

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/139/2023-Deferred from October 04, 2023

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
Maria Antonietta Dimitropoulos	Innovative Planning Inc c/o Chris Marchese 185 Legion Road North Toronto ON M8Y 0A1	PLAN M84 LOT 74 340 Pinegrove Road Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 2**

**ZONING: RL3-0
DISTRICT: West**

APPLICATION:

Under Sections 45(1) and 45(2) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the enlargement/extension of the legally existing detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

Under Section 45(1) of the *Planning Act*.

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 743.00 m ² and 835.99 m ² shall be 40%.	To increase the maximum residential floor area ratio to 43.6%.

Under Section 45(2) of the *Planning Act*.

No.	Current	Proposed
2	<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 increase the maximum total floor area for the private garage to 71.49 square metres on a lot having greater than or equal to 12.0 metres in lot frontage.
3	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 5.06 m.

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/139/2023 – 340 Pinegrove Rd (West District) (OP Designation: Low Density Residential)

The applicant proposes to replace the existing detached dwelling with a new two-storey detached dwelling on the subject property, subject to the variances listed above.

A minor variance application was previously submitted for consideration by the Committee on October 4, 2024. This application was deferred due to Staff comments objecting to two of the proposed variances, those being residential floor area and lot coverage. Please see the table below for the list of variances proposed in October 2023, and the revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	October 4, 2023	May 29, 2024
Max. Residential Floor Area Ratio – 45(1)	40%	50.47%	43.6%
Max. Garage Floor Area – 45(2)	45.0 sq m	71.49 sq m	71.49 sq m
Min. Rear Yard Setback – 45(2)	7.5 m	5.06 m	5.06 m
Max Eave and Gutter Encroachment	0.6 m	0.91 m	N/A
Max. Lot Coverage	35%	35.38%	N/A
Balcony	Prohibited above first storey	Two balconies above first storey	N/A
Max. Height	9.0 m	11.71 m	N/A

Changes to the Proposal

Through the comments prepared for the October 4, 2023, Committee of Adjustment meeting, staff concerns were related to the cumulative impact of the seven variances proposed, resulting in a dwelling appearing substantially larger than adjacent dwellings with a mass and scale that would not be compatible with the existing stable residential neighbourhood.

As seen in the renderings below, revisions have been made to reduce the massing of the proposed dwelling to provide an adequate transition to the existing dwellings in the immediate neighbourhood. Variances previously proposed for an increase in height, lot coverage, eave and gutter encroachment, and balconies above the first storey have been removed. Additionally, the residential floor area ratio has been reduced to address previous staff comments. Those variances that remain unchanged relating to garage floor area and rear yard setback are to be evaluated under Section 45(2) of the *Planning Act*.

Staff are of the opinion that the revised proposal substantially addresses previous comments provided. The roofline has been lowered, dropping to one storey abutting the public park, and further articulation of the garage area assists in preventing the garage from being a visually dominant feature of the dwelling.

It is Staff’s opinion that the removal of variances previously proposed for height, lot coverage, eave and gutter encroachment, and balconies above the first storey, along with the reduction to

floor area ratio, help to reduce the massing and scale of the dwelling and mitigates potential impacts. The revised proposal results in a dwelling that is compatible with the existing character of the neighbourhood.



Front Elevation – October 4, 2023



Front Elevation – May 29, 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance applications from provisions of the Zoning By-law provided the requirements set out under 45(1) and 45(2) in the *Planning Act* are met. Staff comments concerning the application of the 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 proposal, as revised, 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 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 proposal represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Variances under Section 45(2) of the *Planning Act*:

Variances submitted to permit an increased garage floor area, and reduced rear yard setback are to be reviewed under Section 45(2) of the *Planning Act*.

According to Section 45(2) of the *Planning Act*, where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed continued until the date of the application to the Committee.

In this case, these variances must be evaluated on the basis of the following two tests:

1. Whether the application is desirable for appropriate development of the subject property; and
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

It is Staffs opinion that the variances proposed for garage floor area and rear yard setback represent the appropriate development of the subject land, and will not result in undue adverse impacts on the existing neighbourhood.

Recommendation:

Staff do not object to the proposed variances. 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 submitted site plan and elevation drawings dated April 24, 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: SFD. No impact to Fire Dept. Access or Exposure limits. (JRO).

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 the maximum residential floor area ratio, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting an extension of the legally existing detached dwelling on the Subject Property.
- Regional staff also has no objection to the proposed minor variance application seeking relief under Section 45(2) of the Planning Act in order to permit an increase to the maximum total floor area for the private garage, and a decrease in the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting an extension of the legally existing 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 submitted site plan and elevation drawings dated April 24, 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 rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Agent's Planning Opinion-(1)

February 15th, 2024

**RE: 340 Pinegrove Road
City of Oakville
Minor Variance Application
A/139/2023
Supplemental Correspondence**

The purpose of this document will be to provide details on the proposed changes to the previous plans for the above mentioned file as well as justification on behalf of the property owner for a minor variance application located at 340 Pinegrove Road for a variance under Zoning By-law 2014-014 for a second storey addition to an existing dwelling.

The original proposal went in front of the Committee of Adjustment and was deferred on October 4th, 2023 due to staff comments. Since then there have been a significant amount of changes to the plans and the proposed variances:

1. Table 4.3 (Row 3) The maximum encroachment into a minimum yard for eaves and gutters shall be 0.6 m.
 - a. This variance has been **eliminated**. The revised proposal now complies with the gutter encroachment requirements of 0.6m
2. Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00 m² and 835.99 m² shall be 40% (323.98 m²); (Lot area is 809.94 m²).
 - a. This variance has **reduced** from 408.81m² (50.47%) to 353.15m² (43.6%)
3. Section 6.4.2 a) (Row RL3, Column 3) The maximum lot coverage shall be 35% (283.48 m²) where the detached dwelling is greater than 7.0 metres in height
 - a. This variance has been **eliminated**. The revised proposal now has a lot coverage of 32.94%
4. Section 6.4.5 Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone

- a. This variance has been **eliminated**. The revised proposal does not have any balconies above the first storey.
5. Section 6.4.6 c) The maximum height shall be 9.0 metres.
- a. This variance has been **eliminated**. The revised proposal now complies with the height requirements of 9.0m

The revised proposal now requests the following variances:

No.	Zoning By-law Regulation	Variance Request
1.	Section 5.8.6 b) 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 71.49 square metres on a lot having greater than or equal to 12.0 metres in lot frontage
2.	Table 6.3.1 (Row 6, Column RL3) The minimum rear yard shall be 7.5 m.	To permit a minimum rear yard of 5.06 m.
3.	Section 6.4.1 The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00 m ² and 835.99 m ² shall be 40% (323.98 m ²); (Lot area is 809.94 m ²).	To permit the maximum residential floor area ratio for the detached dwelling to be 43.6% (353.15 m ²).

It is important to note that both variance 1 & 2 within the chart above have existed on the Subject Property for more than 30 years, and have been integrated in the character of this community since, with no issue.

Does the proposal meet the General Intent & Purpose of the Official Plan?

Policy 11.1.9 a) states “The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.”

The revised proposal is compliant with all performance standards that pertain to scale, height, and massing. There are **no** variances requested for height, lot coverage or setbacks for the second storey addition. The GFA of the proposed dwelling has also reduced by 55.66m² (600sq ft) for a 43.6% ratio which is consistent with multiple other approvals in the neighbourhood:

- 377 Morden Road - 44%
- 83 Wadsworth Street - 44.04% (Staff Support)

- 284 Southview Road - 43.75% (Staff Support)
- 221 Wooddale Avenue - 42.23% (Staff Support)
- 179 Weybourne Road - 44.37%
- 189 Weybourne Road - 44.28% (Staff Support)

Policy 11.1.9 b) states “Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood”

There are **no** setback variances for the proposed second storey addition, and the separation distances at grade have been existing for 30+ years. Furthermore, the rear yard backs onto a public park, and has been existing with no adverse impacts for the same period of time. The second storey addition has also been stepped in at the rear property line in order to meet the minimum rear yard setback requirements.

Policy 11.1.9 c) states “ 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.”

The proposed second storey addition is not requesting any height or lot coverage variances, and has no balconies located above the first storey. Therefore there will be no impact on the neighbour when it comes to grading, drainage, location of service areas, access and circulation, privacy or shadowing compared to what is permitted as of right and will continue to function exactly as it has for the last number of decades.

Policy 3.1.3 Scale “New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity; and;

Policy 3.2.1 Massing: 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.

As per planning legislation requirements within the Province of Ontario, Zoning By-law 2014-014 must conform to the City of Oakville's Official Plan. Although the neighbourhood in which the subject property is located is currently going through a transition from post war bungalows to larger two storey dwellings, the proposed dwelling is consistent with other new builds within the neighbourhood and is meeting the intent of the planned context of this neighbourhood. This is demonstrated from having only one variance that is triggered from this proposal. The subject property **as-of-right** has the permission to add a second storey addition, and is compliant with the height while doing so by proposing a lowered roof line, which is consistent with all new builds in the neighbourhood.



Based on the justification provided above, it is my professional opinion that the revised proposal meets the general intent and purpose of the Official Plan by incorporating design elements that ensure the massing is consistent and respectful of the existing characteristics of the neighbourhood.

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

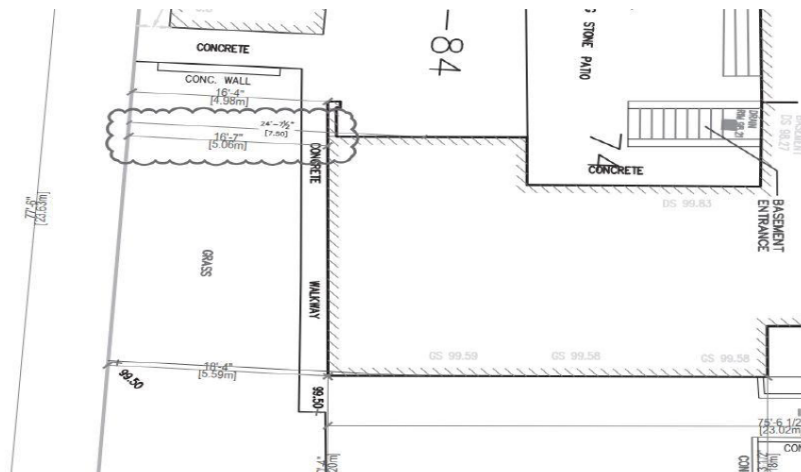
1. To permit the maximum total floor area for the private garage to be 71.49 square metres on a lot having greater than or equal to 12.0 metres in lot frontage

The private garage area has been existing for 30+ years on the Subject Property and there is no increase proposed through this application. The proposed dwelling incorporates design elements to break up the garages to ensure that it does not impact the overall massing and appearance from the street and

ultimately improves the streetscape compared to what currently exists today. The design of the dwelling ensures that the garages are not the visually dominant feature on the street with the architectural columns breaking up the garages, whereas today it is repetitive and has no architectural feature to reduce the impact of the look from the street.

2. To permit a minimum rear yard of 5.06 m.

This is also an existing variance that is not being altered through the proposed application. The proposed second storey addition has been stepped in at the rear property line to comply with the 7.5m rear yard setback requirements for this zone, which ultimately eliminates concerns relating to massing as it is located in an as-of-right location. An existing shed, which is abutting the rear yard property line is proposed to be removed through this application, which will also improve the condition compared to what currently exists today. Furthermore, the Subject Property backs onto a public park which is separated by a large privacy fence, and has no impact on any neighbours.



3. To permit the maximum residential floor area ratio for the detached dwelling to be 43.6% (353.15 m²).

The proposed Floor Area Ratio has been reduced from 55.66sq m compared to the previous proposal that was in front of committee in October 2023 and will result in a massing and built-form that is in keeping with the existing and planned character of the neighbourhood. The Proposal includes a sloped roof design and is compliant with the maximum permitted height, the minimum front yard setback, side yard setbacks, and rear yard setback, and all landscaping requirements which further demonstrates that the proposed massing and built-form is in keeping with the existing and planned neighbourhood character and will have little to no impact beyond what the By-law already contemplates. The revised proposal steps in the dwelling substantially to the rear to ensure the massing is not overwhelming and is consistent with the planned context. Furthermore, there

have been multiple proposals in this neighbourhood as shown above that demonstrate that new dwellings are within the same range for floor area ratio.

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

The revised proposal carefully reviewed staff's original comments and have made amendments to ensure that the proposed dwelling will seamlessly fit into the existing and planned context of the neighbourhood and will not create any adverse impacts on the streetscape in terms of massing and scale compared to what is permitted as-of-right. This is demonstrated by the fact there is only one new variance proposed with two other variances already existing for the last 30+ years on site. Staff previously noted;

“On an individual basis, Staff are of the opinion that the variances being proposed for garage floor area and rear yard setback are the same as, or better than the existing conditions, and do not offend the planning requirements as the intent of the Zoning By-law and Official Plan do not apply”

Based on this information, I am of the opinion that the variance meets the four tests under Section 45(1) of the Planning Act, and the resulting characteristics of the proposed second storey addition is in keeping with the existing and planned characteristics of the neighbourhood. If there are any questions regarding the above, or you would like to discuss the information within this letter in more detail please do not hesitate to contact the undersigned.

Christopher Marchese

Chris Marchese, MCIP RPP