

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/161/2024 deferred from Nov. 13, 2024

RELATED FILE: N/A

DATE OF MEETING: January 22, 2025

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca at 7 p.m.

Owner (s)	Agent	Location of Land
N. WALIA A. WALIA	GERARDO CASTILLO KEYSTONE HOME DESIGNS 303-251 North Service Rd. West OAKVILLE ON L6M 3E7	PLAN 1090 LOT 61 12 Rayne Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 5

ZONING: RL7-0
DISTRICT: East

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>Table 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 ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 42.93%.

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)

A/161/2024 (Deferred November 13, 2024) - 12 Rayne Avenue (East District) (OP Designation: Low Density Residential)

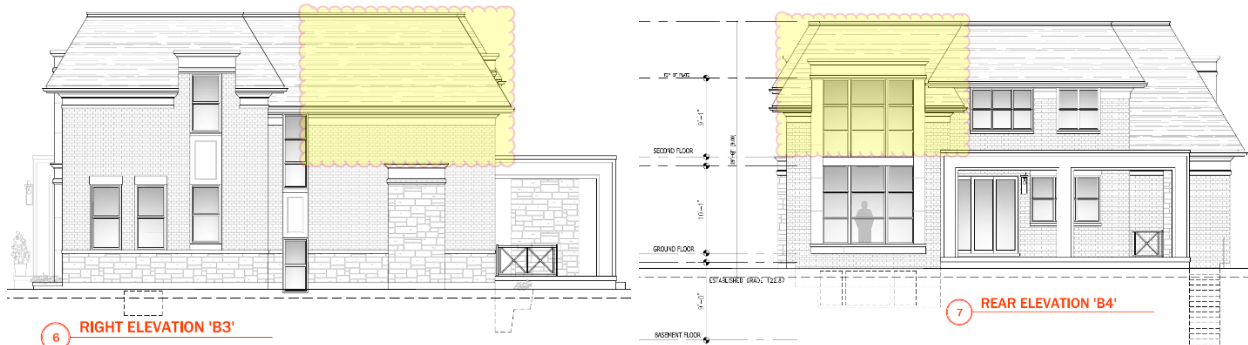
The applicant proposes to construct a two-storey detached dwelling, subject to the variance listed above.

This application was deferred due to staff objection to the cumulative impact of the variance for residential floor area and large two-storey open to below space, specifically related to massing and scale impacts on abutting properties. Please see the table below for the variance being applied for.

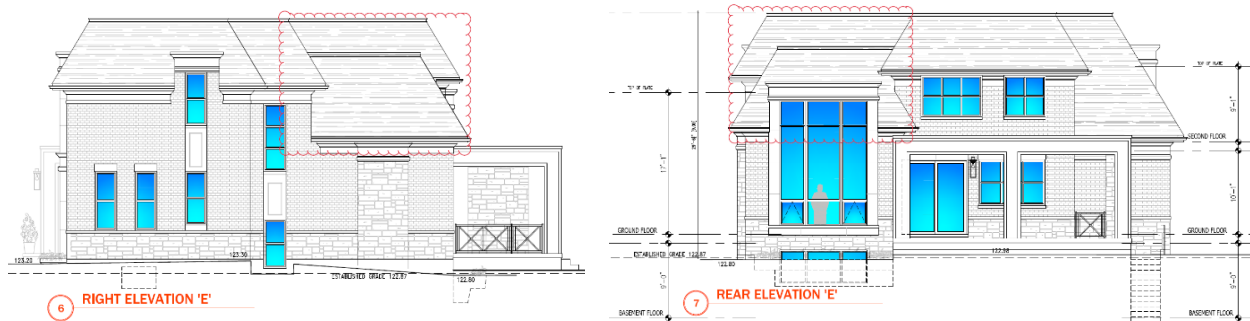
Zoning By-law 2014-014		Agenda	
Regulation	Requirement	Nov 13, 2024	Jan 22, 2025
Residential Floor Area	41% (286.05 m ²)	44.17% (308.17 m ²)	42.93% (299.42 m ²)

Changes to Proposal

In the comments report prepared for the November 13, 2024 Committee of Adjustment Hearing, staff expressed concerns about the cumulative impact of additional residential floor area in relation to massing and scale that would not be compatible with the character of the neighbourhood. Staff also noted that the large two-storey open to below area contributed to the massing and scale impacts on the streetscape and abutting properties. To address these concerns, the applicant has revised the proposed dwelling to reduce the open to below feature to a one and a half-storey element and a reduction in the residential floor area from 44.17% (308.17 m²) to 42.92% (299.42 m²).



Original Side and Rear Elevations



Revised Side and Rear Elevations

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 the 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 within the Official Plan. Development within Low Density Residential 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 the proposal, as revised and described above, 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 intent of the Zoning By-law provision for regulating the maximum residential floor area (RFA) is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. The increase in residential floor area of 1.93% results in 13.37 m² of additional floor area. The revisions to reduce the RFA, revised one and a half-storey great room feature, as well as the façade articulation, single-storey elements and second storey floor area built into the roof line with a mix of architectural building materials, adequately mitigate the impact of mass and scale. Staff are of the opinion that the revised 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 variance is minor in nature and will not create any undue adverse impacts on 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 revised site plan dated November 18, 2024 and revised elevation drawings dated November 17, 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: No comments received.

Fire: No concerns for fire.

Finance: No comments received.

Halton Region:

- It is understood that this application was deferred from November 13, 2024. Regional comments provided on November 8, 2024, still apply.
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 to 42.93%, 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.

Metrolinx: No comments received.

Oakville Hydro: 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. The dwelling be constructed in general accordance with the revised site plan dated November 18, 2024 and revised elevation drawings dated November 17, 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