

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/099/2024 – Deferred from June 26, 2024

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 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Blythe Properties Holdings Inc.	Jason Huether HDS Dwell Inc 20 GILMOUR Rd Puslinch ON, N0B 2J0	PLAN 513 PT LOT 15 26 Holyrood Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential and Waterfront Open Space

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 three-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 234 square metres.
2	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to 8.83 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
3	<i>Table 6.3.1 (Row 4, Column RL3)</i> The minimum flankage yard shall be 3.5 m.	To reduce the minimum flankage yard to 1.2 m.

4	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29%.	To increase the maximum residential floor area ratio to 44.2%.
5	<i>Section 6.4.3 c)</i> The maximum front yard for a new dwelling shall be 16.68 metres in this instance.	To increase the maximum front yard to 26.01 metres.
6	<i>Section 6.4.6 a)</i> The maximum number of storeys shall be 2.	To increase the maximum number of storeys to 3.
7	<i>Section 6.4.6 b)</i> Floor area is prohibited above the second storey.	To permit floor area above the second storey.

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/099/2024 – Deferred from June 26, 2024 – 26 Holyrood Avenue (West District) (OP Designation: Low Density Residential and Waterfront Open Space)

The applicant is proposing to construct a new three-storey detached dwelling, subject to the variances listed above.

A minor variance application was previously submitted for consideration by the Committee on June 26, 2024. This application was deferred at the request of the applicant to provide an opportunity to address staff concerns.

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, along with the removal of a secondary driveway access and associated below grade garage entrance. This has resulted in the elimination of one variance in its entirety and the reduction in magnitude of others.

It should be noted that a Minor Site Plan application was submitted by the applicant after the previous deferral, to determine if any of the other variances could be eliminated. More specifically, under the Zoning By-law, what appears to be the basement level is considered to be the first storey of the dwelling. This is due to the significant grade change on the property that slopes down towards Lake Ontario. Due to the basement level being considered the first storey, variances have been triggered as a result. Despite the dwelling appearing as two-storeys from the street, the dwelling is technically classified as three-storeys. If this dwelling were situated on a regularly graded lot with the basement level meeting the definition of a basement under the Zoning By-law, some of the proposed variances would not be triggered, or the magnitude of such variances would be less such as variance 1 related to private garage floor area, variance 2 related to garage projection, variance 4 related to residential floor

area, variance 6 related to maximum number of storeys and variance 7 related to floor area above the second storey. Through the Minor Site Plan preliminary review process, it was determined that the grading on the lot could not be altered to allow for a majority of the basement level to be located below grade. As such, the foregoing variances are still required to implement the proposal.

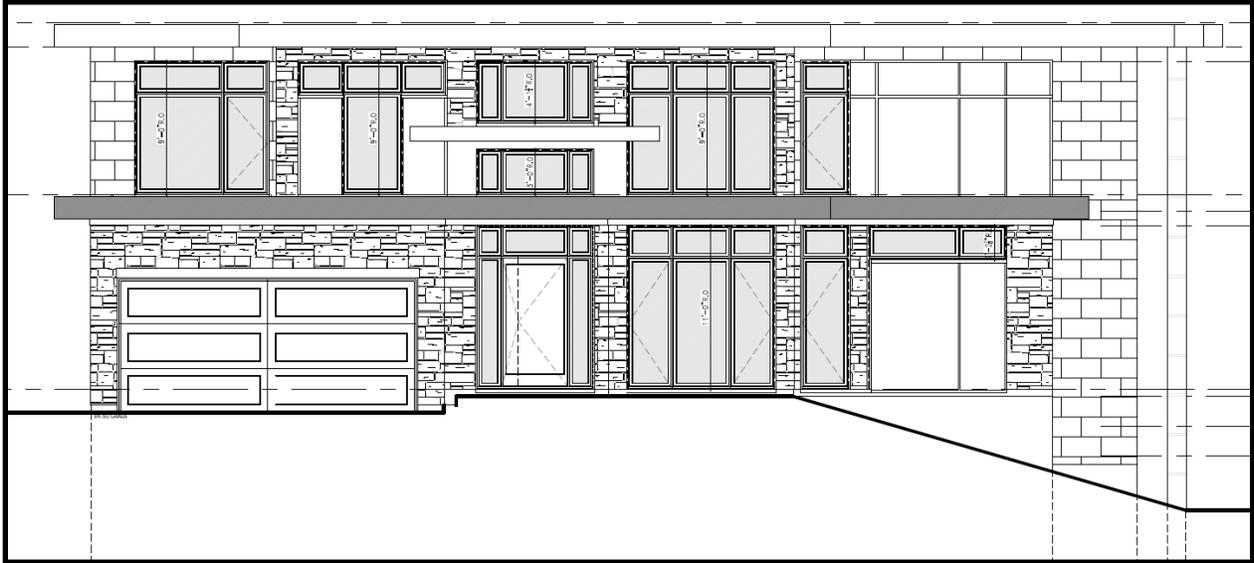
Overall, staff are satisfied that the proposed revisions to the dwelling’s architectural features, the removal of the second driveway access, and the façade articulation and treatments address previous concerns with the application. Additionally, the additional review undertaken regarding grading has confirmed that this is a unique site that cannot be re-graded to provide for a below grade basement level, which has been considered as context in evaluating the below revised variances:

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	June 26, 2024	April 30, 2025
Maximum interior side lot line setback for a driveway on a corner lot	11.20 m	18.99 m	REMOVED
Maximum garage floor area	45.0 m ²	261 m ²	234 m ²
Garage projection	1.5 m	20.89 m	8.83 m
Minimum flankage yard setback	3.5 m	1.26 m	1.20 m
Maximum residential floor area ratio	29%	40.13%	44.20%
Maximum front yard setback	16.68 m	28.99 m	26.01 m
Maximum number of storeys	2	3	3
Floor area above the second storey	Prohibited	To permit floor area above the second storey	To permit floor area above the second storey

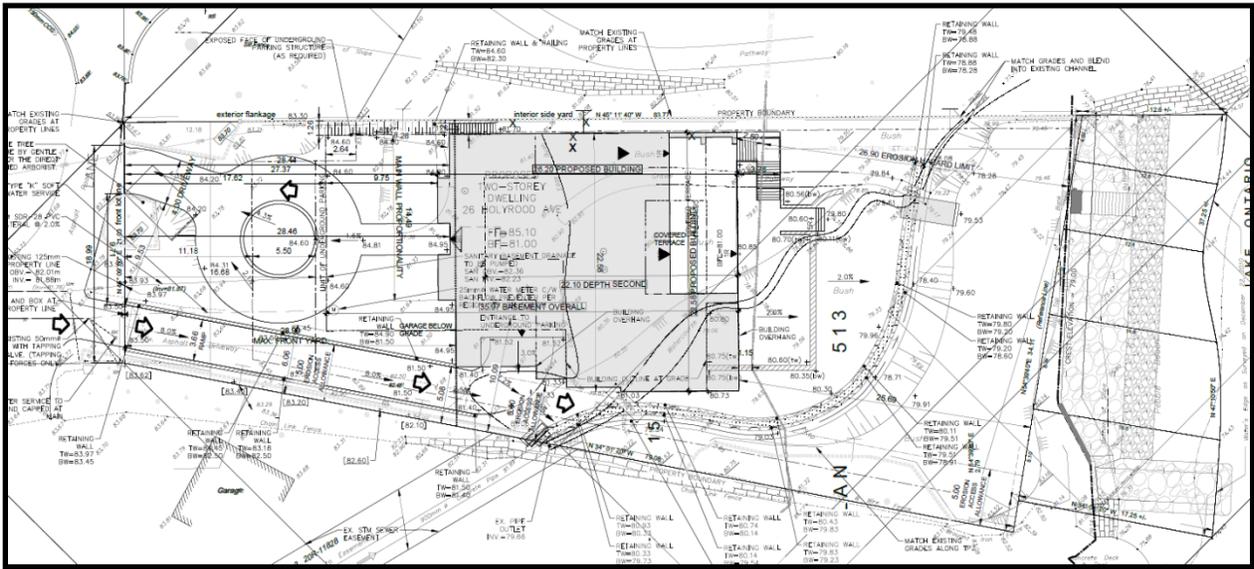
A comparison between the initial proposal heard before the Committee on June 26, 2024, and the revised proposal have been illustrated in the site plan drawing and elevation drawings/3D renderings below.



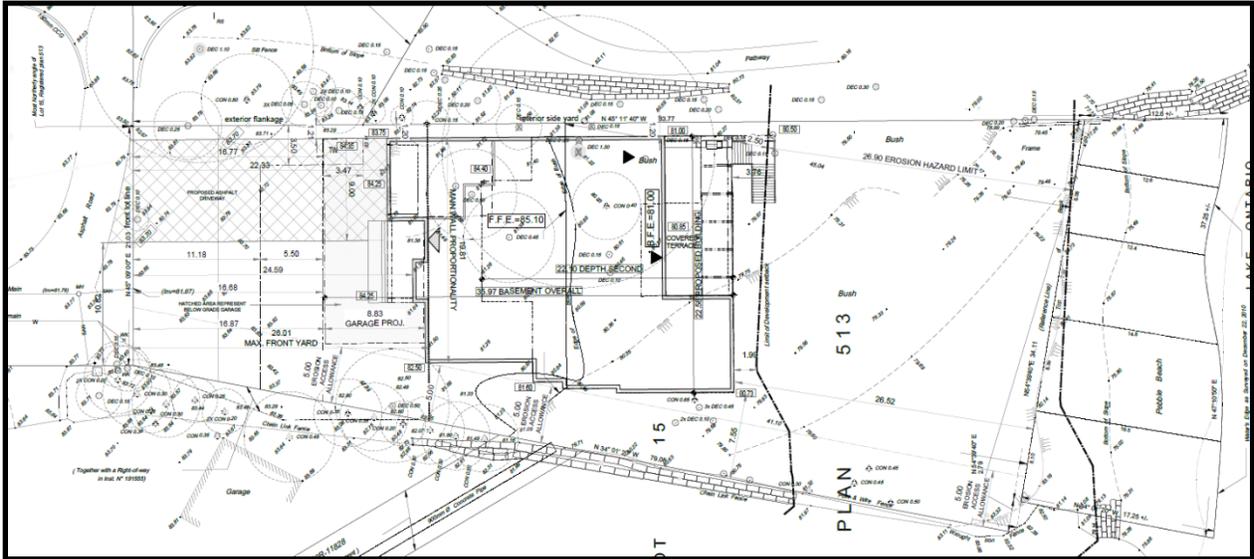
Front Elevation Rendering (June 26, 2024) – 26 Holyrood Avenue



Revised Front Elevation Rendering (April 30, 2025) – 26 Holyrood Avenue



Site Plan (June 26, 2024) – 26 Holyrood Avenue



Revised Site Plan (April 30, 2025) – 26 Holyrood Avenue



Revised Dwelling - 3D rendering (April 30, 2025) – 26 Holyrood Avenue



Revised Dwelling - 3D rendering (April 30, 2025) – 26 Holyrood Avenue

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

Holyrood Avenue is a cul-de-sac street which contains a crescent providing access to three properties. The subject site is situated along this portion of the crescent and is adjacent to a public walkway that provides access to Holyrood Park. The property has an irregular topography and falls within Conservation Halton’s regulated area limits as it abuts Lake Ontario. The site is currently vacant as the previous dwelling was demolished in 2022.

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and newly constructed two-storey dwellings. Most of the recently constructed dwellings include attached two-car garages and consist of lower second floor roof lines, stepbacks, and massing broken up into smaller elements to help reduce potential impacts on the streetscape.



Aerial Photo of subject lands – 26 Holyrood Avenue



Street View of subject lands – 26 Holyrood Avenue (vacant site) and the neighbouring dwellings abutting the property to the west, at 32 Holyrood Avenue (not visible in photo) and 38 Holyrood Avenue (right side of photo)



Street View of the neighbouring two-storey dwellings located on the east side of Holyrood Avenue, opposite the subject lands

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

The subject lands are designated Low Density Residential and Waterfront Open Space in the Official Plan. Development within the Waterfront Open Space area is required to be evaluated using the criteria established in Section 17.3. No portion of the proposed dwelling is to be constructed within the Waterfront Open Space area. Therefore, the proposal complies with this Section of Livable Oakville. Development within stable residential communities shall also 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 intent of the Official Plan is to protect the existing character of stable residential neighbourhoods. Redevelopment of some of the original housing stock has taken place in the surrounding area over the past number of years, and staff are of the opinion that the proposed dwelling continues to maintain and protect the existing neighbourhood character. The proposed dwelling does not present as substantially larger than adjacent

dwelling and would not create an overpowering effect on the local streetscape. Measures have been taken to mitigate some of the potential massing or scale impacts on the public realm; such as the third storey main wall being stepped-back along the front and rear façades, variations in the roof lines, and the introduction of a one-storey front porch element.

In staff's opinion, the variances that are now being requested, in addition to the removal of the second driveway entrance and associated ramp, along with the revised architectural design of the dwelling's exterior, have all been properly considered when examining the proposal against the existing character of the stable residential neighbourhood in which it is located. As such, the development is in keeping with other recently constructed homes around it, and would not result in negative cumulative impacts on the surrounding neighbourhood. The proposal incorporates sufficient design elements that would help to mitigate potential massing and scale impacts on adjacent properties.

On this basis, it is staff's opinion that the proposed variances maintain 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 requests relief from Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Garage Floor Area (No Objection) – Increase from 45.0 square metres to 234 square metres

Variance #2 – Garage Projection (No Objection) – Increase from 1.5 metres to 8.83 metres

Variance #4 – Residential Floor Area Ratio (No Objection) – Increase from 29% to 44.2%

Variance #5 – Maximum Front Yard Setback (No Objection) – Increase from 16.68 metres to 26.01 metres

Variance #6 – Maximum Number of Storeys (No Objection) – Increase from 2 to 3

Variance #7 – To Permit Floor Area Above the Second Storey (No Objection)

The intent of regulating garage floor area and the garage projection from the front main wall is to prevent the garage from becoming the predominant feature of the dwelling. The intent of regulating the residential floor area ratio, the number of storeys, and preventing floor area above the second floor is to prevent the dwelling from having a mass and scale that is larger than the dwellings in the surrounding neighbourhood and to limit the potential impacts of shadowing or overlook conditions on abutting properties. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street, to maintain the consistency of front yards in the area, and to ensure adequate space for landscaped areas.

Given the grading of the subject property a portion of the garage, along with a considerable amount of residential floor area, is located in what appears to be the basement level. According to the Zoning By-law definitions of "first storey", "storey", and "grade" however, the basement level has been defined as the first storey, since it has a height greater than 1.8 metres above grade. As such, the proposed development is

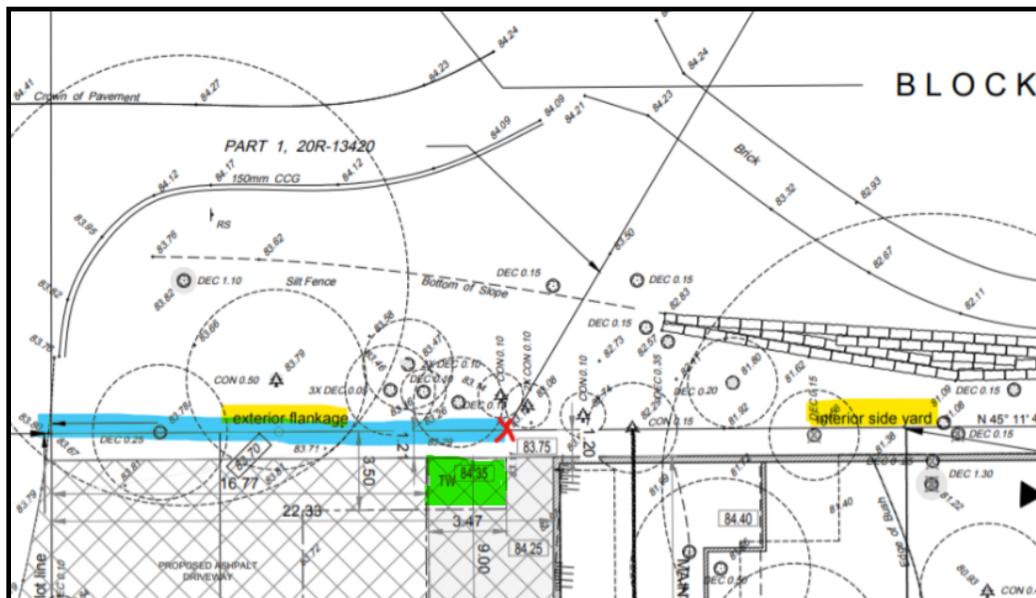
classified as three-storeys in height even though it visually appears to be two-storeys when looking at the dwelling from the front. These related variances can be perceived as minor in nature due to the current grading on the lot, which after an initial review from the Town's Development Engineering team cannot be altered, changed, or re-graded.

Given the foregoing, it is staff's opinion that the proposal, as contemplated, maintains the general intent and purpose of the Zoning By-law.

Variance #3 – Minimum Flankage Yard (No Objection) – Decrease from 3.5 metres to 1.20 metres

The intent of regulating the minimum flankage yard setback is to ensure adequate separation distances from the public right-of-way, maintain relatively consistent setbacks along the street, and to ensure there are no negative impacts on drainage.

In this instance, the curve of Holyhood Avenue results in a portion of the easterly lot line to be considered a flankage yard while the remainder is considered an interior lot line. The excerpt below indicates the flankage yard in blue and the portion of the dwelling that requires relief in green. The dwelling is proposed to be setback 1.20 metres from the easterly lot line. The majority of the dwelling is adjacent to the interior side yard and complies with the minimum setback of 1.2 metres. A portion of the underground garage falls within the flankage yard, which is 2.30 metres less than the minimum requirement under the By-law.



Excerpt of Site Plan indicating location of flankage lot line

On-site stormwater management, grading, swales, and drainage will be dealt with through the Minor Site Plan process. If it is proven that the reduced flankage yard setback is not conducive to proper Development Engineering protocols, then the design of the dwelling will need to change prior to the issuance of a building permit. To that end, one of the conditions of approval that is being recommended is that the proposal be approved in "general accordance" with the plans which allows for some minor revisions and adjustments to be made to the plan at the Minor Site Plan and Building Permit stage to address these comments.

On this basis, it is staff's opinion that the cumulative effect of the proposed variances would not negatively impact adjacent properties or the surrounding neighbourhood, as the massing and scale of the proposed dwelling is in keeping with other existing dwellings in the immediate area. In staff's opinion, the proposed variances meet the general intent and purpose of the Zoning By-law, helps to maintain and protect the neighbourhood's existing character, and would not negatively impact the streetscape.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

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. Conservation Halton Approval will also be required. The approximate limits are on the plans but we should be noting that the Proponent needs a Professional Engineer to assess how the proposed works will impact the upstream sewer discharge and will require a Stormwater Management Report. A preliminary review was completed for this site due to the previous submissions, and detailed comments have been provided below:

1. Remnant channels are not to be enclosed as there could be potential for blockages and flooding. The Town is not supportive of the proposed grading plan that replaces the channel with a storm sewer. The Town recognizes the desire to continue the enclosure of the channel past the building envelope and would consider it to be enclosed up to that point only. This would generally reflect the April 2023 revised grading plan which shows the storm pipe end roughly at the erosion setback limit at which point it will outlet to an open channel.
2. There is to be no development within the 100-year flood limits of the channel. If there is a necessity to realign the existing channel to accommodate development, the applicant must show through a cut/fill analysis that the net storage available for the flood area on the property is matching existing or has been improved and that there are no impacts to adjacent and upstream properties.
 - a. This analysis should be done through HEC-RAS or SWM CAD and should ensure that the Town of Oakville Stormwater Master Plan is followed. The 100-year event is to be considered.
 - b. The analysis is to be done by a qualified professional
 - c. The form and function of the channel is to be replicated (Conveyance, capacity, infiltration, filtration)
 - d. There are existing erosion concerns on the downstream lands owned by the Town. Flow dissipation/erosion controls are to be proposed at the outlet of the enclosed channel.
3. A Stormwater Management Report is required to demonstrate the above, as well as demonstrate that the dwelling and any accessory buildings are outside of the 100yr limits. All external drainage is to be considered including but not limited to the overland flow from the road, and the contributing flows coming in from 32 Holyrood Ave from the rear lots north of this site on both Holyrood Ave and Shorewood Pl.

- a. Based on the existing grades on Holyrood Ave, there appears to be an overland flow route through the west side of the property. This is to be reviewed through the SWM report as to how it impacts the proposal
4. The Town will require a right of access easement over the channel in the rear yard. The channel and possible stretch of storm sewer (to pass the building envelope) will be privately owned and maintained. Specific wording of this easement can be discussed further at a future date.
5. As there is an overland flow route through the west side of the property. The west side of the home should be designed in accordance with analysis of the overland flow route.
6. The Maximum Driveway width allowed on the Municipal Right-of-Way is to be 6.5m.
7. The east side yard does not appear to have much room for drainage, please ensure that grading in that area is feasible.
8. Urban Forestry does not support the location of the proposed driveway and the removal of a municipally owned tree. The driveway is to be designed to be a distance/setback at least 2.4 m radius from the subject tree.

Staff are of the opinion that these concerns can be addressed through the Minor Site Plan process and the proposal still represents the appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts on 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. The dwelling be constructed in general accordance with the submitted site plan and north, east, and west elevation drawings dated February 26, 2025, and the south elevation drawing dated April 6, 2024 to the satisfaction of the Director of Planning & 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.

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:

- It is understood that this application was deferred from June 26, 2024. Regional comments provided on June 20, 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 increase the maximum total floor area for the private garage to 234 square metres, to increase the attached private garage projection to 8.83 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line, to reduce the minimum flankage yard to 1.2 metres, to increase the maximum residential floor area ratio to 44.2%, to increase the maximum front yard to 26.01 metres, to increase the maximum number of storeys to 3, and to permit floor area above the secondary storey, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a three-storey detached dwelling on the Subject Property.

Halton Conservation:



Planning & Regulations
905.336.1158
2596 Britannia Road West
Burlington, Ontario L7P 0G3
conservationhalton.ca

April 24, 2025

Town of Oakville – Committee of Adjustment
1225 Trafalgar Road
Oakville, ON L6H 0H3

BY E-MAIL ONLY (coarequests@oakville.ca)

To Committee of Adjustment:

Re: **Minor Variance Application**
File Number: CAV A/099/2024
CH File Number: PMVG-2669
26 Holyrood Avenue, Town of Oakville
Applicant: Jason Huether
Owner: Arati Patel

Conservation Halton (CH) staff has reviewed the above-noted application 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

The applicant is requesting the Committee of Adjustment to authorize minor variances to permit the construction of a single-family dwelling. The following variances are requested:

1. To increase the maximum total floor area for the private garage to 234 square metres.
2. To increase the attached private garage projection to 8.83 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
3. To reduce the minimum flankage yard to 1.2 metres.
4. To increase the maximum residential floor area ratio to 44.2%.
5. To increase the maximum front yard to 26.01 metres.
6. To increase the maximum number of storeys to 3.
7. To permit floor area above the second storey.

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, at 26 Holyrood Avenue, is adjacent to the shoreline of Lake Ontario and contains the flooding

and erosion hazards associated with the shoreline. Through the review of the plans for development along the shoreline, CH seeks to ensure that waterfront development will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes – St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach 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 staff issued a permit for the proposed development on March 18, 2025. The drawings submitted with the minor variance application differ from the CH permit drawings as there are minor differences in the design and location of the dwelling. However, the proposed dwelling is still located behind the Engineered Development Setback (EDS) and as such, CH staff has no objections to the requested variances. A CH permit revision will still be required.

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

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement (PPS).

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

Given the above, CH staff has no objection to the requested variances. A CH permit revision will be required following the approval of the minor variance application.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

We trust the above is of assistance. Please contact the undersigned with any questions.

Sincerely,



Shayan Madani Ghahfarokhi
Planning & Regulations Analyst
905-336-1158 ext. 2335

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.
- The proponent is cautioned that during development activities, should archaeological materials be found on the property, 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 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. The dwelling be constructed in general accordance with the submitted site plan and north, east, and west elevation drawings dated February 26, 2025, and the south elevation drawing dated April 6, 2024 to the satisfaction of the Director of Planning & 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.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment