

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/165/2024

RELATED FILE: N/A

DATE OF MEETING: By videoconference and live-streaming on the Town of Oakville's Live Stream webpage at www.oakville.ca on November 27, 2024 at 7 p.m.

Owner (s)	Agent	Location of Land
F. APA	Stephanie Matveeva Glen Schnarr and Associates Inc. 700- 10 Kingsbridge Garden Cir Mississauga ON L5R 3K6	PLAN M1248 LOT 10 RP 20R22193 PART 5 21 Pebbleridge Pl Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area)
WARD: 2

ZONING: RL1-0
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 new two-storey detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 4.27 a)</i> A rooftop terrace is permitted on a lot in any Zone, except for Residential Low -0 Suffix Zones.	To permit a rooftop terrace in the RL1-0 Zone.
2	<i>Section 4.27 i)</i> In Residential Low Zones a rooftop terrace is only permitted on the roof of the first storey of the dwelling having two or more storeys, subject to a maximum 1.5 m depth, measured from the main wall.	To permit a rooftop terrace on the roof of the first storey of the dwelling having two or more storeys to have a 5.57 m depth, measured from the main wall.
3	<i>Section 5.8.1 d)</i> A maximum of one attached private garage per dwelling shall be permitted.	To permit a maximum of two attached private garages.
4	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to be 11.2 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
5	<i>Section 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 66.44 square metres.
6	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to 15.17 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
7	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 35.13 m.
8	<i>Table 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 39.94%.
9	<i>Table 6.4.2 (Row RL1, 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 29.63%.

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/165/2024 - 21 Pebbleridge Place (West District) (OP Designation: Low Density Residential – Special Policy Area)

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

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:

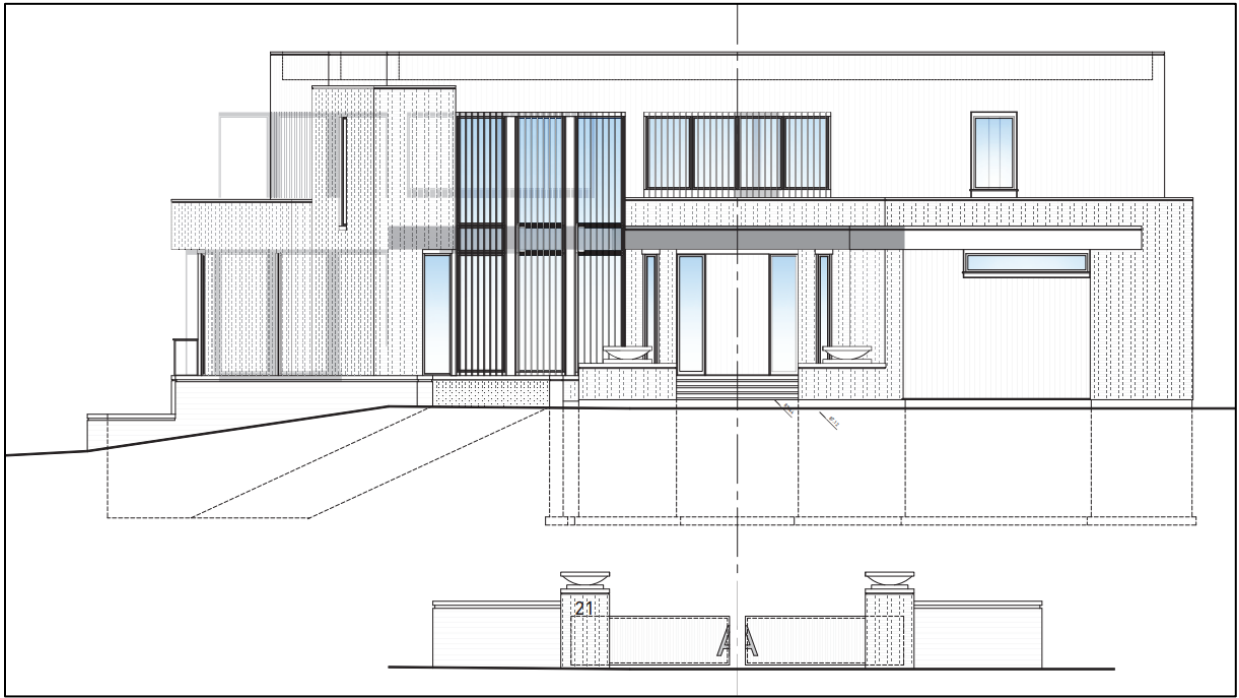
Site and Area Context

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. Being that the subject property abuts Lake Ontario, development of the property will be required to undergo minor site plan approval with Development Engineering.



Aerial – Majestic Edge Estates subdivision

The subdivision consists of larger lots with larger homes. The front elevation of the proposed dwelling is shown in the figure below.


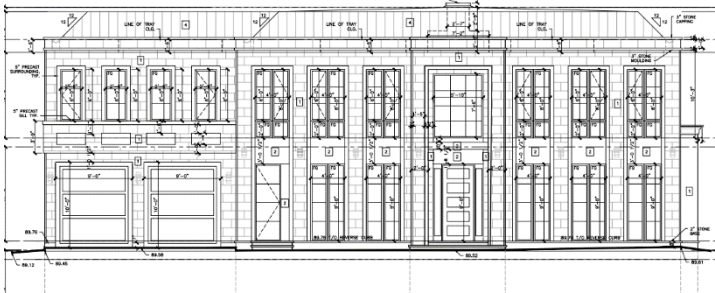









Proposed Front Elevation – 21 Pebbleridge Place



Coloured Rendering – 21 Pebbleridge Place

Since June 2024, the Committee has approved of the following variances for dwellings on Pebbleridge Place:

ADDRESS	APPROVED VARIANCES	FRONT ELEVATIONS
<p>CAV A/008/2023 85 Pebbleridge Pl February 8, 2023</p>	<p>1. Maximum residential floor area ratio of 34.06% (430.07m²)</p>	
<p>CAV A/081/2023 84 Pebbleridge Pl June 14, 2023</p>	<p>1. Maximum residential floor area ratio of 31.75% (422.92m²)</p>	
<p>CAV A/082/2023 53 Pebbleridge Pl June 28, 2023</p>	<p>1. Maximum residential floor area ratio of 31.49% (430.13m²) 2. Maximum height of 9.5m</p>	
<p>CAV A/089/2023 76 Pebbleridge Pl June 28, 2023</p>	<p>1. Maximum garage floor area of 59.92m² 2. Maximum residential floor area ratio of 32.36% (431.02m²)</p>	
<p>CAV A/108/2023 52 Pebbleridge Pl August 9, 2023</p>	<p>1. Minimum front yard of 8.8m 2. Maximum residential floor area ratio of 32.28% (429.97m²)</p>	

	<ol style="list-style-type: none"> Maximum height of 9.52m 	
<p>CAV A/147/2023 68 Pebbleridge Pl November 15, 2023</p>	<ol style="list-style-type: none"> Maximum dwelling depth of 20.6m Maximum residential floor area ratio of 32.65% (434.89m²) Maximum lot coverage of 28.27% (376.53m²) 	
<p>CAV A/074/2023 15 Pebbleridge Pl November 15, 2023</p>	<ol style="list-style-type: none"> Minimum interior side yard of 2.8m Maximum dwelling depth of 37.7m Maximum lot coverage of 35.9% (664.73m²) Maximum height of 9.98m 	
<p>CAV A/094/2023 37 Pebbleridge Pl January 24, 2024</p>	<ol style="list-style-type: none"> Maximum garage floor area of 68.69 m² Maximum residential floor area of 31.70% (559.92m²) Maximum height of 10.08m 	
<p>CAV A/100/2024 45 Pebbleridge Place</p>	<ol style="list-style-type: none"> Maximum residential floor area of 32.8% Maximum height of 9.3 m 	

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply: Policies 11.1.9 a), b), and h) state:

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

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) 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 development has also been evaluated against the Design Guidelines for Stable Residential Communities which are used to direct the design of the new development to ensure the maintenance and preservation of neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular the following sections:

3.1.1 Character: *New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

3.1.3 Scale: *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

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.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

3.2.6. Garages and Accessory Structures: *New development with an attached garage should make every effort to incorporate this feature into the design of the building, to achieve compatibility with the overall massing, scale and style of the dwelling and the immediate surroundings.*

New development with an attached garage on the front façade should position the garage flush with or recessed behind the front façade of the dwelling. Where applicable, additional building elements, such as porches or trellises, are encouraged to extend along the garage face and primary façade to lessen the visual prominence of the garage

3.3.2. Driveways and Walkways: *New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*

New development is encouraged to incorporate permeable paving materials for driveway and pedestrian areas for better management of storm water run-off and for reducing heat build-up.

As provided above, 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 should be carefully considered and shall be limited to development which maintains the integrity of large lots.

Staff are concerned that the requested variances would result in an overbuild of the property, and cumulative negative impacts on the streetscape. On this basis, it is Staff's opinion that the variances do not maintain the intent of the Official Plan as the and would result in a dwelling that is not in keeping with the character of the neighbourhood.

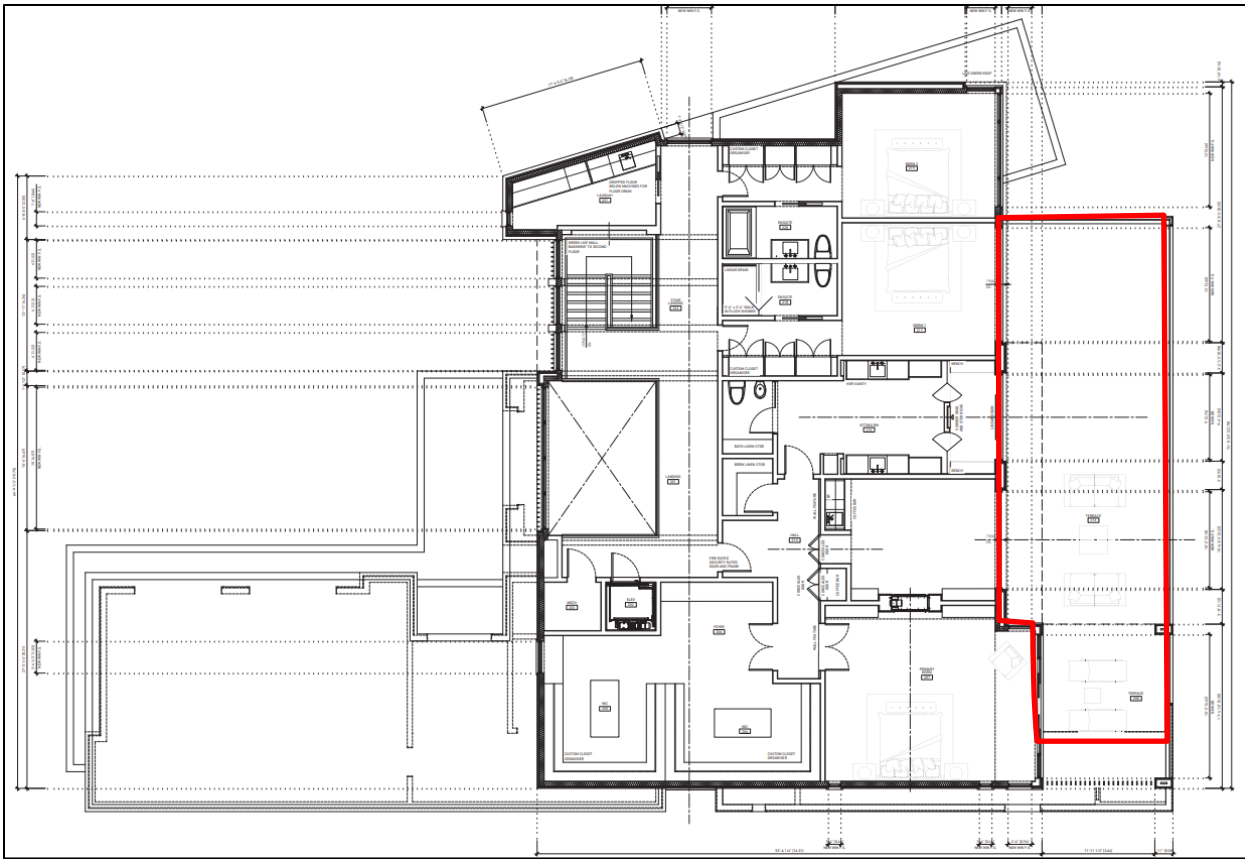
Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Rooftop Terrace in -0 Suffix Zone (Objection) – Not permitted to permitted in the RL1-0 zone

Variance #2 – Rooftop Terrace Depth (Objection) – 1.5m increased to 5.57m

The intent of regulating a rooftop terrace in the -0 Suffix Zone is to prevent potential overlook and privacy impacts. The intent of regulating maximum total rooftop terrace depth is to limit the impacts of overlook and privacy concerns in zones where rooftop terraces are permitted. The proposed rooftop terrace as outlined in red in the second storey floor plan below, is substantial in size with an area of approximately 93.00 m² and projects 5.57m into the rear yard beyond the main wall of the dwelling. It is staff's opinion that introducing an element that has been identified as not permitted in the Zoning By-law would not meet the intent and purpose of the Zoning By-law, and would contribute to the cumulative impacts of the variances proposed resulting in an overbuild of the subject property.



Second Storey Floor Plan – 21 Pebberidge Place

Variance #4 – Driveway Width (Objection) – 9.0m increased to 11.2m

The intent of regulating driveway width is to prevent the construction of a driveway that is wider than the width of the garage, in order to minimize the amount of hardscaping in the front yard. Maintaining an appropriate amount of landscaping in the front yard also promotes positive drainage conditions for sites.

The driveway width proposed provides for dual access to both the garage that is proposed at grade to project into the front yard, along with the underground garage identified on the site plan. While it is acknowledged that the driveway is 6.1 m measured at the front lot line, Staff are of the opinion that the split driveway, as proposed, does not implement the intent of the provision to minimize the amount of hardscaping in the front yard. On this basis, staff are of the opinion that the requested variance does not maintain the intent of the Zoning By-law.

Variance #3 – Number of Private Garages (Objection) 1 increased to 2

Variance #5 – Garage Floor Area (Objection) – 56.0 m² increased to 66.44 m²

Variance #6 – Garage Projection (Objection) – 1.5m increased to 15.17m

The intent of regulating the number of private garages, garage floor area and garage projection is to prevent the garage from being a visually dominant feature of the dwelling and creating an adverse impact on both the existing neighborhood character and streetscape.

The garage projection is measured from the main wall of the dwelling to the front elevation of the proposed garage. Dwellings which have been approved along Pebberidge Place by the Committee of Adjustment to date contain garages which are generally flush with the front façade of the dwelling or recessed back from the front façade. As shown in the figures above, the variety of dwellings that have been approved by the Committee of Adjustment did not require variances for garage projections. As such, projecting garages have not been included within the character of the neighbourhood.

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

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature as the cumulative impacts of the variances as proposed result in a dwelling that may represent an overbuild of the subject property.

Recommendation:

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests and staff recommend that the application be denied.

Bell Canada: No comments received.

Fire: No concerns for fire.

Metrolinx: No applicable Metrolinx comments.

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 a rooftop terrace, an increase to the depth of the rooftop terrace, the construction of two attached private garages, an increase to the maximum driveway width, an increase to the maximum total floor area for a private garage, an increase to the maximum private garage projection, an increase to the maximum building depth, an increase to the residential floor area ratio and an increase to 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.
- Archeological Potential: A Stage 1 and 2 Archeological Assessment report for the subject lands was submitted as part of subdivision application 24T-17006. The conclusion of the report indicated that since no archaeological resources were encountered during the survey, no further archaeological assessment of the property is required. The Ministry of Tourism, Culture and Sport issued a letter dated July 13, 2017 indicating the subject Stage 1-2 assessment has been entered into the Ontario Public Register of Archaeological Reports. Halton Region has no further requirements in this regard.

Halton Conservation:

Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of

the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans). Documents reviewed as part of this submission, received on November 11, 2024, are listed below:

- **Site Plan**, prepared by Cunningham McConnell Limited, dated September 20, 2024

Proposal

Construction of a new two-storey detached dwelling on the subject property.

Variances Sought:

- To permit a rooftop terrace in the RL1-0 Zone.
- To permit a rooftop terrace on the roof of the first storey of the dwelling having two or more storeys to have a 5.57 m depth, measured from the main wall.
- To permit a maximum of two attached private garages.
- To increase the maximum width of the driveway to be 11.2 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
- To increase the maximum total floor area for the private garage to 66.44 square metres.
- To increase the attached private garage projection to 15.17 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
- To increase the maximum dwelling depth to 35.13 m.
- To increase the maximum residential floor area ratio to 39.94%.
- To increase the maximum lot coverage to 29.63%.
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Conservation Authorities Act and Ontario Regulation 41/24

Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. The subject property, 21 Pebbleridge Place, is regulated by CH as it is partially within the erosion hazard associated with Lake Ontario.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications for development are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24, and CH's Board-approved policies and requirements

(<https://conservationhalton.ca/policies-and-guidelines>).

Based on the site plan provided by the applicant, the proposed development is located within the erosion hazard. As such, the applicant will need to obtain a permit from CH prior to commencing development activities.

CH has previously reviewed the associated Plan of Subdivision (24T-17006) file, and the Engineering Development Setback (EDS) was determined through that process. The proposed dwelling is located outside of the EDS and meets CH policy 2.38.1.1. The proposed pool and deck are partially within the EDS but are consistent with CH policy 2.38.1.6. As such, the proposed works meet CH regulatory policy requirements for issuance of a CH permit.

Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)

The proposed development is consistent with Policy 5.2 of the Provincial Planning Statement (PPS), which generally directs development to areas outside hazardous lands adjacent to the shorelines of the Great Lakes and other natural hazards.

Recommendation

CH has no objection to the approval of the variances for the subject property, subject to the following condition:

That a fee of \$158.00 be submitted to Conservation Halton in accordance with the "Minor (no site visit or technical review)" minor variance fee as per Conservation Halton's fee schedule.

Note: Please note that a Permit is required from CH prior to undertaking any development activities within CH's regulated area. Applications for development are reviewed under the *Conservation*

Authorities Act (CA Act), Ontario Regulation 41/24, and CH's Board-approved policies and requirements.

Trans Canada Pipeline : No comments received.

CNR: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

Sharon Coyne
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Committee of Adjustment