

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/006/2025

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 on Wednesday, February 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
D. BORTOLUSSI Y. BORTOLUSSI	Joris Keeren Keeren Design 11 Bronte Rd, Unit 31 Oakville ON, canada L6L 0E1	PLAN 852 LOT 148 469 Seaton Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 1

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 variances 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 1.20 m with a maximum width of 3.70 metres.
2	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 46.0 square metres on a lot having greater than or equal to 12.0 metres in lot frontage.
3	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 836.00 m ² and 928.99 m ² shall be 39%.	To increase the maximum residential floor area ratio to 43.5%.

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)

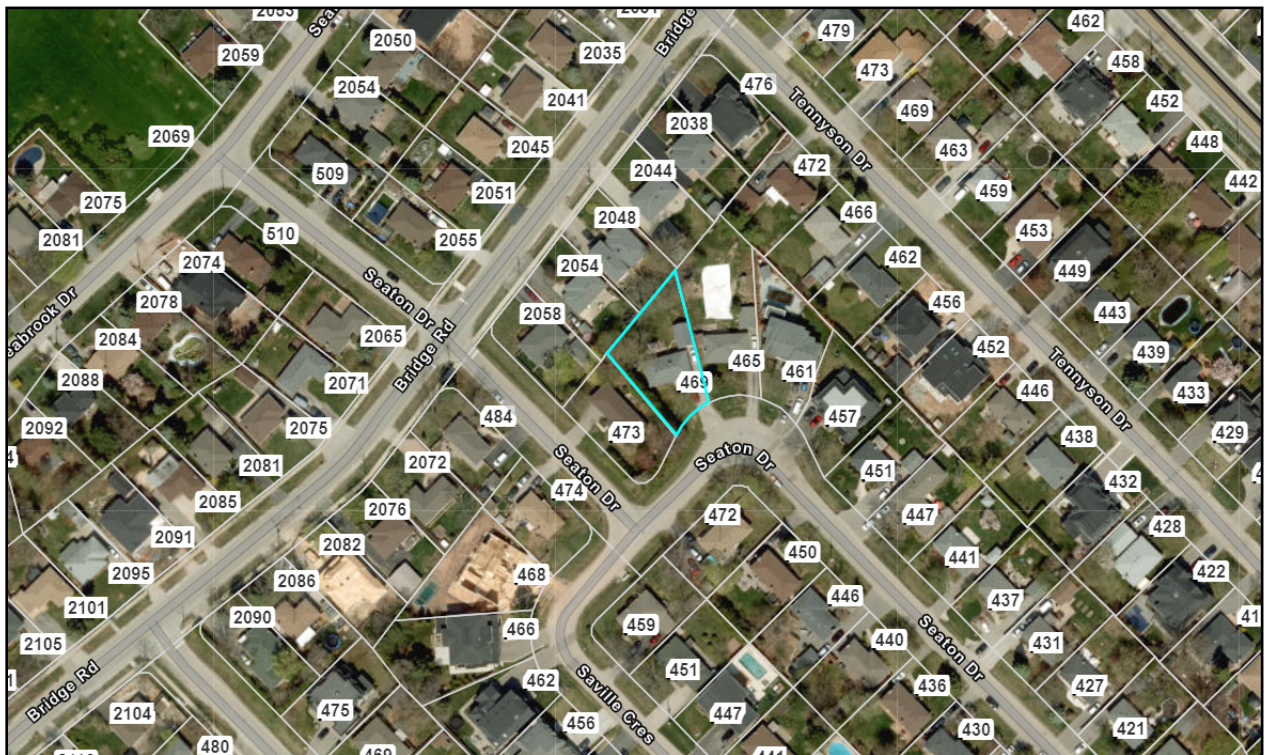
A/006/2025 – 469 Seaton Drive (West District) (OP Designation: Low Density Residential)

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 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 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 – 469 Seaton Drive



Front Elevation – 469 Seaton Drive



Front Elevation Rendering – 469 Seaton Drive

It should be noted that the Town's Development Engineering Department provided comments on this application and indicated that the proposal is increasing hard surface coverage in a poor drainage area. Development Engineering will require a Site Alteration Permit and on-site stormwater management will be asked for as a part of the application, where controls will be reviewed and put in place. Additionally, it has been noted that the basement may be susceptible to wet conditions as this area has higher ground water. Development Engineering asks that the applicant take this into account

moving forward with the design and ask that the applicant modify the basement depth as needed to prevent an overactive sump pump.

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-storey dwellings abutting the subject property, still provides for an adequate transition in height to its neighbours 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, side, and front elevations to limit shadowing and overlook conditions on adjacent properties, and to de-emphasize the height and scale of the dwelling. A portion of the second storey along the front façade has also been incorporated into the roofline above the integral garage, and the inclusion of a one-storey front porch element 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 – Window Well Encroachment (No Objection) – Increase the maximum encroachment into the minimum rear yard from 0.60 m to 1.20 m with a maximum width increase from 1.80 m to 3.70 m

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the maximum width and the encroachment into the rear yard for a window well. The intent of the by-law provision for regulating the window well encroachment is to allow for adequate drainage and access through a yard so that the window well does not impede movement and to 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 Site Alteration Permit submission of detailed engineering plans.

Variance #2 – Garage Floor Area (No Objection) – Increase from 45.0 square metres to 46.0 square metres

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage floor area from 45.0 square metres to 46.0 square metres. The intent of the by-law provision for regulating the garage floor area is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage is designed to appear as a two-car garage that extends internally within the dwelling footprint to accommodate additional storage space. The garage is incorporated into the design of the overall dwelling and does not project beyond the main wall.

Variance #3 – Floor Area Ratio (No Objection) – Increase from 39% to 43.5%

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the floor area ratio from 39% to 43.5%. The intent of the by-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The potential impacts of the floor area ratio increase of 4.50% on the surrounding neighbourhood are mitigated

through the step backs made to the second storey along the front, sides, and rear of the dwelling, and the incorporation of a portion of the second storey into the roofline above the integral garage. The overall massing and scale for the proposed dwelling is further mitigated through the articulation of the front 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. This will provide additional buffering to the adjacent dwellings and help limit any potential massing, shadowing, or overlook concerns related to the floor area ratio increase.

It is staff's opinion that the cumulative effect of the proposed variances does not negatively impact adjacent properties or the surrounding area. Measures have been taken to mitigate the potential impacts the proposed development may have, and the proposed variances meet the general intent and purpose of the Zoning By-law and would not negatively impact the streetscape.

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 and elevation drawings dated November 11, 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.

Halton Region:

- 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 encroachment into the minimum rear yard for the window well to 1.2 m with a maximum width of 3.7 m, an increase to the maximum total floor area for the private garage to 46.0 square m on a lot having greater than or equal to 12.0 m in lot frontage and an increase to the maximum residential floor area ratio to 43.5%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

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

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 submitted site plan and elevation drawings dated November 11, 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

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment