

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/207/2022

RELATED FILE: N/A

### 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
Rory Meleniclis 153 Balsam Drive Oakville ON L6J 3X4	Narratif Design Inc c/o Alison Strickland 100-33 Shepherd Road Oakville ON L6K 2G6	PLAN 1009 LOT 34 153 Balsam Drive Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential-Special Policy Area**

**ZONING: RL1-0**

**WARD: 3**

**DISTRICT: East**

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 construction of a new two-storey detached dwelling on the subject property with the following variances proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 6.3.1 (Row 5, Column RL1)</b> The <i>minimum interior side yard</i> shall be 4.2 m.	To permit a <i>minimum</i> southerly <i>interior side yard</i> of 1.2 m and a <i>minimum</i> northerly <i>interior side yard</i> of 1.88 m.
2	<b>Table 6.3.1 (Row 9, Column RL1)</b> The <i>maximum dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 27.73 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/207/2022 - 153 Balsam Dr (East District)** (OP Designation: Low Density Residential-Special Policy Area)

The applicant is proposing to construct a new two-storey detached dwelling subject to the variances above.

The reduction in southerly interior side yard to 1.2 m and northerly interior side yard setback to 1.88m from a minimum of 4.2 metres will not have any negative impact on the adjacent property with respect to adequate separation.

The increase in the dwelling depth from 20.0 metres to 27.73 metres resulting in a total increase of 7.73 metres will not have any negative impact on the surrounding properties and or the

surrounding area given the large depth of the lot avoiding privacy and overlook concerns and to allow for adequate drainage.

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 the variances are minor in nature and appropriate for the development of the site as there is no negative impact to abutting properties or the streetscape.

**Conclusion:**

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

1. That the dwelling be built in general accordance with the submitted site plan dated November 8<sup>th</sup> and elevation drawings dated October 26<sup>th</sup>, 2022; 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.

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 or comments for this Minor Variance Application.

**Transit:** No Comments Received

**Finance:** None

**Halton Region:**

- 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 a decrease in the minimum southerly and northerly interior side yard and an increase in the maximum dwelling depth, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a new two-storey detached dwelling on the subject property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Two

**Letter(s)/Emails in opposition:** One

**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 dwelling be built in general accordance with the submitted site plan dated November 8<sup>th</sup> and elevation drawings dated October 26<sup>th</sup>, 2022.
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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:

Letters/Emails in Support – 2

Letters/Emails of Opposition – 1

**From:**

**Sent:** Friday, October 28, 2022 9:51 AM

**To:** coarequests <coarequests@oakville.ca>

**Cc: Subject:** 153 Balsam Drive - proposed plans

To whom it may concern,

I am the owner of the property at 148 Balsam Drive, opposite 153 Balsam Drive. Rory and Karen Meleniclis (the new owners of 153 Balsam Drive) plan to replace the existing house with one having a larger footprint. They have shared the proposed plans with me.

If neighbor opinion has a bearing on your decision to approve the proposed plans, I would like you to know that I have no objections to the new footprint or design.

Cheers  
Thomas

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Thomas Foucault

**From:**  
**Sent:** October 3, 2022 12:07 PM  
**To:** coarequests <[coarequests@oakville.ca](mailto:coarequests@oakville.ca)>  
**Cc:**  
**Subject:** 153 Balsam Drive

To whom it may concern,

I am the owner of the property at 159 Balsam Drive, next door to 153 Balsam Drive. The new owners of 153, Rory and Karen Meleniclis, plan to replace the existing house with one having a larger footprint. To execute the building plan, it has been advised that two, side-by-side walnut trees be removed, one on the property line, one on my property. If neighbour opinion has a bearing on your decision to approve the proposed plan, I would like you to know that I have no objections to the removal of both trees. Having seen the Meleniclis's building plans, I also have no objection to their proposed foundation footprint.

Jon Walls

**From:**  
**Sent:** Wednesday, December 7, 2022 11:20 AM  
**To:** Heather McCrae <[heather.mccrae@oakville.ca](mailto:heather.mccrae@oakville.ca)>  
**Cc:** Mayor Rob Burton <[Mayor@oakville.ca](mailto:Mayor@oakville.ca)>; Janet Haslett-Theall <[janet.haslett-theall@oakville.ca](mailto:janet.haslett-theall@oakville.ca)>  
**Subject:** Variance Application 153 Balsam Dr

**Re: 153 Balsam Drive, Oakville**  
**Application for Minor Variances**

I am writing to register my opposition to the application for a Minor Variance at the above noted address.

The Notice we received at our home located at 175 Balsam Drive states that the applicant is seeking three variances. Two are for relief from the bylaw requirements on side yard setbacks and the third variance is for relief from the requirement on maximum dwelling depth.

Side Yard requests: The applicant is seeking to have the side yard setback on the south property line reduced from 4.2 m (13.8 feet) down to 1.2 m (4.0 feet)

**This is a reduction to the required setback of 71 %.**

The applicant is seeking to have the side yard setback on the north property line reduced from 4.2 m (13.8 feet) down to 1.88 m (6.2 feet)

**This is a reduction to the required setback of 53%.**

Given the bylaw requirements for side yard setbacks, we oppose the notion that these sought after set backs represent a minor variance to the bylaw. The set back requests do not support the intent of the bylaw and **they are not minor at all**. We believe that if allowed, the dwelling being proposed will visually fill the entire width of the lot which is only 14.9 m (49 feet) wide. Furthermore, the proposed dwelling will crowd out the adjacent houses (one of which is a dignified, heritage type property that contributes to the character of our neighbourhood).

As for the requested increase in the depth of dwelling, the applicant is seeking to have a dwelling that would be 27.73 m deep (91 feet). This is an increase of 7.73 m beyond what is allowed under the bylaw and represents **an increase of 39%**. Again, this proposed increase to the building depth **cannot be characterized as minor**.

With this additional building depth, the proposed dwelling will encroach on the private back yard spaces of the adjacent homes, will likely create additional shadowing on the property to the north and will result in a potential ground floor building footprint of  $11.86\text{m} \times 27.73\text{m} = 328.9$  square meters (3,539 sq feet)

This will potentially make for a large dwelling on two levels (approx 7,000 sq ft). It is our opinion that this large dwelling is being “crammed” onto a lot that is not large enough to enable the proposed dwelling to fit with the character of our street. Even though the lot is very deep and the proposal likely complies on the calculation of lot coverage, the Committee should take into account the nature of the lot and the street character. The lot is narrow when compared to most existing houses here (the current zoning requires a minimum lot frontage of 30.5 m, which should give the committee an idea of the intention of the bylaw).

In Summary, we strongly oppose this application and we maintain that the requested variances are not minor in nature. If approved, this development will undermine the character of our street and cause negative impacts on the surrounding properties.

We plan on attending the virtual meeting where this matter will be heard, in order to voice our opposition if required.

Sincerely,

T. Dutton and B. Scott  
175 Balsam Drive  
Oakville