

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/044/2025

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 April 02, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
O. Akindipe	Kurtis Van Keulen Huis Design Studio 301-1a Conestoga Dr Brampton ON, L6Z 4N5	PLAN 620 LOT 13 426 Brookside Dr 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 to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 743.00m ² and 835.99m ² shall be 40%.	To increase the maximum residential floor area ratio to 41.72%.

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/044/2025 - 426 Brookside Drive (West District) (OP Designation: Low Density Residential)

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

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 subject property is a corner lot in a neighbourhood containing mainly one-storey, dwellings that are original to the area, along with some newly constructed two-storey homes. Most newly constructed dwellings include a two-car garages and consist of and massing that is broken up into smaller elements to reduce potential impacts on the streetscape.



Aerial Photo of 426 Brookside Drive

Development Engineering staff note this development will need a Site Alteration Permit (DEPA) following this application, prior to proceeding with works. The Site Alteration Permit review will require development to provide for stormwater management on site to control post development flows to pre-development conditions.

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 proposed two-storey detached dwelling 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 Ratio (No Objection) – 40% increased to 41.72%

The intent of Zoning By-law provision for residential floor area ratio is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 40% (315.42 square meters) to 41.72% (328.94 square meters) for a total increase of 13.52 square meters.

The proposed dwelling incorporates step backs of the second storey in various locations to reduce its mass and scale, ensuring a better fit within the surrounding neighborhood. Staff are of the opinion that the requested increase in residential floor area ratio is minor in nature, and meets the intent of the Zoning By-law. This proposal generally maintains the overall character of the existing neighbourhood while accommodating the proposed two-storey dwelling.

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 the 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 February 21, 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 Hydro: We do not have any comments to add.

Transit: No comments received.

Finance: No comments received.

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 in the maximum residential floor area ratio to 41.72%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

Union Gas: No comments received.

Bell Canada: 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.
- The applicant is cautioned that during development activities, should archaeological materials be found on the property, the provincial 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 disturbances 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 *Funeral, Burial and Cremation Services Act*—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 February 21, 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

Jennifer Ulcar
Secretary-Treasurer, Committee of Adjustment