

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: *Section 45 of the Planning Act, 1990*

APPLICATION: CAV A/141/2024 deferred from Oct. 16/24

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
1000135399 ONTARIO INC.	Amritpal Bansal Khalsa Design Inc. 3 FOREST HILL Lane East Garafraxa ON L9W 7S4	PLAN 716 LOT 111 1178 Wood PI Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0, Residential  
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 on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current zoning by-law requirements	Variance request
1.	<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 48.54 square metres.
2.	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 6.55 m.
3.	<i>Section 6.4.3 (a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 9.55 metres.	To reduce the minimum front yard to 7.81 metres.

### 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/141/2024 deferred from Oct. 16/24 – 1178 Wood Place (West District)** (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey 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

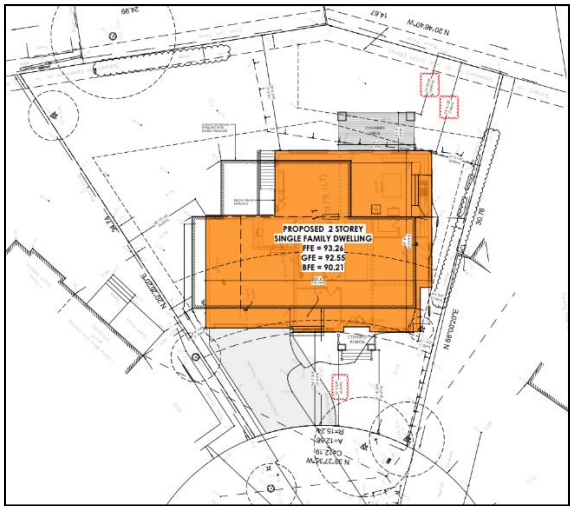
the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

A minor variance application was previously submitted for consideration by the Committee on October 16, 2024. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application. A revised minor variance application is now before the Committee of Adjustment for consideration.

The revised application results in a reduced variance request for residential floor area ratio and updates to the dwelling design. Please see the table below for the variance proposed in July of 2024, and the variance brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	October 16, 2024	February 19, 2024
Maximum Garage Floor Area	45.0 m <sup>2</sup>	50.1 m <sup>2</sup>	48.54 m <sup>2</sup>
Minimum Rear Yard	7.5m	4.89m	6.55m
Maximum Residential Floor Area Ratio	40%	45.2%	N/A
Minimum Front Yard	9.55 m	6.04 m	7.81 m
Maximum Building Height	9.0m	9.5m	N/A

The applicant has amended their proposed dwelling design since the original application, specifically to increase the minimum rear and front yard setbacks, as well as reduce the building height and garage floor area. The result of these changes is the reduction of variances being sought because the proposed design now meets the residential floor area and maximum building height of the Zoning By-law. A comparison of the original and revised site plans is provided below.



Proposed Site Plan – dated May 14/24



Proposed Site Plan – dated November 13/24

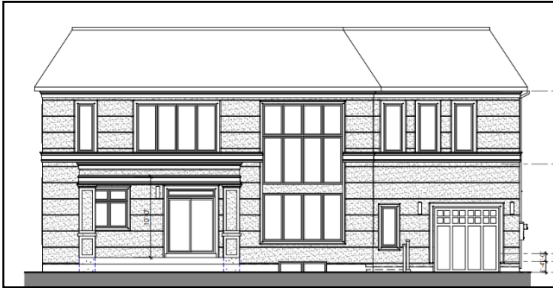
The excerpts of the elevation drawings, below, provide a comparison of the changes that have been proposed to address concerns around massing of the dwelling.



*Proposed Front (West) Elevation –May 14/24*



*Proposed Front (West) Elevation –November 13/24*



*Proposed Rear (East) Elevation –May 14/24*



*Proposed Rear (East) Elevation –November 13/24*



*Proposed Left (North) Elevation –May 14/24*



*Proposed Left (North) Elevation –November 13/24*



*Proposed Right (South) Elevation –May 14/24*



*Proposed Right (South) Elevation –November 13/24*



## Site Area and Context

The subject lands are located at the end of a cul-de-sac within a neighbourhood that consists of one- and two-storey dwellings with some newer two-storey dwellings having been constructed in recent years.



*Aerial Photo – 1178 Wood Place*





*Easterly View of Wood Place (Subject lands in centre – 1178 Wood Place) – Photo taken October 2024*

The following images are of adjacent dwellings and recently constructed dwellings along Wood Place.



*1177 Wood Place – Photo taken October 2024*



*1182 Wood Place – Photo taken October 2024*



*1186 Wood Place – Photo taken October 2024*



*1189 Wood Place (left) & 1183 Wood Place (right) – Photo taken October 2024*





*1195 Wood Place – Photo taken October 2024*

The existing dwelling and proposed dwelling for the subject lands may be viewed in the images below.



*Existing Dwelling – 1178 Wood Place – Photo taken October 2024*

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

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The reduced height and residential floor area, as well as increased setbacks from the front and rear yard and modifications to the dwelling's design break up the massing of the dwelling and mitigating impacts on the surrounding neighbourhood. It is staff's opinion that the revised proposal 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 applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

### **Variance #1 – Garage Floor Area (No Objection) – 45m<sup>2</sup> increased to 48.54m<sup>2</sup>**

The intent of regulating garage floor area is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage is setback slightly from the principal front elevation and the increased size is not visible from the public realm. The revised proposal includes both a reduction in garage floor area from the original submission, and a step back design of the second storey to mitigate impact of massing of the proposed dwelling. Therefore, staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

### **Variance #2 – Rear Yard (No Objection) – 7.5 m reduced to 6.55 m**

The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. The original proposal sought a rear yard setback of 4.89m to address the corner of a covered deck approximately 18.6 m<sup>2</sup> in area. The revised proposal does not include said deck and the setback is measured to the rear wall of the proposed dwelling, which would allow for a ground level patio. Staff are of the opinion that the proposed setback will result in an adequate rear yard amenity space and previous concerns of potential overlook and privacy impacts have been alleviated. On this basis, staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

### **Variance #3 – Front Yard (No Objection) – 9.55 m reduced to 7.81 m**

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The revised proposal maintains similar front yard setback 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. As such, staff are of the opinion that proposed minimum front yard setback maintains 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 revised 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 plan and elevations dated November 13, 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.



**Note:**

Development Engineering staff advise that the proposed development will be subject to the Site Alteration process and that a “best-efforts” approach for stormwater management will need to be implemented (25mm retention is recommended), as the hardscaped area of the site is significantly increasing. A grading plan has not been submitted, so it is difficult to provide additional comments. However, the site alteration process will explore any constraints related to stormwater management within the rear yard.

**Fire:** No concerns for fire.

**Bell Canada** : No comments received.

**Metrolinx** : Upon review, we note no properties fall within our review zones.

**Halton Region:**

- It is understood that this application was deferred from October 16, 2024. Regional comments provided on October 11, 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 total floor area for the private garage to 48.54 sq m, a decrease to the minimum rear yard to 6.55 m and a decrease to the minimum front yard to 7.81 m, 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.

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

**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 elevations dated November 13, 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