

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/151/2024 RELATED FILE: A/150/2024 74 Howard Avenue
B24/11 74 Howard Avenue

DATE OF MEETING: January 22, 2025
By videoconference and live-streaming video on the Town of Oakville’s Live Stream webpage at oakville.ca at 7 p.m.

| Owner (s) | Agent | Location of Land |
|-------------|----------------------|---------------------------------|
| L. VAN ZEYL | Paul Demczak | PLAN 114 LOT 30 PT CLSD LANE RP |
| C. VAN ZEYL | Batory Management | 20R4200 PART 5 |
| | 4-1550 Kingston Rd | 74 Howard Ave |
| | Pickering ON L1V 6W9 | Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential ZONING: RL3-0
WARD: 3 DISTRICT: East

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 proposed consent application for the severed parcel (Part 2) of the subject property proposing the following variance to Zoning By-law 2014-014:

| | Current zoning by-law requirements | Variance request |
|---|--|---|
| 1 | Table 6.3.1 (Row 2, Column RL3) The minimum lot frontage shall be 18.0 m. | To decrease the minimum lot frontage to 15.2 m. |

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

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

A/151/2024 – 74 Howard Avenue - Part 2 (East District) (OP Designation: Low Density Residential)
The applicant proposes to sever the subject lands which currently contains a two-storey single detached dwelling, subject to the variance listed above.

Site Area & Context
The Owner has submitted Consent Application B24/11 (1711) to sever the subject lands which contains an existing detached residential dwelling. A minor variance application for both the retained (A/150/2024) and severed lots (A/151/2024) is necessary to address a zoning deficiency in lot frontage.

Background information on the development of the subject lands and a full description of the Consent application is included within the Consent Report dated January 17, 2025.

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:

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

The subject lands are designated “Low Density Residential” in the Official Plan. Section 11 of the Livable Oakville Plan establishes the policy framework for assessing intensification with residential areas. Specifically, Policy 11.1.8 states:

“Intensification within the stable residential communities shall be provided as follows:

- a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan”*

Section 11.1.9 states that development within all stable residential communities shall be evaluated using criteria to maintain and protect the existing neighbourhood character.

In relation to policy 11.1.9 d) of the Official Plan, it states:

d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.

Section 29.5 of the Official Plan defines “compatible” as:

Means the development or redevelopment of uses which may not necessarily be the same as, or similar to the existing development, but can coexist with the surrounding area without unacceptable adverse impact.

The proposal would sever the subject lands into two residential lots, being the retained lands (Part 1) and severed lands (Part 2). To facilitate the creation of the new lot, the existing dwelling will have to be demolished. The effect of this application is to permit two new single detached dwellings to be constructed, one on each lot. Both lots are proposed to have driveway access from Howard Avenue leading to a front-facing integral garage. The proposed lot frontage for the severed lands (74 Howard – Part 2 [A/151/2024]) would continue to maintain the similar lotting fabric that currently exists within the immediate neighbourhood. As such, it is staff’s opinion that the proposal 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 Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Lot Frontage (No objection) – 18.0 m decreased to 15.2 m

The intent of regulating the frontage of the lot in this zone is to provide relatively consistent lot widths along the street. The requested variance recognizes an existing and established lot fabric within the immediate neighbourhood that is consistent with the lot frontage being proposed. The subject lands are currently zoned RL3-0 by Zoning By-law 2014-014, as amended. The RL3-0 zone requires a minimum lot area of 557.5 m² and a minimum frontage of 18.0 m. The proposed severed and retained lands will both have a lot area of 773.79 m² and a frontage of 15.2 m. Therefore, the proposed severed and retained lots comply with the Zoning By-law with respect to minimum lot area but do not comply with the minimum required lot frontage.

Notwithstanding the above, staff note that based on the analysis of the surrounding neighbourhood, the requested variance would result in the creation of two individual lots that are similar to others that already

exist within the immediate area. The application, as submitted, provides for a lot frontage that is relatively consistent with other adjacent lots within the RL3-0 Zone as shown in the chart below.

| Property Address | Lot Area (approx.) | Lot Frontage (approx.) | Land Use Designation / Zoning |
|--|-----------------------------|------------------------|-------------------------------|
| 74 Howard Avenue (Existing) | 1,547.58 m ² | 30.48 m | RL3-0 Zone |
| 74 Howard Avenue (Severed Lot) | 773.79 m² | 15.24 m | RL3-0 Zone |
| 74 Howard Avenue (Retained Lot) | 773.79 m² | 15.24 m | RL3-0 Zone |
| 95 Howard Avenue | 710.0 m ² | 14.7 m | RL3-0 Zone |
| 89 Howard Avenue | 746.1 m ² | 15.3 m | RL3-0 Zone |
| 88 Howard Avenue | 1,443.3 m ² | 31.7 m | RL3-0 Zone |
| 85 Howard Avenue | 1,116.3 m ² | 21.4 m | RL3-0 Zone |
| 81 Howard Avenue | 742.0 m ² | 15.2 m | RL3-0 Zone |
| 78 Howard Avenue | 926.5 m ² | 18.3 m | RL3-0 Zone |
| 77 Howard Avenue | 737.7 m ² | 15.2 m | RL3-0 Zone |
| 67 Howard Avenue | 2,211.2 m ² | 45.7 m | RL3-0 Zone |
| 66 Howard Avenue | 1,539.8 m ² | 30.4 m | RL3-0 Zone |
| 63 Howard Avenue | 763.2 m ² | 22.1 m | RL3-0 Zone |
| 58 Howard Avenue | 1,487.4 m ² | 30.5 m | RL3-0 Zone |
| 57 Howard Avenue | 820.4 m ² | 23.6 m | RL3-0 Zone |
| 44 Howard Avenue | 767.5 m ² | 15.2 m | RL3-0 Zone |
| 43 Howard Avenue | 669.2 m ² | 24.4 m | RL3-0 Zone |
| 40 Howard Avenue | 771.2 m ² | 15.2 m | RL3-0 Zone |
| 37 Howard Avenue | 1,039.6 m ² | 21.3 m | RL3-0 Zone |
| 36 Howard Avenue | 922.2 m ² | 18.2 m | RL3-0 Zone |
| 33 Howard Avenue | 741.0 m ² | 15.2 m | RL3-0 Zone |
| 32 Howard Avenue | 773.4 m ² | 15.2 m | RL3-0 Zone |
| 29 Howard Avenue | 743.5 m ² | 15.2 m | RL3-0 Zone |
| 28 Howard Avenue | 464.4 m ² | 9.2 m | RL3-0 Zone |

It is staff's opinion that the requested variance maintains 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 variance is 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 variance. Should this minor variance request be approved by the Committee, the following condition is recommended:

1. That the owner/applicant receive approval of Consent Application B24/11 (1711) and Minor Variance Application A/150/2024.

Fire: No concerns for fire.

Transit : No comments received.

Halton Region:

- Regional staff note the proposed Minor Variance application was reviewed by staff within the Regional comment letter (dated October 25, 2024) for the associated Consent application B24/11 (1711).
- Regional staff noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

Bell Canada: No comments received.

Union Gas: No comments received.


Letter(s) in support – 6

**To: Committee of Adjustment
 Town of Oakville
 1225 Trafalgar Road
 Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

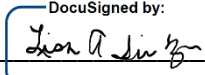
Dear Sir/ Madam,

I / WE, LISA ANN SWITZER the owner(s) of

 HOWARD AVENUE, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: Lisa A Switzer

Signature:  0D3BB404880B43E...


Date: 1/16/2025 | 8:48 AM PST

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

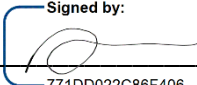
Dear Sir/ Madam,

I / WE, CHRISTOPHER JOHN DUNNING the owner(s) of

 HOWARD AVENUE, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: Christopher John Dunning

Signature:  Signed by:
771DD022C86F406...


Date: 1/13/2025 | 3:45 PM EST

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

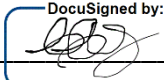
Dear Sir/ Madam,

I / WE, CANDACE CHERYLE WHITNEY the owner(s) of

 HOWARD AVENUE, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: Candace C Whitney

Signature:  E23EDE347402435...


Date: 1/13/2025 | 5:14 PM PST

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

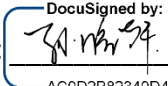
Dear Sir/ Madam,

I / WE, XIAO XUAN SUN the owner(s) of

 Howard Avenue, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: Xiao Xuan Sun

Signature:  AC9D2B82349D40E...

Date: 1/13/2025 | 6:42 AM PST

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

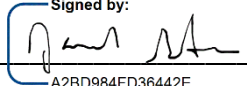
Dear Sir/ Madam,

I / WE, JANET GAIL STERN the owner(s) of

74 HOWARD AVENUE, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: Janet G Stern

Signature:  Signed by: A2BD984FD36442E...


Date: 1/13/2025 | 4:22 PM EST

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 74 Howard Avenue, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE, GINO CANTALINI the owner(s) of

 HOWARD AVENUE, Oakville, ON, have reviewed the consent and minor variance applications located at 74 Howard Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Print Name: GINO CANTALINI

Signed by:
Signature: *Gino Cantalini*
931B3B72845E401...

Date: 1/13/2025 | 8:38 AM EST

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.
- 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 owner/applicant receive approval of Consent Application B24/11 (1711) and Minor Variance Application A/150/2024.

-----*Sharon Coyne*-----
Sharon Coyne
Assistant Secretary-Treasurer,
Committee of Adjustment