

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/048/2025

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 16, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
O. KARA N. HANNA	Peter Giordano David Small Designs 1405 Cornwall Rd Unit 4 Oakville ON L6J 7T5	PLAN 358 LOT 22 1547 Bayview Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 2

ZONING: RL2-0  
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 a two-storey detached dwelling and accessory structure (cabana) on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 4.3 (Row 18, Column 4)</i> The maximum projection beyond the main wall in a side yard for the uncovered access stairs below grade shall be 1.5m.	To increase the maximum projection beyond the main wall for the uncovered access stairs below grade to 4.22m.
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 1,115.00.00 m <sup>2</sup> and 1,207.99 m <sup>2</sup> shall be 35%.	To increase the maximum residential floor area ratio to 37.19%.
3	<i>Table 6.4.2 (Row 1, Column 3)</i> Where the detached dwelling is greater than 7.0 metres in height, the maximum lot coverage shall be 25%.	To increase the maximum lot coverage to 29.66%.
4	<i>Section 6.4.3 (a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. The minimum front yard shall be 11.09 metres in this instance.	To reduce the minimum front yard to 8.85 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/048/2025 – 1547 Bayview Road (West District) (OP Designation: Low Density Residential)**

The applicant proposes to construct a two-storey detached dwelling and accessory structure (cabana), 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 comments concerning the application of the four tests to this minor variance request are as follows:

**Site and Area Context**

The subject lands are located within a neighbourhood that consists of one and two-storey dwellings on large lots that are original to the area, along with some newly constructed two-storey homes ranging in architectural forms and design. There are no sidewalks along Bayview Road. Most newly constructed dwellings include attached two-car garages and consist of lower second floor roof lines, stepbacks, and massing that is broken up into smaller elements to help reduce potential impacts on the streetscape. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



*Aerial Photo*

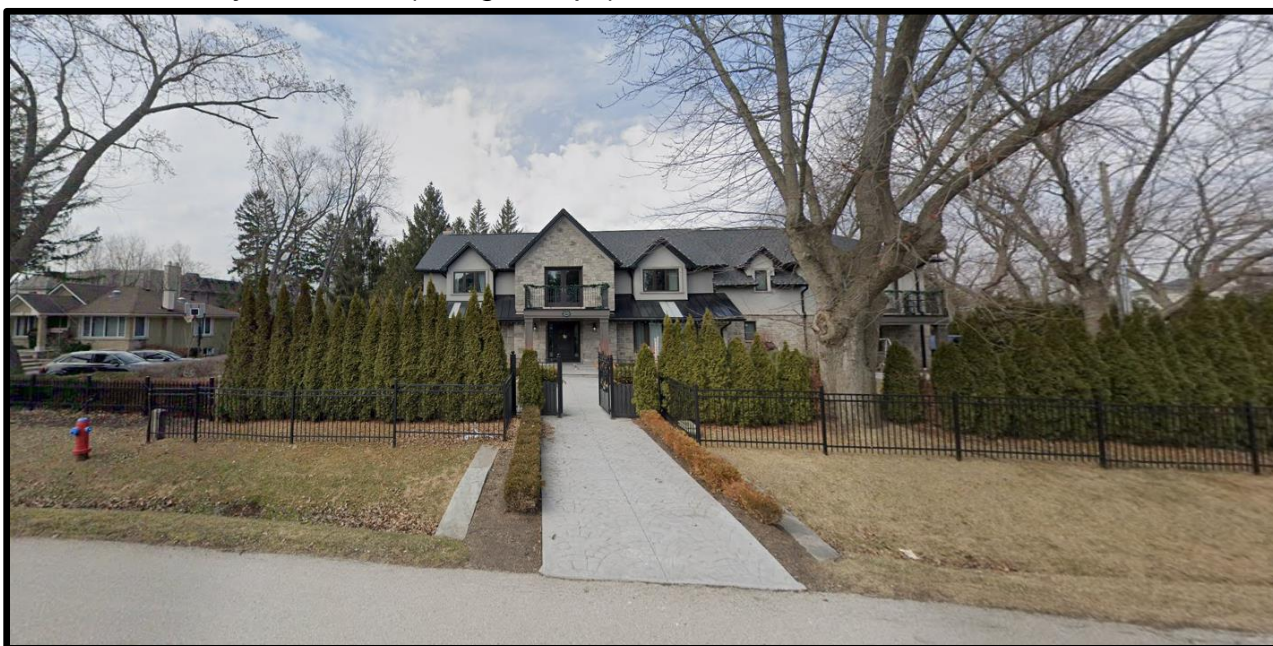
*of subject lands – 1547 Bayview Road*





*Subject*

*lands – 1547 Bayview Road (Google Maps)*



*Abutting*

*dwelling to the east of the subject lands (1539 Bayview Road [Google Maps])*

### **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.*

The intent of the Official Plan is to protect the existing character of stable residential neighbourhoods. While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed dwelling would not maintain and protect the existing neighbourhood character. The proposed dwelling presents as substantially larger than adjacent dwellings and creates an overpowering effect on the local streetscape.

The proposed floor area and lot area increases, 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 it 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 large open-to-below areas at the front entrance of the dwelling and the family room at the rear, negatively contribute to the verticality of both the primary and rear façades. This contributes 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-and-a-half-storey dwelling to the south. The height of the proposed dwelling should be stepped down towards the southern 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 rear main wall to help mitigate the potential shadowing, massing, and scale impacts on the abutting one-half-storey dwelling.

There have been no measures taken to mitigate some of the potential massing and scale impacts along the front façade, such as the second storey being incorporated into the roofline, stepbacks along second storey to reduce the overall floor area, or façade articulation. Additionally, the inclusion of non-functioning aesthetic dormer windows into the roof along the front façade makes the dwelling appear to be 3-storeys in height, exacerbating the perceived height from the public realm. As seen in the above photos, the single detached dwelling abutting the subject property to the east has been carefully renovated, incorporating a majority of the second floor into the roofline along the Bayview Road frontage, making it appear considerably smaller in massing and scale than the proposed development. The subject proposal has attempted to mitigate some of the impacts on neighbouring properties, but the magnitude and cumulative impacts of variances being sought still result in a development that is not desirable or appropriate given the existing neighbourhood character.





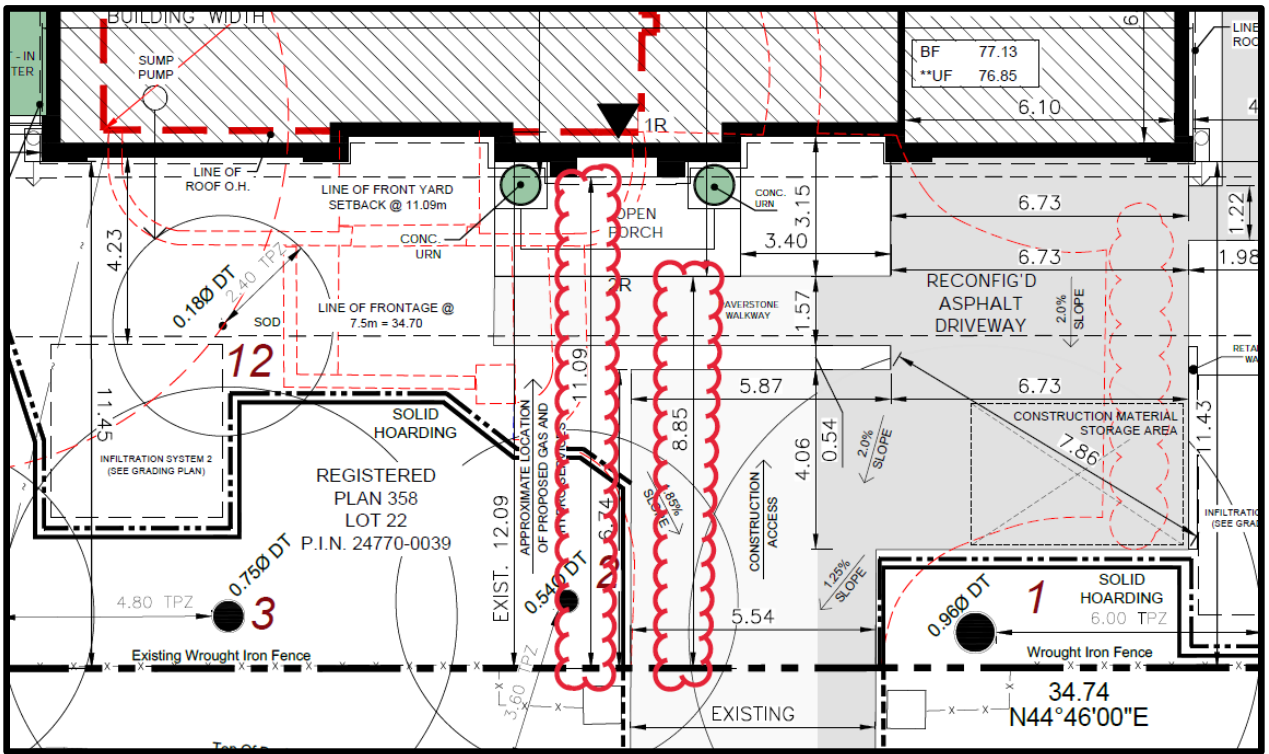
*1547 Bayview Road – Proposed Front Elevation*



*1547 Bayview Road – Proposed Rear Elevation*

In Staff's opinion, the proposed floor area and lot coverage increases, large open-to-below areas at the front and rear of the dwelling, along with some of the chosen exterior façade design elements, have not been properly considered when examining it against the existing character of the stable residential neighbourhood in which it 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. On this basis, it is Staff's opinion that variances #1, #2, and #3 do not maintain the general intent and purpose of the Official Plan as these variances contribute to a proposal that would not maintain nor protect the character of the existing neighbourhood.

The requested variance to decrease the minimum required front yard setback is due to the proposed cold cellar in the basement level. This variance can be considered technical in nature as the front yard setback requirement is deemed to be the minimum distance measured horizontally from the nearest point of a building to the front lot line. Since this area of the basement is planned to be excavated in order to accommodate the cold cellar, the top of the foundation wall is considered the nearest point of the building. However, this portion is entirely below-grade and the reduction to the front yard setback has no impacts on the local streetscape. The distance from the front main wall of the dwelling on the ground floor to the front lot line meets the minimum required setback distance of 11.09 m.



1547 Bayview Road – Site Plan Drawing Showing the Differences in Front Yard Setbacks

On this basis, it is Staff's opinion that variance #4 does maintain the general intent and purpose of the Official Plan as this variance is technical in nature and will not result in any adverse impacts to abutting neighbours.

**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 #4 – Minimum Front Yard Setback (No Objection) – decrease from 11.09 m to 8.85 m**

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a decrease in the minimum required front yard setback of 2.24 m. The intent of the provision for minimum front yard setback is to ensure a relatively uniform setback along the street. As mentioned previously, Staff recognize that the decrease in the minimum required front yard setback is needed to accommodate the below-grade cold cellar which is completely hidden from the public realm. This variance can be considered technical in nature as the front yard setback requirement is deemed to be the minimum distance measured horizontally from the nearest point of a building to the front lot line. Since this area of the basement is planned to be excavated in order to accommodate the cold cellar, the top of the foundation wall is considered the nearest point of the building. However, this portion is entirely below-grade and the reduction to the front yard setback has no impacts on the local streetscape or abutting

properties. The distance from the front main wall of the dwelling on the ground floor to the front lot line meets the minimum required setback distance of 11.09 m. As such, Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

**Variance #1 – Maximum Projection Beyond the Main Wall for Below Grade Access Stairs in a Side Yard (Objection)** – increase from 1.5 m to 4.22 m

The intent of regulating projections/encroachments of below grade access stairs is to allow for adequate drainage and passage through a yard so that they do not impede access and to allow for adequate open space and landscaping. The below grade access stairs located in the side yard project a further 2.72 metres than the maximum requirement under the By-law. It appears the reason for the stairs projecting beyond the main wall into this side yard is to help accommodate for a below-grade garden terrace with built-in planter boxes. Instead of providing for a simple set of below-grade stairs for access purposes directly to the basement of the dwelling, the stairs have instead been setback an additional 2.72 metres greater than the maximum allowed from the main wall into the side yard, in order to provide for this additional amenity space.

This increase in the projection will push the overall footprint of development further into the side yard, which will necessitate the removal of many private trees that act as a buffer and provide for separation and privacy between the subject property and the abutting dwelling to the west. Staff are of the opinion that the proposed variance will result in a condition that is not sympathetic to the existing character of the neighbourhood and will directly result in negative impacts on the adjacent dwelling. As such, the proposed variance does not maintain the general intent and purpose of the Zoning By-law.

**Variance #2 – Maximum Residential Floor Area Ratio (Objection)** – increase from 35% to 37.19%

**Variance #3 – Maximum Lot Coverage (Objection)** – increase from 25% to 29.66%

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a maximum residential floor area increase of 2.19% from what is permitted, and a maximum lot coverage increase of 4.66% from what is permitted. The intent of the Zoning By-law provisions for residential floor area 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 residential floor area ratio variance results in a total increase of 25.64 square metres above the maximum permitted, and the lot coverage variance results in a total increase of 54.69 square metres above the maximum permitted. The increase in lot coverage also includes the rear yard cabana in addition to the uncovered front and rear yard porches. Although the lot coverage of the dwelling itself is 23.51%, the cumulative impact of the additional 54.69 square metres in coverage results in increased hardscaped areas on the lot, which reduces the amount of permeable surface that stormwater runoff can be absorbed. The proposed dwelling also consists of massing resulting from the large open-to-below areas above the front foyer and the family room at the rear of the home, totalling approximately 62.38 square metres that pushes the second-storey floor area to the very perimeter of the dwelling. While the open-to-below areas do not technically count towards the residential floor area, it contributes to the massing and scale of the dwelling in a manner that is not compatible with the existing neighbourhood character. The 62.38 square metres of open-to-below area combined with the additional residential floor area of approximately 25.64 square metres results in 88.02 square metres of additional area that contributes overall towards the perceived massing and scale of the proposed dwelling.

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. The proposal also



does not incorporate design elements that would help to mitigate the impact of the significant massing and scale on neighbouring 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 proposed dwelling would negatively impact adjacent properties, as the effect of the proposed variances create a massing and scale that is not in keeping with other dwellings in the area. Although efforts have been made to help mitigate some of the potential massing and scale impacts, such as the inclusion of a one-storey front porch element, the combination of the exterior architectural features, interior floor layout including the large open-to-below areas, and magnitude of the variances being sought would make the proposed development appear visually larger than the dwellings in the existing neighbourhood. This would not maintain nor protect the neighbourhood's existing character. In Staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the variances proposed for floor area ratio, lot coverage, and the projection of the below grade access stairs beyond the main wall in a side yard 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. The development as proposed may result in undue adverse impacts on the abutting property to the west, and the requested variances are not appropriate for the development of the lands. The variances intend to facilitate a development that does not maintain nor protect the character of the existing neighbourhood. However, Staff do not object to the requested variance related to the front yard setback, as it can be considered minor in nature.

### **Recommendation:**

Given the foregoing, it is Staff's opinion that variances #1, #2, and #3 do not maintain the general intent and purpose of the Official Plan, the Zoning By-law, are 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 as based on these three variances alone, does not meet the four tests under the *Planning Act* and staff recommends that the application as submitted be denied. However, it is Staff's opinion that variance #4 does satisfy all four tests under the *Planning Act*. Should the Committee's evaluation of the application differ from Staff, the Committee should determine whether approval of the proposed variances would result in appropriate development for the site.

**Fire:** No concerns for fire.

**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 projection beyond the main wall for the uncovered access stairs below grade to 4.22 metres, to increase the maximum residential floor area ratio to 37.19%, to increase the maximum lot coverage to 29.66%, and to reduce the minimum front yard to 8.85 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a two-storey detached dwelling and accessory structure (cabana) on the Subject Property.

**Halton Conservation:** No comments for this address.

**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 – 0**

**Letter(s) in opposition – 0**

*Sharon Coyne*

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Sharon Coyne  
Asst. Secretary Treasurer  
Committee of Adjustment