

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/070/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Raj Punn and Gurpreet Punn	JD COA Consulting c/o Joseph Domb 207-133 Torredale Avenue North York ON M2R 3T2	PLAN 564 LOT 49 263 Westdale Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL1-0  
DISTRICT: West

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### 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 an accessory building (cabana) and an addition to the existing detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2m.	To reduce the minimum westerly interior side yard to 3.71m.
2	<i>Section 6.4.2 (Row RL1, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 25.61%.

### 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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

**CAV A/070/2024 – 263 Westdale Road (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct an accessory building and an addition to the existing 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 comments concerning the application of the four tests to this minor variance request are as follows:

### Site Area and Context

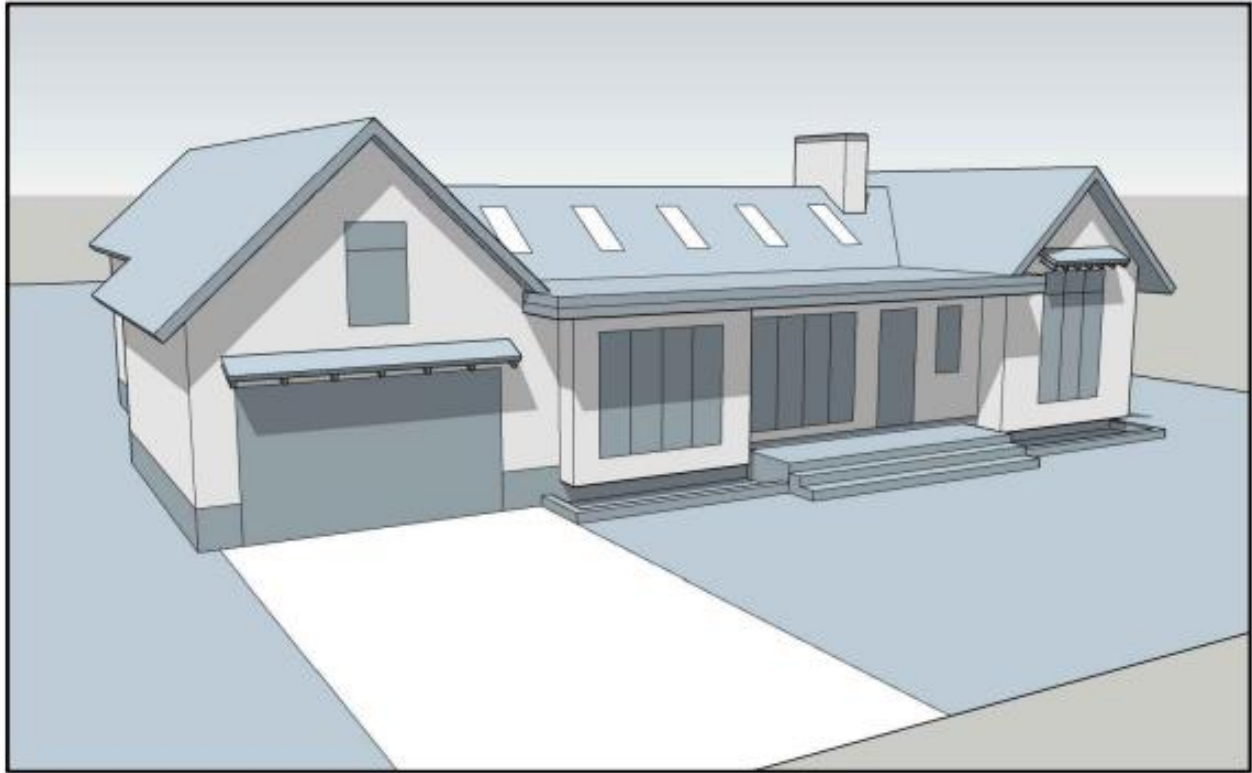
The neighbourhood has undergone transition, with few remaining original one-storey dwellings. The subject lands contain an existing one-storey dwelling with two-storey dwellings on either side. The original and proposed dwelling addition and cabana can be viewed in the images below.



*Aerial photo of 263 Westdale Road*



*263 Westdale Road – Existing Dwelling*



*263 Westdale Road – Proposed modifications to the existing dwelling*

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Low Density Residential Special Policy 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:

Policy 11.1.9 a) states:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.”*

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 adequately implements the Design Guidelines for Stable Residential Communities.

The proposed one-storey dwelling modifications and cabana generally maintains the existing setbacks and modestly increases the footprint of the existing dwelling. On this basis, the variance maintains 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** – Minimum Interior Side Yard (No Objection) – 4.2m decreased to 3.71m

The intent of regulated the interior side yard setback is to ensure there is adequate spatial separation from the property line, and to ensure sufficient space for drainage along the side of the property. The proposed dwelling proposed to maintain an existing setback which does not appear to contribute any negative drainage impacts. Further, as the proposed dwelling maintains the one-storey height, there are no additional negative visual impacts to maintain the existing setback.

**Variance #2** – Lot Coverage (No Objection) – 25% increased to 25.61%

The intent of regulating lot coverage is to ensure the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The proposed dwelling has been designed to sensitively transition to the dwellings on both the east and west side, by limiting the amount of projection into the rear yard.

On this basis, it is staff's opinion that the requested variances maintain the general intent of the Zoning By-law.

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

It is staff's opinion that the proposed variances are minor in nature as the development provides for modifications to an existing one-storey dwelling and new cabana which maintains and protects the character of the existing neighbourhood are appropriate for the development of the subject lands.

On this basis, it is staff's opinion that the application does maintain the general intent and purpose of the Official Plan, Zoning By-law and is desirable for the appropriate development of the subject lands.

**Recommendation:**

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The one-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 3, 2024; 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.

**Fire:** No Concerns for Fire.

**Oakville Hydro:** We do not have any comments for this minor variance application.

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of

Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.

- 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 westerly interior side yard and an increase in the maximum lot coverage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of an accessory building (cabana) and an addition to the existing detached dwelling on the Subject Property.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

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

**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, 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.
- Unless otherwise stated, 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. The one-storey detached dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 3, 2024.
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:

Letter/Email of Opposition – 1  
Letters/Emails in Support – 4

**From:**

**Sent:** Tuesday, April 16, 2024 1:24 PM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** File #CAV A/070/2024

Good Afternoon,

I am writing regarding the variance application sent to the Town of Oakville by my neighbor, please find attached to the email. As the owner of, 271 Westdale Rd, I kindly reject the proposed variance request #1 stated as "*To reduce the minimum westerly interior side yard to 3.71m.*".

Thank you,  
Sultan Sokmen

# Notice of Public Hearing Committee of Adjustment Application



File #CAV A/070/2024

## Electronic hearing:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) on Wednesday May 01, 2024 at 7 p.m.

## Why am I receiving this notice?

You are receiving this notice because the applicant noted below has submitted a minor variance application to the Town of Oakville. As stipulated by the *Planning Act*, notice must be provided to property owners within 60 metres (200 ft.) of the area to which the application applies. Further details of this application, including drawings, can be viewed online at [Agendas & Meetings \(oakville.ca\)](http://Agendas & Meetings (oakville.ca)).

## Applicant and property information:

Applicant / Owner	Authorized Agent	Subject Property
Raj Punn and Gurpreet Punn	JD COA Consulting c/o Joseph Domb 207-133 Torresdale Avenue North York ON M2R 3T2	263 Westdale Road PLAN 564 LOT 49

**Zoning of property:** RL1-0, Residential

## Variance request:

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 an accessory building (cabana) and an addition to the existing detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

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## How do I participate if I have comments or concerns?

### Submit written correspondence

You can send your written comments regarding the application by email (preferred) or regular mail to the Secretary-Treasurer noted below. Include your name, address and application number or address of the property in which you are providing comments. To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received **no later than noon the day before the hearing date.**

Please be advised that any written correspondence submitted to the Town of Oakville regarding this application will be made public pursuant to the *Planning Act* and *Municipal Freedom of Information and Protection Act*.

Participate in the electronic hearing by videoconference

Pre-register as a delegation by contacting the Secretary-Treasurer noted below by email or telephone **no later than noon the day before the hearing date**. You are encouraged to pre-register as a delegation as soon as possible in order to facilitate an orderly registration process. Pre-registered delegates will be provided with access codes and instructions to enter the electronic hearing.

**Watch the hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be publicly live-streamed on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca). The live-stream will begin just before 7 p.m.

**More information:**

Town departments and agency comments regarding this application will be available online at [Agendas & Meetings \(oakville.ca\)](#) by noon on the Friday before the hearing date.

**Notice of decision:**

If you wish to be notified of the decision for this application, you must make a written request by email or regular mail to the Secretary-Treasurer noted below. The written request must be received **before noon the day before the hearing date**. This will entitle you to be notified of any future Ontario Land Tribunal proceedings.

**Contact information:**

Heather McCrae  
Secretary-Treasurer, Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3  
Phone: 905-845-6601 ext. 3281  
Email: [heather.mccrae@oakville.ca](mailto:heather.mccrae@oakville.ca)

**Date mailed:**

April 16, 2024



**Re: 263 Westdale rd. File #CAV A/070/2024**

Dear Sir/Madam,

I am aware that the owners of 263 Westdale rd. would like to construct an addition to the existing dwelling and an accessory building (cabana).

I/we have no objection(s), and support the application.

Name:

Ana BORGES

Signature:



Address:

250 Westdale Road.  
Oakville.

**Re: 263 Westdale rd. File #CAV A/070/2024**

Dear Sir/Madam,

I am aware that the owners of 263 Westdale rd. would like to construct an addition to the existing dwelling and an accessory building (cabana).

I/we have no objection(s), and support the application.

Name:

Randy Sutton

Signature:

R Sutton

Address:

255 Westdale Road Oakville ont. L6Z 4Z7

**Re: 263 Westdale rd. File #CAV A/070/2024**

Dear Sir/Madam,

I am aware that the owners of 263 Westdale rd. would like to construct an addition to the existing dwelling and an accessory building (cabana).

I/we have no objection(s), and support the application.

Name:

Sultan Sokmen

Signature:



2024/04/18

Address:

271 Westdale Road, L6L 4Z7 ON  
OAKVILLE

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**Re: 263 Westdale rd. File #CAV A/070/2024**

Dear Sir/Madam,

I am aware that the owners of 263 Westdale rd. would like to construct an addition to the existing dwelling and an accessory building (cabana).

I/we have no objection(s), and support the application.

Name:

muhammad M. Alen

Signature:



Address:

606 Lakeshore Rd W  
Oakville ON L6K1G5