

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/065/2024-Deferred from April 17, 2024

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 12, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Moheb Shared	Our Cool Blue Architects Inc c/o Tom Kolbasenko 213-450 Bronte Street South Milton ON L9T 8T2	PLAN 579 LOT 50 1071 Scott Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL2-0  
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 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 increase the maximum total floor area of the private garage to 59.0 square metres.
2	<i>Section 6.4.1 d)</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 39.1%.
3	<i>Section 6.4.2 a) (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 increase the maximum lot coverage to 30.0%.

## 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 June 12, 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/065/2024 - 1071 Scott Ave (West District)** (OP Designation: Low Density Residential)

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

A minor variance application was previously submitted for consideration by the Committee on April 17, 2024. This application was deferred due to staff objection to the massing and scale resulting from the proposed residential floor area (RFA) variance. Staff did not object to the variances for lot coverage and garage floor area. Please see the table below for the list of variances proposed in April 2024, and variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	April 17, 24	June 12, 24
Garage Floor Area	45.0 m <sup>2</sup>	59.0 m <sup>2</sup>	59.0 m <sup>2</sup>
Maximum Residential Floor Area Ratio	37.0%	38.9%	39.1%
Lot Coverage	25.0%	30.0%	30.0%

**Changes to the Proposal**

In the comments prepared for the April 17, 2024, Committee of Adjustment meeting, staff expressed concerns about the massing and scale of the proposed dwelling, particularly the two-storey front façade. It was noted that there was a lack of measures to mitigate these issues, such as second-storey step-backs, adequate recesses and wall plane variations, and variations in roof forms.

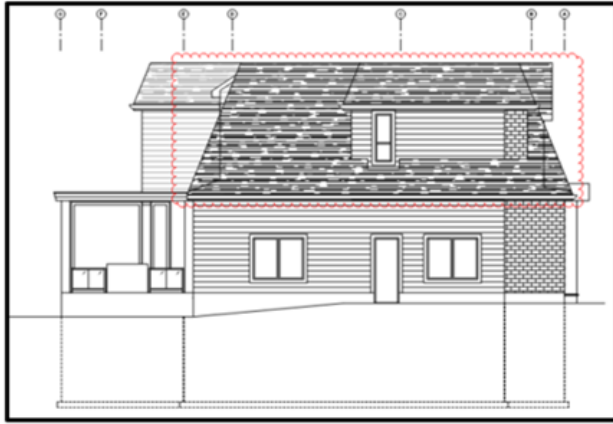
To address these concerns, the applicant has revised the proposed dwelling to include a lowered roof line above the garage along the front, side, and rear elevations as shown in the images below. This revision incorporates part of the second-storey floor area into the roofline. The revisions also include adding dormers, removing windows to reduce vertical glazing in the front, and removing horizontal band over the garage. As a result, there has been a minor increase in RFA from 38.9% (419.5 m<sup>2</sup>) to 39.1% (421.3 m<sup>2</sup>), which equates to an increase of approximately 1.8 m<sup>2</sup> and is due to the inclusion of the dormer in the front façade.



*Revised - Front Elevation – June 2024*



*Original -Front Elevation – April 2024*



*Revised - West Side Elevation – June 2024*



*Original - West Side Elevation – April 2024*



*Revised - Rear Elevation – June 2024*



*Original - Rear Elevation – April 2024*

Due to the revisions such as the incorporation of second-floor area into the roofline above the garage, the proposed dwelling is now better aligned with other dwellings in the neighbourhood, as shown in the images below, and helps maintain the neighbourhood character.



*1077 Scott Avenue*





*1083 Scott Avenue*



*378 Winston Road*



*384 Winston Road*

It is noted that there are similar variances in the surrounding neighbourhood for residential floor area, including the recently approved 309 Winston Road (CAV A/067/2024).

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 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 and described above, 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 and lot coverage is to ensure a dwelling's mass and scale do not appear larger than the dwellings in the surrounding area. The intent of the Zoning-By law provision for garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. On April 17, 2024, staff did not object to the variances for lot coverage and garage floor because the additional lot coverage resulted from the single-storey front and rear porches, and the garage appears as a two-car garage from the streetscape. Staff are of the opinion that the revised 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 on adjoining properties or the existing neighbourhood character.

**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 29, 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:** May 30/24 - SFD. Adequate spatial separation provided for Exposure and Access. (JRO).

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

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- It is understood that this application was deferred from April 17, 2024. Regional comments provided on April 9, 2024 still apply.
- 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 to the maximum total floor area of the private garage, to increase the maximum residential floor area ratio, and to increase the maximum lot coverage, 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.

**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 29, 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.




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Heather McCrae, ACST  
Secretary-Treasurer