

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/050/2025

RELATED FILE: N/A

DATE OF MEETING: April 16, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
O. ALADEJANA O. ALADEJANA	David Igelman Design Plan Services Inc. 87 Skyway Ave Suite 200 Toronto ON M9W 6R3	PLAN 1060 LOT 130 414 Southland Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL3-0
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>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 metres.	To reduce the minimum rear yard to 6.4 metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling with a lot area between 929.00m ² and 1,021.99m ² shall be 38%.	To increase the maximum residential floor area ratio to 40.06%.
3	<i>Section 6.4.3 a)</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 8.99 metres.	To reduce the minimum front yard to 7.45 metres.
4	<i>Section 6.4.5</i> Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone.	To permit a balcony on the second storey of a dwelling on a lot in the 0- Suffix Zone.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

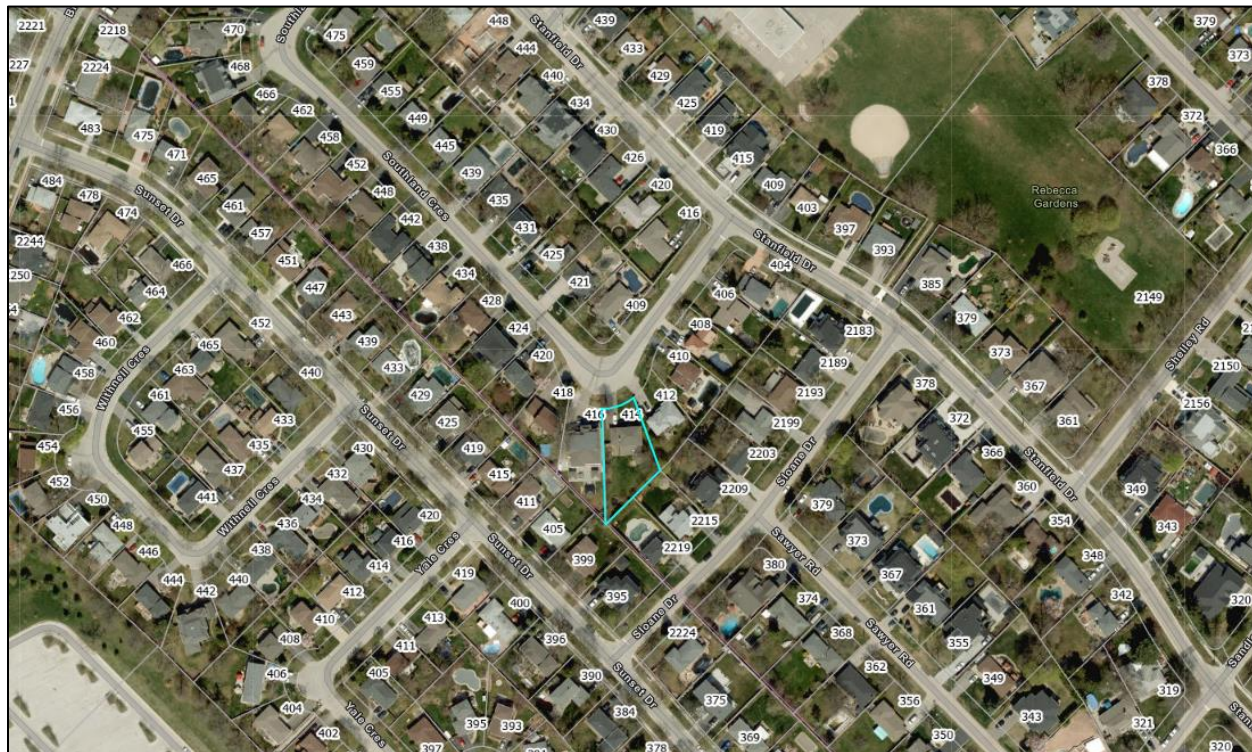
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/050/2025 – 414 Southland Cres (West District) (OP Designation: Low Density Residential)

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

Site Area and Context

The subject lands are located on the south side of Southland Crescent, which is within a neighbourhood that is characterized as having a mix of one-, one-and-a-half and two-storey dwellings with a few homes original to the subdivision having been replaced with newer two-storey dwellings.



Aerial Photo – 141 Southland Crescent

The following images are of dwellings along Southland Crescent in the vicinity of the subject lands.



Lands to the North – 409 Southland Crescent



Lands to the East – 412 Southland Crescent

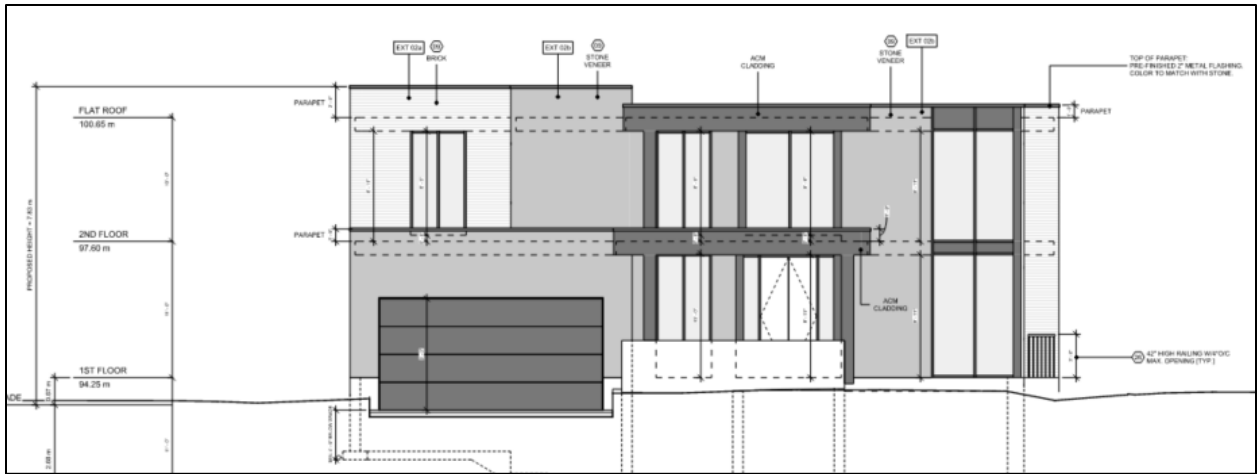


Lands to the West – 416 Southland Crescent

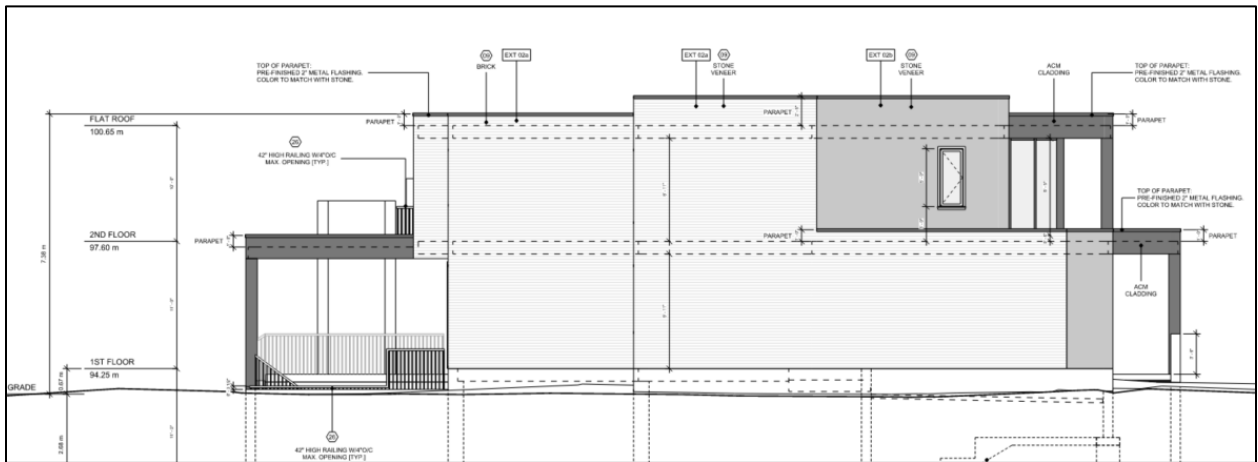
The existing dwelling and proposed dwelling may be viewed in the images below.



Existing Dwelling – 414 Southland Crescent



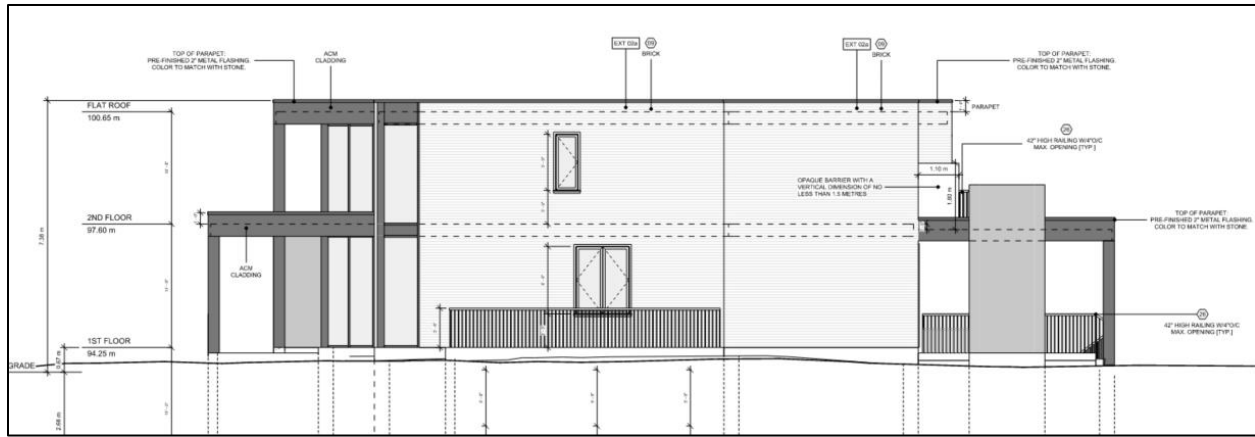
Proposed Front Elevation – 414 Southland Crescent



Proposed East Elevation – 414 Southland Crescent

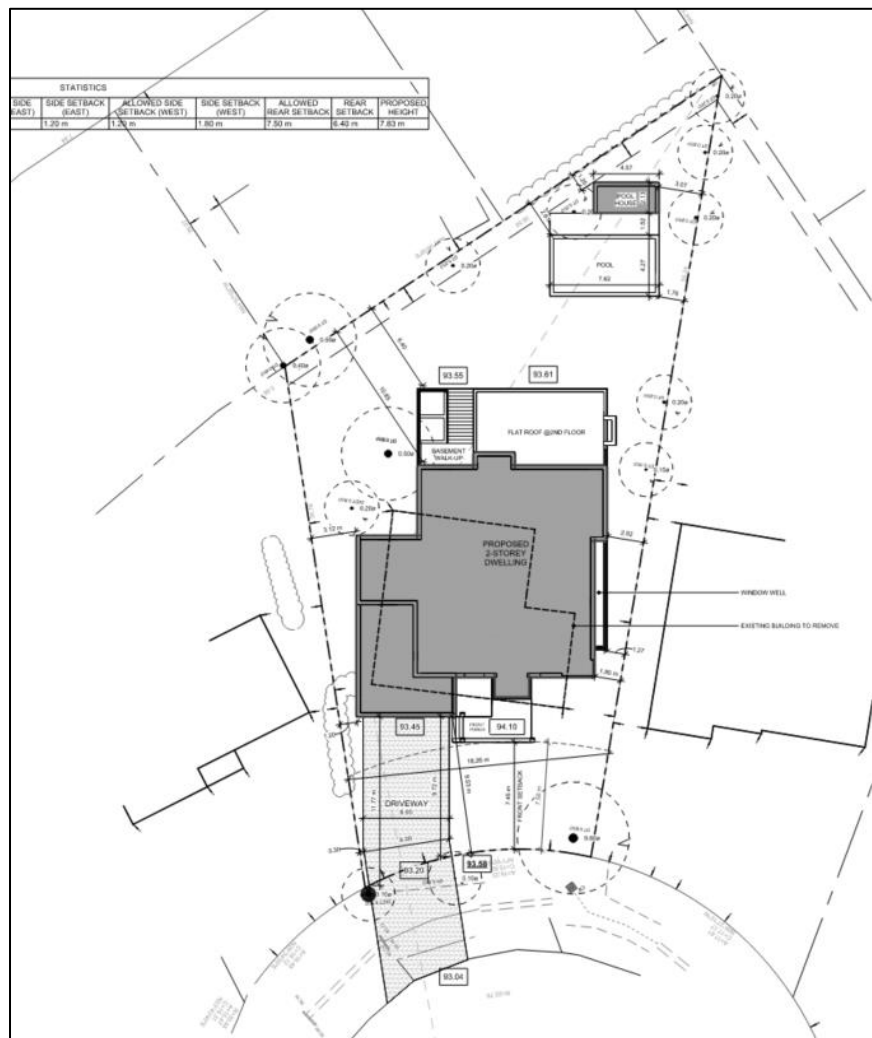


Proposed South Elevation – 414 Southland Crescent



Proposed West Elevation – 414 Southland Crescent

The proposed site plan is shown below:



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:

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 dwelling has been designed to break up the massing of the dwelling and mitigating impacts on the surrounding neighbourhood, with the exception of the proposed rear balcony on the second storey as it would infringe on the privacy of the adjacent property to the west, which is contrary to Policy 11.1.9 h). It is staff's opinion that Variances 1 to 3 maintain the general intent and purpose of the Official Plan; whereas Variance 4 does not.

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 – Minimum Rear Yard (No Objection) – 7.5 m decreased to 6.4 m

The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. Staff note that the variance is triggered by the corner of the building foundation associated with a planter and basement walkout. As the lot is irregularly shaped, staff is satisfied that sufficient amenity space remains available in the rear yard and, because the second story of the dwelling is stepped back from the that pinch point, staff is also satisfied that privacy is maintained on the neighbouring property to the southwest (rear). Therefore, staff are of the opinion that proposed variance to reduce the rear yard setback meets the general intent and purpose of the Zoning By-law.

Variance #2 – Maximum Residential Floor Area (No Objection) – 38% increased to 40.06%

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 applicant is proposing an increase in residential floor area of 20.89 sq m (224.86 sq ft). The proposed dwelling includes one open to below element above the front entrance. However, the proposed dwelling design incorporates stepbacks of the second storey and architectural techniques in the front elevation that minimizes the scale and massing of the dwelling. Staff is satisfied that the proposal will be compatible with the surrounding streetscape. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

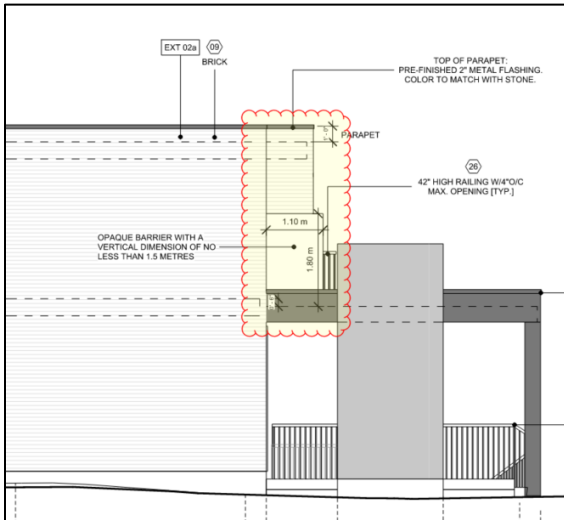
Variance #3 – Minimum Front Yard (No Objection) – 8.99 m decreased to 7.45 m

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The requested reduction is attributed to the parapet above the front porch, which has cold room within the basement below. Staff note that the garage face maintains a similar front yard setback with the adjacent dwellings and is compatible in terms of scale and massing with the surrounding neighbourhood through architectural articulation of the front façade, as well as step backs of the second storey. As such, staff are of the opinion that proposed minimum front yard setback maintains general intent and purpose of the Zoning By-law.

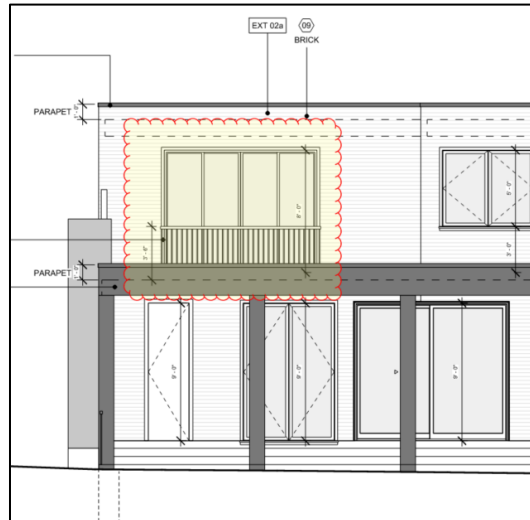
Variance #4 – To permit an uncovered balcony on the second storey (Objection)

The applicant is requesting relief from Zoning By-law 2014-014 to permit a second storey balcony whereas second storey balconies are prohibited. The intent of regulating second storey balconies is to prevent potential overlook and privacy impacts.

The proposed second storey balcony is identified in the following image:



Excerpt of Proposed West Elevation



Excerpt of Proposed South Elevation

Staff object to the requested variance due to the lack of privacy in the adjacent rear yard to the west that would be caused by the overlook from the proposed second storey balcony. In addition, it is noted that balconies are prohibited, and accordingly, staff are of the opinion that proposed variance does not maintain general intent and purpose of the Zoning By-law.

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, except for Variance #4 (second storey balcony), which staff recommend be refused.

Variances 1 to 3 are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Variance 4 to permit a second storey balcony is not minor in nature nor is it appropriate for the development of the lands.

The following additional comments have been provided by internal Town Departments:

Urban Forestry: The proposed driveway must be redesigned to be located outside the minimum tree protection zone for the town tree (tulip tree), which must be preserved with the future development of the subject lands.

Development Engineering: The proposed development is subject to the issuance of a Site Alteration Permit (DEPA), which will require the incorporation of on-site stormwater management techniques to ensure that post development flows do not exceed pre-development conditions. The proposed driveway design will be addressed through the DEPA process.

Recommendation:

Staff do not object to Variances 1 to 3. Should these minor variance requests be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated February 27, 2025, to the satisfaction of the Director of Planning and Development; 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.

It is staff's opinion that Variance 4 does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet all four tests under the *Planning Act* and staff recommends that Variance 4 be denied.

Fire: No concerns for fire.

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 reduce the minimum rear yard to 6.4 metres, to reduce the minimum front yard to 7.45 metres, to increase the maximum residential floor area ratio to 40.06%, and to permit a balcony on the second storey of a dwelling on a lot in the -0 Suffix Zone, 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.

Halton Conservation: No comments for this address.

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. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated February 27, 2025, to the satisfaction of the Director of Planning and Development; 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.

It is staff's opinion that Variance 4 does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet all four tests under the *Planning Act* and staff recommends that Variance 4 be denied.

Sharon Coyne

Sharon Coyne
Asst. Secretary Treasurer
Committee of Adjustment