

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/011/2025

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](http://oakville.ca) on Wednesday, February 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. PETRIE G. HITCHMAN	William Hicks William Hicks Holdings Inc. 905 Sangster Ave Mississauga ON, CANADA L5H 2Y3	PLAN 1 BLK 22 PT LOTS E,D 181 Front St Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL3 sp: 11, Residential**

**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 construction of a two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 15.11.1 c)</i> The maximum lot coverage for all buildings shall be 25%.	To increase the maximum lot coverage for all buildings to 29.72%.
2	<i>Table 15.11.1 h)</i> Maximum residential floor area for a dwelling having two or more storeys shall be 30% of the lot area.	To increase residential floor area for a dwelling having two or more storeys to 42% of the lot area.

## 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/011/2025 - 181 Front St (East District)** (OP Designation: Low Density Residential)

The applicant proposes to replace the existing two-storey dwelling with detached garage with a new two-storey dwelling with an attached garage subject to the variances listed above.

## Site Area and Context

The subject lands are designated under Part V of the *Ontario Heritage Act* as part of the Old Oakville Heritage Conservation District. The site is a non-contributing property and the existing building can be replaced. The property is also subject to Bill 197 and requires a Minor Site Plan approval. Staff note that a new dwelling has been constructed at 187 Front Street to the immediate east of the subject lands. The site plan diagram shown in Figure 1 below illustrates the existing dwelling footprint and the proposed new dwelling.



Figure 1 – Site Plan

Staff note that the existing dwelling already exceeds the maximum floor area ratio at 37% (30% is the maximum permitted), and the maximum lot coverage at 26.52% (25% is the maximum permitted). The new dwelling includes large front and rear porches which is a characteristic of the Old Oakville Heritage Conservation District. A streetscape plan is provided in Figure 2 below, that demonstrates the scale of the proposed dwelling in comparison to the dwellings to the east and west.



Figure 2 – Streetscape Plan

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the 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:

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

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. Additionally, the property is designated under Part V of the *Ontario Heritage Act*, and Section 5 of the Livable Oakville Official Plan also applies. Staff note that the form of the dwelling is traditional with gable roofs and a prominent covered front porch reflective of the Heritage District character. While the garage is integral to the dwelling (rather than detached) it has been design as a single-bay and is set back from the front porch. The entire proposed dwelling has been set back from the street to reduce its prominence, and its height is consistent with the heights found on the street, as shown in Figure 2 above. It is staff's opinion that the dwelling both maintains the integrity of the Old Oakville Heritage Conservation District, and also maintains and protects the character of the neighbourhood. On this basis, 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?**

**Variance #1** – Maximum Lot Coverage (No Objection) – Increased from 25% to 29.72%

**Variance #2** – Maximum Residential Floor Area Ratio (No Objection) – Increased from 43% to 51%

The applicant proposes an increase in lot coverage from 25% to 29.72%, and an increase in residential floor area ration from 30% to 42%. The intent of the Zoning By-law provision for lot coverage and residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. As noted above, the existing dwelling has a lot coverage of 26.52% and a floor area ration of 37%. It is staff's opinion that the proposed architectural elements have been incorporated into the dwelling in a manner which preserve the surrounding

heritage district attributes. The proposed dwelling has mitigated the impacts of massing and scale by pushing back the main wall and further recessing the garage. An open air front porch also breaks up the massing of the front façade and is a feature that reflects the surrounding heritage character. Lastly, the height of the dwelling is proposed at 9.02 m whereas 10.50 m is the maximum permitted, maintaining the character of the heights found in the neighbourhood and reducing the visual prominence of the dwelling on the streetscape. 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?**

Staff are of the opinion that the proposal represents appropriate development of the subject property. The proposed development will require a minor site plan approval where grading and drainage will be more closely evaluated. The variances are 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 conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan and elevations dated 24.11.05; 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.

**Bell Canada:** No comments received.

**Fire:** No Concerns for Fire.

**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 increase to the maximum lot coverage for all buildings to 29.72% and an increase to the residential floor area to 42% of the lot area, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

**Halton Conservation:**

Conservation Halton (CH) staff has reviewed the materials for 181 Front St Minor Variance 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).

**Variance Request:** To permit the construction of a two-storey detached dwelling on the subject property, variances are requested to increase the maximum lot coverage for all buildings to 29.72% and to increase residential floor area for a dwelling having two or more storeys to 42% of the lot area.

**CH Regulatory Comments:** Under Part VI of the CA Act and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands as well as lands adjacent to these features. The subject property, 181 Front St, Oakville, is adjacent to the shoreline of Lake Ontario. Through the review of plans for development activities along the shoreline, CH seeks to ensure that waterfront development activity will generally be directed to areas outside of hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes - St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards, as well as applicable regulated allowances. The combination of these hazardous lands delineates the extent of the development setback and is determined on-site specific conditions. Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act*, Ontario Regulation 41/24 and CH's Regulatory Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

While the property is considered to be partially within the erosion hazard of Lake Ontario based on CH's Approximate Regulation Limit (ARL) mapping, staff is of the opinion that the proposed development activities are appropriately set back from the shoreline to meet CH policies. A CH Permit (Private Landowner – Minor) is required for the proposed development activities prior to initiating works, should the variances be approved.

**Ontario Regulation 686/21 - Provincial Planning Statement (Sections 5.1.1-5.2.8)**  
CH staff is of the opinion that the proposed development is appropriately set back from the shoreline, consistent with Policy 5.2 of the PPS, which generally directs development to areas outside hazardous lands adjacent to the shorelines of the Great Lakes.

#### **Recommendation**

Based on the above, CH staff has no objection to the approval of the requested variances. Please circulate CH on any revisions to identify any further comments or requirements. Note that a CH Permit is required for the proposed development activities prior to the initiation of works.

**Oakville Hydro:** We do not have any comments for this group of minor variance applications.

**Union Gas:** No comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – 1**

**coarequests**

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**From:** Richard Parrott [REDACTED]  
**Sent:** January 31, 2025 8:55 AM  
**To:** coarequests  
**Subject:** Re: [EXTERNAL] 181 Front Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** JEN

Good morning. Thank you for the response. I would like to formally file an objection as well as be available for the actually meeting. We are preparing some documents and images that will further illustrate why we are objecting. Shall I assume they should be shared prior? Thank you.

Richard

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> To whom it may concern.

>

> My name is Richard Parrott and I am the owner of a home at [REDACTED] King Street in Oakville. Our property abuts the property located at 181 Front Street that is making an application for a variance. Ms. Van Sligtenhorst indicated that, I should email you to insure we are included in any communication and can voice a concern or objection to the application. I am in the process of preparing some information to present and would appreciate any feedback that would help guide me as to the correct procedures that should be followed. Thank you.

>

> Richard Parrott

[REDACTED]

>

**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. The dwelling be constructed in general accordance with the submitted site plan and elevations dated 24.11.05; 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.

*J. Ulcar*

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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment