

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/071/2025

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>
M. Briggs M. Briggs	Emelie Ve Willmott and Strickland Inc. 594 Chartwell Road, Suite 3 Oakville ON, L6J 4A5	PLAN 228 LOT 18 15 Washington Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL5-0, 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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 16)</i> Uncovered platforms having a floor height equal to or greater than 0.6 metres measured from grade shall encroach a maximum of 1.5 metres into the rear yard.	To permit an uncovered platform having a floor height equal to or greater than 0.6 metres measured from grade to encroach a maximum of 1.91 metres into the minimum rear yard.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area less than 557.5m ² shall be 43%.	To increase the maximum residential floor area ratio to 54.8%.

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/071/2025 – 15 Washington Avenue (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a new 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'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 on the north side of Washington Avenue west of Queen Mary Drive, which is within a neighbourhood that is characterized as having a mix of one, one-and-a-half, and two-storey dwellings with a few homes original to the subdivision having been replaced with newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs.

The property will be subject to a site alteration permit to further assess 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 Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the proposed two-storey dwelling is in keeping with the existing character of the neighbourhood and the variances do not create any undue adverse impacts on abutting properties. The architectural elements and overall design of the home do not make the proposed development appear larger than other dwellings in the surrounding area. The dwelling is generally in keeping with the established rear yards of the abutting properties as well and incorporates stepbacks along the front façade above the one-car integral garage which helps further mitigate the massing and scale impacts on the local streetscape.

Additionally, the requirements under the by-law for the front, rear, and side yard setbacks, lot coverage and building height are all being met under the current proposal. As such, staff is of the opinion that the proposal maintains the existing neighbourhood character and 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 – Maximum Encroachment of an Uncovered Platform into a Rear Yard 0.6 m Above Grade (No Objection) – 1.5 m increased to 1.91 m

The intent of regulating the encroachment of an uncovered platform into a rear yard that is 0.6 m above grade is to ensure there is still sufficient rear yard amenity space being provided for on-site and to limit any potential privacy or overlook conditions on abutting properties. The platform is located at a height of 0.78 m above grade and encroaches into the rear yard a further 0.41 m than the maximum permitted under the by-law. The total height of the uncovered platform, in combination with the increased encroachment into the rear yard, does not create any significant impacts on neighbouring properties. The deck has also been setback greater than the minimum requirement provided for under the By-law, which helps further mitigate any potential privacy or overlook concerns

Therefore, staff are of the opinion that proposed variance meets the general intent and purpose of the Zoning By-law.

Variance #2 – Maximum Residential Floor Area (No Objection) – 43% increased to 54.8%

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 residential floor area from 43% to 54.8% (46.73 square metres). The proposed dwelling design incorporates stepbacks of the second storey above the one-car integral garage, a portion of the second storey fully incorporated into the roofline,

façade articulation along the front and side elevations, a one-storey front porch element, along with other architectural features that minimizes the scale and massing of the dwelling.

Additionally, it should be noted that the subject lands are a relatively undersized lot only measuring 394.63 square metres, meaning that this particular site is subject to a more rigorous standard for maximum residential floor area ratio than other properties of a slightly larger size. Under the By-law, the residential floor area ratio for a detached dwelling on any lot with a lot area less than 557.5 square metres shall be 43%. The residential floor area ratio decreases with each subsequent category of increasing lot size such that for lots that are between 557.5 square metres and 649.99 square metres, the residential floor area ratio drops to 42%, for lots that are between 650 square metres and 742.99 square metres it drops to 41%, etc. The By-law does not have specific residential floor area ratios for lots that are significantly under the 557.5 square metre threshold.

Overall, the increase in residential floor area is minor and results in the development of a similar sized dwelling as others in the existing neighbourhood on larger lots. The total residential floor area of 216.42 square metres represents a modest increase when comparing it to other recently constructed two-storey dwellings in the area. Although numerically speaking, the magnitude of the variance may seem quite significant due to the nature of this undersized lot, the proposed development still results in a dwelling that is compatible with the exiting neighbourhood, similar in size to other newly constructed dwellings in the area, and does not create any undue adverse massing or scale impacts along the local streetscape or any abutting properties. Figures 1 and 2 below help illustrate how the proposed dwelling fits into the existing neighbourhood context.



Figure 1: Front Elevation Rendering – 15 Washington Avenue



Figure 2: Rear Elevation Rendering – 15 Washington Avenue

As such, staff are of the opinion that the requested variances maintain the general intent and purpose of the Zoning By-law.

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 variances are 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 development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 14, 2025, 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:

- 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 uncovered platform having a floor height equal to or greater than 0.6 metres measured from grade to encroach a maximum of 1.91 metres into the minimum rear yard and an increase to the maximum residential floor area ratio to 54.8%, 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

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 constructed in general accordance with the submitted site plan and elevation drawings dated April 14, 2025, 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