

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/025/2025

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>
M. KHALID	Pamir Rafiq Lucid Homes Inc. 1435 CORNWALL RD, Unit D2 Oakville ON, Canada L6J 7T5	PLAN 619 LOT 62 528 Weir Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 2

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>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 ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 43.87%.

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/025/2025 – 528 Weir Ave (West District) (OP Designation: Low Density Residential)

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

Site Area and Context

The subject lands are within a neighbourhood that is in transition, consisting of one-storey dwellings with some newer two-storey dwellings ranging in architectural forms and design having been constructed within recent years.



Aerial photo of 528 Weir Avenue



Subject lands – 258 Weir Avenue



Lands to the south – 522 Weir Avenue



Lands to the north – 534 Weir Avenue



Lands further north along west side of Weir Avenue – 540 to 552 Weir Avenue

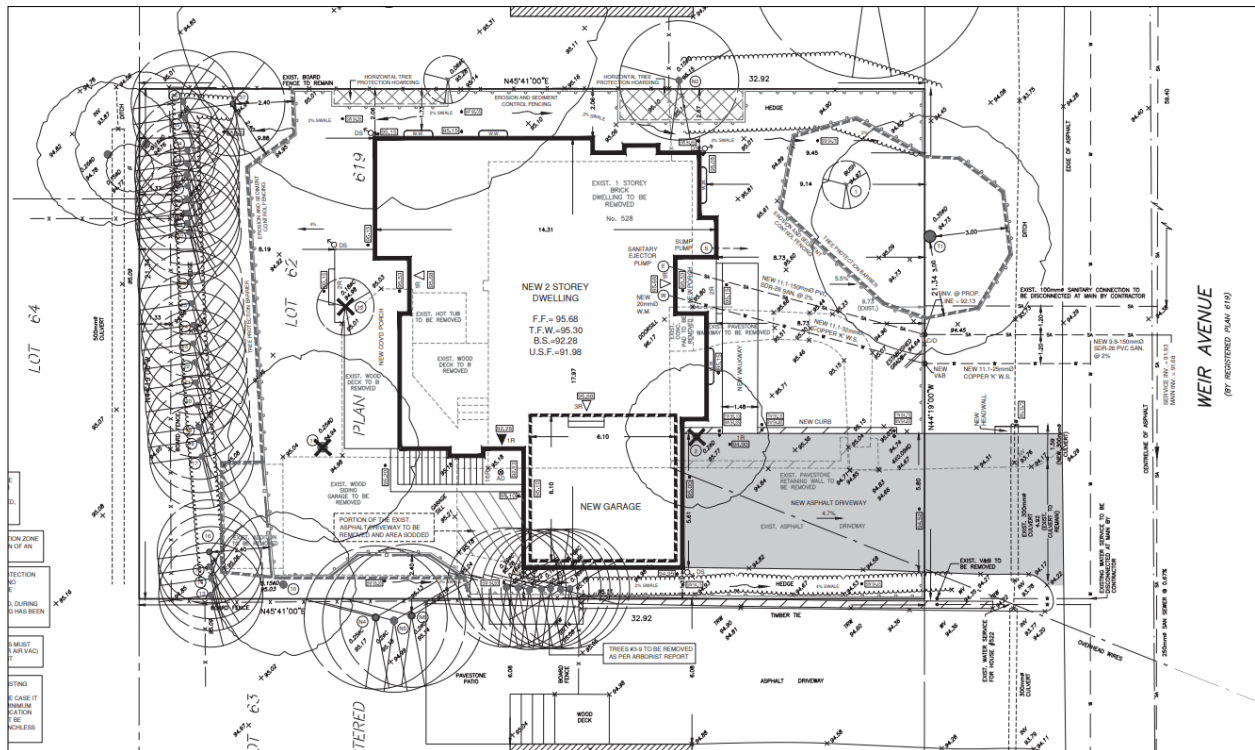


Lands along east side of Weir Avenue (opposite of the subject lands) – 531 to 521 Weir Avenue



Lands further north along east side of Weir Avenue (opposite of the subject lands) – 543 to 555 Weir Avenue

The following Site Plan illustrates the existing brick dwelling and the proposed new dwelling.

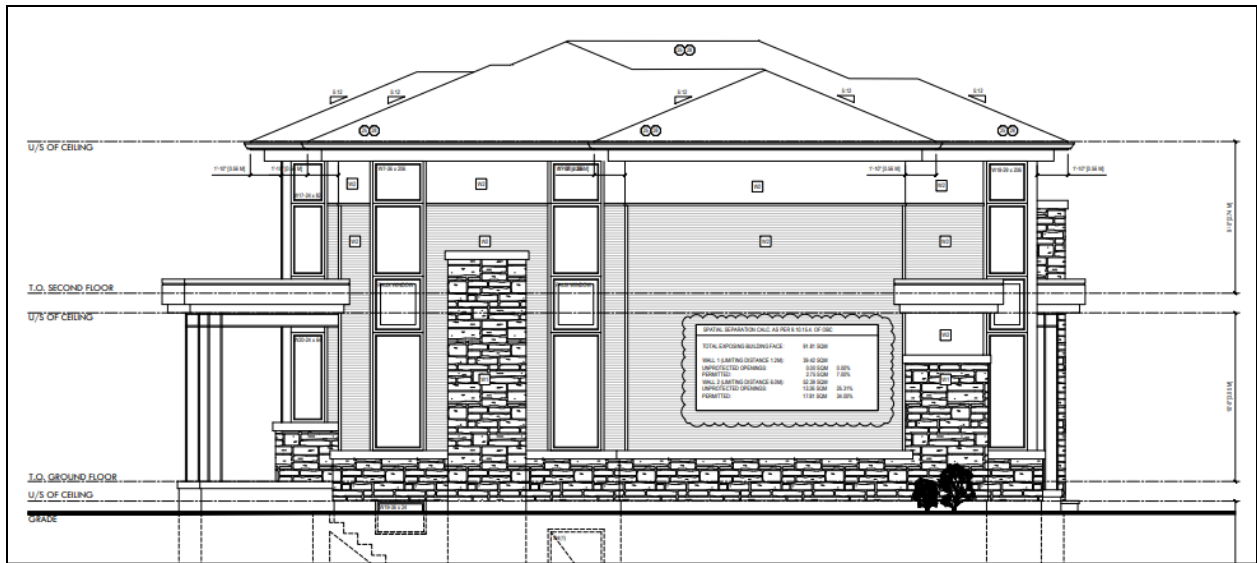


Excerpt of Site Grading and Servicing Plan for 158 Weir Avenue

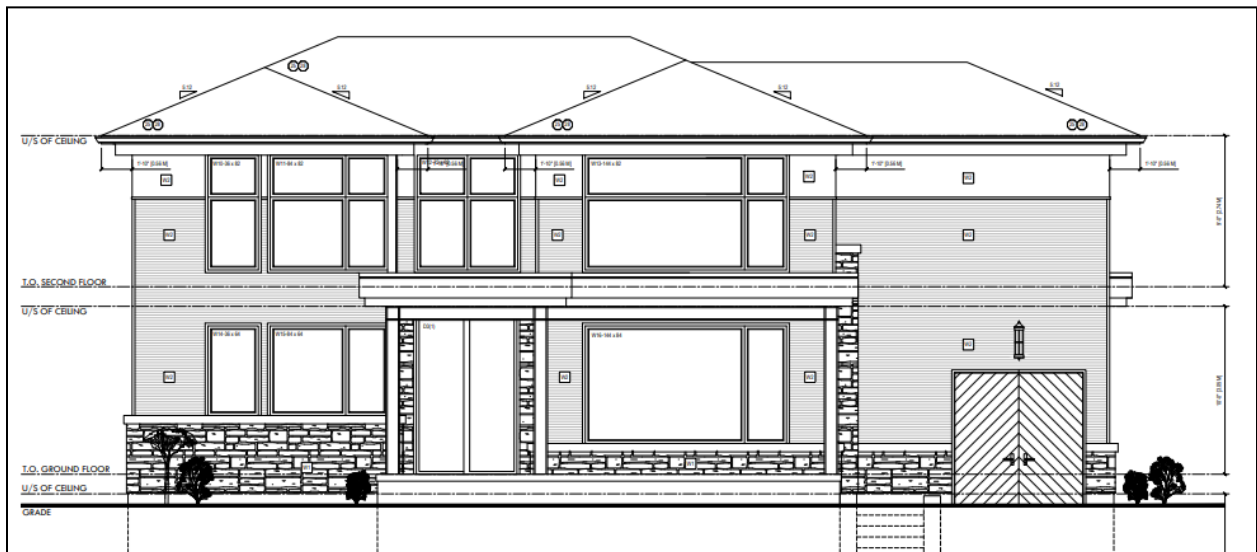
The following elevations illustrate the proposed new dwelling.



Excerpt of Proposed Front Elevation for 158 Weir Avenue



Excerpt of Proposed Left (East) Elevation for 158 Weir Avenue



Excerpt of Proposed Rear Elevation for 158 Weir Avenue

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 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 proposal maintains the setbacks of the original one-storey dwelling and is compatible in terms of scale, massing and architectural character with the surrounding neighbourhood through architectural articulation of the front façade, as well as step backs of the second storey. Staff is of the opinion that the proposed increase of 20 square metres maintains and protects the neighbourhood character and complies with Livable Oakville. Therefore, the proposal is in keeping with the general intent of the Official Plan.

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

The applicant is requesting relief from By-law 2014-014 to permit an increase in maximum residential floor area from 41% to 43.87%. The intent of regulating residential floor area is to ensure the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The potential impacts of the increased floor area ratio are mitigated through the articulation of the front façade, including the architectural elements of the front porch and horizontal detailing that de-emphasizes massing. Additional mitigation is provided to the adjacent single storey dwellings through step backs of the second floor above the garage and minimal fenestration along the both sides of the second storey. The proposed dwelling will have a mass and scale that appears similar to the newer dwellings in the surrounding neighborhood, which meets the intent 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 to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed variance. 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 grading and servicing plan included in the Minor Variance Application submission and elevations dated October 25, 2023; 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.

Note:

Development Engineering staff advise that the proposed development is subject to Minor Site Plan due to the property being located within the Bill 97 Buffer (remnant channel) and is currently undergoing said review. The site requires 25mm storm retention to ensure that downstream properties are not negatively impacted by the

proposed development, and the applicant is instructed to illustrate swales (min. 2%) and flood lines on the plans to address concerns about flooding in the front and rear yards.

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 residential floor area ratio to 43.87%, 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.

Oakville Hydro: We do not have any comments 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:

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J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment