

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/105/2024 – Deferred from July 24, 2024

RELATED FILE: N/A

DATE OF MEETING: October 16, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
P. BABARIYA	Kurtis Van Keulen Huis Design Studio 1a Conestoga Dr Brampton ON, L6Z 4N5	1187 Pinegrove Rd Town of Oakville PLAN 682 LOT 5

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 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 <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 43.75%.

### CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

#### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**CAV A/105/2024 - 1187 Pinegrove Road (West District)** (OP Designation: Low Density Residential)

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

A minor variance application was previously submitted for consideration by the Committee on July 24, 2024. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application. A revised minor variance application is now before the Committee of Adjustment for consideration.

The revised application results in a reduced variance request for residential floor area ratio and updates to the dwelling design. Please see the table below for the variance proposed in July of 2024, and the variance brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	July 24, 2024	October 16, 2024
Residential Floor Area	41%	44.09%	43.75%

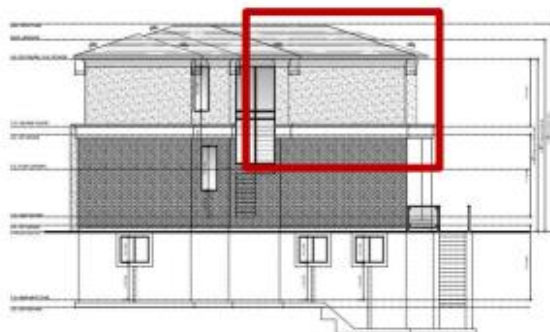
The original application resulted in an increase in residential floor area of approximately 21.4 square metres and the revised application results in an increase of approximately 19.12 square metres. In addition to the decrease in residential floor area, the applicant dropped the height of the open to below area above the proposed great room which reduced the impact of the proposed massing as it previously increased the massing of the second floor and exasperated the impact of the requested increase. Below is a comparison of the elevations and the changes that have been proposed to address concerns around massing of the dwelling.



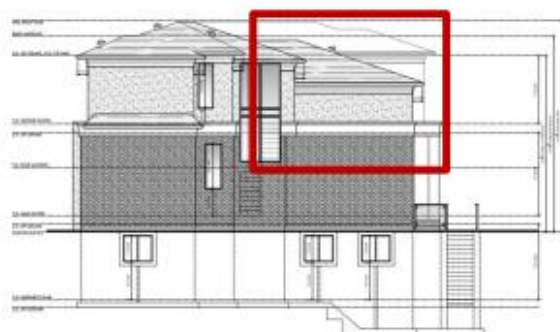
*Rear Elevation dated July 5, 2024*



*Rear Elevation dated September 12, 2024*



*Right Elevation dated July 5, 2024*



*Right Elevation dated September 12, 2024*



*Left Elevation dated July 5, 2024*

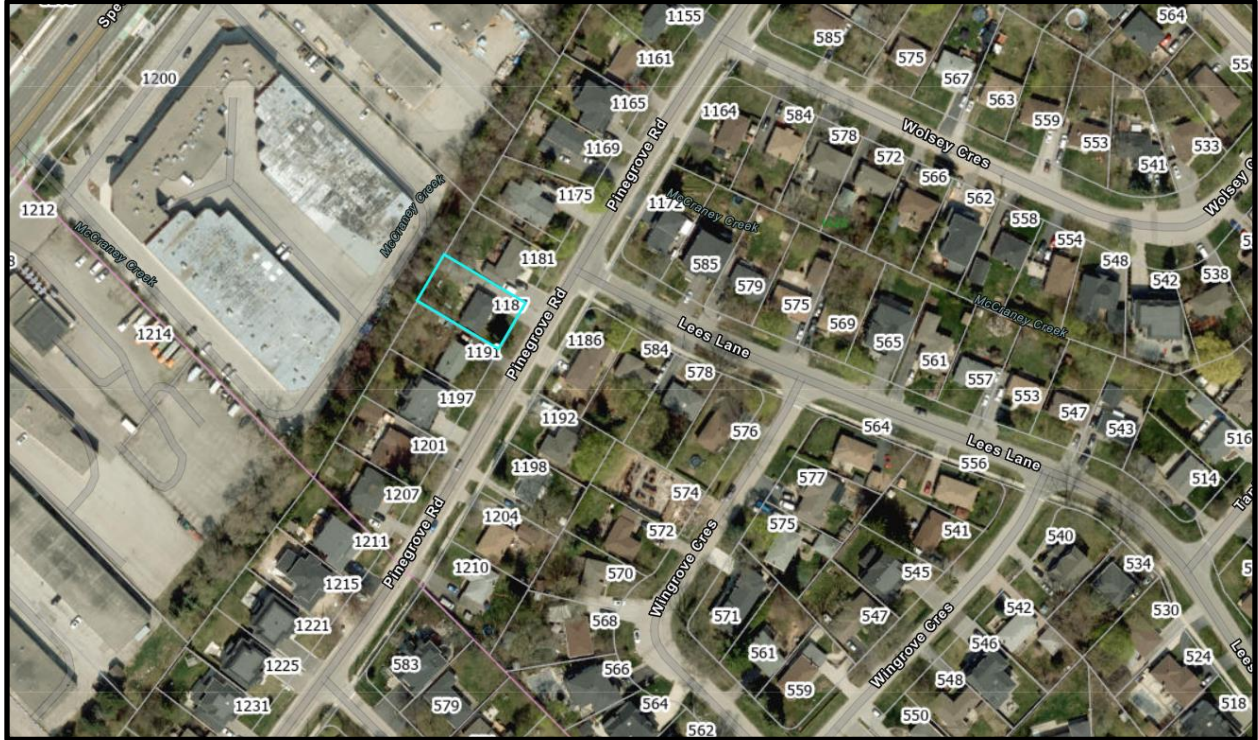


*Left Elevation dated September 12, 2024*



## Site Area and Context

The subject lands are located in a neighbourhood consisting of original one and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs. The area is primarily characterized by bungalows with bungalows located on either side of the subject property.



Aerial Photo – 1187 Pinegrove Road



1187 Pinegrove Road – Taken July 11, 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 by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The dropping of the roofline and modifications to the left elevation assists with breaking up the massing of the dwelling and mitigating the proposed increase in residential floor area ratio. It is staff's opinion that the revised proposal 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 applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

**Variance #1 – Residential Floor Area (No Objection) – 41% increased to 43.75%**

The intent of regulating the residential floor area ratio is to ensure that the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The statistics provided on the site plan show that the applicant has requested a revised residential floor area ratio increase of approximately 2.75% (19.12 m<sup>2</sup>) from the maximum permitted through the Town's Zoning By-law. As mentioned above, the massing and scale of the proposed dwelling is mitigated by the updates to the design of the dwelling. Staff are of the opinion that the proposal is compatible and in keeping with the character of the neighbourhood and are supportive of the requested variance.

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

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

**Recommendation:**

Staff do not object to the proposed variances. Should these minor variance requests be approved by the Committee, the following conditions are recommended:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated September 12, 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:** No concerns for Fire. Passed.

**Transit:** No comments received.

**Finance:** The tax account is clear.

## **Halton Region:**

6.4 CAV A/105/2024 – P. Babariya, 1187 Pinegrove Road, Oakville

- It is understood that this application was deferred from July 24, 2024. Regional comments provided on July 18, 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 residential floor area ratio, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new two-storey detached dwelling on the Subject Property.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

**Halton Conservation:** We will not be providing comments.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Oakville Hydro:** We do not have any comments to add.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**

## **General notes for all applications:**

***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 Services, 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 dwelling be built in general accordance with the submitted site plan and elevation drawings dated September 12, 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.

Sharon Coyne  
Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment