

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/047/2025

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](http://oakville.ca) on Wednesday, April 02, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. Keyes	Paul Mandrish Lakeland Engineering 1100 Sutton Dr, Unit 1 Burlington ON, L7L 6R6	PLAN 592 LOT 37 1321 Duncan Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL2-0, Residential**

**WARD: 3**

**DISTRICT: East**

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### 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 with accessory structure (shed) on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 56.10 square metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1022.00 m <sup>2</sup> and 1114.99 m <sup>2</sup> shall be 37%.	To increase the maximum residential floor area ratio to 40.54%.
3	<i>Table 6.4.2 (Row 1, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 28.91%.

## **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/047/2025 - 1321 Duncan Road (East 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 subject property is located in Southeast Oakville, an established area primarily comprised of one-storey and two-storey detached dwellings with a classic architectural style, and a range of carports, one-car and two-car garages. The neighbourhood is characterized by its mature tree-lined streets and large lot sizes.



*Aerial Photo of 1321 Duncan Road*

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 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.”*

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.*

**3.2.1 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.*

**3.2.6 Garage and Accessory Structures:** *New development should make every effort minimize the visual prominence of the garage and the surface parking area on the property frontage in order to maintain a positive pedestrian experience along the streetscape. New development with an attached garage should make every effort to incorporate this feature into the design of the building, to achieve compatibility with the overall massing, scale, and style of the dwelling and the immediate surroundings.*

While the proposed dwelling incorporates step backs of various portions of the building, the requested variances will contribute to a dwelling that does not maintain or preserve the scale or character of the surrounding neighbourhood. 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. Therefore, on this basis it is staff's opinion that the requested 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** – Garage Floor Area (Objection) – 45 square meters increased to 56.10 square meters

**Variance #2** – Residential Floor Area Ratio (Objection) – 37% increased to 40.54%

**Variance #3** – Lot Coverage (Objection) – 25% increased to 28.91%

The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling and creating an adverse impact on the existing neighbourhood character and streetscape. The intent of Zoning By-law provisions for residential floor area ratio, 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 three-car garage proposed serves to elongate the dwelling, contributing to the overall size of the proposed dwelling and enhance the overall massing and scale. An 11.10 sq m increase in garage area, combined with the request for an additional 37.5 square meters of residential floor area, results in an additional 48.6 square meters of building area.

Staff recognize that the increase in lot coverage is mainly due to the second-storey overhang, rear covered porch, and backyard shed. While these elements do not significantly impact the dwelling's façade from the street, when considered cumulatively with the increases in garage floor area and residential floor area ratio, they contribute to an overall increase in massing and scale. This could result in a dwelling that appears substantially larger than other homes in the neighborhood.

## **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 garage floor area, 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 may create negative impacts on the public realm in terms of massing and scale and does not maintain or protect the existing neighbourhood character.

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.

**Oakville Hydro:** We do not have any comments to add.

**Transit:** No comments received.

**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 maximum

total floor area for the private garage to 56.10 square metres, an increase in the maximum residential floor area ratio to 40.54%, and an increase in the maximum lot coverage to 28.91%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling with accessory structure (shed) on the Subject Property.

**Union Gas:** No comments received.

**Bell Canada:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**

*J. Ulcar*

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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment