

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/169/2024 (deferred Dec.11/24)

RELATED FILE: N/A

DATE OF MEETING: March 19, 2025

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage oakville.ca at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
W. LI	Kurtis Van Keulen Huis Design Studio 301-1a Conestoga Dr Brampton ON L6Z 4N5	PLAN M16 LOT 1 BLK A 2114 Hixon St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 1

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:

No.	Current	Proposed
1	Table 4.3 (Row 18) Uncovered access stairs below grade in an interior side yard shall project a maximum 1.5 metres beyond the main wall.	To increase the maximum projection to 1.8 metres into the southerly interior side yard.
2	Section 5.8.7 a) Where a private garage has a vehicle entrance facing the flankage lot line and the applicable minimum yard is less than 5.7 metres, the private garage shall be set back a minimum of 5.7 metres from the applicable lot line.	To reduce the private garage setback to 5.0 metres from the flankage lot line.
3	Table 6.4.1 (Row 4) The maximum residential floor area ratio for a detached dwelling with a lot area between 743.00 m ² and 835.99 m ² shall be 40%.	To increase the maximum residential floor area ratio to 44.75%.
4	Section 6.4.3 a) 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 7.81 metres.	To reduce the minimum front yard to 7.56 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)

CAV A/169/2024 – Deferred from December 11, 2024 – 2114 Hixon Street (West 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 application was previously submitted for consideration by the Committee on December 11, 2024. This application was deferred at the request of the applicant to provide an opportunity to address staff concerns with the proposal. A revised minor variance application is now before the Committee for consideration.

The revised application results in modifications to the proposed dwelling’s front and flankage façades, the reduction in height of the two-storey front porch, the incorporation of portions of the second storey into the roofline, along with a lower height for the open-to-below area at the rear of the dwelling. Although numerically the variances did not change, staff are satisfied that the proposed revisions to the dwelling’s architectural features, the lowered rooflines, a reduced open-to-below area, and the façade articulation and treatments address previous concerns with the application. Additionally, staff noticed that two additional variances may have been missed from the initial application in the previous report. The applicant has confirmed those previously missed variances, and they have now been included as part of the revised application. Please see the table below for the variances proposed in December of 2024, and the variances brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	December 11, 2024	March 19, 2025
Residential Floor Area	40%	44.75%	44.75%
Front Yard Setback	7.81 m	7.56 m	7.56 m
Uncovered Access Stair Projection	1.5 m	-	1.8 m
Garage Setback from Flankage Lot Line	5.70 m	-	5.0 m

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 (flankage) 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 Rendering (December 11, 2024) – 2114 Hixon Street



Revised

Front Elevation Rendering (March 19, 2025) – 2114 Hixon Street



Elevation (Solingate Drive frontage [December 11, 2024]) – 2114 Hixon Street

Flankage



Flankage Elevation (Solingate Drive frontage [March 19, 2025]) – 2114 Hixon Street

Revised



Rear

Elevation (December 11, 2024) – 2114 Hixon Street



Revised

Rear Elevation (March 19, 2025) – 2114 Hixon Street

Site and Area Context

The subject property is a corner lot in a neighbourhood containing one-storey, one-and-a-half-storey, and two-storey dwellings that are original to the area, along with some newly constructed two-storey homes with diverse architectural styles. There is a newly constructed infill subdivision containing 14 single detached residential dwellings directly across the street from the subject lands, which was previously the location of a former Catholic elementary school named St. Ann's. Most newly constructed dwellings include attached two-car garages and consist of lower second floor roof lines, stepbacks, and massing that is broken up into smaller elements to help reduce potential impacts on the streetscape. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



Aerial

Photo of subject lands – 2114 Hixon Street



Photograph of subject lands – 2114 Hixon Street (Hixon Street frontage [taken November 26, 2024])



Photograph of subject lands – 2114 Hixon Street (Solvingate Drive frontage [taken November 26, 2024])



Photograph of dwellings located on the north side of Hixon Street (Nyla Court), opposite the subject lands (taken November 26, 2024)



Photograph of dwellings located on the west side of Solingate Drive Street, opposite the subject lands (taken November 26, 2024)

Development Engineering staff generally have no issues with the proposed variances. However, it was difficult for staff to provide additional comment as no grading plan was provided. It should be noted that reducing setbacks minimizes ability to suitably grade the site as well as minimizes the ability to include softscape features and stormwater management features on site. Development Engineering staff also note that this site will need to go through the Site Alteration Permit process. Additionally, this site will require stormwater management on site with post development flows being controlled to pre-development runoff conditions.

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:

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 revised proposal includes a primary entryway feature that has been reduced in height and introduces lower rooflines above the garage and a portion of the dwelling along the flankage façade. The modification to the front porch element, lowered rooflines, the one-storey architectural elements, and the reduction in height of the open-to-below feature along the rear elevation to one-and-a-half-storeys, all serve to reduce the visual impact on the public realm and help to break up the overall massing and scale of the proposed two-storey dwelling.

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 – Interior Side Yard Below Grade Access Stairs – Projection Beyond the Main Wall (No Objection) – Increase from 1.5 m to 1.8 m

The intent of regulating projections/encroachments of below grade access stairs is to allow for adequate drainage and passage through a yard so that they do not impede access and to allow for adequate open space and landscaping areas. The below grade access stairs located in the interior side yard only project a further 0.30 metres from the main wall than the maximum requirement under the By-law. In this case, the below grade access stairs in the side yard still allows for adequate drainage, the mitigation of stormwater runoff, and soft landscaping areas to be maintained on site.

Variance #2 – Garage Setback to Flankage Lot Line (No Objection) – Decrease from 5.7 m to 5.0 m

The intent of regulating the minimum setback requirement for a garage to the flankage lot line is to ensure there is adequate space to park a vehicle on the driveway, so that it is wholly located on private property. A vehicle parked within the public right-of-way does not satisfy related Zoning By-law regulations. This by-law provision helps ensure that any dwelling on a corner lot that has a garage located along the flankage yard will have enough space to park a vehicle on the driveway, entirely on the privately owned portion of the site. The decrease of 0.70 metres in the minimum required setback for the garage facing the flankage lot line still allows for most private vehicles to be parked on the private driveway without encroaching into the public right-of-way. Additionally, the current dwelling happens to be oriented the same way on the lot as the proposed development is planned to be, with the technical flankage yard functioning as the home's front yard. The variance can be seen as technical in nature since it is recognizing an existing driveway condition that is to be maintained.

Variance #3 – Residential Floor Area (No Objection) – Increase from 40% to 44.75%

The intent of regulating the residential floor area ratio 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 of 36.93 square metres above the maximum permitted under the by-law, will not have a direct impact on the public realm, as the potential impacts have been effectively mitigated. The proposed variances will not result in the establishment of a dwelling that appears substantially larger than those in the surrounding area and will not negatively impact the overall streetscape.

Variance #4 – Minimum Front Yard Setback (No Objection) – decrease from 7.81 m to 7.56 m

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a decrease in the minimum required front yard setback of 0.25 m. The intent of regulating the minimum front yard setback is to ensure a relatively uniform setback along the street. Staff recognize that the decrease in the minimum required front yard setback is needed to accommodate a portion of the mudroom located directly beside the kitchen area. This variance can be considered technical in nature as the front yard under the Zoning By-law on a corner lot is deemed to be the shorter of the two lot frontages facing the public right-of-way. As such, the technical front yard along Solingate Drive is being utilized as the functional flankage yard area of the dwelling. With the additional revisions made to the dwelling to limit the potential impacts of massing and scale on abutting properties, the decrease in setback from 7.81 metres to 7.56 metres can be seen as minor in nature. The cumulative impacts of the front yard setback reduction in combination with the increase in residential floor area, increase in the projection of below grade access stairs, and garage setback results in a dwelling that respects and is compatible with the overall existing neighbourhood character.

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 that were 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.

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 February 3, 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.

Bell Canada: No comments received.

Fire: No concerns for fire.

Halton Region:

- It is understood that this application was deferred from December 11, 2024. Regional comments provided on December 5, 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 residential floor area ratio to 44.75% and a decrease to the minimum front yard to 7.56 m, an increase in the maximum projection to 1.8 m into the southerly interior side yard and a decrease in the private garage setback to 5.0 m from the flankage lot line, 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: No comments received.

Oakville Hydro: We do not have any comments for this file.

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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated February 3, 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.

Sharon Coyne
 Sharon Coyne
 Assistant Secretary-Treasurer
 Committee of Adjustment