

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/053/2025

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 16, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
M. AQUINO	Jim Pfeffer Makow Associates Architect, Inc 95 ST CLAIR Ave W Suite 306 Toronto ON M4V 1N7	PLAN M1248 LOT 11 15 Pebbleridge Pl Town of Oakville

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SP
WARD: 2**

**ZONING: RL1-0
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 and accessory building (cabana) 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 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum easterly interior side yard to 2.05 m.
2	<i>Table 6.3.1 (Row 6, Column RL1)</i> The minimum rear yard shall be 10.5 m.	To reduce the minimum rear yard to 6.69 m.
3	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 41.42 m.
4	<i>Table 6.4.2 (Row 1, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 37.5%.

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/053/2025 - 15 Pebbleridge Pl (West District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-storey detached dwelling and accessory building (cabana), subject to the variances listed above.

A minor variance application was previously submitted for consideration of the Committee on June 14, 2023. This application was deferred due to Staff comments objecting to the variances proposed. There were also two variances not identified previously for interior side yard and rear yard setbacks. A minor variance application was re-submitted for the consideration of the Committee on October 18, 2023. This application was deferred due to insufficient notice (signage). The application was re-submitted for the consideration of the Committee on November 15, 2023, and approved.

Town of Oakville Zoning By-law 2014-014		Agenda			
Regulation	Requirement	DEFERRED June 14, 2023	DEFERRED October 18, 2023	APPROVED November 15, 2023	April 9, 2025
Interior Side Yard (West)	4.2 m	2.2 m (missed variance)	2.8 m	2.8 m	-
Dwelling Depth	20.0 m	37.7 m	37.7 m	37.7 m	41.42 m
Lot Coverage	25% (62.91 m ²)	35.9% (664.73 m ²)	35.9% (664.73 m ²)	35.9% (664.73 m ²)	37.5%
Height	9.0 m	10.00 m	9.89 m	9.89 m	-
Separation Distance between Driveway Entrances	15.0 m	12.0 m	-	-	-
Residential Floor Area Ratio	29% (536.97 m ²)	29.83% (552.34 m ²)	-	-	-
Rear Yard	10.5 m	7.85 m (missed variance)	-	-	6.69 m
Interior Side Yard (East)	4.2 m		-	-	2.05 m

Staff acknowledge that the applicant did not substantiate in their submission a meaningful rationale for submitting multiple variance applications, resulting in a piecemeal approach that failed to present a complete design up front for review of the public, Committee or staff. This is concerning and constitutes an undesirable and objectionable approach to the redevelopment of properties within stable residential communities. Notwithstanding the applicant's approach, staff have reviewed the application materials based on the cumulative impact of all variances applied for.

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:


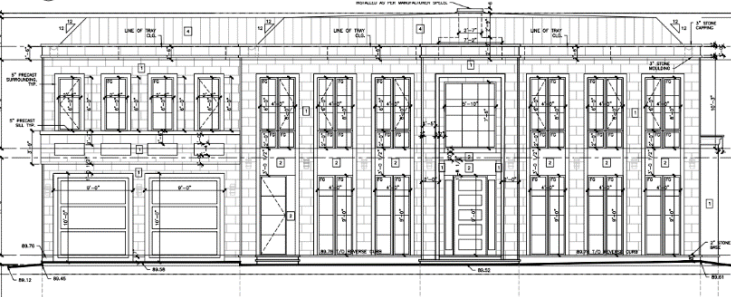
Site and Area Context





The property is located in the Majestic Edge Estates subdivision and is subject to the direction provided in the Urban Design Brief prepared by KLM Planning Partners Inc. and Williams & Stewart Associates Ltd. Further, this subdivision is subject to architectural control. As such, the applicant will be required to have the development proposed reviewed by the control architect prior to the issuance of a building permit.

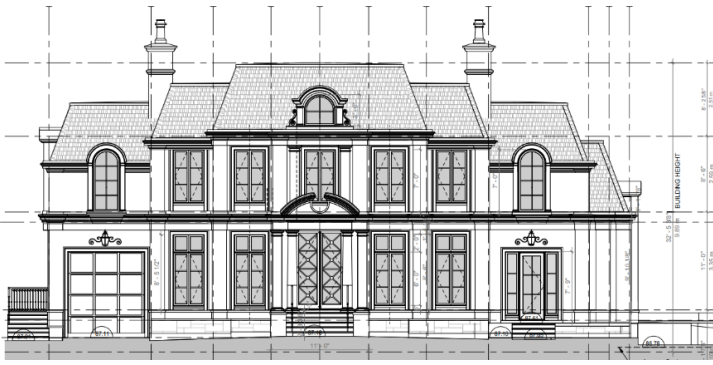




Aerial – Majestic Edge Estates subdivision

Since February 2023, the Committee has approved of the following variances for dwellings on Pebbleridge Place:

ADDRESS	APPROVED VARIANCES	FRONT ELEVATIONS
CAV A/008/2023 85 Pebbleridge PI February 8, 2023	1. Maximum residential floor area ratio of 34.06% (43 0.07m ²)	
CAV A/081/2023 84 Pebbleridge PI June 14, 2023	1. Maximum residential floor area ratio of 31.75% (422.92m ²)	

<p>CAV A/082/2023 53 Pebbleridge PI June 28, 2023</p>	<ol style="list-style-type: none"> 1. Maximum residential floor area ratio of 31.49% (430.13m²) 2. Maximum height of 9.5m 	
<p>CAV A/089/2023 76 Pebbleridge PI June 28, 2023</p>	<ol style="list-style-type: none"> 1. Maximum garage floor area of 59.92m² 2. Maximum residential floor area ratio of 32.36% (431.02m²) 	
<p>CAV A/108/2023 52 Pebbleridge PI August 9, 2023</p>	<ol style="list-style-type: none"> 1. Minimum front yard of 8.8m 2. Maximum residential floor area ratio of 32.28% (429.97m²) 3. Maximum height of 9.52m 	
<p>CAV A/147/2023 68 Pebbleridge PI November 15, 2023</p>	<ol style="list-style-type: none"> 1. Maximum dwelling depth of 20.6m 2. Maximum residential floor area ratio of 32.65% (434.89m²) 3. Maximum lot coverage of 28.27% (376.53m²) 	

<p>CAV A/074/2023 15 Pebbleridge PI November 15, 2023</p>	<ol style="list-style-type: none"> 1. Minimum interior side yard of 2.8m 2. Maximum dwelling depth of 37.7m 3. Maximum lot coverage of 35.9% (664.73m²) 4. Maximum height of 9.98m 	
<p>CAV A/094/2023 37 Pebbleridge PI January 24, 2024</p>	<ol style="list-style-type: none"> 1. Maximum garage floor area of 68.69 m² 2. Maximum residential floor area of 31.70% (559.92m²) 3. Maximum height of 10.08m 	
<p>CAV A/100/2024 45 Pebbleridge Place June 26, 2024</p>	<ol style="list-style-type: none"> 1. Maximum residential floor area of 32.8% 2. Maximum height of 9.3 m 	

In comments prepared for the November 15, 2023, Committee of Adjustment meeting, staff objected to the variances proposed, raising concerns that the requested variances would result in an overbuild of the property, negatively impacting the streetscape and abutting properties, particularly in terms of massing and scale.

As informed by the minor variance applications approved within the subdivision, staff recognize that the character of Pebbleridge Place has evolved since this property was first brought forward to the Committee of Adjustment in 2023. The subdivision now features large two-storey detached dwellings with considerable massing and scale.

Additionally, concerns were raised about the proposed re-grading of the subject property. However, it has since been determined that all site grading issues can be resolved and will be addressed through the minor site plan approval process with Development Engineering. If the plans require changes through this process, the applicant may need to return to the Committee for approval.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, Section 11.1.9 indicates that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

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

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

The intent of the Official Plan is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots.

Based on the character of the neighbourhood informed by the minor variance applications approved within the subdivision as previously discussed, staff are of the opinion that the proposed dwelling would maintain the existing neighbourhood character.

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

The applicant is seeking relief from Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Interior Side Yard (No Objection) – 4.2m reduced to 2.05m

Variance #2 – Rear Yard (No Objection) – 10.5m reduced to 6.69m

The intent of the Zoning By-law provision for the interior side yard is to ensure adequate spatial separation between dwellings and no negative impact on drainage. The intent of regulating the rear yard setback is to ensure adequate rear yard amenity space and to reduce potential overlook and privacy impacts.

Staff recognize that although the proposed cabana can be perceived as an accessory structure, it is attached to the main dwelling by way of the basement that extends above grade. As a result, it is being reviewed against the more restrictive regulations of section 6.3 – Residential Low Zones, and not 6.5 – Accessory Buildings and Structures. According to Section 6.5.2 (b) of Zoning By-law 2014-014, as amended, “the minimum yard from any lot line for an accessory building or structure located in a flankage or rear yard shall be 0.6m, provided that the accessory building or structure has a minimum separation distance of 2.0 m from the dwelling”.

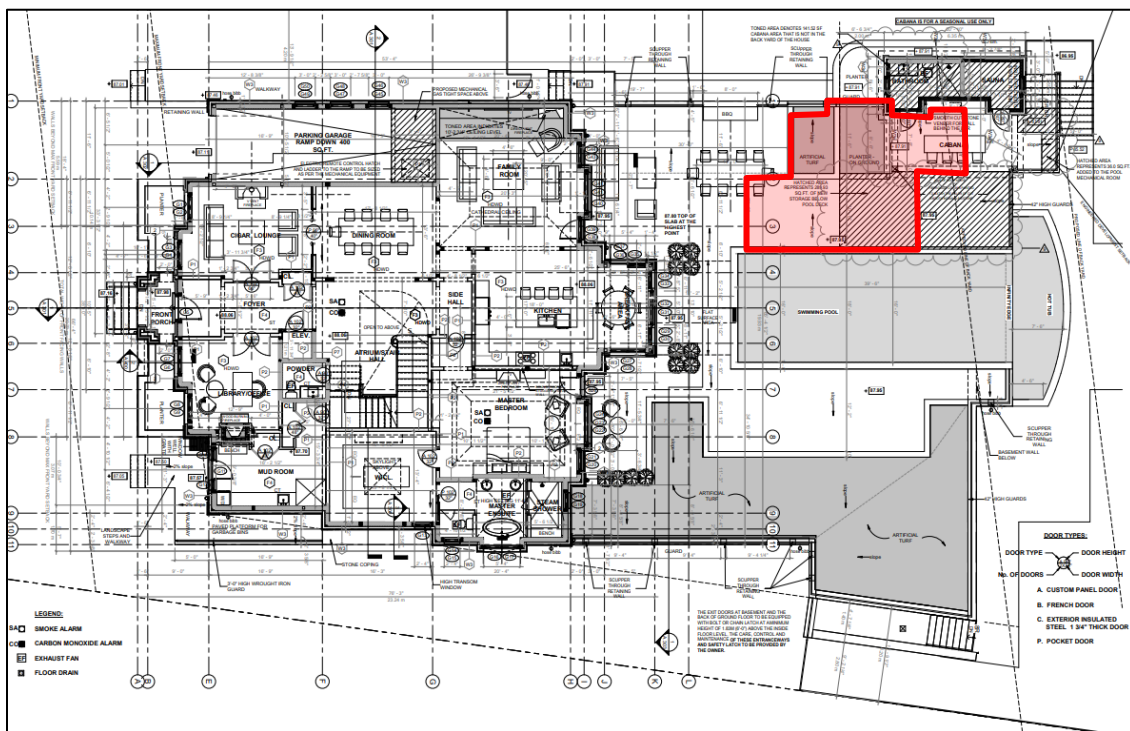
Staff recognize that the variances required for the interior side yard and rear yard setbacks are minor in nature, and will provide for adequate spatial separation between dwellings, rear yard amenity space, and not affect the overlook or privacy conditions.

Variance #3 – Dwelling Depth (No Objection) – 20.0m increased to 41.42m

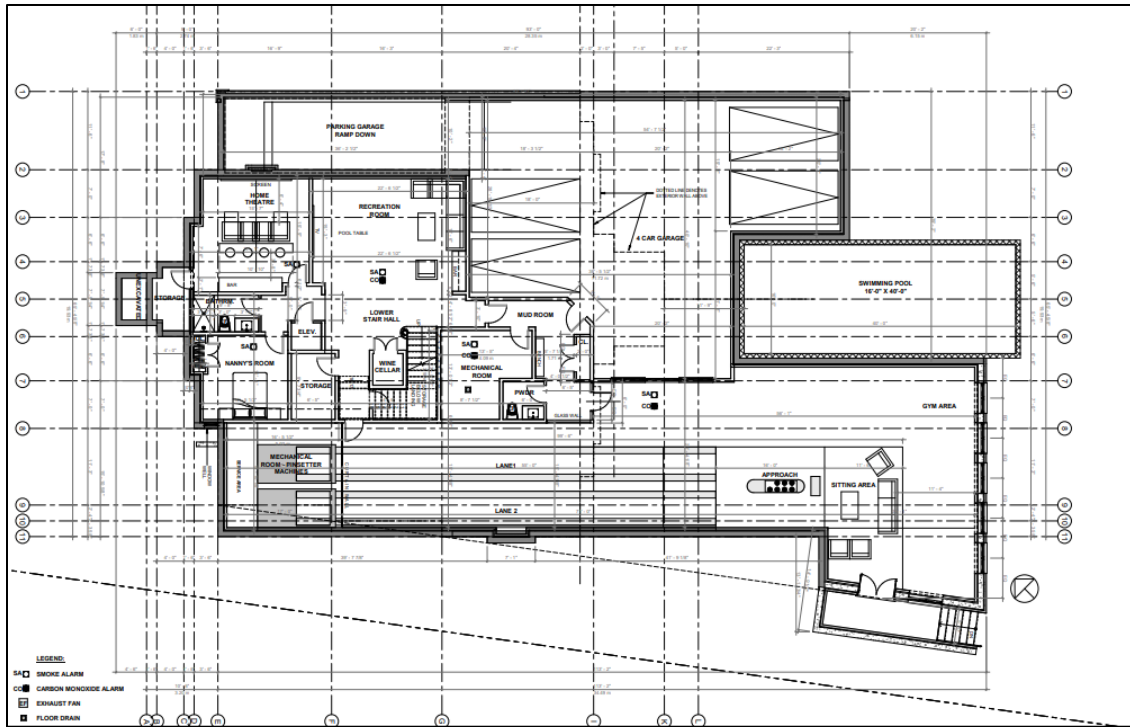
Variance #4 – Lot Coverage (No Objection) – 25% increased to 37.5%

The intent of Zoning By-law provision for dwelling depth is to limit the massing and size of dwellings, to also ensure that an adequate rear yard amenity space is provided, and to reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. The intent of regulating lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

As outlined in the chart above, the application brought forward in November of 2023 was approved for a dwelling depth of 37.7m, lot coverage of 35.9%, interior side yard setback (west) of 2.8m, and height of 9.89m. Through this revised proposal, the applicant is seeking a dwelling depth increase of 3.72 m, and lot coverage increase of 1.6% from that formerly approved by the Committee. It is noted that the additional increase in dwelling depth and lot coverage is attributed to the additional basement area outlined in red below.



April 16, 2025 – Basement Floor Plan



November 15, 2023 – Basement Floor Plan

Staff recognize that the additional dwelling depth and lot coverage proposed will be substantially below grade, with a portion projecting above. With that being said, the dwelling depth and lot coverage increases proposed from that formerly approved, will not substantively further contribute to the massing and scale of the dwelling, nor will it contribute to overlook, privacy, or shadowing impacts.

It is staff's opinion that the application as submitted maintains the general intent and purpose of the Zoning By-law, and results in a dwelling that is compatible with the existing neighbourhood character.

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 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 4, 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.

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 note that concerns related to Development Engineering are being addressed through the corresponding subdivision development application for this property (24T-17006).
- 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 easterly interior side yard to 2.05 metres, to reduce the minimum rear yard to 6.69 metres, to increase the maximum dwelling depth to 41.42 metres, and to increase the maximum lot coverage to 37.5%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling and accessory building (cabana) on the Subject Property.

Conservation Halton:

Conservation Halton (CH) staff has reviewed the 15 Pebbleridge Place Minor Variance application (A/053/2025) according to our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).

Proposal

CH staff understands that Minor Variances to reduce side and rear yards and to maximize dwelling depth and lot coverage are requested to permit the construction of a two-storey detached dwelling and an accessory building (cabana) on the subject property.

Regulatory Comments (Conservation Authorities Act and Ontario Regulation 41/24)

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands including unstable soil and bedrock, as well as lands adjacent to these features. The property, 15 Pebbleridge Place, Oakville is adjacent to the shoreline of Lake Ontario and contains a portion of the regulated shoreline erosion hazards. Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24, and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document (last amended, June 21, 2024)* (<https://conservationhalton.ca/policies-and-guidelines>).

CH issued a permit for the development activities associated with the requested variances on August 20, 2024.

Provincial Planning Statement Natural Hazard Comments (Sections 5.1.1-5.2.8)

CH considers the proposed development to be generally consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement.

Recommendation

In light of the above, CH has no objection to the approval of this minor variance application. If plans are modified, please circulate to CH for staff to confirm any regulatory requirements.

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 February 4, 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
Asst. Secretary Treasurer
Committee of Adjustment