a lot area between 650.0m ² and 742.99m ² shall be 41%. | To increase the maximum residential floor area to 45.25%. |

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/014/2025 – 244 Sabel Street (West District) (OP Designation: Low Density Residential)

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 subject property is located in an area that has experienced some redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey detached dwellings, as well as newer two-storey detached dwellings with diverse architectural styles. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



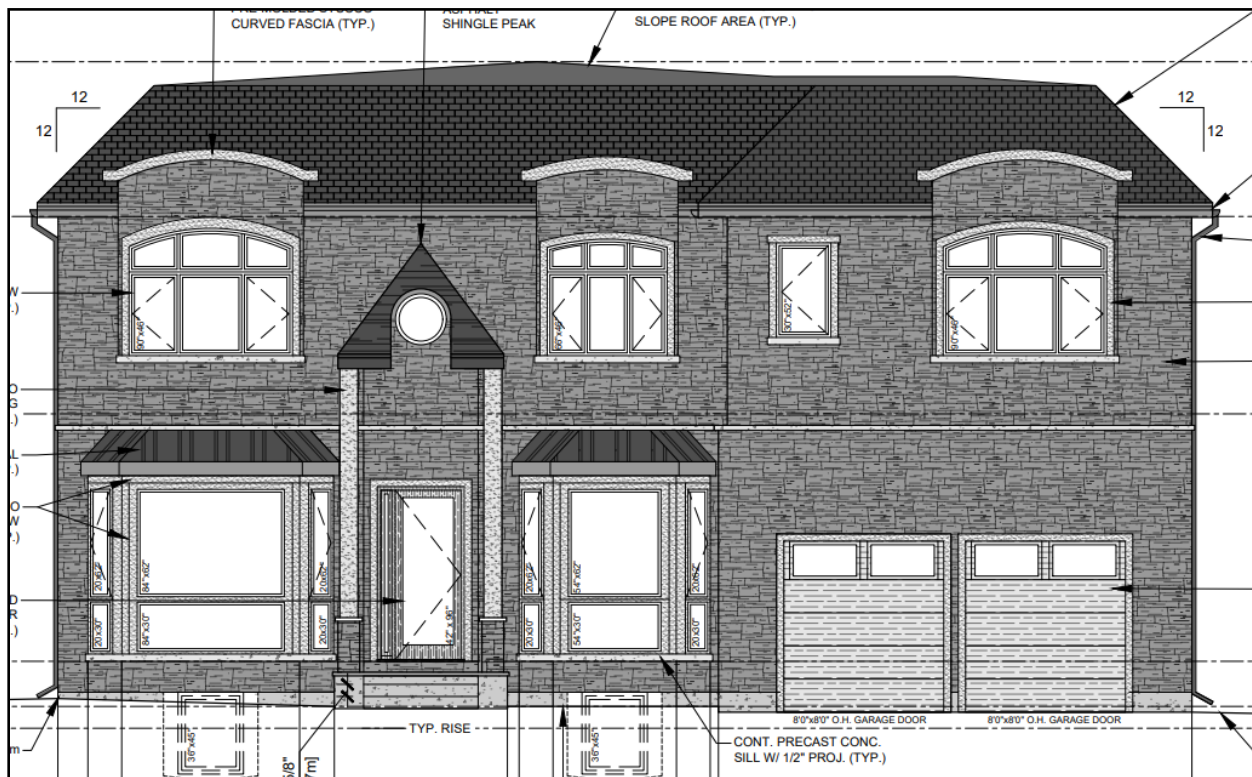
Aerial Photo of subject lands – 244 Sabal Street



Photograph of subject lands – 244 Sabel Street and the neighbouring dwellings abutting the property to the south at 238 Sabel Street (left side of photo) and the north at 248 Sabel Street (right side of photo) [Photo taken January 21, 2025]



Photograph of the existing one-storey dwellings located on the east side of Sabel Street, opposite the subject lands (Photo taken January 21, 2025)



244 Sabel Street – Proposed Front Elevation

As seen in the photos above, to the immediate north of the proposed development is a one-storey bungalow original to the neighbourhood. To the immediate south, there is a

newer construction two-storey detached dwelling containing a one-car integral garage. Across the street from the subject lands are additional one-storey bungalows original to the neighbourhood.

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.*

In staff's opinion, the proposed residential floor area increase, along with the architectural design of the dwelling's exterior, have not been properly considered when examining it against the existing character of the stable residential neighbourhood in which the dwelling is located. As such, the proposal results in a development that appears to be substantially larger than those around it and would result in negative cumulative impacts on the surrounding neighbourhood. In particular, the proposed two-storey entryway feature would enhance the verticality of the primary façade and contribute to the development of a dwelling which helps further exacerbate the negative impacts of mass and scale on nearby properties, and the local streetscape. Furthermore, the proposed dwelling does not provide an appropriate transition to the abutting one-storey dwelling to the north or the existing one-storey dwellings across the street either. The height of the proposed dwelling should be stepped down towards the northern end of the property or the second floor integrated into a lowered roofline. Portions of the second floor could also be stepped back along the front main wall to help mitigate the potential shadowing, massing, and scale impacts on the abutting one-storey dwelling.

On this basis, it is staff's opinion that the proposed variance does not maintain the general intent and purpose of the Official Plan as it would contribute to a proposal 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?

Variance #1 – Floor Area Ratio (Objection) – Increase from 41% to 45.25%

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 4.25% from what is permitted. 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 (RFA) variance results in a total increase of approximately 30.48 square metres above the maximum permitted under the by-law for this lot. The proposed dwelling also consists of massing resulting from the large open-to-below area of approximately 25.61 square metres in the rear, that pushes the second-storey floor area to the perimeter of the dwelling. While the open-to-below does not technically count towards the residential floor area, it contributes to the massing and scale of the proposed dwelling in a manner that is not compatible with the neighbourhood character. The 25.61 square metres of open-to-below area, combined with the increase in residential floor area of approximately 30.48 square metres above the maximum permitted under the by-law, effectively results in a total of 56.09 square metres of additional perceived massing for the dwelling. The resulting overall built-form massing equates to a residential floor area ratio of 48.83%. The combination of both the proposed increase in the residential floor area ratio and the large open-to-below area will result in a dwelling that appears to be much larger from the public realm than its abutting neighbours, causing undue adverse impacts upon the local streetscape. The proposal as currently envisioned, does not help maintain or protect the existing character of the stable residential neighbourhood.

The dwelling design does not appropriately mitigate the potential massing and scale impacts on abutting properties either. It is noted that the roofline for instance, has not been lowered or integrated into the second storey to help mitigate massing and scale from the public realm. Additionally, the inclusion of the two-storey front porch creates an overpowering front façade element which also projects massing towards the public realm.

The proposal also does not incorporate design elements that would help to mitigate the impact of the significant massing and scale on adjacent properties such as: the second storey being stepped back from the front main wall of the first storey, variations in dwelling height, lowered rooflines, wall plane variations, façade articulation, adequate recesses, variation in roof forms, and massing that is broken up into smaller elements.

On this basis, it is staff's opinion that the intended development would appear visually larger than the surrounding dwellings, and as currently proposed, does not maintain or protect the neighbourhood's existing character. In Staff's opinion, the proposed variance does not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

Notwithstanding the comments above, it should be noted that the Town's Development Engineering Department also provided comments on this application and indicated that there are no issues with the specific variance. Development Engineering will require a Site Alteration permit and on-site stormwater management will also be asked for as a part of the application. Additionally, staff have stated that the following should be noted moving forward based on the review of the plans that were submitted:

- The site requires a best-efforts stormwater management approach. Development Engineering recommends the 25mm retention through stormwater management implementation.
- Please note swales are required to be minimum 2%

- Please note Development Engineering Procedures and Guidelines must be followed for grading, swales, catch basin connections, etc. when developing a lot grading design.

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 the appropriate development of the subject lands as the variance is not minor in nature and will result in a dwelling that appears larger than those in the immediate area. The proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, and ultimately it does not fit within the context of the surrounding neighbourhood.

On this basis, it is staff's opinion that the application does not meet the four tests under Section 45 (1) of the *Planning Act* and staff recommends that the application be denied.

Bell Canada: No comments received.

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 45.25%, 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.

Oakville Hydro: We do not have any comments for this group of minor variance applications.

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment