

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION:** A/015/2025

**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](http://oakville.ca) on Wednesday, February 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
B. COPELAND	SYLVIA EDELENBOS JUST DRAFTING LTD 216 MEDLAND ST TORONTO ON, CANADA M6P 2N7	PLAN M28 LOT 21 263 Sunray Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential

**ZONING:** RL3-0, Residential

**WARD:** 1

**DISTRICT:** West

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**APPLICATION:**

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a second storey addition and porch addition proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 5, Column RL3)</i> The minimum interior side yard shall be 2.4 metres and 1.2 metres.	To reduce the minimum easterly interior side yard to 1.83 metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling with a lot area less than 557.5m <sup>2</sup> shall be 43%.	To increase the maximum residential floor area to 44.52%.
3	<i>Table 6.4.3</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 6.8 metres.	To reduce the minimum front yard to 6.55 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)

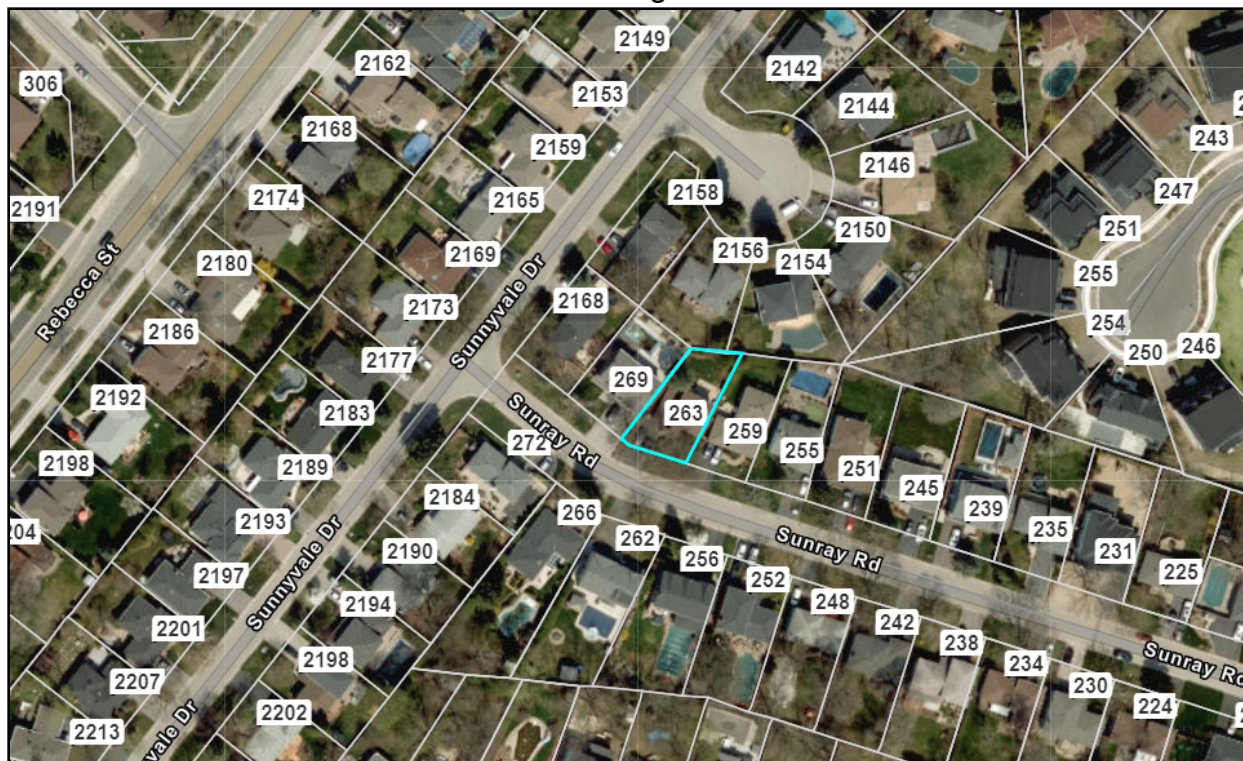
**A/015/2025 – 263 Sunray Road (West District) (OP Designation: Low Density Residential)**

The applicant proposes to construct a second storey addition and porch additions to the existing detached dwelling, subject to the variances listed above.

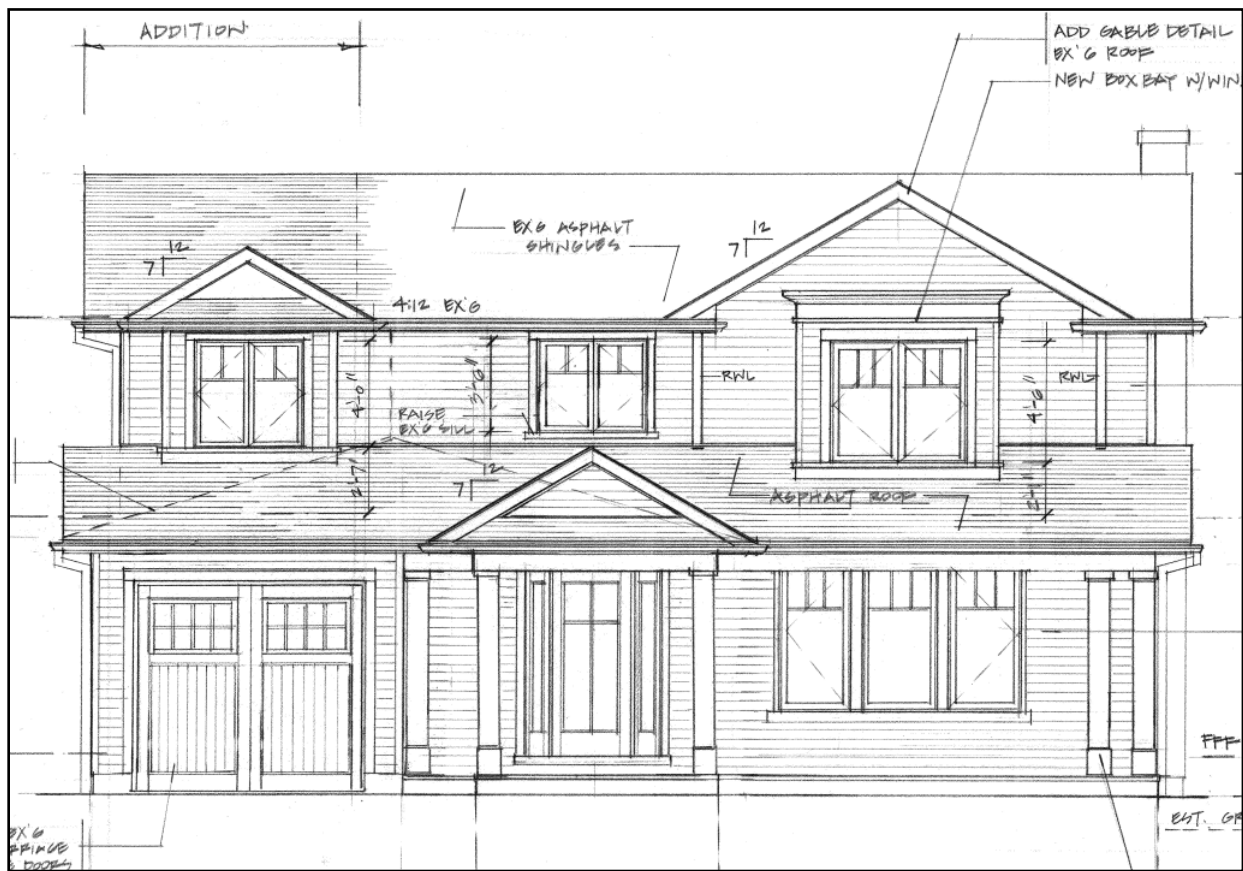
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Site Area and Context**

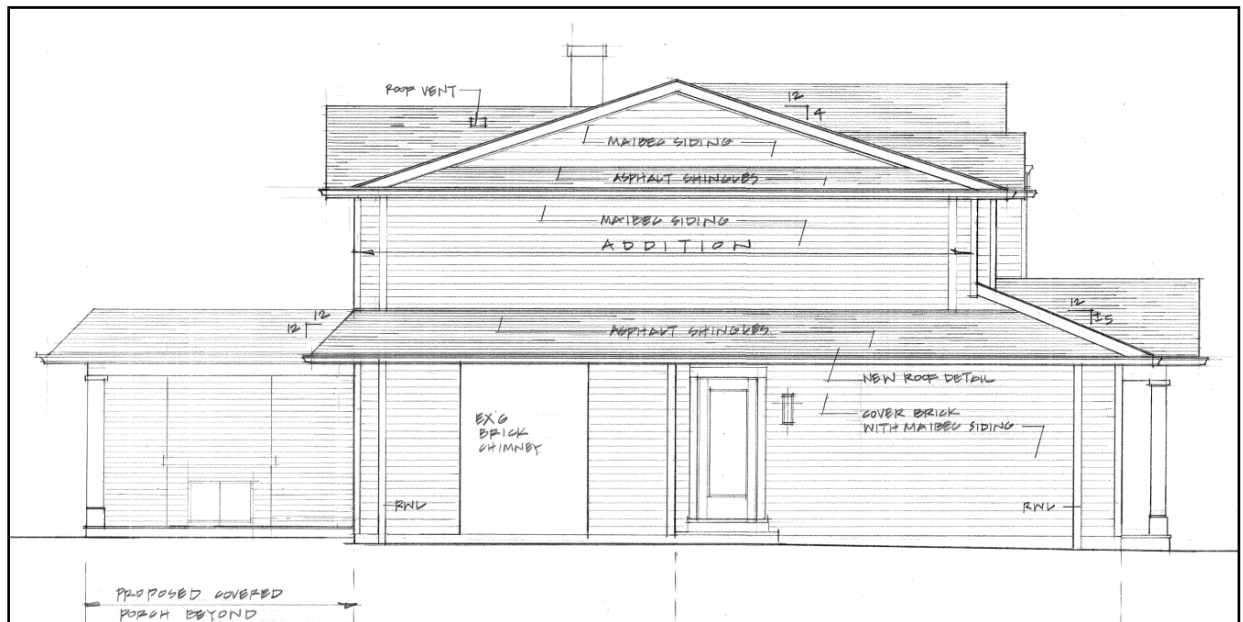
The subject lands are within a neighbourhood that has experienced some redevelopment over the past number of years, predominately in the form of additions/alterations to existing dwellings, but also a few replacement dwellings. The neighbourhood primarily consists of two-storey and one-storey existing housing stock. Some of which have been renovated, with the inclusion of new additions to expand the dwellings, along with some newer two-storey replacement dwellings. Dwellings in the surrounding area consist of a similar architectural style with design elements that help maintain and contribute to the established neighbourhood character.



*Aerial Photo – 263 Sunray Road*



Front Elevation – 263 Sunray Road



West Elevation – 263 Sunray Road

It should be noted that the Town's Development Engineering Department provided comments on this application and indicated that there are no issues with the specific variances being proposed, as the anticipated works are generally only impacting the existing footprint. Development Engineering will require a Site Alteration Permit and on-site stormwater management will be asked for as part of the application. As existing topographic information has not been provided, it is difficult for Development Engineering to provide additional comments. The cabana is close to property line which could cause difficulties with drainage and grading, but it is difficult to determine without

a grading plan that includes existing topographic information. Grading Plans are to be completed by a qualified professional.

**Does the proposal maintain the general intent and purpose of the Official Plan?** The subject property is designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under 11.1.9, and the following criteria apply:

Policy 11.1.9 a) states:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.”*

Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. The variances have been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and protection of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal adequately implements the Design Guidelines for Stable Residential Communities.

The proposed second-storey addition, along with the front yard and rear yard covered porch additions generally maintain the existing setback conditions on the property, while modestly increasing the footprint of the existing dwelling. On this basis, the variances maintain the general intent and purpose of the Official Plan.

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

**Variance #1 – Interior Side Yard setback (No Objection) – Decrease from 2.4 metres to 1.83 metres**

The applicant requests relief from Zoning By-law 2014-014, as amended, to decrease the interior easterly side yard from 2.4 metres to 1.83 metres. The intent of regulating the side yard setback is to ensure adequate spatial separation between dwellings and to limit negative impacts on drainage. Staff note that the variance can be considered technical in nature, as it would recognize the existing setback condition on the lot. The proposed addition to the dwelling does not contribute whatsoever to the side yard setback reduction, the variance is to simply allow for the current setback to be legalized. The front and rear yard covered porches are also in-line with the existing dwelling, resulting in a built form that provides for the same easterly interior side yard setback which currently exists. Staff note the setback still provides space for a swale for the drainage of surface runoff and sufficient space for access and maintenance.

**Variance #2 – Floor Area Ratio (No Objection) – Increase from 43% to 44.52%**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the floor area ratio from 43% to 44.52%. The intent of the Zoning 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 impacts of the floor area ratio increase of 1.52% are mitigated through the step backs made to the

second storey along the front and rear of the dwelling. 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 neighbouring dwellings and help limit any potential massing, shadowing, or overlook concerns related to the floor area ratio increase.

**Variance #3 – Front Yard Setback (No Objection) – Decrease from 6.8 metres to 6.55 metres**

The applicant requests relief from Zoning By-law 2014-014, as amended, to decrease the front yard setback from 6.8 metres to 6.55 metres. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed variance is primarily attributed to the proposed one-storey front porch addition. The front yard setback to the front main wall of the dwelling is setback further than the minimum required under the By-law. The dwelling as a whole is still aligned with the front yard setbacks of adjacent dwellings and will blend in with the streetscape of the surrounding neighbourhood.

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 second storey addition and porch additions to the existing detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 1, 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 a decrease to the minimum easterly interior side yard to 1.83 m, an increase to the maximum residential floor area to 44.52% and a decrease to the minimum front yard to 6.55 m, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting a second storey addition and a porch addition 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:**

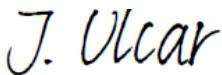
***Note: The following standard comments apply to all applications. Any additional application specific comments are as shown below.***

- 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 second storey addition and porch additions to the existing detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 1, 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.



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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment