

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/100/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 26, 2024 AT 7:00 P.M.

| Owner/Applicant | Agent | Location of Land |
|--|---|--|
| Mohammed Sayeed Ahmed and Nazneed Nikhat | Lucid Homes Inc c/o Pamir Rafiq 1435 Cornwall Road Unit D2 Oakville ON L6J 7T5 | PLAN M1248 LOT 7 45 Pebbleridge Place Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential– Special Policy Area

ZONING: RL1-0

WARD: 2

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 variances 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 1301.00 m ² or greater shall be 29%. | To increase the maximum residential floor area ratio to 32.8%. |
| 2 | <i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres. | To increase the maximum height to 9.3 metres. |

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 26, 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.

CAV A/100/2024 - 45 Pebbleridge PI (West District) (OP Designation: Low Density Residential – Special Policy Area)

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

Site Area and Context

The property is located in the Majestic Edge Estates subdivision and is subject to the direction provided in the Urban Design Brief prepared by KLM Planning Partners Inc. and Williams & Stewart Associates Ltd. Further, this subdivision is subject to architectural control. As such, the applicant will be required to have the development proposed reviewed by the control architect prior to the issuance of a building permit.



Aerial – Majestic Edge Estates subdivision





The subdivision consists of larger lots with larger homes. Most detached two-storey dwellings within this subdivision have massing and scale that is similar to what is being proposed. The front elevation of the proposed dwelling is shown in the figure below.





Proposed Front Elevation – 45 Pebbleridge Place

Since March 2023, the Committee has approved the following variances for dwellings on Pebbleridge Place:

| ADDRESS | APPROVED VARIANCES | FRONT ELEVATIONS |
|--|--|------------------|
| CAV A/008/2023 85 Pebbleridge PI February 8, 2023 | 1. Maximum residential floor area ratio of 34.06% (430.07m ²) | |
| CAV A/081/2023 84 Pebbleridge PI June 14, 2023 | 1. Maximum residential floor area ratio of 31.75% (422.92m ²) | |

| | | |
|---|--|--|
| <p>CAV A/082/2023 53 Pebbleridge PI June 28, 2023</p> | <ol style="list-style-type: none"> 1. Maximum residential floor area ratio of 31.49% (430.13m²) 2. Maximum height of 9.5m |  |
| <p>CAV A/089/2023 76 Pebbleridge PI June 28, 2023</p> | <ol style="list-style-type: none"> 1. Maximum garage floor area of 59.92m² 2. Maximum residential floor area ratio of 32.36% (431.02m²) |  |
| <p>CAV A/108/2023 52 Pebbleridge PI August 9, 2023</p> | <ol style="list-style-type: none"> 1. Minimum front yard of 8.8m 2. Maximum residential floor area ratio of 32.28% (429.97m²) 3. Maximum height of 9.52m |  |
| <p>CAV A/147/2023 68 Pebbleridge PI November 15, 2023</p> | <ol style="list-style-type: none"> 1. Maximum dwelling depth of 20.6m 2. Maximum residential floor area ratio of 32.65% (434.89m²) 3. Maximum lot coverage of 28.27% (376.53m²) |  |

| | | |
|---|---|---|
| <p>CAV A/074/2023 15 Pebbleridge PI November 15, 2023</p> | <ol style="list-style-type: none"> 1. Minimum interior side yard of 2.8m 2. Maximum dwelling depth of 37.7m 3. Maximum lot coverage of 35.9% (664.73m²) 4. Maximum height of 9.98m |  |
| <p>CAV A/094/2023 37 Pebbleridge PI January 24, 2024</p> | <ol style="list-style-type: none"> 1. Maximum garage floor area of 68.69 m² 2. Maximum residential floor area of 31.70% (559.92m²) 3. Maximum height of 10.08m |  |

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?

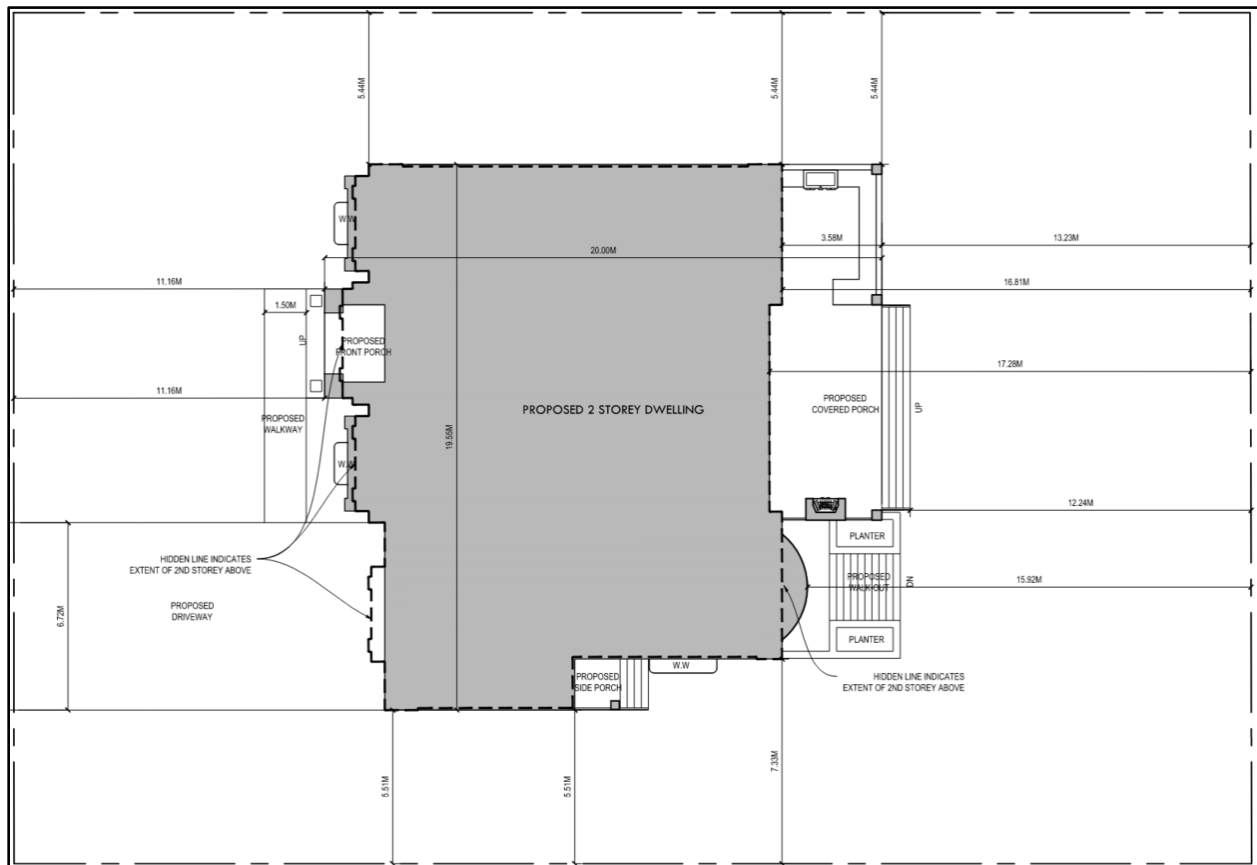
The subject property is designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, Section 11.1.9 indicated that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing neighbourhood character. It is staff’s opinion that the proposed dwelling complies with Section 11.1.9 of the Official Plan.

The intent of the Official Plan is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots.

Based on character of the neighbourhood as informed by the minor variance applications approved within the subdivision as previously discussed, staff are of the opinion that the

proposed dwelling would maintain the existing neighbourhood character. The proposed dwelling protects the integrity of the large lot with large setbacks, providing adequate separation distance between adjacent dwellings.



Proposed Site Plan – 45 Pebbleridge Place

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

Variance #1 – Residential Floor Area (No Objection) – increased from 29% to 32.8%

Variance #2 – Height (No Objection) – increased from 9m to 9.3m

The intent of the Zoning By-law provisions for residential floor area ratio and height is to prevent a dwelling from having a mass and scale that appears larger than dwellings in the surrounding neighbourhood. The additional residential floor area of 3.8% results in 51.46 m² of additional floor area. The proposed massing is broken up into smaller elements to mitigate the impacts of mass and scale. Further, the proposed variances are similar to those in the surrounding area resulting in a dwelling that is compatible with the surrounding neighbourhood. For these reasons, staff are of the opinion that the variances proposed 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?

Following a review of the minor variance approvals granted along Pebbleridge Place, staff are of the opinion that the proposal represents appropriate development of the subject property, and the variances are considered minor in nature.

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. That the detached dwelling be constructed in general accordance with the submitted site plan dated May 9, 2024, and the submitted elevation drawings for the June 26, 2024, Committee of Adjustment agenda; 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 Concern for Fire.

Oakville Hydro: We do not have any comments or concerns 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 and an increase in the maximum height 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. That the detached dwelling be constructed in general accordance with the submitted site plan dated May 9, 2024, and the submitted elevation drawings for the June 26, 2024, Committee of Adjustment agenda.
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