

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION: A/118/2025**

**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>
Y. He J. Zhu	Nikol Paar Paar Design 22 Blue Forest Dr Toronto ON, M3H 4W2	PLAN 641 PT LOT 112 1337 Sheldon Ave Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL3-0, 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 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 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 47.0%.
2	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.61 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/118/2025 - 1337 Sheldon Avenue (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 below analysis, 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.*

**3.2.1 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.*

**3.2.2 Height:** *In residential neighbourhoods, significant contrasts in dwelling heights can have an impact on the overall character of the area. Although new development may be designed as a taller structure in dimension than the nearby existing dwellings, every effort should be made so that it does not appear to be higher and maintains the character of the stable residential community.*

1. *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 shorter dwellings*
  - *Constructing a mid-range building element between the shorter and taller dwellings on either side*
  - *Increasing the separation distance between the dwellings.*
2. *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. *New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*
4. *New development with a full second storey is encouraged to incorporate façade articulation and different materials on the upper storey façade to minimize the appearance of greater height.*

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 substantially larger and taller than adjacent dwellings, which will create an overpowering effect on the streetscape.

The proposed façades of the dwelling include two-storey elements and there is also a large open-to-below area that cumulatively contributes to the overall massing and scale, 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 41% to 47%

**Variance #2** – Dwelling Height (Objection): Increase from 9.0 m to 9.61 m

The intent of regulating the residential floor area and height 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% (295.02 square metres) to 47% (335.45 square metres) resulting in an additional 40.43 square metres. The proposed design of the dwelling includes an open to below area on the second floor (approximately 22.29 square metres), which results in an overall perceived massing of a dwelling having a residential floor area of 49.72%. It is staff's opinion that the open to below 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, there are not enough mitigating features such as single storey elements, lowered roof lines, floor area built into the attic space, a mix of materials or significant step backs from the first to second storey as the second floor is a replication of the first floor walls. This combined with the request for additional height will collectively increase the visual impacts of the requested additional floor area.

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, do not meet the general intent and purpose of the Official Plan or Zoning By-law and are 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/118/2025 – J. Zhu and Y. He, 1337 Sheldon Avenue, Oakville

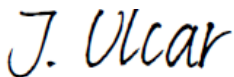
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order permit a decrease in the maximum residential floor area ratio to 47.0% and an increase in the maximum height to 9.61 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new 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**



---

Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment