

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/165/2024 (deferred Nov.27/24)

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, June 11, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
F. APA	Jim Levac Glen Schnarr and Associates Inc. 10 Kingsbridge Garden Cir Suite # 700 Mississauga ONL5R 3K6	PLAN M1248 LOT 10 RP 20R22193 PART 5 21 Pebbleridge Pl Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area
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 on the subject property proposing the following variance(s):

	Current zoning by-law requirements	Variance request
1.	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to be 13.55 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
2.	<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 3.25 m.
3.	<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 4.55 m.
4.	<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 37.96 m.
5.	<i>Table 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 38.87%.
6.	<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 35.83%.

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)

CAV A/165/2024 (deferred Nov.27/24) - 21 Pebbleridge Place (West District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-storey detached dwelling, 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 comments concerning the application of the four tests to this minor variance request are as follows:

Background

This application is being presented to the Committee for the second time after being deferred at the November 27, 2024 meeting in order to address staff comments.

Table 1 below depicts the variance proposed on November 27, 2024, in comparison to the revised application.

Table 1 – Variance Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	November 27, 2024	June 11, 2025
Dwelling Depth	20.0m	35.13m	37.96m
Residential Floor Area	29%	39.94%	38.87%
Lot Coverage	25%	29.63%	35.83%
Driveway Width	9.0m	N/A	13.55m
Rear Yard Setback	10.5m	N/A	4.55m
Interior Side Yard Setback (East)	4.2m	N/A	3.25m
Rooftop Terrace	Not permitted	Allow rooftop terrace	N/A
Terrace Depth	1.5m	5.57m	N/A
Number of Private Garages	1	2	N/A
Garage Floor Area	56.0 sq m	66.44 sq m	N/A
Garage Projection	1.5m	15.17m	N/A

Through the comments prepared for the November 27, 2024, Committee of Adjustment meeting, staff concerns were related to:

- The introduction of a rooftop terrace, which is not permitted under the Zoning By-law.
- Extensive hardscaping in both the front and rear yards.
- Dwelling depth, floor area, and lot coverage resulting in a proposal representing an overbuild of the subject property.
- A projecting garage that is not in keeping with the established neighbourhood character (as approved).
- The garage being a visually dominant element that contributes to the overall bulk of the dwelling.

While the revised proposal has addressed some of the previously noted concerns, staff remain of the opinion that the cumulative impact of the proposed variances still result in an overbuild of the property.

As indicated in Table 1 above, variances relating to the at-grade garage and rooftop terrace are no longer proposed, as these elements have been removed to address staff comments. However, staff continue to express concern with the remaining variances, which serve to increase the hardscaping and overall building area, ultimately resulting in a dwelling that results in an overbuild of the subject property.

Site Area and 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. The subject property is highlighted blue in Figure 1.






Figure 1 – Majestic Edge Estates subdivision

In accordance with Bill 97, this property will be subject to a scoped Site Plan application for review by Development Engineering staff to review any potential stormwater impacts. Since June 2024, the Committee has approved of the following variances for dwellings on Pebbleridge Place:

ADDRESS	APPROVED VARIANCES	FRONT ELEVATIONS
CAV A/008/2023 85 Pebbleridge Pl February 8, 2023	1. Maximum residential floor area ratio of 34.06% (430.07m ²)	
CAV A/081/2023 84 Pebbleridge Pl 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</p>	<ol style="list-style-type: none"> 1. Maximum residential floor area of 32.8% 2. Maximum height of 9.3 m 	

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

The subject lands are 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 Urban Design Brief for the Majestic Edge Estates subdivision, and 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 neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Urban Design Brief for the Majestic Edge Estates subdivision, nor the Design Guidelines for Stable Residential Communities, in particular the following sections:

“3.1.1 Character: *New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

3.1.3 Scale: *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

3.2.1 Massing: *New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area. The design approach may incorporate:*

- *Projections and/or recesses of forms and/or wall planes on the façade(s).*
- *Single-level building elements when located adjacent to lower height dwellings.*
- *Variations in roof forms.*
- *Subdividing the larger building into smaller elements through additive and/or repetitive massing techniques.*
- *Architectural components that reflect human scale and do not appear monolithic.*
- *Horizontal detailing to de-emphasize the massing.*
- *Variation in building materials and colours.*

3.3.2. Driveways and Walkways: *New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*

New development is encouraged to incorporate permeable paving materials for driveway and pedestrian areas for better management of storm water run-off and for reducing heat build-up”.

As provided above, the intent of the Official Plan is to protect the character of this area within the town. Due to the large lots and related homes in this Special Policy Area, intensification should be carefully considered and shall be limited to development which maintains the integrity of large lots.

Staff maintain the concern that the requested variances would result in an overbuild of the property, and cumulative negative impacts on the streetscape. On this basis, it is staff's opinion that the variances do not maintain the general intent and purpose of the Official Plan as the development would result in a dwelling that does not protect or maintain the character of the neighbourhood.

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 – Driveway Width (Objection) – 9.0m increased to 13.55m

The intent of regulating driveway width is to prevent the construction of a driveway that is wider than the width of the garage, in order to minimize the amount of hardscaping in the front yard. Maintaining an appropriate amount of landscaping in the front yard also promotes positive drainage conditions for sites.

The driveway width proposed provides for dual access to both a parking area located directly in front of the proposed dwelling, and the underground garage identified on the site plan. While it is acknowledged that the driveway is 6.10 m measured at the front lot line, staff are of the opinion that the split driveway, as proposed, does not implement the intent of the provision to minimize the amount of hardscaping in the front yard. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Variance #2 – Interior Side Yard (East) Setback (Objection) – 4.2m increased to 3.25m

Variance #3 – Rear Yard Setback (Objection) – 10.5m increased to 4.55m

The intent of regulating the side yard setback is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. The intent of regulating rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts.

The variance for a reduced interior side yard setback is required to accommodate the retaining wall associated with the sloped driveway, and the variance proposed for a rear yard setback reduction is required to recognize the setback from the rear property line to the basement level as it protrudes above grade. While it is recognized that the variances are technical in nature, and do not push the full two-story dwelling to the parameters of the lot, they do contribute to increased hardscaping and building area. It is staff's opinion that when considered cumulatively with the proposed variances for increased driveway width, dwelling depth, residential floor area ratio, and lot coverage, the overall proposal does not meet the intent and purpose of the Zoning By-law, and results in an overbuild of the subject property.

Variance #4 – Dwelling Depth (Objection) – 20.0m increased to 37.96m

Variance #5 – Residential Floor Area Ratio (Objection) – 29% increased to 38.87%

Variance #6 – Lot Coverage (Objection) – 25% increased to 35.83%

The intent of regulating the dwelling depth, residential floor area ratio, and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. It is noted that unlike many other dwellings in the neighbourhood, the subject lot is a 'priority lot' as identified in the Urban Design Guidelines for Stable Residential Communities, and the Urban Design Brief for the Majestic Edge Estates subdivision, as the dwelling will be visible from the front, and rear (public open space).

While it is acknowledged the rear covered porch contributes to the foregoing variances, staff are of the opinion that the variances cumulatively contribute to enlarging the massing and scale of the dwelling, resulting in an overbuild of the subject property. Taken in context, the subject lot is one of the larger lots in the neighbourhood and the requested increase in residential floor area ratio would result in a significant increase in size relative to other existing and approved dwellings in the neighbourhood. The proposal includes an additional 197.4 square meters of residential floor area beyond that permitted, with 87.73 square meters being attributed to the rear covered porch, while the remaining 109.67 square meters is attributed to the main and second storeys. When considered cumulatively with the increase in lot coverage, and dwelling depth this will result in cumulative massing and scale impacts that will result in a dwelling that appears larger than other dwellings in the surrounding neighbourhood.

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

Staff are of the opinion that requested variances are not appropriate for the development of the site and are not minor in nature as the cumulative impacts of the variances result in a dwelling that represents an overbuild of the subject property.

Recommendation:

Based on the foregoing, it is staff's opinion that the application does not meet the four tests and staff recommend that the application be denied. Should the Committee approve the application, they must be satisfied that the application meets the four tests of the *Planning Act*.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for fire.

Metrolinx: No comments/concerns.

Oakville Hydro: No comments received.

Halton Region:

- It is understood that this application was deferred from November 27, 2024. Regional comments provided on November 22, 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 permit an increase to the maximum driveway width to be 13.55 metres, a decrease to the minimum easterly interior side yard to 3.25 metres, a decrease to the minimum rear yard to 4.55 metres, an increase to the maximum dwelling depth to 37.96 metres, an increase to the maximum residential floor area ratio to 38.87% and an increase to the maximum lot coverage to 35.83% under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a two-storey detached dwelling on the Subject Property.

Halton Conservation:

June 4, 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/165/2024
CH File Number: PMVG-2691
21 Pebbleridge Place
Town of Oakville**

Applicant: Jim Levac

Owner: [REDACTED]

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).

Documents reviewed as part of this submission, received on May 23, 2025, are listed below:

- **Site Plan**, prepared by Cunningham McConnell Limited, dated April 21, 2025.

Proposal

Construction of a new two-storey detached dwelling on the subject property.

Requested variances include:

- To increase the maximum width of the driveway to be 13.55 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
- To reduce the minimum easterly interior side yard to 3.25 m.
- To reduce the minimum rear yard to 4.55 m.
- To increase the maximum dwelling depth to 37.96 m.
- To increase the maximum residential floor area ratio to 38.87%.
- To increase the maximum lot coverage to 35.83%.

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 subject property is regulated by CH as it is partially within the erosion hazard associated with Lake Ontario.

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, April 17, 2025)* (<https://conservationhalton.ca/policies-and-guidelines>).

Based on the site plan provided by the applicant, the proposed development is located within the erosion hazard. As such, the applicant will need to obtain a permit from CH prior to commencing development activities.

CH has previously reviewed the associated Plan of Subdivision (24T-17006) file, and the Engineering Development Setback (EDS) was determined through that process. The proposed dwelling is located outside of the EDS and the proposed pool and deck are partially within the EDS but are consistent with CH policy. As such, the proposed works meet CH regulatory policy requirements for issuance of a CH permit.

Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)

The proposed development is consistent with Policy 5.2 of the Provincial Planning Statement (PPS), which generally directs development to areas outside hazardous lands adjacent to the shorelines of the Great Lakes and other natural hazards.

Recommendation

Given the above, CH staff has no objection to the approval of the requested variances.

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
sgahfarokhi@hrca.on.ca

Transit: No comments received.

Union Gas: No comments received.

Letter(s) in support – 4

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

Re: Minor Variance Application, 21 Pebbleridge Place (CAV A/165/2024)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,



Signature(s)

Matthew Aquino

Print Name(s)

Homeowner(s) of: [REDACTED] Pebbleridge Place, Oakville, ON, L6K 3Y4

Date: 2025-05-14

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

Re: Minor Variance Application, 21 Pebbleridge Place (CAV A/165/2024)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,


Signature(s)

LENY SFERAZZA
Print Name(s)

Homeowner(s) of:  PEBBLERIDGE PL

Date: MAY 6/25

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

Re: Minor Variance Application, 21 Pebbleridge Place (CAV A/165/2024)


To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,


Signature(s)

Tony Dableh / OLV Developments Inc.
Print Name(s)

Homeowner(s) of:  Pebbleridge Place

Date: May 3, 2025

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

Re: Minor Variance Application, 21 Pebbleridge Place (CAV A/165/2024)

To Whom It May Concern,

I/We have reviewed the drawings/plans provided to me/us for the upcoming Minor Variance Application at the Town of Oakville. I/We have no objections to this application and would like to provide our full support.

Sincerely,



Signature(s)

Tony Dableh / OLV Developments Inc.

Print Name(s)

Homeowner(s) of: [REDACTED] Pebbleridge Place

Date: May 3, 2025

Letter(s) in opposition – 0



Sharon Coyne
Asst. Secretary-Treasurer
Committee of Adjustment