

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/067/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT  
OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Haider Al-Saadi	Our Cool Blue Architects Inc c/o Tom Kolbasenko 213-450 Bronte Street South Milton ON L9T 8T2	PLAN 579 LOT 38 309 Winston Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL2-0  
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 variance(s) to Zoning By-law 2014-014:

No.	Zoning By-law Regulation	Variance Request
1	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To permit the maximum total floor area for the private garage to be 59.2 square metres on a lot having greater than or equal to 12.0 metres in lot frontage.
2	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1,022.00 m <sup>2</sup> and 1,114.99 m <sup>2</sup> shall be 37%.	To increase the maximum residential floor area ratio to 38.9%.
3	<i>Section 6.4.2 (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To permit the maximum lot coverage to be 30.3% for the detached dwelling which is greater than 7.0 metres in height.

### 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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent

with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

**CAV A/067/2024- 309 Winston Road (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling, subject to the variances 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 comments concerning the application of the four tests to this minor variance request are as follows:

**Site Area and Context**

The neighbourhood is in transition and consists of original one-storey dwellings and newer two-storey dwellings. Most newer two-storey dwellings include massing that is broken up into smaller elements to reduce its impact on the streetscape. The original and proposed dwelling can be viewed in the images below.



*Aerial photo of 309 Winston Road*





*309 Winston Road – Existing Dwelling*



*309 Winston Road – Proposed Dwelling*

As shown above, on the western (left side) of the subject lands there is a newer constructed two-storey dwelling with a two-car garage, and to the east (right side), there is a one-storey dwelling with a two-car garage that is original to the neighbourhood. Across the street to the south, there is another newly constructed two-storey dwelling, complete with a two-car garage and a circular driveway.

## **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:

Policy 11.1.9 a) states:

*"a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood."*

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 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 adequately implements the Design Guidelines for Stable Residential Communities.

The proposed dwelling sensitively transitions to the existing abutting single-storey dwelling, and has incorporated design elements that help to mitigate the impact of the massing and scale on adjacent properties such as stepping back the second floor, and providing for single storey elements like the front and rear porches and the garage. On this basis, the variance maintains 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** – Garage Floor Area (No Objection) – 45m<sup>2</sup> increased to 59.2m<sup>2</sup>

The intent of regulating garage floor area is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage appears as a two-car garage to the street which is consistent with both existing and newer dwellings in the neighbourhood. Additionally, the additional garage floor area is accommodated internal to the garage to facilitate a third vehicle in a tandem arrangement.

**Variance #2** – Residential Floor Area (No Objection) – 37% increased to 38.9%

The intent of regulating Residential Floor Area is to ensure that the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The proposed dwelling incorporates various stepbacks on the second floor to transition to the existing one-storey dwelling to the east. Additionally, the dwelling incorporates single storey elements such as the front porch and a portion of the garage to breakdown the massing of the dwelling. Lastly, the dwelling also incorporates stepbacks in the main wall away from the primary windows to further alleviate the massing onto the street.

**Variance #3** – Lot Coverage (No Objection) – 25% increased to 30.3%

The intent of regulating Lot Coverage, similar to that of Residential Floor Area is to ensure the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The proposed dwelling has been designed to sensitively transition to the dwellings on both the east and west side, by limiting the amount of projection into the rear yard including the covered porch.

On this basis, it is staff's opinion that the requested variances maintain the general intent of the Zoning By-law.

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

It is staff's opinion that the proposed variances are minor in nature as the development provides for a sensitive and appropriate two-storey dwelling which maintains and protects the character of the neighbourhood.

Furthermore, the proposed dwelling maintains and protects the character of the neighbourhood, and the requested variances are appropriate for the development of the subject lands.

On this basis, it is staff's opinion that the application does maintain the general intent and purpose of the Official Plan, Zoning By-law and is desirable for the appropriate development of the subject lands.

**Recommendation:**

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The two-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 13, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a building permit has not been issued for the proposed construction.

**Fire:** No Concerns for Fire.

**Oakville Hydro:** We do not have any comments for this minor variance application.

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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, and an increase in the maximum lot coverage, 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.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

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

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

**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, 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.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
  - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
  - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.

Requested conditions from circulated agencies:

1. The two-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 13, 2024.
2. That the approval expires two (2) years from the date of the decision if a building permit has not been issued for the proposed construction.

A handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

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Heather McCrae, ACST  
Secretary-Treasurer