

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/137/2024 (deferred from Sept. 18, 2024)

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, NOVEMBER 27, 2024 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. HENAINE	Alex Blanchard Carrothers and Associates 505 YORK Blvd 3 Hamilton ON, CANADA L8R 3K4	PLAN 835 LOT 16 400 Pinegrove Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0  
DISTRICT: West

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### 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:

<b>Current zoning by-law requirements</b>	<b>Variance request</b>
<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 45.15%.
<i>Section 6.4.2 (Row RL3, Column 3)</i> The maximum lot coverage shall be 35% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 36.2%.

## 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/137/2024 - 400 Pinegrove Road - Deferred September 18, 2024 (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 September 18, 2024. This application was deferred due to insufficient notice. There have been no other changes made to the proposal since the deferral, and the application as previously submitted remains the same.

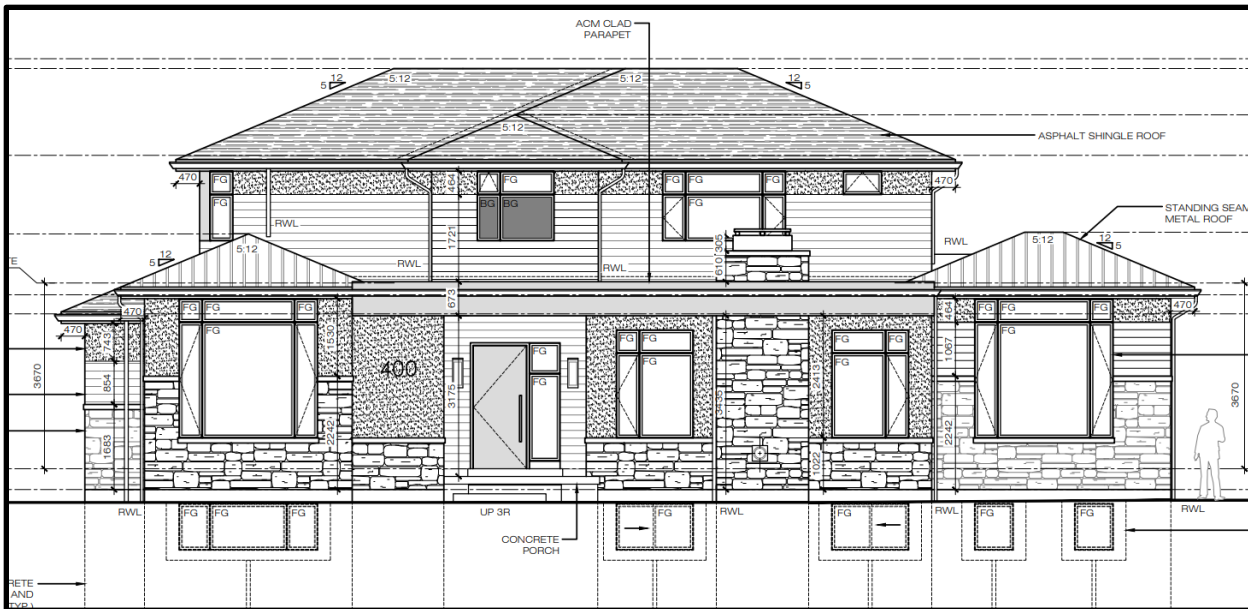
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this minor variance request are as follows:

**Site Area and Context**

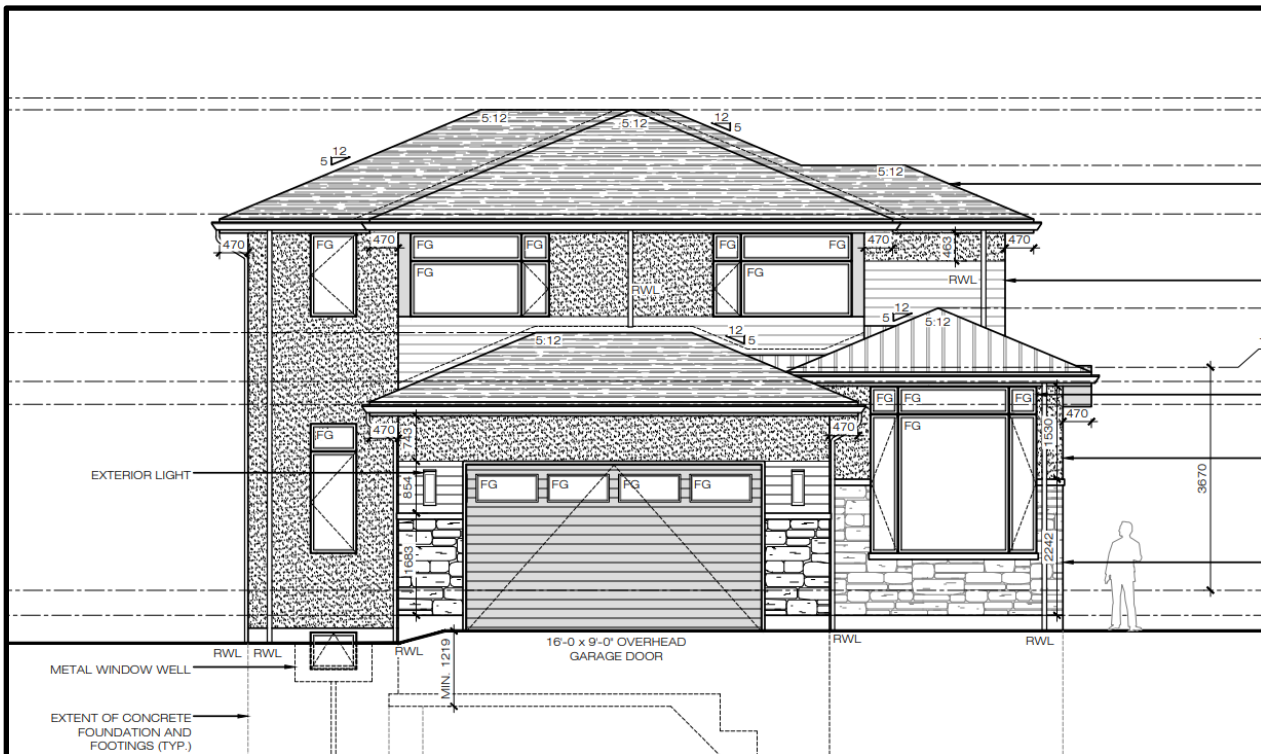
The subject property is located in an area that has experienced some redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey, and one-half-storey detached dwellings, as well as newer two-storey detached dwellings. Newer two-storey dwellings in the surrounding area consist of a variety of architectural forms.



Aerial Photo – 400 Pinegrove Road



Front Elevation – 400 Pinegrove Road (Pinegrove Road Frontage)



Front Elevation – 400 Pinegrove Road (Weighton Drive Frontage)

It should be noted that the Town's Urban Forestry Department provided comments on this application and indicated that as part of the construction process for the proposed dwelling, the lateral water service should be installed entirely outside the 3.6 metre tree protection zone of the 50cm DBH municipally owned tree located near the new driveway location.

Additionally, Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff's 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 in the Livable Oakville 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. The proposed dwelling, although taller than the one-half-storey dwelling abutting the subject property to the west at 412 Pinegrove Road, still provides for an adequate transition in height to its neighbour and fully complies with the height requirements under the Zoning By-law. The proposed dwelling also incorporates many design elements that assist in reducing the overall massing impacts. These include step-backs of the second storey of the dwelling along the rear, flankage, and front façades to limit shadowing and overlook conditions on adjacent properties, and to de-emphasize the height and scale of the dwelling, along with designing the new driveway to have a narrower point of ingress/egress from Weighton Drive to allow for the protection and retention of a large mature shade tree in the front yard area, which helps to further mitigate any massing impacts visible from the public realm. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with the Livable Oakville Plan.

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

**Variance #1** – Residential Floor Area (No Objection) – increased from 41% to 45.15%

**Variance #2** – Lot Coverage (No Objection) – increased from 35% to 36.2%

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 does not appear larger than the dwellings in the surrounding area. The subject property abuts a newer two-storey detached dwelling to the south at 392 Weighton Drive. The impacts of the lot coverage increase of 1.2% are mitigated on the lot by providing for increased setbacks from all property lines, in excess of the minimum requirements under the By-law. The proposed development provides for an enhanced interior side yard setback (1.7 metres) that will provide additional buffering to the neighbouring dwelling and help limit any potential massing, shadowing, or overlook concerns related to the lot coverage increase.

The impacts of the floor area ratio increase of 4.15% are mitigated through the increased interior side yard setback, in addition to the use of one-storey architectural elements, along with the flankage yard, rear yard and primary façade step backs. The overall massing and scale for the proposed dwelling is mitigated through the articulation of the façade, incorporation and use of one-storey architectural elements including the front porch and exterior window treatments, and the step backs of the primary façade so that the dwelling has a reduced second-storey floor area. Staff are of the opinion that the 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 to 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 dated August 12, 2024, and elevation drawings dated August 9, 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.

**Metrolinx:** No applicable Metrolinx comments.

**Finance:** No comments received.

**Halton Region:**

- It is understood that this application was deferred from September 18, 2024. Regional comments provided on September 12, 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 the maximum lot coverage, 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.

**Halton Conservation:** 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 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. The dwelling be constructed in general accordance with the submitted site plan dated August 12, 2024, and elevation drawings dated August 9, 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

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Assistant Secretary-Treasurer

Committee of Adjustment