

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION:** A/115/2025

**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, August 20, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
7549377 Canada Inc. (P. Sidhu)	Kurtis Van Keulen Huis Design Studio 301 - 1a Conestoga Dr Brampton ON, L6Z 4N5	PLAN 843 LOT 6 347 Morden Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential

**ZONING:** RL3-0, Residential

**WARD:** 2

**DISTRICT:** West

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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 on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 6.44 m.
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 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 44.76%.
3	<i>Table 6.4.2 (Row 2, Column 3)</i> The maximum lot coverage shall be 35% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 37.39%.
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. In this instance, the minimum front yard shall be 9.12 metres.	To reduce the minimum front yard to 7.27 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/115/2025 - 347 Morden Road (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a new two-storey dwelling subject to the variances listed above.

### **Recommendation:**

Based on the analysis below, 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 of the *Planning Act* and staff recommend that the application be denied.

### **Site Area and Context**

The subject land is located within a neighbourhood that consists predominantly of original one, one-half and new two-storey dwellings designed in a range of architectural forms, many of which comply with the Zoning By-law.

### **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 requested 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:** *Neighbourhood character is the collective qualities and patterns that distinguish a particular area from another. The objective is to ensure that new development maintains and protects the character of the existing surrounding neighbourhood. Through the design process, consideration should be given to these patterns and characteristics by focusing on achieving compatibility with the scale, massing, height, architectural character, building elements and materials of existing dwellings in the surrounding neighbourhood.*

- 1. 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.*
- 2. 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. In instances where more than one new dwelling is proposed on a series of vacant lots, each dwelling should be of a distinctive design and not repetitive.*

**3.1.3 Scale:** *Neighbourhoods consist of dwellings and surrounding spaces that are designed at a human scale, creating comfortable and walkable environments. Although architectural details or building elements may vary within a neighbourhood, they can still contribute to a pleasant and compatible environment. The scale of new development should be compatible with the scale and proportions of adjacent existing dwellings and dwellings in the surrounding neighbourhood.*

- 1. 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.*
- 2. In instances where the lot patterning has been altered through redevelopment, the scale of the new development should be compatible with the scale of the surrounding buildings.*

**3.1.5 Rear Yard Privacy:** *The design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.*

- 1. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.*

2. *New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.*
3. *New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.*
4. *New development is encouraged to incorporate appropriate fencing, screening, landscaping and other mitigative design measures that can assist in maintaining the privacy of adjacent dwellings and rear yards.*

**3.2.1 Massing:** *The height and width of a dwelling are the dominant visual indicators in the perception of building size or massing in comparison to the surrounding dwellings. Well-proportioned massing may be achieved through an appropriate balance of building height and width and the proportion of building components that are compatible to dwellings within the surrounding context.*

1. *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.*
2. *New development should be designed to mitigate potential impacts of overshadowing on adjacent properties by avoiding bulky massing close to the shared property line, by stepping down the height of the structure, and/or by increasing the setback(s) from the side and rear property lines.*

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 will appear larger and longer than adjacent dwellings, which will create an overpowering effect on the streetscape and abutting rear yard amenity areas.

The proposed rear and side façade of the dwelling project beyond the established rear yard of abutting dwellings and there is also a large high ceiling great room that cumulatively contributes to the overall massing and scale, which will result in negative

adverse impacts to the streetscape and abutting properties. Additionally, it is staff's opinion that the proposed dwelling represents an overbuild of the site due to the cumulative effective of the proposed variances 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 – Rear Yard Setback (Objection):** Decrease from 7.5 m to 6.44 m

The intent of regulating the rear yard setback is to provide adequate rear yard amenity space, reduce potential overlook and privacy impacts, in addition to reducing rear yard mass and scale impacts. As indicated on the submitted Site Plan, the proposed dwelling projects beyond the established rear yard of the abutting property at 351 Morden Road. It should be noted that there is an error on the plan which indicates the dwelling at 341 Morden Road is one-storey with a detached garage, whereas a new two-storey dwelling exists on the property. Furthermore, the correct municipal address is 339 Morden Road, not 341 as it was formally changed in 2019. In a review of town GIS mapping and site visit, the proposed covered rear porch will extend beyond the former detached garage, which is now private amenity space. As a projection from the main dwelling, the proposed rear yard setback is not compatible with that of dwellings on abutting properties. Staff are of the opinion that the requested reduction is not justified and does not meet the intent of the by-law, as it also relates to the proposed variance for additional lot coverage.

**Variance #2 – Maximum Residential Floor Area Ratio (Objection):** Increase from 41% to 44.76%

**Variance #3 – Lot Coverage (Objection):** Increase from 35% to 37.39%

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 to increase the residential floor area from 41% (286.59 square metres) to 44.76% (312.86 square metres) resulting in an additional 26.27 square metres. The proposed design of the dwelling includes a high ceiling great room (approximately 24.01 square metres), which results in an overall perceived massing of a dwelling having a residential floor area of 48.51%. It is staff's opinion that this 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. In doing so, combined with the request for additional lot coverage, rear and front yard setbacks, the proposed development results in cumulative impacts on abutting properties and the streetscape.

**Variance #4 – Front Yard Setback (Objection):** Decrease from 9.12 m to 7.27 m

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. As indicated on the submitted Site Plan, the proposed covered front porch projects beyond the established front yard of the abutting property at 351 Morden Road. In a review of town GIS mapping and site visit, the proposed covered front porch due to its height and depth will be a prominent feature of the front façade. As a

projection from the main dwelling, the proposed front yard setback is not compatible with that of dwellings on abutting properties. Staff are of the opinion that the requested reduction is not justified and does not meet the intent of the by-law as it also relates to the proposed variance for additional lot coverage.

The requested variances result in a dwelling that will appear larger than what exists in the 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?**

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, does not meet the general intent and purpose of the Official Plan or Zoning By-law and is not minor in nature.

**Bell Canada:** No comments received.

**Finance:** No comments received.

**Fire:** No concerns for Fire.

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

**Halton Region:**

**CAV A/115/2025 – P. Sidhu, 347 Morden Road, Oakville**

- 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 a decrease in the minimum rear yard to 6.44 m, an increase in the maximum residential floor area ratio to 44.76%, an increase in the maximum lot coverage to 37.39% and a decrease in the minimum front yard to 7.27 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.

**Oakville Transit:** No comments received.

**Union Gas:** No comments received.

**Email/Letter(s) in support – 0**

**Email/Letter(s) in opposition – 0**

*J. Ulcar*

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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment