

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/184/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Surinder & Dalbir Basra 142 Digby Road Oakville ON L6J 6B8	Bayview Design Group c/o Harrison (Ted) Loxton 397 Exmouth Street Sarnia ON N7T 5N8	PLAN 542 LOT 16 169 Pinehurst Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL1-0  
DISTRICT: East

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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:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.6 c)</b> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To permit the maximum total floor area for the private garage to be 56.34 square metres.
2	<b>Section 6.4.1</b> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m <sup>2</sup> or greater shall be 29% (410.86 m <sup>2</sup> ); (Lot area is 1416.77 m <sup>2</sup> ).	To permit the maximum residential floor area ratio for the detached dwelling to be 34.12% (483.40 m <sup>2</sup> ).
3	<b>Section 6.4.6 c)</b> The maximum height shall be 9.0 metres.	To permit a maximum height of 10.00 metres.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

**CAV A/184/2022 - 169 Pinehurst Drive (East District)** (OP Designation: Low Density Residential)

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

The neighbourhood is a mature neighbourhood with large lots with one-storey dwellings original to the area and many two-storey new construction marking it as a neighbourhood in transition with no sidewalks.

The subject lands are 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 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.”*

#### **Variance #1: Private Garage Floor Area (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 56 square metres to 56.34 square metres for a total increase of 0.34 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling does not present negative impacts to the streetscape. Staff are of the opinion that the increase in the Garage floor area is interrelated with other variances and hence not supported.

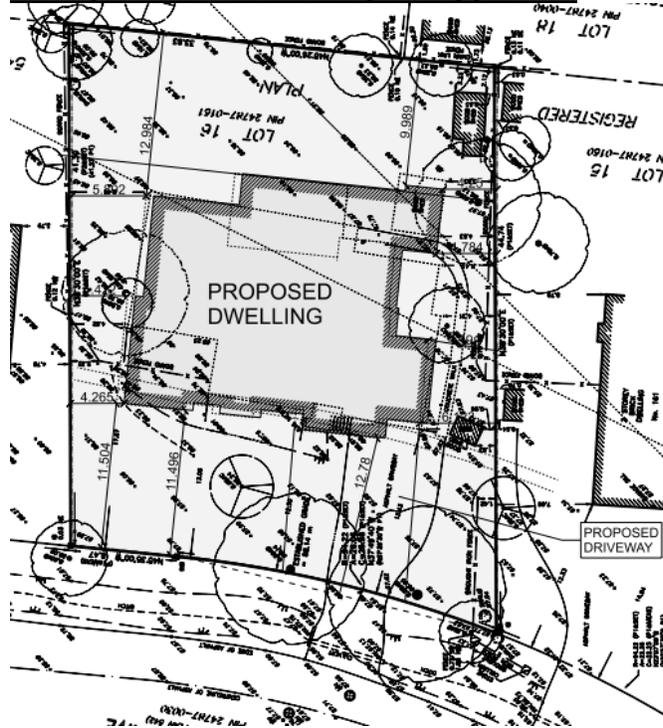
#### **Variance #2: Residential Floor Area (Unsupported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in the maximum residential floor area ratio from 29% (410.86 square metres) to 34.12% (483.40 square metres) for an increase of 72.54 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed increase is significant with two-storey elements around the stairs along with a large great room at the centre. The proposed increase makes the dwelling look overbuild on the lot compared to the surrounding dwellings and is not an appropriate development. Staff are of the opinion that the requested variance is not minor in nature and will have adverse effect on the surroundings.

#### **Subject Property**



**Excerpt of the Site Plan by the applicant:**



**Variance #3: Height (Unsupported)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum permitted height from 9 metres to 10.00 metres. The 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 a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook.

**Front Elevation by the applicant:**



**3-D Representation of the Proposed Design by the applicant:**



## Evaluation of requested variances #2 (Residential Floor Area Ratio) & #3 (Height):

Staff are of the opinion that the requested variances are interrelated as they contribute to facilitating the proposed development. As a whole, there is a negative cumulative impact of the requested variances.

The Town's Design Guidelines for Stable Residential Communities were reviewed in the context of this application. Section 3.1.1.2. states, "*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.*" Also, "*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 complement the surrounding residential community*". The Design Guidelines are used to direct the design of new development and ensure the maintenance and preservation of neighbourhood character. The proposed dwelling also contravenes the Design Guidelines, particularly the following sections:

According to the Urban Design Guidelines for Stable Residential Communities:

**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.

**3.2.2. 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 the dwellings.

The intent of establishing zoning regulations, amongst others, is to control built form in relation to scale and mass, thereby maintaining and protecting the existing neighbourhood character.

It is staff's opinion that the requested variances would result in a cumulative negative impact on the streetscape and abutting properties related to mass and scale, and a dwelling with a disproportionate mass and scale, in the context of the surrounding neighbourhood. The dwelling, as proposed, fails to maintain and protect the existing neighbourhood character. This

would not maintain the intent of the Livable Oakville Plan, the Zoning By-law, nor be minor or desirable.

The applicant is advised that the Town will comment on stormwater management controls for the 25mm storm as per the Town of Oakville Stormwater Master Plan through the Development Engineering Site Plan (DESP) process

Notwithstanding the comments above, it appears that the following two variances have been missed and the proposal may not comply with the Zoning By-law requirements:

- **Table 6.3.1 (Row 6, Column RL1)** *The minimum rear yard shall be 10.50 m.* It appears that the proposed rear yard measures 9.99m.
- **Section 6.4.2 a) (Row RL1, Column 3)** *The maximum lot coverage shall be 25% (354.19 m<sup>2</sup>) where the detached dwelling is greater than 7.0 metres in height; (Lot area is 1416.77 m<sup>2</sup>).* It appears that the proposed lot coverage is 26.19% (370.91 square metres)

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant regulations during construction, which may or may not be in general accordance with the plans submitted with this application. Staff are recommending that the plans be to the satisfaction of the Director of Planning since it appears that many of the deficiencies can be resolved with slight updates to the plans.

Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather confirm the accuracy of the variances applied for.

### **Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the variances should not be supported as they do not satisfy the four tests under the Planning Act. 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:** SFD. Adequate access to rear yard provided. O.K.

**Oakville Hydro:** We do not have any objection or comments for the Minor Variance Applications on the agenda.

**Transit:** No Comment

**Finance:** None

### **Halton Region:**

- 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 total floor area for the private garage, an increase in the maximum residential floor area ratio for the detached dwelling, and an increase in the maximum height, 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.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** Eight

***Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.***

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments / authorities (e.g. Engineering and Construction, Building Services, Conservation Halton, etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails of Opposition – 8

**From:**

**Sent:** Thursday, November 10, 2022 2:38 PM

**To:** Heather McCrae <heather.mccrae@oakville.ca>; coarequests <coarequests@oakville.ca>

**Cc:**

**Subject:** Object to Variances of 169 Pinehurst Drive - File No: CAV A/184/2022

Dear Madame McCrae & Members of COA,

We are immediate neighbors of 169 Pinehurst Drive, within proximity of 60 meters. This is to express our strong concern and objection to the variances requested in the application with File No.: CAV A/184/2022.

PFA the letter signed by owners of 8 properties on reasons of concern and objection. We take comfort when browsing the processes, Q&A and many other helpful contents on COA's website, and are confident that the rightful decision would be made by COA after going through the necessary processes.

There are also a few comments & questions we expect to get clarity/answers from the hearing:

1. Max Residential Floor Area: Per Notice of Public Hearing, the requested floor area is 483.40 square meters, which is 5203 sf, over 781 sf over permitted limit, even larger than what was originally asked.
2. Total floor area for the private garage: Per Notice of Public Hearing, the variance is 56.34 sm, and permitted is 56 sm. Originally by the owners of 169 the variance requested is 61.41 sm.
3. Setback: it is on both the letter from owners of 169 for support and the following link: <https://pub-oakville.escribemeetings.com/filestream.ashx?DocumentId=49708>. Question is: is the variance request dropped or ?

**EXISTING FRONT YARD SETBACK = 13.06m**  
**PERMITTED FRONT YARD SETBACK =**  
**EXISTING LESS 1m = 12.06m**  
**PROPOSED FRONT YARD SETBACK = 11.496m**  
**VARIANCE REQUIRED FOR 0.564m**

Thank you very much for your time and attention.

Regards,

Tony Li

177 Pinehurst Dr. Oakville On L6J 4W7

on behalf of property owners signed the attached concern and objection

Tuesday, November 01, 2022

Dear Sir/Madam,

We are the neighbors of 169 Pinehurst Drive Oakville. This is to express our strong concern and objection to the 4 variances requested in the application for a building permit by the owners of 169 Pinehurst Drive.

The owner(s) of 169 Pinehurst Drive recently came to our doors seeking support of the 4 variances in their application for a building permit of a residential home. It's the first time for us to meet them. Not in compliance with the standard and lot maintenance by-law requirements by the City of Oakville, their property has been an eye sore for over 10 some years. It's a shame for them to even ask the neighbors for support of these variances. It demonstrates the owners of this property care about no one but their own interest.

The 4 variances based on the letter seeking our support include:

1. Front yard setback of 11.496m, where 12.06m is permitted.
2. Maximum height of 10.003m where 9m is permitted
3. Maximum residential floor area of 472.13m<sup>2</sup> where 410.8633m<sup>2</sup> is permitted
4. Maximum allowable garage area of 61.41m<sup>2</sup> where 56m<sup>2</sup> is permitted.

The reasons for our concern and objection are:

1. Road setback is important. The requested road setback variance will put 169 too close to the road, which will materially impact the current flow of the street of Pinehurst Dr. Currently each house offsets from the road accordingly as the road bares right from 177, 169 to 161, 153. Having 169 too close to the road also creates an obvious imbalance of distance between the road to 169 and the road to 178.
2. The requested road setback variance will also put 169 too close to the intersection of Pinehurst Dr. and Ardleigh Rd, the "T", which could be potentially dangerous for residents of 169 from cars driving towards 169 from Ardleigh Rd.
3. The requested variances in floor area and height will put 169 at more than 660 sq ft over the permitted floor area and more than 3 feet over the permitted height. It will negatively impact the sun coverage, views and airflow to the properties around 169.
4. The un-proportional oversized property with exceedingly larger floor area and height relative to the lot size will also change the look and feel of the environment friendly neighborhood, green space, trees and elbow space between neighboring properties. 3 car garages will put 169 closer to its left and right neighbors.
5. With all the variances 169 will stand out as "intimidating" rather than fitting into/respecting the street & neighborhood where many bungalows and smaller size houses exist.

6. As Pinehurst slopes down from north to south, there is also concern about potential alteration of ground-water flow due to the requested variances over the city's permitted limits.

In summary, there aren't any reasonable grounds for the variances requested by the owners of 169. We understand that the city's Zoning By-law will evaluate any application to ensure a good living environment for both current and future residents. There is no reason for us to be 'supportive' as there are only downsides to these variances, apart from having a new house and hopefully new landscaping in the neighborhood. If approved it will create a new precedent. We hope the City will consider our concerns, reject the variances requested, and only approve what's permitted per City's Zoning By-law. We welcome anyone who truly cares about their neighbors' interest as well as their own.

Regards,

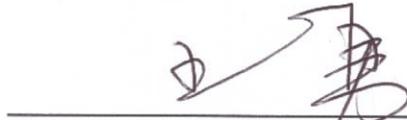
**Property owners of 177 Pinehurst Dr.**

- YINGHUA LI & XIAOHONG YANG

 Xiaohong Yang

**Property owners of 161 Pinehurst Dr.**

- YONG WANG



**Property owners of 153 Pinehurst Dr.**

- DAVID XU



Note: I'm retracting my original support of a letter from 169 Pinehurst as in the attachment which I signed without fully understanding the variances and their impacts.

**Property owners of 2070 Elmhurst Dr.**

- DIANE & GARY SPRULES


**Property owners of 178 Pinehurst Dr.**

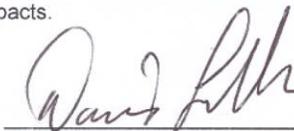
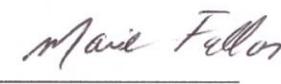
- ILSE & ZAC BAJIN



Note: I'm retracting my original support of a letter from 169 Pinehurst as in the attachment which I signed without fully understanding the variances and their impacts.

**Property Owners of 2054 Elmhurst Dr.**

- DAVE & MARIE FALLON

**Property Owners of 2048 Elmhurst Dr.**

- Dorothy Archer

D. Archer

**Property Owners of 2078 Elmhurst Dr.**

- Kathy Hopkinson & Kevin Picott

Kathy Hopkinson & Kevin Picott

Attachment: Letter from the Owners of 169 seeking our support

Dear Neighbour,

This letter is to inform you that we have submitted to the Town of Oakville for an application for building permit of a residential home on 169 Pinehurst Drive. To introduce ourselves to the community, our names are Dal, Surinder and our three daughters are Remina, Anisha and Navia.

We are planning to live in this home as a single-family unit, and it is not being built as a spec home to flip, so we also have a vested interest in beautifying our street and continue being a part of this community that we have loved for the past 10 years.

To summarize, the variances we are seeking:

1. **Front yard setback of 11.496m, where 12.06m is permitted.** The challenge for this lot is the neighbouring house on the left is set back as it is a corner house, and the other house on the right of the property is set significantly forward. The property sits on the curve of the road, which poses some challenges. It therefore makes sense to angle the proposed dwelling to ensure a more attractive streetscape that fits with the surroundings. Attempts were made to keep the house behind the allowable front yard setback line, with only portions of the house stepped in front of the line. These areas that are stepped in front of the allowable setback line are stepped to soften the impact of this minor encroachment.
2. **Maximum height of 10.003m where 9m is permitted.** Only the gables at the front of the house are encroaching above the permitted height. The house was drawn to comply with the 9m height bylaw, but in doing so, we lost the desirable impact of the front of the house – modern farmhouse style. The proportions of the house really require the height at the front gables to make it successful. Again, with this variance request, it isn't the full extent of the house that encroaches beyond the permitted height, only small bit of peak portions. Furthermore, with 28 feet between houses in this R1 zoning and trees that are over 60 feet tall, 3 feet taller at small portions of the house is not significant and would not negatively affect the beauty of the neighbourhood. The current height limitations are viewed as restrictive by residents and forces everyone in Southeast Oakville to build houses with a flat roof, which does not make sense in our inclement winter weather and increases water damage issues. Having this extra 3 feet height allows the design to minimize the flat roof area. Keep in mind that there are houses elsewhere in Southeast Oakville that have a third story (significantly higher than 9m) and it no way affects the beauty of the neighbourhood.
3. **Maximum residential floor area of 472.13m<sup>2</sup> (5082 square feet) where 410.8633m<sup>2</sup> is permitted.** However, the lot coverage remains at 24.39%, which is in keeping with the bylaws. The side and rear setbacks are also in keeping with the bylaws. This compliance should assure the house is in keeping with the neighbourhood. There are several houses on the street and in the area that are much larger and have more impact on adjacent properties than our proposed

dwelling. For example, 326 Pinehurst Drive is 7000 square feet above grade. The trend seems to be that when the bungalows in most of Oakville are purchased, they are being replaced with much larger dwellings, and typically, two stories. 660 square feet larger than the permitted on a lot of this size and caliber seems minor in nature. Also, the two towering maple trees flanking the driveway will remain in place and will buffer the house and garage and should not have any impact on the neighbouring houses.

It is a reality that our adult children are moving back home following university and an inevitability that aging parents will move in within the next 2 to 5 years. This requires more floor space to accommodate without changing the density or zoning of the property. It will remain a single-family residential dwelling, meeting the requirements of the planning act.

4. **Maximum allowable garage area is 61.41m<sup>2</sup> where 56m<sup>2</sup> is permitted.** With the recent rise in car thefts in the GTA, and adult children staying home longer, there is a need and demand for a 3-garage home. The size of each garage on the interior is 10 feet x 20 feet, which is really the bare minimum to park a car indoors, and not at all oversized. The single garage has been set back several feet to soften the front exterior and streetscape.

Your support in the approval of our application for this variance would be greatly appreciated. Please provide your name, address, contact information, and approval of the variance request to the Town of Oakville in the area below. We are very excited about living in the Pinehurst Drive neighborhood.

Sincerely,

Dal, Surinder, Remina, Anisha & Navia Basra

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Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact # or email: \_\_\_\_\_

Approve: \_\_\_\_\_

Other comments: \_\_\_\_\_

Signature: \_\_\_\_\_