

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/067/2025

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>
K. Rai	Pamir Rafiq Lucid Homes Inc. 443 Highside Drive Milton ON, L9T 1W9	PLAN 835 LOT 14 388 Weighton Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

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 a lot area between 650.00 m ² and 742.99 m ² shall be 41%.	To increase the maximum residential floor area ratio to 43.84%.

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/067/2025 – 388 Weighton Drive (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a new two-storey detached dwelling subject to the variance 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 lands are located within a neighbourhood that consists predominantly of one, and two-storey dwellings designed in a range of architectural forms. Some newer two-storey dwellings exist in the surrounding neighbourhood.

A site alteration permit application is currently under review by staff to further assess impacts on drainage and grading.

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 11.1.9, and the following criteria apply:

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.

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. The variances have 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 protection of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Although there have been significant revisions to the previous concept reviewed by staff through the pre-consultation process, Staff are of the opinion that the proposal still does not implement 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.*

3.2.1 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...*

The proposed dwelling does not include variation to reduce the visual impact of the front façade. It is staff's opinion that the proposed variance to permit an increase in residential floor area will result in negative massing and scale impacts and does not maintain or protect the character of the existing neighbourhood. Accordingly, the proposal does not maintain the general intent and purpose of the Official Plan.

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

Variance #1- Residential Floor Area Ratio (Objection)- 41% to 43.84%

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 proposing an increase in the residential area from 41% (292.03 square metres) to 43.2% (313.74 square metres) for an increase of 21.71 square metres. The proposed design of the dwelling includes an open to below area on the second floor, with an area of approximately 11.73 square metres. The open to below area results in the second-floor area being pushed to

the perimeter of the dwelling, negatively contributing to the overall massing and scale of the proposed dwelling. The proposed residential floor area increase results in a dwelling that appears larger than what exists in the neighbourhood. 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.

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

It is staff's opinion that the variance will result in massing and scale impacts that contribute to an overbuild of the subject property. On this basis, staff are of the opinion that the proposal does not represent the appropriate development of the subject property and is not minor in nature.

Recommendation:

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommend that the application be denied.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns with the application.

Oakville Hydro: No comments.

Halton Region:

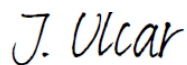
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit an increase to the maximum residential floor area ratio to 43.38%, 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.

Transit: No comments.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0



Jen Ulcar
Secretary-Treasurer
Committee of Adjustment