

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/080/2025

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 June 25, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. Fraser	Michael Barton MB1 Development Consulting Inc 1489 Abbeywood Dr Oakville ON, L6M 2M6	PLAN M239 LOT 5 11 Harbourside Crt Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 1

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 proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.7 c)</i> Attached private garages shall not project 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 permit an attached private garage to project 5.65 metres.
2	<i>Table 6.3.1 (Colum RL3, Row 6)</i> The minimum rear yard shall be 7.5 metres.	To reduce the minimum rear yard to 6.03 metres.
3	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 557.50m ² and 649.99m ² shall be 42%.	To increase the maximum residential floor area ratio to 53.8%.
4	<i>Table 6.4.2</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 35%.	To increase the maximum lot coverage to 41.69%.

5	<i>Section 6.4.3 a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 8.73 metres.	To reduce the minimum front yard to 7.56 metres.
6	<i>Section 6.4.5</i> Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone.	To permit a balcony above the floor level of the first storey.
7	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres	To increase the height to 9.79 metres.

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/080/2025 - 11 Harbourside Court (West District) (OP Designation: Low Density Residential)

The applicant is proposing 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:

Background

The applicant submitted a pre-consultation request for the proposed development, and a meeting was held on January 25, 2025. A revised concept was submitted in February 2025; however, it did not address the initial concerns. Instead, it introduced additional variances and increased the magnitude of those already identified. Staff reiterated their concerns following the revised submission, and the current plans appear to further intensify the extent of the requested variances.

Site Area and Context

The subject property immediately abuts the Harbourside Promenade, which is part of a future comprehensive network of municipally-owned lakefront promenades that the town is working to establish through the policies of Livable Oakville. The applicant is advised that any encroachments on this land are not permitted (including decks, landscaping or structures).

The surrounding neighbourhood is predominantly comprised of one-half and two-storey dwellings that are original to the neighbourhood. There are newer two-storey detached dwellings located in the immediate area. Existing and newer dwellings in the

neighbourhood typically have integrated one-storey attached garages or attached garages that provide transitional building elements and lowered rooflines.



Figure 1: Aerial Imagery – 11 Harbourside Court

In accordance with Bill 97, this property was subject to a scoped site plan application for review by Development Engineering and Urban Forestry staff for any potential stormwater and forestry impacts. The scoped site plan application was approved February 26, 2025. Scoped site plan applications are not circulated for zoning review and zoning compliance is not analyzed through this process.

This area has high archaeological potential, it is encouraged that the applicant conduct a Stage 1 and Stage 2 archaeological assessment as part of due diligence prior to site alteration taking place.

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 Plan. Development within all stable residential communities is required to be evaluated using the criteria established in Section 11.1.9 to 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.”*

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. Staff are of the opinion that the proposal 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.

3.1.5 Rear Yard Privacy: The design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.

- 3. New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.*

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.

3.2.2 Height: In residential neighbourhoods, significant contrasts in dwelling heights can have an impact on the overall character of the area. Although new development may be designed as a taller structure in dimension than the nearby existing dwellings, every effort should be made so that it does not appear to be higher and maintains the character of the stable residential community.

- 3. New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*
- 4. New development within a full second storey is encouraged to incorporate façade articulation and different materials on the upper storey façade to minimize the appearance of greater height.*

3.2.3 Setbacks: New development should be compatible with the character of the existing dwellings by maintaining the established front yard setback patterns and side yard setback patterns along the street edge. There may be instances when

the established front yard setback can be slightly varied due to specific site constraints.

- 2. New development should maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area.*

3.2.6 Garages and Accessory Structures: New development should make every effort to minimize the visual prominence of the garage and the surface parking area on the property frontage in order to maintain a positive pedestrian experience along the streetscape.

- 1. New development with an attached garage should make every effort to incorporate this feature into the design of the building, to achieve compatibility with the overall massing, scale and style of the dwelling and immediate surroundings.*
- 2. New development with an attached garage on the front façade should position the garage flush with or recessed behind the front façade of the dwelling. Where applicable, additional building elements, such as porches or trellises, are encouraged to extend along the garage face and primary façade to lessen the visual prominence of the garage.*
- 4. New development with an attached garage or detached double vehicle garage is encouraged to design the garage openings with separated overhead doors to decrease the visual impact of the garage door on the streetscape.*

3.3.2 Driveways and Walkways: New development is discouraged to place the driveway in close proximity to the property line shared with an adjacent lot which contains a driveway adjacent to that same property line.”

It is noted that the subject lot is considered a ‘priority’ lot, given its location at the terminus of Harbourside Court and its visibility from the public realm along Harbourside Promenade. The proposed dwelling is larger (both coverage and floor area), taller, situated closer to both the front and rear lot lines, and includes a 5.65 metre garage projection as well as a balcony, which is prohibited.

While staff acknowledge that the existing dwelling includes a projecting garage and that the lot has an irregular frontage, the proposed design does not adequately respond to this context nor the existing neighbourhood character. In this instance and based on staff’s evaluation, the proposed dwelling would result in massing and scale impacts that do not maintain or protect the existing character of the neighbourhood.

On this basis, it is staff’s opinion that the variances do 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?

The applicant is seeking relief from Zoning By-law 201014, as amended, as follows:

Variance #1 – Attached garage projection (Objection) – Increased from 1.5 m to 5.65 m

Variance #2 – Minimum rear yard setback (Objection) – Reduced from 7.5 m to 6.03 m

Variance #5 – Minimum front yard setback (Objection) – Reduced from 8.73 m to 7.56 m

The intent of regulating the garage projection and minimum front yard setback is to prevent the garage from being a visually dominant feature of the dwelling, to ensure relatively uniform setbacks along the street and to ensure there is adequate space for landscaped areas. The increased attached garage projection is tied to the requested reduction in front yard setback and increases the impact of the attached garage being a visually dominant feature of the dwelling by bringing this element closer to the street. Additionally, the applicant is proposing to bring forward the second storey of the dwelling over the garage closer to the street, enhancing the mass and scale of the proposed dwelling on the street. The attached garage projection and reduced front yard setback contributes to the overall size and scale of the proposed dwelling and serves to enhance the massing and scale of the proposed dwelling.

The intent of regulating the rear yard setback is to ensure there is adequate rear yard amenity space and reduce potential overlook and privacy impacts on adjacent lands. The reduced rear yard setback brings the two-storey elements of the proposed building closer to Harbourside Promenade, which contributes to potential overlook and privacy impacts on the public realm. Additionally, the inclusion of the rear yard second storey balcony further enhances the potential overlook impacts on the public realm and adjacent private residential properties.

Variance #6 – Permit a balcony above the first storey (Objection) – Prohibited to permitted

The intent of the By-law is to not allow balconies. This eliminates associated overlook and privacy impacts. The proposed balcony would create an overlook condition into adjacent yards.

Variance #3 – Maximum residential floor area ratio (Objection) – Increased from 42% to 53.8%

Variance #4 – Maximum lot coverage (Objection) – Increased from 35% to 41.69%

Variance #7 – Maximum height (Objection) – Increased from 9.0 m to 9.79 m

The intent of regulating residential floor area, lot coverage and building height is to prevent a dwelling from having a mass and scale that appears larger than those dwellings in the surrounding area. The increase in residential floor area, lot coverage and building height have not been effectively mitigated through the proposal and there remains concern with respect to the potential impacts that these variances will have on the surrounding neighbourhood by way of the establishment of a dwelling that appears larger than those in the surrounding area. In addition, the dwelling includes an open to below space that pushes the perimeter of the building out toward the neighbouring property, negatively contributing to the overall massing and scale of the proposed dwelling.

The requested variances have been considered cumulatively. There are concerns with the potential impact of the proposed dwelling on the surrounding area, and the massing

and scale impacts of the proposed dwelling have not been effectively mitigated through the design of the building and site. The cumulative effect of the variances will result in a dwelling that appears larger than those in the surrounding area.

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?

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature as the cumulative impacts of the variances, as proposed, results in a dwelling that does not protect or maintain the existing neighbourhood character, will appear larger than those in the surrounding area and will have an impact on the public realm. The requested variances are not appropriate for the development and are not minor in nature.

Recommendation:

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests and staff recommend that the application be denied. Should Committee's evaluation of the application differ from Staff, the Committee should determine whether approval of the proposed variances would result in appropriate development for the site.

Bell Canada: No comments received.

Halton Conservation:

June 19, 2025

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

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

Re: Minor Variance Application
11 Harbourside Court
Town of Oakville
File Number: A/080/2025
CH File Number: PMVG-2701
Applicant: Michael Barton
Owner: [REDACTED]

Conservation Halton (CH) staff has reviewed the above-noted application as per 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 June 06, 2025, are listed below:

- Site Plan, prepared by DA Design Inc., dated March 17, 2025.

Proposal

The proposed development includes the construction of a two-storey detached dwelling on the subject property proposing the following variances:

- To permit an attached private garage to project 5.65 metres.
- To reduce the minimum rear yard to 6.03 metres.
- To increase the maximum residential floor area ratio to 53.8%.
- To increase the maximum lot coverage to 41.69%.
- To reduce the minimum front yard to 7.56 metres.
- To permit a balcony above the floor level of the first storey.
- To increase the height to 9.79 metres.

Regulatory Comments (Conservation Authorities Act and Ontario Regulation 41/24)

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. The subject property is regulated by CH as it is adjacent to the shoreline of Lake Ontario. CH regulates 15 metres from the greatest 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>).

CH issued a permit on February 10, 2025, for the proposed dwelling (CH Permit No. 8951), and the drawing submitted with the minor variance application matches the approved permit drawing.

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). From a PPS perspective, CH does not have concerns with this application as it is consistent with the PPS.

Recommendation

Given the above, CH staff has no objection to conditional approval of this Minor Variance application, subject to the following condition to be addressed to the satisfaction of CH:

1. That a Minor Variance review fee of \$158.00 be submitted to Conservation Halton.

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

Finance: No comments received.

Fire: No concerns.

Metrolinx: No comments.

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 attached private garage to project 5.65 metres, to permit a decrease to the minimum rear yard to 6.03 metres, an increase to the maximum residential floor area ratio to 53.8%, an increase to the maximum lot coverage to 41.96%, a decrease to the minimum front yard to 7.56 metres, an increase to the height to 9.79 metres and to permit a balcony above the floor level of the first storey, 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.

Union Gas: No comments received.

Letter(s)/Emails in support: 0

Letter(s)/Emails in opposition: 1

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment

Attachment:

Letter/Email of Objection - 1

coarequests

From: Marcin Parkitny [REDACTED]
Sent: Thursday, June 19, 2025 2:11 PM
To: coarequests
Subject: [EXTERNAL] 11 Harbourside Crt - A/080/2025 - PLAN M239 LOT 5 comments
Categories: JEN

You don't often get email from [REDACTED] [Learn why this is important](#)

To whom it may concern,

The variance requests, especially the minimum yard changes, balcony and increased height. Would affect us in the following:

- Reduce our enjoyment of our backyard as the lake views would now likely be obstructed. The views are minimal now. Cutting them down is something we are not looking forward to.
- Reduce the property value as no longer the lake views would be as visible.

I would appreciate to be notified of the final decision on this matter.

Regards,

Marcin Parkitny
[REDACTED] West River Street