

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/057/2025 – Deferred from April 30, 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, May 28, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
S. Al Karawi N. Al Kassab	Ghada Alkassab AG Architects Inc. 2302 Crestmont Dr Oakville ON, L6M 5J5	PLAN M84 LOT 9 339 Pinegrove Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area

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 two-storey detached dwelling on the subject property proposing the following variance 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 an area between 836.00m ² and 928.99m ² shall be 39%.	To increase the maximum residential floor area ratio to 40.96%.

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/057/2025 (deferred April 30, 2025) - 339 Pinegrove Rd (West District) (OP Designation: Low Density Residential – Special Policy Area)

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

A minor variance application was previously submitted for the consideration of the Committee on April 30, 2025. The application was deferred due to insufficient notice. As shown in Table 1 below, please note that the variance proposed is not changing from the previous iteration brought forward.

Table 1 – Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	April 30, 2025	May 28, 2025
Residential Floor Area Ratio	39%	40.96%	40.96%

Staff comments concerning the application of the four tests to this minor variance request also remain the same, as follows:

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.

Site Area and Context

The subject lands are located near the curve in Pinegrove Road, within a neighbourhood that is characterized as having a mix of one and two-storey dwellings with many homes original to the subdivision. Opposite the subject property, directly west of the subject lands is Pinegrove Park, as shown in Figure 1 below.



Figure 1: Aerial Imagery - 339 Pinegrove Road

Staff note this development will need a Site Alteration Permit (DEPA) following this application, prior to proceeding with works. The Site Alteration Permit review will require development to provide for stormwater management on site to control post development flows to pre-development conditions.

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. 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. It is staff's opinion that the proposed dwelling incorporates single storey elements and integrates the second floor into the roofline. The dwelling does not project

into the established rear yards of the abutting properties and incorporates setbacks in the front façade to mitigate the massing and scale impacts on the streetscape. It is staff's opinion that the proposed variance to permit an increase in residential floor area ratio results in a dwelling that maintains the character of the existing neighbourhood.

On this basis, it is staff's opinion that the proposed two-storey detached dwelling 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 – Residential Floor Area Ratio (No Objection) – 39% increased to 40.96%

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 requesting relief from By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 39% to 40.96%, for a total increase of 16.07 square meters.

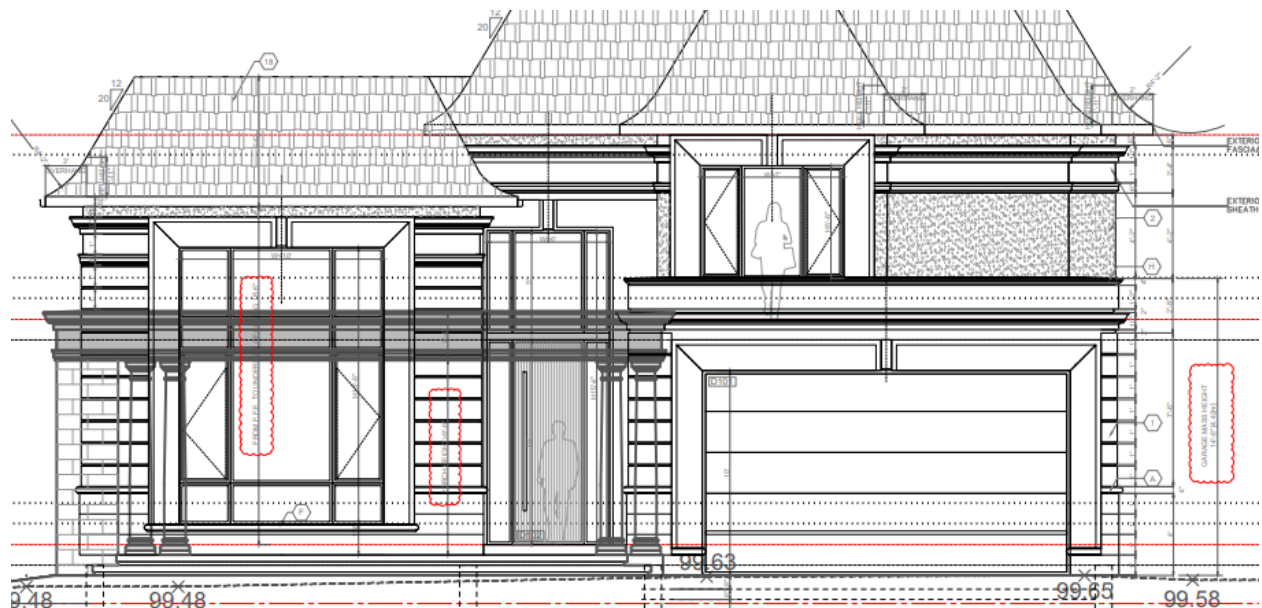


Figure 2: Front Elevation - 339 Pinegrove Road

As shown in Figure 2 above, the proposed dwelling features varying roof lines and step backs to reduce its mass and scale, consistent with the architectural features found on dwellings within the surrounding neighbourhood. It is staff's opinion that the reduced height of the dwelling's left elevation will provide a transition to the single-storey dwelling directly north of the subject property as shown in Figure 3 below



Figure 3: Streetview – 339 Pinegrove Road

Staff are of the opinion that the requested increase in residential floor area ratio is minor in nature and meets the general intent and purpose of the Zoning By-law. This proposal generally maintains the overall character of the existing neighbourhood while accommodating the proposed dwelling.

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 variance is 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 variance. 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 dated January 27, 2025 and elevation drawings dated December 18, 2024; 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.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns for this application.

Oakville Hydro: No comments.

Halton Region:

- It is understood that this application was deferred from April 30, 2025. Regional comments provided April 23, 2025, 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 residential floor area ratio to 40.96%, 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.

Transit: No comments.

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. That the dwelling be built in general accordance with the submitted site plan dated January 27, 2025 and elevation drawings dated December 18, 2024; 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