

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/019/2024-Deferred from April 03, 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
1000657398 Ontario Inc	Huis Design Studio c/o Kurtis Van Keulen 301-1a Conestoga Drive Brampton ON L6Z 4N5	PLAN 686 LOT 52 491 Fourth Line Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2

ZONING: RL3-0
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 two-storey single detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00m ² and 742.99m ² shall be 41%.	To increase the maximum residential floor area ratio to 43.06%.

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/019/2024 - 491 Fourth Line (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a two-storey detached dwelling, subject to the variance listed above.

A minor variance application was previously submitted for consideration by the Committee on February 7, 2024, and April 3, 2024. Both applications were deferred due to Staff objecting to

the variances proposed, as a result of the impacts on the public realm that the proposed dwelling would have had. Please see the table below for the list of variances proposed on February 7, 2024, and April 3, 2024, and the revised variance being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda		
Regulation	Requirement	February 7, 2024	April 3, 2024	May 1, 2024
Interior Side Yard Setback	1.2 m	0.99 m	N/A	N/A
Residential Floor Area Ratio	41% (287.91 m ²)	43.19% (303.28 m ²)	43.26% (~303.78 m ²)	43.06% (302.37 m ²)

Changes to the Proposal

Through the comments prepared for the February 7, 2024, and April 3, 2024 Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling being larger than the adjacent dwellings and those in the surrounding area; and,
- The combined effects of the variance(s) and chosen architectural elements created undue massing and scale impacts visible from the public realm; and,
- The proposed variances would not maintain or protect the existing neighbourhood character.

The applicant has engaged with Planning staff to discuss further modifications to the proposal to address the comments previously provided through the February 7, 2024 and April 3, 2024, Committee of Adjustment comment report. Planning Staff are satisfied with the revised proposal and indicate that the comments previously issued have been addressed through the proposed changes to the development concept.

As seen in the renderings below, the applicant has revised the proposal to remove the two-storey architectural element that enhanced the verticality of the primary façade. Additionally, the applicant has revised the proposal to add in additional transitional elements to the rear roofline of the proposed dwelling by reducing the impact of the large open-to-below area by further articulating the roofline and reducing the visual impact of a large two storey element in close proximity to abutting properties and their dwellings.



Front Elevation – February 7, 2024



Front Elevation – April 3, 2024



Front Elevation – May 1, 2024

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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential within the Livable Oakville Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The application has been revised to break up the massing in the front façade to mitigate the impact of mass and scale. The front porch has been reduced to a one-storey element to reduce the appearance of enhanced massing from the streetscape. There is an open to below area in the rear of the dwelling, however, it is staff's opinion that the transitions provided in terms of step backs and breaking up of the massing with one-storey elements adequately mitigate the massing impacts and results in a dwelling that is compatible with the existing neighbourhood character. The proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Staff are of the opinion that the revised proposal and requested variance maintains the general intent and purpose of zoning provisions that regulate the residential floor area ratio, which is to ensure that new dwellings are not substantially larger than those in the surrounding area. Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the revised proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjacent properties or the existing neighbourhood character.

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 detached dwelling be constructed in general accordance with the revised site plan and elevation drawings submitted with the updated application materials for the May 1, 2024, Committee of Adjustment meeting; 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.
- It is understood that this application was deferred from April 3rd, 2024. Regional comments provided on March 26th, 2024 still apply.
- 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, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-story detached dwelling on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: Six

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 detached dwelling be constructed in general accordance with the revised site plan and elevation drawings submitted with the updated application materials for the May 1, 2024, Committee of Adjustment meeting.
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 rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letters/Email in Support – 6

DATE: Nov. 28, 2023


TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We Hieu Dinh are the residents of 501 Fourth Line
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

 (Owner of 501 Fourth line)

(Signature)

(Owner of _____)

(Signature)

DATE: Nov 28, 2019

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We OSGA - ADAGANY are the residents of 465 Fourth Line
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

OSGA - ADAGANY (Owner of 465 Fourth Line)

(Signature)

(Owner of _____)

(Signature)

DATE: Nov. 28, 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We MARIA VITORIA are the residents of 494 FOURTH LINE
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

Maria Vitoria (Owner of 494 Fourth Line)

[Signature] (Signature)

_____ (Owner of _____)

_____ (Signature)

DATE: Nov. 28, 2023

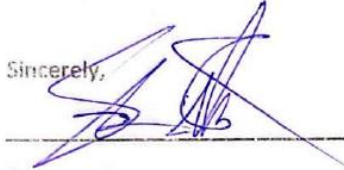
TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We STEPHEN NOVAK are the residents of 500 4th LINE
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,



(Signature)

(Owner of _____)

(Signature)

DATE: Dec 06 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We Julie Leutem are the residents of 446 Fourth Line
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

Julie Leutem (Owner of 446 Fourth Line)

Julie Leutem (Signature)

_____ (Owner of _____)

_____ (Signature)

DATE: Dec. 06 2023

TO: **Town of Oakville | Committee of Adjustment**

RE: **491 Fourth Line
Proposed Residential Development (Minor Variance – No Objections Letter)**

To Whom it May Concern,

I/We _____ are the residents of _____
(neighbouring property of **491 Fourth Line**). This letter is to confirm that we have reviewed the proposed drawings of the (construction of new 2-story residential property) and have no objections to the proposed development.

Sincerely,

J. NAPOLI (Owner of 456 Fourth Line)

[Signature] (Signature)

_____ (Owner of _____)

_____ (Signature)