

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/040/2025

RELATED FILE: N/A

DATE OF MEETING: By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at on March 19, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Y ZOU	Joseph Domb JD COA Consulting 133 Torredale Ave Unit 207 North York ON M2R 3T2	PLAN 581 LOT 32 2058 Glenforest Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential SP.
WARD: 3

ZONING: RL1-0, 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 new two-storey detached dwelling on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1.	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum easterly interior side yard to 1.04 m.
2.	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum westerly interior side yard to 0.85 m.
3.	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 metres.	To increase the maximum dwelling depth to 21.08 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/040/2025 - 2058 Glenforest Crescent (East District) (OP Designation: Low Density Residential – Special Policy)

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 subject property is located in an established neighborhood predominantly consisting of one-storey dwellings, with a few two-storey homes, some of which have been modified or replaced by newer two-storey constructions. The neighborhood falls within the Special Policy exception area of the Official Plan, which reflects the area's large lot character. These large lots typically feature mature vegetation and homes designed with significant space between dwellings and deep front yard setbacks.



Existing dwelling at 2058 Glenforest Crescent

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.

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

The subject property is designated Low Density Residential Special Policy 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 11.1.9, and the following criteria apply:

Policy 11.1.9 a) states:

- “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.
- c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.
- 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. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

3.1.1 Character: 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.

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.

3.2.2 Massing: 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.

Planning Staff are of the opinion that the proposed variances are not consistent with the Design Guidelines for Stable Residential Communities. There is an established, existing neighbourhood character and the proposed interior side yard setbacks, dwelling depth, residential floor area ratio, and lot coverage result in scale and massing impacts which do not maintain or protect the existing neighbourhood character..

On this basis, it is Staff's opinion that the variances do not maintain the intent of the Official Plan as the proposal would result in a dwelling that is not in keeping with the character of the 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 – Easterly Interior Side Yard Setback (**Objection**) – 4.2m reduced to 1.04m

Variance #2 – Westerly Interior Side Yard Setback (**Objection**) – 4.2m reduced to 0.85m

The intent of the Zoning By-law provision for interior side yard setback is to ensure adequate spatial separation between dwellings and to provide sufficient space for access, drainage and grading. The proposed reduction amounts to the equivalent of 6.51 meters in increased building width at its pinch points and reduced separation from the property line, which raises concerns from a scale/massing and grading/drainage perspective. Although the reduced minimum applies to only a small portion on both sides of the proposed dwelling, it does contribute to the overall scale and massing of the house. On this basis, staff are of the opinion that the requested variances for reduced interior side yard setbacks do not maintain the general intent and purpose of the Zoning By-law.

Variance #3 – Dwelling Depth (**Objection**) – 20.0m increased to 21.08m

Variance #4 – Residential Floor Area Ratio (**Objection**) – 29% increased to 35.3%

Variance #5 – Lot Coverage (**Objection**) – 25% increased to 26.13%

The intent of Zoning By-law provisions for dwelling depth, residential floor area, and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a 1.08 meter reduction in dwelling depth. While the dwelling depth is primarily around 15 meters, with the additional depth attributed to the one-storey covered porch at the rear, it does exceed the depth of the surrounding houses. Staff are of the opinion that the increased dwelling depth contributes to the

cumulative massing and scale impacts of the variances proposed resulting in an overbuild of the subject property.

The applicant is also seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 29% (404.126 square meters) to 35.30% (491.96 square meters) for an increase of approximately 87 square meters, and an increase in lot coverage from 25% (348.38 square meters) to 26.13% (364.20 square meters) for an increase of approximately 15.82 square meters. Staff note that the increased lot coverage, influenced by both the covered porch and patio, is not aligned with the existing context. The requested increases in residential floor area ratio and lot coverage, combined with the proposed architectural features will result in a dwelling that appears larger than those in the surrounding area. The applicant has not demonstrated how the potential impacts of the proposed dwelling are being mitigated through design.

While it is acknowledged the rear covered porch contributes to some of the foregoing variances, staff are of the opinion that the variances cumulatively contribute to enlarging the massing and scale of the dwelling, resulting in an overbuild of the subject property. 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?

Staff are of the opinion that the variances proposed for interior side yard setback, dwelling depth, residential floor area ratio, and lot coverage 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.

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 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.

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 a decrease in the minimum easterly interior side yard to 1.04 m, a decrease in the minimum westerly interior side yard to 0.85 m, an increase in the maximum dwelling depth to 21.08 m, an increase in the maximum lot coverage to 26.13% and an increase in the maximum residential floor area ratio to 35.3%, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of a new two-storey detached dwelling on the Subject Property.

Oakville Hydro: No comments.

Bell Canada: No Comments.

Union Gas: No comments

Letter(s) in support – None

Letter(s) in opposition (2)-

Thank you for forwarding the notice of the application to the Committee of Adjustment to authorize a minor variance to permit the construction of a new two-storey detached dwelling at 2058 Glenforest Crescent in Oakville (File# A/040/2025).

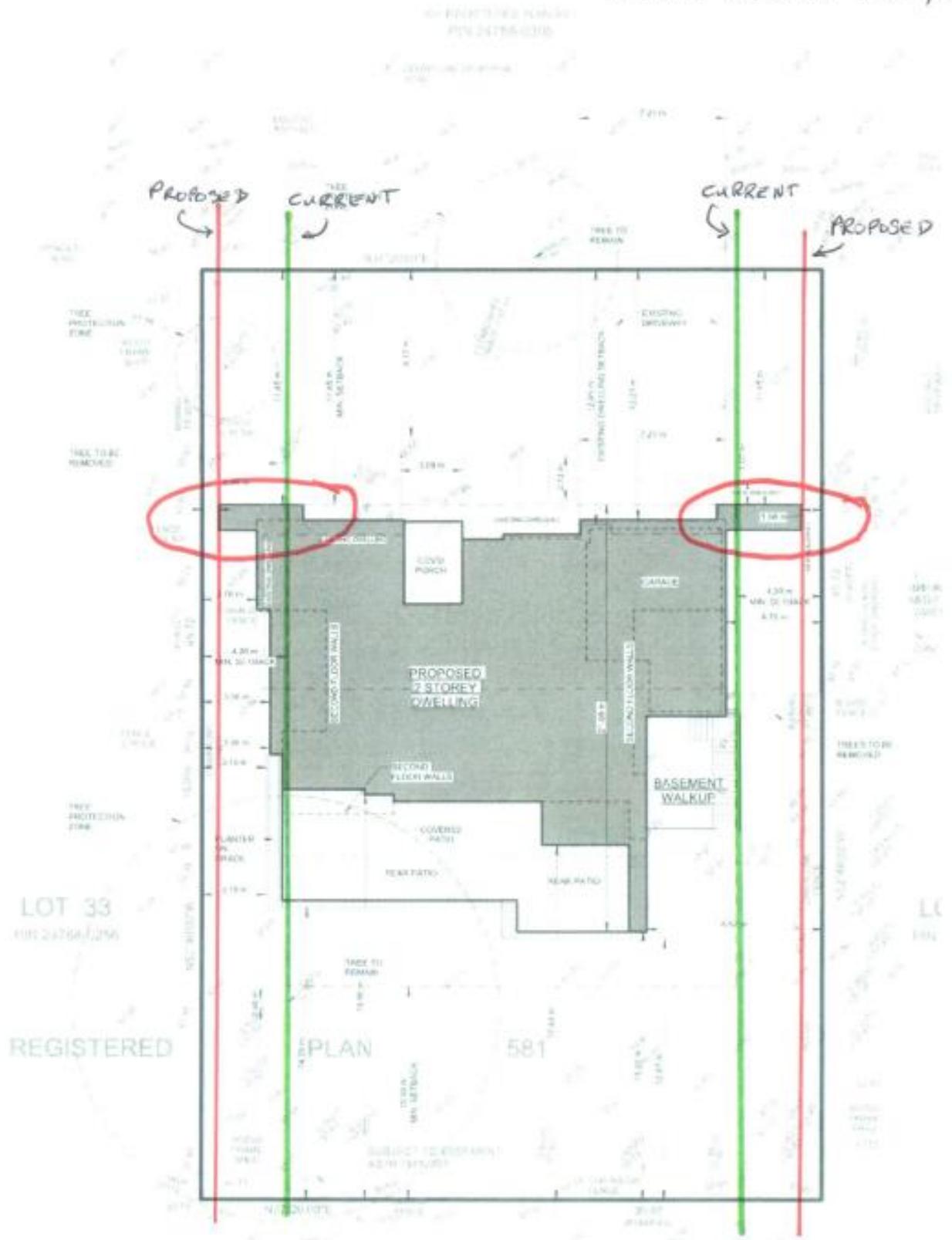
My name is Stephen Taylor and my wife Eva and I live at [REDACTED] Pinehurst Drive (Oakville [REDACTED]), the neighbouring property [REDACTED] of 2058 Glenforest. As such we would be directly affected by the proposed variances, and in particular by the request to reduce the minimum westerly interior side yard to 0.85 metres from the current minimum of 4.2 metres - a reduction of the required setback by 80%. The minor variance to this setback could have a major impact on our use and enjoyment of our property. As a result, we respectfully request that this variance not be granted.

The frontage of the applicant's lot on Glenforest is 30.48 metres (100 feet) and should readily accommodate the development of a large home, compatible with the character of the surrounding neighbourhood while still observing the current interior side yard minimum setbacks of 4.2 meters. Indeed, the applicant's plans for the proposed residence appears to fall mostly within (or close to) those guidelines. The plans show setbacks of 4.7 metres for the building along most of the eastern side, and setbacks of between 2.7 metres and 3.36 metres along the western side facing our property. A shift of the building by about 0.5 metres to the east and a minor reduction of the overall width of the building by a further 0.5 metres (about 19 inches) would bring the dwelling into substantial compliance with the current regulations and require no variance. No other houses in the neighbourhood appear to have less than the current required side yard setbacks and this variance would set an unfortunate precedent. It would appear to us that the variance is unnecessary and could put at risk the function, value and pleasurable use of our property.

The problematic elements – and the apparent cause of the request for the extreme reduction of the setbacks on both the east and west sides – appears to be the inclusion of two “wings” at the front of the building that extend beyond the walls of the main dwelling. The purpose of these wings is not totally clear (they do not show up as a feature in the North Elevation) – but they perhaps are a decorative overhang at the front of the flat roof on the proposed building. (This should be clarified). Our primary concern is that by granting the variance to reduce the minimum westerly side yard to 0.85 metres and the minimum easterly side yard to 1.04 metres to accommodate these wings, the owner (or a subsequent owner) would then be empowered to change the plan for the building (or future buildings or additions) that could expand the structure out to the new 0.85 meter minimum setback along its full depth. I have attached a marked-up plan of the site that highlights the proposed minimum setbacks (in red), the current required setbacks (in green) and the two “wings” (circled in red). We wonder if there might be some other form of agreement (perhaps acknowledging an encroachment by the wings?) that could be put in place and that would not require the more drastic variance.

The impacts on our property of the new building, should it extend out to the new proposed reduced minimum side yard, could be significant, particularly when you take into account the proposed height of the building (over 26 ft high) and the grade differential between the two properties (about 2 ft.). This would bring the effective height of the building to about 28 feet above grade level on our lot, exacerbating the potential impacts of shade, drainage and loss of privacy.

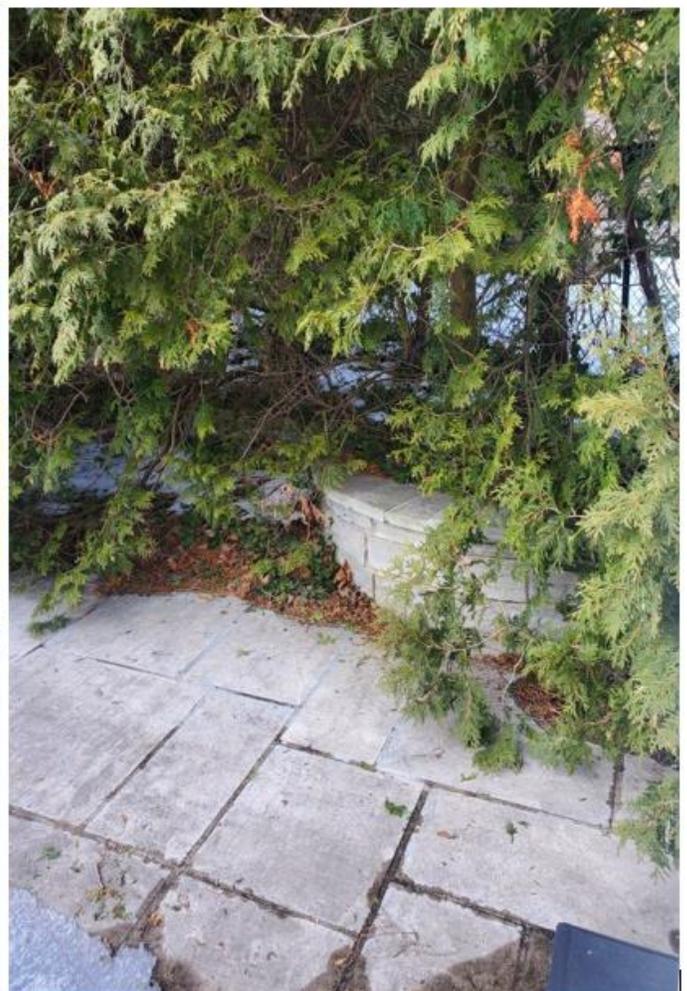
2058 GLENFORD
 CURRENT & PROPOSED
 MINIMUM INTERIOR SIDE YARDS



The concerns include:

1. The risk of serious damage to (and possible destruction of) the decades old cedar hedge located on our property along its eastern edge, that provides privacy, enhances value, and offers a habitat for wildlife on our lot. The hedge is at risk both through the construction process (if excavation is immediately next to it and damages the roots) or through the overshadowing and deprivation of light by the 8.1 metre (26.5 ft) high dwelling (should it be built too close to the reduced minimum setback).
2. Drainage problems and potential flooding of our property if the new dwelling is built without sufficient separation from our lot line. Our lot is approximately 2 ft. lower than the grade level of 2058 Glenforest and any runoff of water from the neighbour's property (without an opportunity to be absorbed by the side yard) would flow into our yard and create a flooding risk.
3. Even excluding the possible impact of damage to the hedge, if the dwelling (or future additions) were to extend to the new reduced minimum side yard, we would lose the buffer space that provides us privacy, access to sunlight, and protection from noise that the current regulations provide.
4. We would also be concerned that the reduced width of the side yard not impede the function of fire or other services in case of an emergency.
5. All of the above considerations could impact the value of our property and the costs of operating and maintaining it.

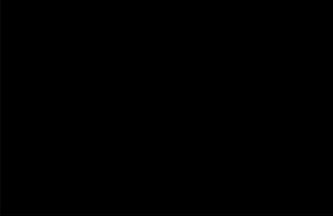
I have attached a photograph illustrating the hedge and grade differential of the properties to help better clarify the factors behind our concerns.



Thank you for your consideration. Eva and I would like to pre-register as a delegation to the electronic hearing by videoconference and will look forward to receiving the appropriate access codes and instructions.

Best regards,
Stephen & Eva Taylor

Stephen Taylor



Robert Grossmann

March 10, 2025

Sharon Coyne,
Assistant Secretary- Treasurer
1225 Trafalgar Road
Oakville, Ont L6H 0H3

Dear Sharon Coyne

Re: Committee of Adjustment Application
File# A/040/2025

My name is Robert Grossman and my wife Ethel and I have enjoyed living on Glenforest Crescent since 1973. We think Glenforest Crescent is a beautiful Place to live, hence we have been here for almost 52 years.

During the last few years we have witnessed four new homes being built on this side of the Crescent and all adhered to the existing interior side yard requirements.

I object to the variance of reducing the interior side yard setbacks, it shows total disrespect for the neighbours.

I am an Architect and I firmly believe that a 100ft frontage with the existing interior side yard setbacks is ample of room to design a beautiful home.

Yours truly

Robert Grossmann

A handwritten signature in blue ink that reads "Robert Grossmann".



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
Asst. Secretary-Treasurer
Committee of Adjustment