

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/026/2025

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, March 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
F. Masud	Muhammad Afzal Ecoxis Consultants Inc. 6733 Mississauga Rd Mississauga ON, L5N 6J5	PLAN 592 LOT 80 1314 Avon Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0, Residential
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 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 an area between 650.00m ² and 742.99m ² shall be 41%.	To increase the residential floor area to 58.5%.

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/026/2025 - 1314 Avon Crescent (East District) (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing one-storey detached dwelling and 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 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

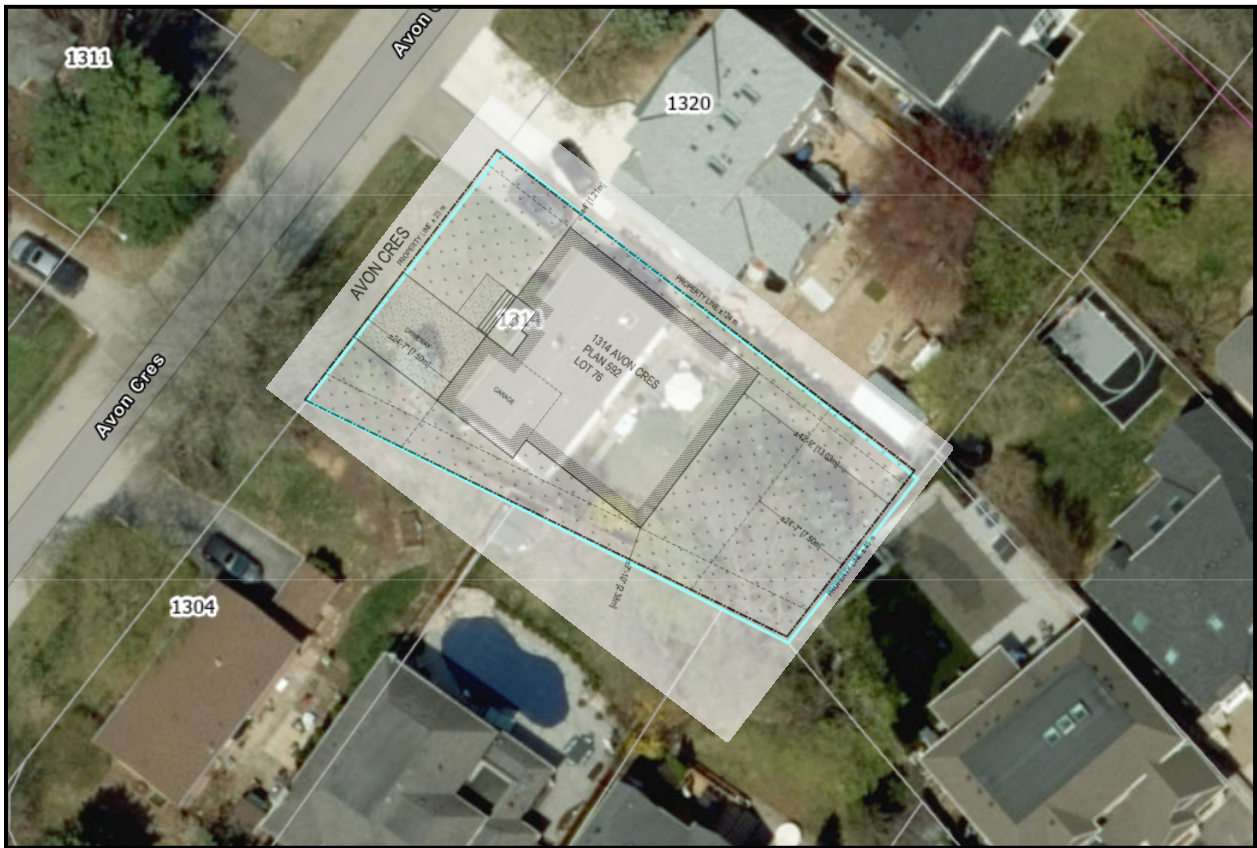
The subject property is located in an area that has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood

consists of newer two-storey detached dwellings as well as one and one-half storey detached dwellings. Predominantly, newer two-storey dwellings consist of lowered roof lines, implement one-storey architectural elements and massing that is broken up to provide appropriate transition with existing dwellings in the surrounding area. Dwellings in the surrounding area consist of a variety of architectural styles and design elements that maintain and contribute to the established neighbourhood character.

In accordance with Bill 97, this property will be subject to a Minor Site Plan application for review by Development Engineering staff to review any potential stormwater impacts. Additionally, the subject lands are located within an area of low archaeological potential. Although the property has already been disturbed with an existing development, an advisory note is applicable.



Aerial Photo – 1314 Avon Crescent



Proposed dwelling overlay – 1314 Avon Crescent



Front Elevation – 1314 Avon Crescent

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:

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 neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Section 6.1.2 of Livable Oakville also provides that the urban design policies of the Plan will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and zoning. 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 Character: *Neighbourhood character is the collective qualities and patterns that distinguish a particular area from another. The objective is to ensure that new development maintains and protects the character of the existing surrounding neighbourhood. Through the design process, consideration should be given to these patterns and characteristics by focusing on achieving compatibility with the scale, massing, height, architectural character, building elements and materials of existing dwellings in the surrounding neighbourhood.*

1. New development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and that complement the qualities of the surrounding residential community.

2. 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: *Neighbourhoods consist of dwellings and surrounding spaces that are designed at a human scale, creating comfortable and walkable environments. Although architectural details or building elements may vary within a neighbourhood, they can still contribute to a pleasant and compatible environment. The scale of new development should be compatible with the scale and proportions of adjacent existing dwellings and dwellings in the surrounding neighbourhood.*

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.

3.1.5 Rear Yard Privacy: *The design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.*

1. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.

2. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.

3.2.1 Massing: *The height and width of a dwelling are the dominant visual indicators in the perception of building size or massing in comparison to the surrounding dwellings. Well-proportioned massing may be achieved through an appropriate balance of building height and width and the proportion of building components that are compatible to dwellings within the surrounding context.*

1. 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.

2. New development should be designed to mitigate potential impacts of overshadowing on adjacent properties by avoiding bulky massing close to the shared property line, by stepping down the height of the structure, and/or by increasing the setback(s) from the side and rear property lines.

The proposed dwelling does not utilize design techniques that would have the effect of reducing the massing impact on the street and to the abutting dwellings. The proposed dwelling introduces a roof terrace, which is not permitted, and creates two-storey building elements facing the street where an open-to-below area is located. Additionally, the design of the dwelling does not provide any stepbacks in the second floor while projecting into the rear yard of the abutting properties. The magnitude of the requested variance would result in a dwelling that does not maintain or protect the character of the existing neighbourhood. Staff is of the opinion that the proposal does 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?

Variance #1 – Residential Floor Area (Objection) – increased from 41% to 58.5%

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (325 m²) to 58.5% (416.69 m²) for an increase of 91.69 m². The intent of the Zoning By-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The open to below area at the front of the dwelling has the effect of contributing an additional 34.32 m² of massing. The combined impact of the increase in RFA and the open to below area introduces a mass and scale that is not found in the neighbourhood, and the requested increase in RFA results in a dwelling with architectural features that have an unacceptable adverse impact on the streetscape and to the abutting properties. On this basis,

staff are of the opinion that the request 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 proposal does not represent appropriate development of the subject property. The requested variance is not appropriate for the development and are 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.

Recommendation:

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.

Transit: No comments for the March 5th COA package.

Finance: No comments received.

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 in the residential floor area to 58.5%, 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.

Bell Canada: No comments received.

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

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment