

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/180/2022

RELATED FILES: B22/11 (1729); CAV A/181/2022

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, DECEMBER 13, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Sutikshan and Bindu Anand 2250 Chancery Lane West Oakville ON L6J 6A3	W.E. Oughtred and Associates Inc c/o Lisa Christie 28-2140 Winston Park Drive Oakville ON L6H 5V5	PLAN M7 LOT 115 2345 Sovereign Street Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL3-0  
DISTRICT: West

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Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the proposed Consent application for the Severed Parcel (Part 1) shown on the attached Severance Sketch of the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 1, Column RL3)</b> The <i>minimum lot area</i> shall be 557.5 m <sup>2</sup> .	To permit the <i>minimum lot area</i> to be 464.5 m <sup>2</sup> .
2	<b>Table 6.3.1 (Row 2, Column RL3)</b> The <i>minimum lot frontage</i> shall be 18.0m m <sup>2</sup> .	To permit the <i>minimum lot frontage</i> to be 15.235m m.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

**CAV A/180/2022-Part 1-Severed - 2345 Sovereign St (West District) & CAV A/181 /2022-Part 2-Retained - 2345 Sovereign St (West District)**  
(OP Designation: Low Density Residential)

The applicant concurrently proposes through Consent application B22/11(1729) to create a new lot with deficient lot area and lot frontage for the proposed severed and retained lands. The applicant requested the variances listed above.

### **Variance# 1:** Lot area (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum lot area from 557.5 square metres to 464.5 square metres applicable for the severed and the retained lots for Consent application B22/11(1729). The intent of regulating the size of the lot is to ensure a relatively consistent lotting fabric in the neighbourhood. In this

instance, as provided in the Consent report with the supported neighbourhood analysis for the lot area of the proposed severed and retained lots are compatible with the existing lot fabric of the neighbourhood and conform with the Livable Oakville Plan policies (Section 11.1.9). Staff note that lots of similar area exists in the neighbourhood, therefore the proposed decrease in lot area would maintain the parcel fabric and lotting pattern of the area and meets the intent of the Official Plan and Zoning By-law, is considered minor in nature and does not have an adverse impact.

**Variance# 2: Lot frontage (Supported)**

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in lot frontage from 18 metres to 15.23 metres applicable for the severed and the retained lots for Consent application B22/11(1729). The intent of regulating the frontage of the lot in this zone is to provide relatively consistent lot width along the street and throughout the neighbourhood. In this instance, as provided in the Consent report with the supported neighbourhood analysis for the lot frontages, the proposed severed and retained lots are compatible with the existing lot frontages of the neighbourhood and would maintain the parcel fabric with the proposed Consent application.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law and are compatible with the surrounding area. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

**Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the Planning Act. Should the Committee concur with staff's opinion, the following condition is requested:

1. 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, and in cases where a building permit is not required, that the proposed scope of work has not been fully completed.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. 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.

**Fire:** No concerns for fire. DL

**Oakville Hydro:** We do not have any objection to this minor variance application but please note both new residences will require their own independent underground service from either Nelson St or Sovereign St.

**Transit:** No Comments Received

**Finance:** None

**Halton Region:**

- Regional staff notes that the proposed Minor Variance application was reviewed by staff within the Regional comment letter (dated November 11, 2022) for the associated Consent application B22/11(1729).
- Regional staff previously noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One-Representing 3 residents

**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 Services, 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.

Requested conditions from circulated agencies:

1. 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, and in cases where a building permit is not required, that the proposed scope of work has not been fully completed.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:

Letters/Emails of Opposition – 1-Representing 3 residents

To: The Town of Oakville Committee of Adjustments  
Re: Application B22/11 (1729); CAV A/180/2022 and CAV A/181/2022  
Subject property: 2345 Sovereign Street; Plan M7 Lot 115

My name is Brian Gore. I have been a builder of infill housing in Oakville for the past 15 years. I have been asked by the following neighbours to represent them at this hearing.

- Michael Bennett and Suzanne McCabe, 2351 Sovereign Street (immediate neighbour - 16 years on Sovereign Street, 34 years Oakville resident)
- Dave Pearson, 2356 Sovereign Street (43 years on Sovereign Street)
- Steve Gilliam, 130 Nelson Street (directly across the street - family has lived on the lot for 100+ years)

The two major concerns we have regarding the above application are:

1. The potential for oversized houses on undersized lots and
2. Traffic at the corner of Nelson and Sovereign.

### **Oversized homes on Undersized Lots**

Per the current zoning by-laws for this property these variances represent a reduction of 17% of lot area and 15% of lot frontage from the allowable MINIMUMS.

The subsequent reductions in allowable maximum dwelling sizes under the zoning by-laws of MAXIMUM lot coverage (35%) and MAXIMUM residential floor area (43%) will result in allowable maximum dwellings of lot coverage of 162 square meters and RFA of just under 200 square meters.

We understand the desire of the applicant for the lot severance, but are against any subsequent variance application that may be made to allow for oversized houses for these undersized lots. The dwellings should be of proportionate scale and massing for the neighbourhood.

We are willing to withdraw this objection provided we are guaranteed that the maximums noted above will be adhered to and the dwellings are built within the allowable building envelopes as outlined on the application.

### **Traffic at the corner of Nelson and Sovereign**

There are stop signs on Sovereign at Nelson. We have witnessed three accidents at this intersection in the past five years. Drivers often think that this is a four way stop and have driven into traffic travelling on Nelson when expecting them to stop.

With the addition of a dwelling so close to this intersection there will be reduced visibility for drivers.

This neighborhood has changed in the last 5 years as many young families with children have moved in. There will be greater risk to children being injured in traffic accidents due to the severance of the lot and the proximity of a new dwelling to the corner.

Brian Gore  
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