

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/059/2025

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 April 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
D. Bandi	Mahesh Sharma The Planning Hub 3050 Yorkville St London ON, N6P 0J3	PLAN 646 LOT 114 631 Trudale Crt Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 2

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:

No.	Current	Proposed
1	<i>Section 5.8.2 c) iii)</i> The maximum width for a single driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum driveway width to 9.13 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 650.00m ² and 742.99m ² shall be 41%.	To increase the maximum residential floor area ratio to 43.2%.
3	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 10.02 metres.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

(Note: Planning & Development includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/059/2025 - 631 Trudale Court (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a new two-storey detached dwelling while the existing dwelling to be demolished subject to the variances 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's comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

The subject lands are located within a neighbourhood that consists predominantly of one, one-half and two-storey dwellings designed in a range of architectural forms with two-car garages. Some newer two-storey dwellings exist in the surrounding neighbourhood.

Additionally, the neighbourhood consists of single and double car driveways, at varying lengths, also featured landscaped front yards with mature vegetation on both public and private property and the driveway is not the dominant feature of the front yard. As shown in the figure below.

The property will be subject to Site Alteration Permit for review by Development Engineering staff to further assess impacts on drainage and grading.





644 Trudale Court



620 Trudale Court

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

The subject property is 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 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. Although there have been significant revisions to the previous concept reviewed by staff through the pre-consultation process, Staff are of the opinion that the proposal still does 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.

3.2.1 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...

3.2.3 Setbacks: New development should be compatible with the character of the existing dwellings by maintaining the established front yard setback patterns and side yard setback patterns along the street edge. There may be instances when the established front yard setback can be slightly varied due to specific site constraints.

1. New development should be oriented and positioned on the lot to be compatible with the existing pattern of dwelling placement, in terms of front, side, flankage and rear yard setbacks.

3.3.2 Driveways and Walkways: New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.

3.3.1 Landscaping and Tree Preservation: New development should make every effort to retain established landscaping, such as healthy mature trees and

existing topography, by designing new dwellings and building additions around these stable features.”

While the proposed dwelling shows some variation in the roofline to reduce the visual impact of the front façade, it is staff's opinion that the cumulative effect of the proposed variances such as the increase in dwelling height, increased floor area, and increased driveway width will result in negative massing and scale impacts onto the streetscape of the surrounding area, does not maintain or preserve the scale and character of the existing neighbourhood. Additionally, it is staff's opinion that the proposed dwelling represents an overbuild of the site and does not protect or maintain the existing character of the neighbourhood and therefore 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?

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Driveway Width (Objection) – Increase driveway width from 9 m to 9.13 m

The intent of regulating driveway width is to prevent the construction of a driveway that is wider than the width of the garage, in order to minimize the amount of hardscaping in the front yard. Maintaining an appropriate amount of landscaping in the front yard also promotes improved drainage conditions for redeveloped sites.

The increase in the driveway width will result in 50% of front yard being hardscape. Although the numerical increase of the variance may appear small, the proposed increase does contribute to the driveway becoming a dominant feature on the front yard. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #2- Maximum Residential Floor Area Ration (Objection)- Increase from 41% to 43.2%

Variance #3 – Maximum Dwelling Height (Objection) – Increased from 9.0 m to 10.2 m

The intent of regulating the residential floor area and height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant is proposing an increase in the residential area from 41% (292.03 square metres) to 43.2% (307.86 square metres) for an increase of 15.83 square metres. The proposed design of the dwelling includes an open to below area on the second floor, with an area of approximately 12.73 square metres. It is staff's opinion that the open to below area results in the second-floor area being pushed to the perimeter of the dwelling, negatively contributing to the overall massing and scale of the proposed dwelling. Additionally, the increase in dwelling height is not compatible with the adjacent dwellings in the existing neighbourhood.

The proposed height and residential floor area increase results in a dwelling that appears larger than what exists. On this basis, staff are of the opinion that the requested variance does 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?

When considered cumulatively, it is staff's opinion that the variances result in massing and scale impacts that contribute to an overbuilding of the subject property. On this basis, staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature.

Recommendation:

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan and 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 and staff recommend that the application be denied.

Fire: No concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No comments.

Metrolinx: No comments/concerns.

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 increase the maximum driveway width to 9.13 metres, to increase the maximum residential floor area ratio to 43.2%, and to increase the maximum height to 10.02 metres, 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.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

J. Ulcar

Jen Ulcar

Secretary-Treasurer

Committee of Adjustment