

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/070/2025

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, May 28, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
U. Handa	Seyed Hamid Imami 20 Crispin Crescent North York ON, M2R 2V7	PLAN 416 LOT 4 376 Rebecca St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL2-0, 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 new two-storey detached dwelling proposing the following variances 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 a lot area between 929.00 m ² and 1021.99 m ² shall be 38%.	To increase the maximum residential floor area ratio to 42.7%.
2	<i>Section 6.4.2 (Row RL2, 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 27.7%.

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/070/2025 – 376 Rebecca Street (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a new 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 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 one and 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, with landscaped front yards and mature vegetation on both public and private property. Figures 1, 2, and 3 below outline the location of the subject lands and surrounding environs, the existing single detached residence on the lot, and the front elevation drawing of the proposed dwelling, respectively.

The property will also be subject to a Site Alteration Permit to further assess impacts on drainage and grading.



Figure 1: Aerial Photo – 376 Rebecca Street



Figure 2: Photograph of the subject lands – 376 Rebecca Street (Photo taken on May 15, 2025)



Figure 3: Front Elevation Drawing – 376 Rebecca Street

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. Through the analysis below, 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 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...”*

While the design of the proposed dwelling attempts to mitigate some of the massing and scale impacts visible from the public realm, such as the inclusion of an architectural roof element between most of the first and second storeys, the two-storey front entryway feature and associated decorative columns help to increase the perceived verticality of the dwelling. The cumulative effect of the proposed variances seeking to increase the residential floor area and lot coverage, will result in negative massing and scale impacts onto abutting properties and the local streetscape as a whole. Furthermore, the proposal does not preserve or reinforce the similar development pattern and consistency of many other newly constructed dwellings in the area. There have been no other variance requests within the immediate neighbourhood receiving approval for any such similar increases in magnitude as currently being sought for the proposed development. As such, 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- Maximum Residential Floor Area Ratio (**Objection**)- Increase from 38% to 42.7%

Variance #2 – Maximum Lot Coverage (**Objection**) – Increased from 25% to 27.7%

The intent of regulating the 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 proposing an increase in the residential floor area from 38% (387.70 square metres) to 42.7% (435.53 square metres) for an overall increase of 47.83 square metres. The proposed design of the dwelling also includes an open to below area located at the rear of the building, with an area of approximately 31.46 square metres. The open to below area results in the second floor being pushed to the perimeter of the dwelling, negatively contributing to the overall massing and scale of the proposed development.

Additionally, the applicant is proposing an increase in the lot coverage from 25% (255 square metres) to 27.7% (282.44 square metres) for an overall increase of 27.44 square metres. The proposed increase in residential floor area and lot coverage would result in the proposed dwelling having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. 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?

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.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns with the application.

Oakville Hydro: No comments.

Halton Region:

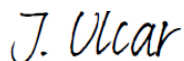
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase to the maximum residential floor area ratio to 42.7% and an increase to the maximum lot coverage to 27.7%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a new two-storey detached dwelling on the Subject Property.

Transit: No comments.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0



Jen Ulcar
Secretary-Treasurer
Committee of Adjustment