

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/024/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
K. TADROS M. TADROS	Tom Kolbasenko Our Cool Blue Architects 450 Bronte St S Suite 213 Milton ON L9T 8T2	PLAN 543 LOT 6 482 Brookside Dr 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 two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	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 57.4 square metres.
2	<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 44.5%.
3	<i>Section 6.4.2 a) (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 37.3%.

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/024/2025 - 482 Brookside Drive (West District) (OP Designation: Low Density Residential)

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

The same requested variances for the same proposed dwelling were granted on April 5, 2022. The decision included the condition “that approval expires two (2) years from the date of the decision if a

building permit has not been issued for the proposed construction.” Since a permit had not been issued, the applicant is required to request the variances again.

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 neighbourhood consists of predominately one-storey dwellings that are original to the area and two-storey dwellings that are newly constructed.



Aerial Photo of 482 Brookside Drive

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. It is staff’s opinion that the 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 – Maximum Garage Floor Area (No Objection) – increase from 40.0 sq. m. to 57.4 sq. m.

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45 square metres to 57.4 square metres for a total increase of 12.4 square metres. The intent of regulating the garage floor area is to prevent the garage from being a

visually dominant feature of the dwelling. The requested increase would be internal to the dwelling due to the three-car tandem parking garage configuration; therefore, it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the Zoning By-law.

Variance #2 – Maximum Residential Floor Area Ratio (No Objection) – increased from 41% to 44.5%

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (284.24 square metres) to 44.5% (208.5 square metres) for an increase of 24.26 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations. Staff are of the opinion that the requested increase in floor area is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

Variance #3 – Maximum Lot Coverage (No Objection) – Increase from 35% to 37.3%

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 35% (242.64 square metres) to 37.3% (258.5 square metres) for an increase of 15.86 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration. The proposed dwelling is similar in mass and scale to the surrounding dwellings and the requested increase in lot coverage could be attributed to the proposed covered porch (approx. 28 square metres) which represents a one-storey element that assists in breaking up the mass and scale of the dwelling. Adequate space is provided for outdoor amenity areas and stormwater infiltration.

It is staff's opinion that the application as submitted 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, the public realm or the existing neighbourhood character.

Note: Development Engineering staff have acknowledged that a subsequent site alteration permit will be required for the review of stormwater management controls, site grading and tree protection zones.

Recommendation

Staff do not objection to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The proposed dwelling be constructed in general accordance with the submitted site plan drawing dated and elevation drawings dated 02/17/22; 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.

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 total floor area for the private garage to 57.4 m, an increase to the maximum residential floor area ratio to 44.5% and an increase to the maximum lot coverage to 37.3%, 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: Upon review, we note no properties fall within our review zones.

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

Bell Canada: 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.
1. The proposed dwelling be constructed in general accordance with the submitted site plan drawing dated and elevation drawings dated 02/17/22; 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