

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/055/2025**

**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](http://oakville.ca) on Wednesday April 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
M. Board	Vivek Gupta ITI Permit 201-603 Argus Rd Oakville ON, L6J6G6	PLAN 628 LOT 59 401 Ash Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL2-0, Residential**

**WARD: 3**

**DISTRICT: East**

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### **APPLICATION:**

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a two-storey sunroom addition on the subject property 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 ratio for a detached dwelling on a lot with a lot area between 1022.00 m <sup>2</sup> and 1114.99 m <sup>2</sup> shall be 37%.	To increase the maximum residential floor area ratio to 41.91%.
2	<i>Table 6.4.2 (Row 2, 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 26.63%.

## **CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

### **Planning & Development:**

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

**A/055/2025 - 401 Ash Road (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey sunroom addition on the subject property, subject to the variances listed above.

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'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 located on the corner of Ash Road and Amber Crescent with the rear yard fenced in, backing onto a lot containing a one-storey detached dwelling. The neighbourhood contains a mix of one-storey dwellings original to the area, and newly constructed two-storey dwellings.

Due to this site being in the Bill 97 buffer area, this site will be required to go through the Minor Site Plan process. This means that the site will need to provide stormwater management controls for the 25mm volumetric event.

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

The subject property is designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against 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 proposed development has also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. Staff are of the opinion that the proposal would not implement the Design Guidelines for Stable Residential Communities, in particular, the following section:

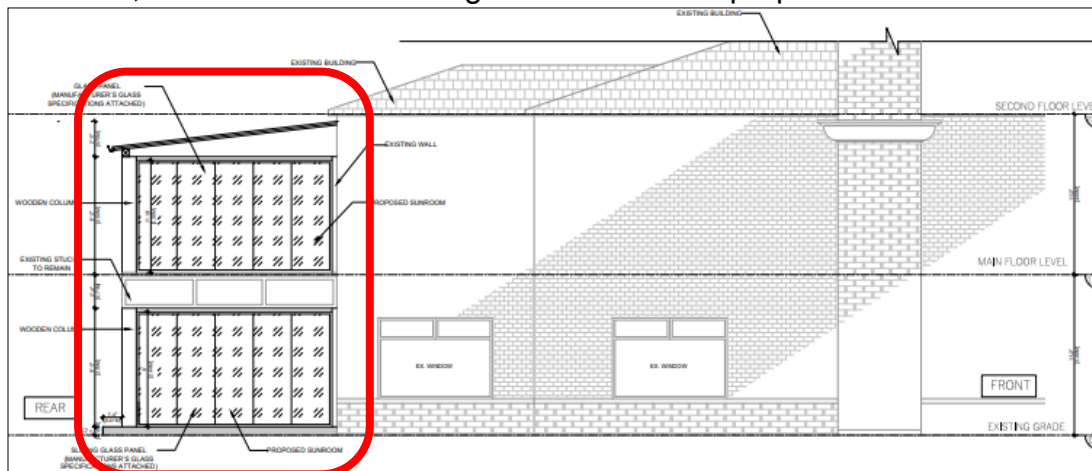
**"3.1.5 Rear Yard Privacy**

- 1. New development, which projects beyond the established rear setback of adjacent dwellings should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.*

2. *New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.*
3. *New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.”*

This application proposes the construction of two sunrooms, one on the main level, and one on the second floor. Staff recognize that the first level currently contains a porch, and the second level has a balcony expanding the area of the proposed sunroom. In this instance, staff raise concerns that the second floor sunroom proposed will enhance the massing and scale impacts as viewed from Amber Crescent, and further contribute to undesirable overlook conditions onto the abutting property.

Due to the above concerns, staff are of the opinion that the new development proposed does not implement the Design Guidelines for Stable Residential Communities, and therefore, does not maintain the general intent and purpose of the Official Plan.



*Right Elevation – 401 Ash Road*



*Streetview – 401 Ash Road*



*Streetview – 401 Ash Road*

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

**Variance #1** – Maximum Residential Floor Area Ratio (Objection) – 37% increased to 41.91%

**Variance #2** – Maximum Lot Coverage (Objection) – 25% increased to 26.63%

The intent of the Zoning By-law provisions for residential floor area and lot coverage are to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff recognize that the front façade of the existing dwelling will not be altered by the sunroom proposed. It will, however, impact the side elevation as can be viewed from Amber Crescent.

It is noted that the subject property is located within the -0 suffix zone. Although balconies are prohibited within the -0 suffix zone through the Town of Oakville Zoning By-law 2014-014, as amended, it is recognized that the existing balcony condition is legal non-conforming being that it was built prior to the date that the Zoning By-law came into force.

Staff advise that although the first floor sunroom does not raise concern, staff do not support the conversion of the second floor balcony into a sunroom as it will exacerbate the overlook and privacy conditions on the abutting property. Further, the second floor sunroom will exacerbate the massing and scale impacts as viewed from Amber Crescent. On this basis, staff are of the opinion that the requested variances do not maintain the 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 does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature.

**Recommendation:**

It is staff's opinion that the application 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 the four tests under the *Planning Act* and staff recommends that the application be denied.

**Fire:** No concerns for Fire.

**Oakville Hydro:** We do not have any comments.

**Transit:** No comments.

**Metrolinx:** No comments/concerns.

**Finance:** No comments received.

**Halton Region:**

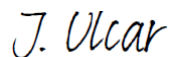
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed 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 41.91%, and to increase the maximum lot coverage to 26.63%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a two-storey sunroom addition on the Subject Property.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**



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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment