

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/079/2024 (Deferred from October 2, 2024) RELATED FILE: N/A

### DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](https://oakville.ca) on November 13, 2024 at 7 p.m.

Owner (s)	Agent	Location of Land
M. AMIN A. AMIN	Michael Barton MB1 Development Consulting Inc 1489 Abbeywood Dr Oakville ON, CANADA L6M 2M6	PLAN 852 LOT 228 2092 Seabrook Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

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>Table 4.3 (Row 7)</i> The maximum encroachment into a minimum yard for window wells with a maximum width of 1.8 metres shall be 0.6m.	To increase the maximum encroachment into the minimum rear yard for the window well to 0.6 m with a maximum width of 4.27 metres.
2	<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 <sup>2</sup> and 835.99 m <sup>2</sup> shall be 40%.	To increase the maximum residential floor area ratio to 45.04%.

## 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)

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

Minor variance applications were previously submitted for the consideration of the Committee on May 15, 2024, and October 2, 2024. The latest application was deferred due to insufficient notice. Please see the table below for the list of variances proposed in May of 2024, October of 2024, and the variances brought forward today.

Town of Oakville Zoning By-law 2014-014			Agenda	
Regulation	Requirement	May 15, 2024	October 2, 2024	November 13, 2024
Window Well Encroachment	1.8m width & 0.6m encroachment	4.27m width & 0.6m encroachment	4.27m width & 0.6m encroachment	4.27m width & 0.6m encroachment
Residential Floor Area	40%	44.86%	45.04%	45.04%

It is noted that the slight increase in RFA from May to October is not attributed to a change in the plans, rather, a change in calculation as to include the wing wall at the rear of the dwelling. Through the comments prepared for the May 15, 2024, Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling appearing as substantially larger than adjacent dwellings, therefore, creating an overpowering effect on the streetscape;
- Potential open-to-below areas unnecessarily pushing the second-storey floor area out; and,
- The increase in residential floor area being requested resulting in a dwelling with a mass and scale that would not be compatible with the existing stable residential neighbourhood.

Through discussion and comments prepared for the May 15<sup>th</sup> meeting, staff requested additional information (floor plans and coloured renderings) from the applicant to assist in completing a more fulsome review of the residential floor area ratio variance. The applicant has since provided floor plans and coloured renderings for review. In studying the coloured renderings and floor plans, it is clear that the second storey of the dwelling proposed has been stepped back from the perimeter of the first storey, helping to minimize the verticality of the dwelling and presence along the building front, and to provide a transition to the existing one- and one-and-a-half storey dwellings abutting the subject property. Further, the renderings shared identify façade articulation through the use of different materials and building elements, also helping to reduce the impact on the existing streetscape, and abutting dwellings.



North West Perspective – October 2, 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.

It is staff's opinion that with the additional information provided identifying articulation of the building façade through varying building materials, building elements, and step backs, that the 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** – Window Well Encroachment (No Objection) – 1.8m width & 0.6m encroachment increased to 4.27m width & 0.6m encroachment

The intent of regulating the window well encroachment is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allow for adequate open space and landscaping. In this case, the window well is located in the rear yard and will not impede access, and adequate landscaping will be accommodated on-site. Furthermore, drainage will continue to be reviewed as part of the building permit submission of detailed engineering plans.

**Variance #2** – Residential Floor Area Ratio (No Objection) – 40% increased to 45.04%

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 residential floor area ratio increase of 4.86% (36.6m<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 design of the dwelling. The additional materials shared with staff identify façade articulation through the use of different materials, building elements and step backs. 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 variances.

**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.

**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 July 17, 2023, revised June 19, 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.

**Bell Canada:** No comments received.

**Fire:** No concerns for fire. Passed

**Finance:** No comments received.

**Halton Conservation:** No comments received.

## **Halton Region:**

- It is understood that this application was deferred from October 2, 2024. Regional comments provided on September 26, 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 and an increase to the maximum encroachment into the minimum rear yard for the window well to 0.6 m with a maximum width of 4.27 m, 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.
- **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.

## **Metrolinx:**

Thank you for circulating Metrolinx the November 13, 2024, Committee of Adjustments Agenda for Oakville. Please be advised there are no applicable Metrolinx comments for the applications/properties in this agenda as all properties were outside our designated review zones.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Transit:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – None**

## **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, 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 states, 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 July 17, 2023, revised June 19, 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.

*J. Ulcar*

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Jennifer Ulcar  
 Secretary-Treasurer  
 Committee of Adjustment