

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/116/2025

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, August 20, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
H. Zhang	Kurtis Van Keulen Huis Design Studio 301 - 1a Conestoga Dr Brampton ON, L6Z 4N5	PLAN 598 LOT 26 398 Maple Grove Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL2-0, Residential

WARD: 3

DISTRICT: East

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 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1115.00 m ² and 1207.99 m ² shall be 35%.	To increase the maximum residential floor area ratio to 40.06%.
2	<i>Table 6.4.2 (Row 1, 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 28.29%.
3	<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 20.03 metres.	To reduce the minimum front yard to 13.37 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/116/2025 - 398 Maple Grove Drive (East 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 this application be denied.

Site Area and Context

The subject land is located within a neighbourhood that consists predominantly of original two-storey and new two-storey dwellings designed in a range of architectural forms, surrounded by large mature vegetation that contributes to the character of the neighbourhood.

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 applies:

"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.*

3.2.1 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.*

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.*
- 2. New development should maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area.*
- 3. New development may slightly vary the front yard setback, provided the change accommodates site constraint(s) and makes every effort to maintain existing natural features and mature trees.*

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 than existing dwellings in the surrounding area, which would create an overpowering effect on the streetscape.

The proposed front façade of the dwelling includes multiple two-storey elements and there are also high ceiling and open to below areas that cumulatively contribute to the overall massing and scale of the proposed dwelling, which will result in negative adverse impacts onto 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 – Maximum Residential Floor Area Ratio (Objection): Increase from 35% to 40.06%

Variance #2 – Lot Coverage (Objection): Increase from 25% to 28.29%

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 35% (415.47 square metres) to 40.06% (475.48 square metres) resulting in an additional 60.01 square metres. The proposed design of the dwelling includes high ceiling and open to below areas (approximately 57.11 square metres), which results in an overall perceived massing of a dwelling having a residential floor area of 44.86%. It is staff's opinion that these areas result in the second-floor area being pushed to the perimeter of the dwelling, negatively contributing to the overall massing and scale. The pronounced two-storey elements on the front façade emphasize the verticality of the dwelling, making the requested additional floor area more noticeable. In doing so, combined with the request for a reduced front yard setback, the proposed development results in cumulative impacts on abutting properties and the streetscape.

Variance #3 – Front Yard Setback (Objection): Decrease from 20.03 m to 13.37 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 dwelling projects significantly beyond the existing dwelling and established front yard of the abutting properties at 406 and 392 Maple Grove Drive. It should be noted that there is an existing circular driveway on the subject land, which is proposed to be modified and shifted closer to the street. Furthermore, the plan indicates a tree protection zone for only two trees with no accurate depiction of which trees and vegetation will be retained or removed. Based on a site visit, the existing landscaping, trees and vegetation is overgrown, and it is unknown to what extent a manicure of the property will occur, resulting in a potential significant loss of existing screening. If this were to occur, the proposed dwelling will be more visible from the public realm, increasing the visual impacts on the streetscape. It is also unknown to what extent demolition or construction equipment and vehicles will impact or conflict with existing trees or vegetation that may result in their injury or decline in health prompting removal, which will further increase the prominence and visibility of the dwelling from the street. Furthermore, it is noted that the existing fences (located on town land) will need to be relocated onto the subject land or removed at the front of the property.

Overall, the requested variances result in a dwelling that appears significantly larger in mass and scale than what exists in the neighbourhood and would be located closer to the street not in alignment with the adjacent dwellings. 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/116/2025 – H. Zhang, 398 Maple Grove Drive, Oakville

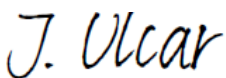
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase in the maximum residential floor area ratio to 40.06%, an increase in the maximum lot coverage to 28.29% and a decrease in the minimum front yard to 13.37 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey detached dwelling on the Subject Property.

Oakville Transit: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0



Jen Ulcar
Secretary-Treasurer
Committee of Adjustment