

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/105/2023 (deferred from July 26/23)

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 14, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
L. JING H. LIU	LiJun Jing ProWise Engineering Inc. 308-2800 Skymark Mississauga ON L4W 5A6	PLAN 776 LOT 25 15 Forster Park Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL4-0
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 the construction of a two-storey detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To increase the maximum height to 9.9 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)

CAV A/105/2023 - 15 Forster Park Drive (deferred July 26, 2023) (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling, subject to the variance 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 of mainly one-storey detached dwellings that are original to the area, along with few two-storey detached dwellings. Dwellings along Forster Park Drive have large front yard setbacks, low roof lines, and single-storey elements.

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

The subject property is designated Low Density Residential in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to 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”*

The intent of the Official Plan is to maintain and protect the existing character of the established residential neighbourhoods. The subject property is surrounded by one-storey dwellings with some redevelopment of the original housing stock in the broader neighbourhood. While the articulation of the dwelling into multiple building elements aligns with the Design Guidelines for Stable Residential Communities, the full-width of the rear portion of the dwelling reaches a height of 9.9 meters, introducing a scale and massing that presents larger than the adjacent one-storey dwellings, which does not maintain or protect the character of the existing neighbourhood. On this basis, it is staff's opinion that the proposal 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 – Height (Objection) – Increase from 9.0 m to 9.9 m

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in height from 9.0m to 9.9m. Dwelling height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent the dwelling from having a mass and scale that appears larger than other dwellings in the surrounding neighbourhood.

As previously noted, the surrounding area is characterized primarily by one-storey dwellings with smaller-scale built forms. It is staff's opinion that the proposed increase in height will result in a dwelling that is not compatible with the existing neighbourhood context as the dwelling proposed does not appropriately mitigate the potential massing and scale impacts on abutting properties.

On this basis, it is Staff's opinion that the proposed dwelling would negatively impact adjacent properties, as the effect of the proposed variance creates a massing and scale that is not in keeping with other dwellings in the area.

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

It is staff's opinion that the variance proposed for an increase in height is not minor in nature or appropriate for the development of the site as it would have a negative massing and scale impacts on both abutting one-storey dwellings. It is staff's opinion that the proposed height would result in a built form that is not compatible with the surrounding neighbourhood context.

Recommendation:

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 minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: No concerns for fire.

Transit : No comments received.

Finance: No comments received.

Halton Region:

A/105/2023 – deferred from July 26, 2023 – H. Liu and L. Jing, 15 Forster Park Drive, Oakville

- It is understood that this application was deferred from July 26, 2023. Regional comments provided on July 19, 2023, still apply.
- 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 height to 9.9 m, 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.

Oakville Hydro:

Good afternoon,

Please see our comments below for the minor variance application A/105/2023 - 15 Forster Park Drive:

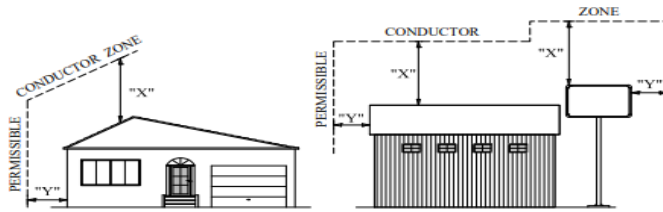
There is a poleline running along the west side yard and rear yard of 15 Forster Park Drive. This poleline provides electrical services to the properties along Forster Park Drive, North Forster Park Drive and Glenmanor Drive from the rear lot.

Minimum clearances between the proposed dwelling and the existing overhead poleline (horizontal and vertical, see enclosed Oakville Hydro STD.1-104 for details) need to be maintained at all times.

During construction, a minimum 4.0m clearance to low voltage conductors on the poleline should be maintained at all times.

Please note, any new dwelling built on the property will require a new underground hydro service to be installed from Forster Park Dr.

We do not have any comments to add for the remaining minor variance applications.



- UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.

SYSTEM VOLTAGE	MINIMUM HORIZONTAL CLEARANCE DIMENSION "Y"	MINIMUM VERTICAL CLEARANCE DIMENSION "X"
0 - 750 V *	2.0 m (SEE NOTE 1)	4.5 m (SEE NOTE 3)
OVER 750 - 50000 V	4.0 m (SEE NOTE 2)	7.0 m (SEE NOTE 4)

* - INCLUDES MULTI-GROUNDED NEUTRALS

NOTES:

1. THIS CLEARANCE IS MADE UP OF A 1.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING. WHERE CONDUCTOR MAY PASS IN FRONT OF A WINDOW OR OTHER OPENING, THIS 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.5 m. WHERE BUILDINGS EXCEED 3 STOREYS OR 15.0 m IN HEIGHT, THE 2.0 m CLEARANCE SHOULD BE INCREASED TO 2.0 m TO ALLOW FOR RAISING OF LADDERS BY THE LOCAL FIRE DEPARTMENT.
2. THIS CLEARANCE IS MADE UP OF A 3.0 m MINIMUM APPROACH CLEARANCE PLUS A 1.0 m ALLOWANCE FOR CONDUCTOR SWING.
3. THIS DIMENSION PROVIDES 1.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 1.5 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
4. THIS DIMENSION PROVIDES 3.0 m MINIMUM APPROACH CLEARANCE FROM A 2.0 m TALL WORKMAN, PLUS A 2.0 m ALLOWANCE FOR CONDUCTOR SAG. (BASED ON AVERAGE SPAN OF 40 m).
5. THE ABOVE CLEARANCES ARE MINIMUM VALUES. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES ABOVE THOSE SHOWN, WHERE POSSIBLE, TO KEEP WORKMEN AND THEIR EQUIPMENT ON THE BUILDING ETC., AT THE MINIMUM CLEARANCE SHOWN, DIMENSION "X" AND "Y" ARE TO BE INCREASED BY THE REQUIRED WORKING DISTANCE.

MINIMUM CONDUCTOR CLEARANCES FROM BUILDINGS, PERMANENT STRUCTURES OR BUILDING APPARATUS

(EXCLUDES SECONDARY SERVICES ATTACHED TO BUILDINGS)

D. Steele
APPROVED



Regards,
Stephanie Sebastiani
Supervisor, GIS and Records Management

Letter(s) in support – 0

Letter(s) in opposition – 1

May 6th 2025

To whom it may concern,

Regarding File# A/105/2023

I am writing to formally object to the minor variance application submitted for the property located at:
15 Forster Park Drive Oakville, Ontario

While I understand the applicant is seeking a minor variance to facilitate the construction of a two-story dwelling, I have significant concerns regarding the proposed development's impact on my property, specifically my backyard.

My property is located at [REDACTED] Directly adjacent to the proposed property.

Based on the information available regarding this application, it appears the proposed twostory dwelling will have a significant footprint that will entirely cover the width of my backyard. This proposal is a serious concern as it will negatively impact the overall openness and amenity of my backyard.

Furthermore, I am particularly concerned about the height of the proposed two-story structure and the shadow it will cast over my backyard. Due to the orientation of the properties, a twostory building of the proposed height will create a significant shadowing throughout a substantial portion of my backyard, particularly during key parts of the day. This will

impact my ability to enjoy outdoor activities, grow plants and will diminish the overall enjoyment of my private outdoor space.

Maintaining adequate sunlight and open space in my backyard is crucial to my quality of life and the value of my property. The proposed dwelling, as described in the minor variance application, directly and negatively impacts these aspects.

I respectfully request that the Committee consider the following points when reviewing the application:

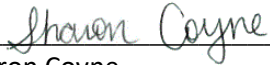
- Impact on Backyard Space: The proposed length of the dwelling will significantly impact the openness of my backyard.
- Shadowing: The two-story height will cast a significant shadow over my backyard, reducing sunlight and impacting its usability and enjoyment.

Thank you for your time and consideration.

Sincerely,

The residents of

Magdalen Winslow Kaleb Mary



Sharon Coyne

Asst. Secretary Treasurer

Committee of Adjustment