

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/089/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 29, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Alexander Graydon Reeves; Colleen Deirdre Dunn	Harper Dell & Associates Inc c/o Nicholas H. Dell 1370 Hurontario Street Mississauga ON L5G 3H4	PLAN 682 LOT 7 1175 Pinegrove Road 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 detached dwelling on the subject property proposing the following variance(s) 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 650.00 m ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 44.4%.

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 29, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/089/2024 – 1175 Pinegrove Rd (West District) (OP Designation: Low Density Residential)

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

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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 Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan.

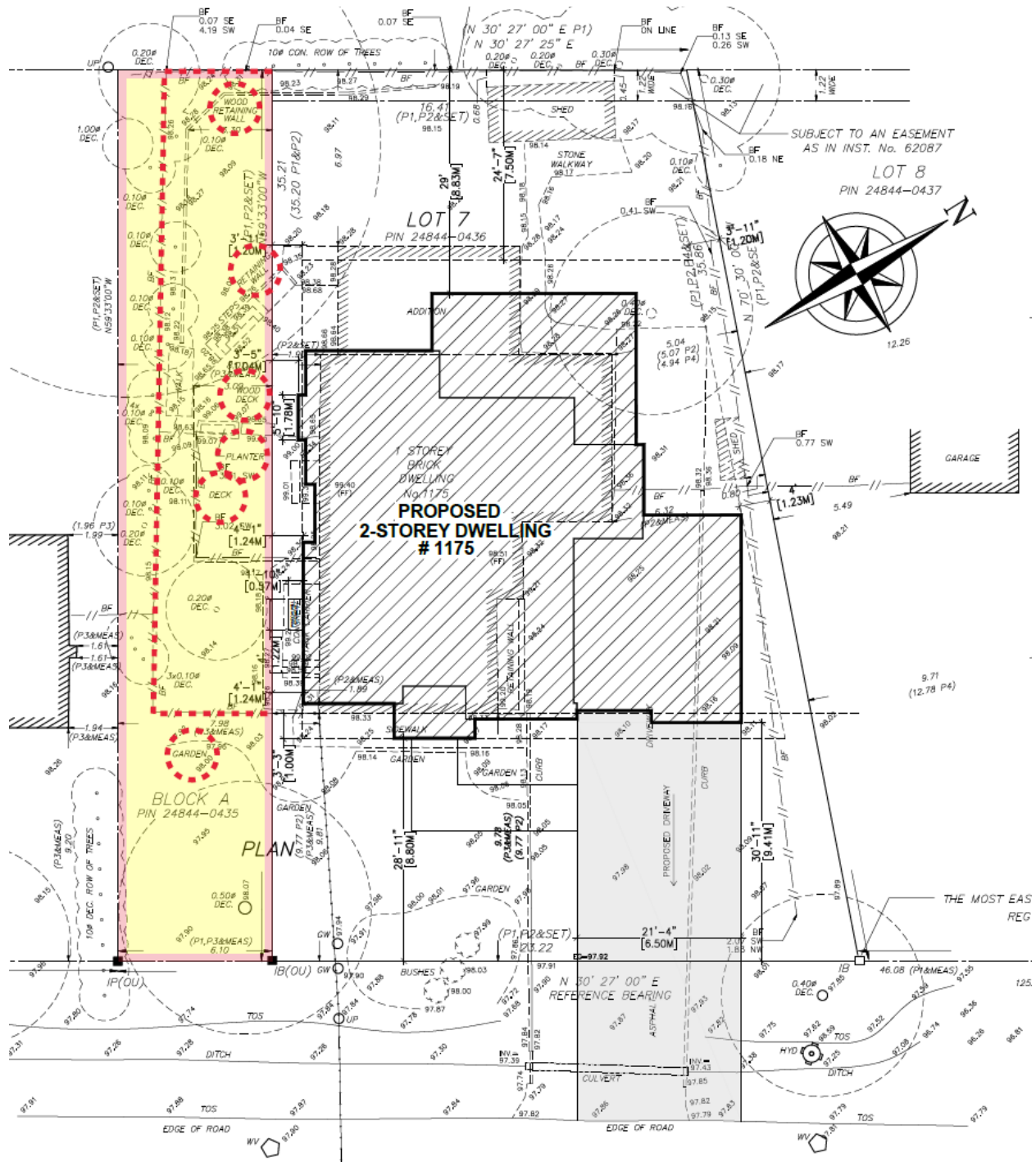
Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of the Zoning By-law provision for regulating the maximum residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, as the proposed dwelling contains lowered roof lines, including the second floor built into the roofline, single-storey elements and varying step backs from the first to second-storey walls.

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

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

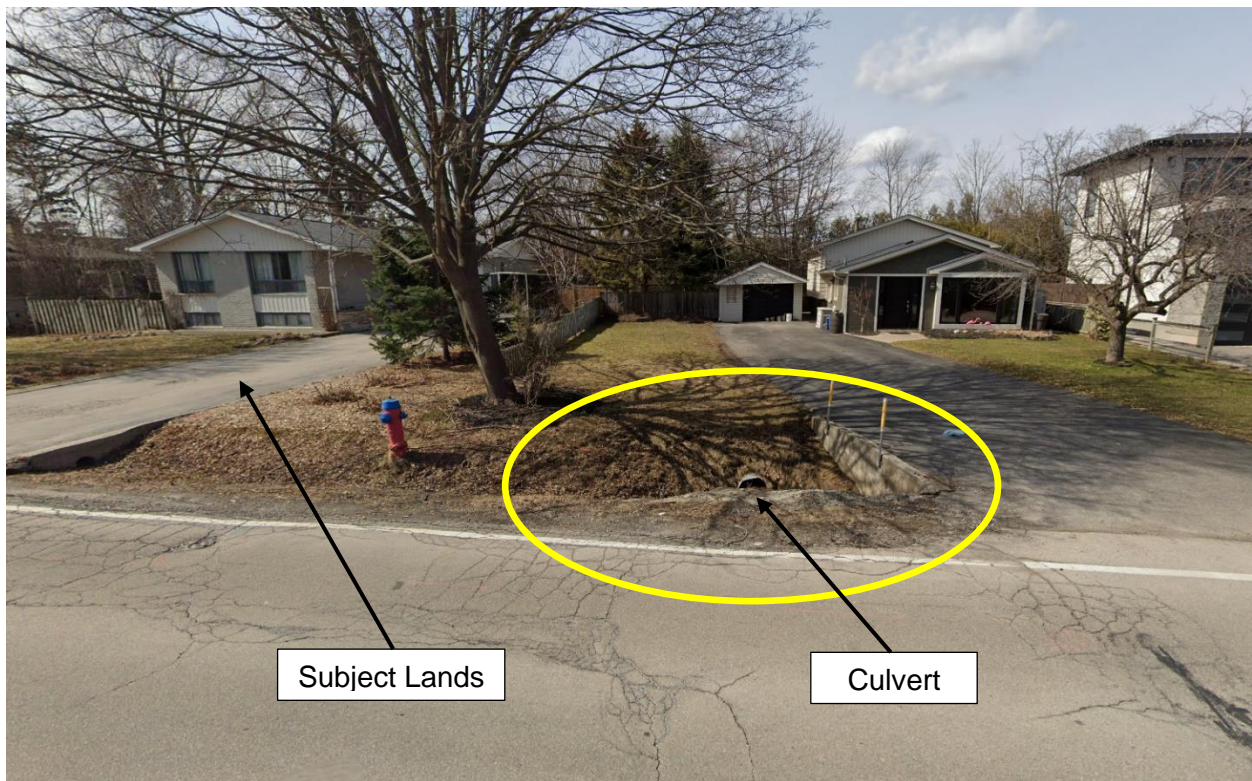
Notwithstanding the comments above, Staff note that all encroachments in the Town-owned Block A adjacent to the west of the subject lands must be removed, as seen in the mark-up Site Plan below:



On the opposite side of the site, there is a culvert located underground between the subject lands and the property to the east that conveys drainage from the south side of Pinegrove Road as seen in the images below:



Streetview of the drainage channel on the south side of Pinegrove Road, opposite the subject lands.



Streetview of the culvert on the north side of Pinegrove Road, between the subject lands and the adjacent property to the east.

In addition, the submitted materials do not illustrate the culvert to determine its exact location and further investigation is required to identify where the drainage is flowing from Pinegrove

Road, through private property, to the rear of the Speers Road properties. A screenshot of the Town's GIS Mapping is provided below for reference:



Development Engineering Staff have provided the following comments:

“This site has an existing drainage path on the east side of the property that takes overland flow from Speers Road as well as culvert drainage from the rears of the properties on the south side of Speers Road. This is a remnant tributary of McCraney Creek. There is an incomplete easement document from the 1960s, but no formal easement has been established. The concern is that the proposed works will block off the overland flow path pushing drainage on to adjacent properties and will potentially require removal of the existing private storm infrastructure, further backing up McCraney Creek tributary. The Town requests an off line discussion between the Roads and Corridors Group and the applicant to facilitate a solution.

Additionally, we do note that there is existing encroachment into the Town Block to the west of the property, as well as the easement to the north which needs to be addressed as a part of any proposed works on the site.”

Given the above information, Staff recommends deferral of the application in order to discuss the potential of a “land swap” between the property owner of the subject lands and the aforementioned Town owned Block A. Doing so may enable the Town to properly control stormwater and drainage through a Town owned parcel of land, rather than private property. If the land swap were to occur, the subject lands would change, which may result in a change to the approved plans and possibly a different lot size. Although the proposed dwelling may remain the same, this would result in a change to the proposed residential floor area ratio. If the Committee is inclined not to consider a deferral based on the application as applied for, Staff have provided recommended Conditions of Approval for consideration.

Recommendation (if a deferral is not granted):

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 dwelling be constructed in general accordance with the final approved Development Engineering Permit Application (DEPA), to the satisfaction of the Director of Planning Services;
2. That the owner/applicant enter into a Minor Variance Agreement and pay any applicable fees to be registered on title in accordance with Section 45 (9.1) of the *Planning Act*, to the satisfaction of the Director of Planning Services; and,
3. 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: SFD. Side yard proposed to be decreased from minimum. Minimum side yard set back based on minimum limiting distance for fire spread between properties as well as Fire Department access to rear and side yards. This proposal is not supported by the Fire Department.

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 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-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 dwelling be constructed in general accordance with the final approved Development Engineering Permit Application (DEPA), to the satisfaction of the Director of Planning Services.
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.
3. That the owner/applicant enter into a Minor Variance Agreement and pay any applicable fees to be registered on title in accordance with Section 45 (9.1) of the *Planning Act*, to the satisfaction of the Director of Planning Services.



Heather McCrae, ACST
Secretary-Treasurer