

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/164/2024 – Deferred from November 27, 2024

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, March 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
P. Franzone	Gus Ricci Gus Ricci Architect 64 Rebecca St Oakville ON, L6K 1J2	PLAN 536 LOT 57 1457 Constance Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3

ZONING: RL3-0, Residential
DISTRICT: East

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 proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.4.1</i> The maximum residential floor area 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 46.57%.
2	<i>Table 6.4.3</i> Where the detached dwelling is greater than 7.0 metres in height, the maximum lot coverage shall be 35%.	To increase the maximum lot coverage to 38.43%.

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)

CAV A/164/2024 Deferred from November 27, 2024 - 1457 Constance Drive (East District)
(OP Designation: Low Density Residential)

The applicant is proposing to construct a new two-storey detached dwelling, subject to the variances listed above.

A minor variance was previously submitted for consideration by the Committee of November 27, 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 for consideration.

The revised application results in modifications to the proposed dwelling's front façade, which in turn results in a slight reduction to the overall lot coverage. Please see the table below for the variances proposed in November of 2024, and the variances brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	November 27, 2024	March 5, 2025
Residential Floor Area	41%	46.57 %	46.57%
Lot Coverage	35%	38.94%	38.43%

Most notably and the principal modification to the proposed two-storey dwelling is related to the overall reduction to the dwelling's massing and scale. The revised dwelling includes a reduced primary façade entryway feature that contributes to mitigating the mass and scale impacts on the public realm. The revised dwelling incorporates one-storey elements along the west side and has reduced the size and scale of the architectural finishing pillars that previously contributed to the overall mass and scale of the dwelling. The modified principal entryway feature and architectural finishing pillars reduces the overall verticality and massing and scale of the proposed dwelling and primary façade, effectively mitigating impacts of the proposed dwelling on the public realm.



Front Elevation (November 27, 2024) – 1457 Constance

that has been reduced in height and eliminates the connection across the top of the two pillars that frame the entryway. The modification to the primary entryway feature serves to reduce the visual impact on the public realm, as well as the revision to the architectural pillar that assists in reducing the overall mass and scale of the proposed two-storey dwelling. The current proposal will help maintain and protect the established neighbourhood character.

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 – Residential Floor Area (No Objection) – 41% increased to 46.57%

Variance #2 – Lot Coverage (No Objection) – 35% increased to 38.43%

The intent of regulating the residential floor area ratio and lot coverage is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area and to mitigate any potential grading and drainage impacts from decreased permeability. The revised proposal for the two-storey dwelling effectively mitigates the massing and scale impacts that were previously identified and will contribute to maintaining the established character of the neighbourhood. The additional residential floor area and lot coverage will not have a direct impact on the public realm, and the potential impacts have effectively been mitigated. The proposed variances will not result in the establishment of a dwelling that appears larger than those in the surrounding area and will not negatively impact the public realm.

Is the proposal minor in nature or desirable for the appropriate development of the subject lands?

Staff are of the opinion that the proposal represents appropriate development of the subject property. Previous concerns identified have been addressed through the revision to the proposed dwelling design. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Note: A Site Alteration Permit will be required to be applied for and approved prior to the construction of the new dwelling. Other permits (i.e. driveway permits) may be required.

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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated January 10, 2025; 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.

Oakville Transit: No comments for the March 5th COA package.

Finance: No comments received.

Halton Region:

- It is understood that this application was deferred from November 27, 2024. Regional comments provided on November 22, 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 in the lot coverage to 38.43% and an increase in the maximum residential floor area ratio to 46.57%, 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.

Bell Canada: No comments received.

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 – 0

Letter(s) in opposition – 0

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.
- Should archaeological remains or resources be found on the property during construction activities, the proponent is cautioned that during development activities, should archaeological materials be found, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers

provisions of the Act related to burial sites—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.

- 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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated January 10, 2025; 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

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment