

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION:** A/032/2025

**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, March 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
J. HAFJEJEE B. HAFJEJEE	Stephanie Matveeva Glen Schnarr & Associates Inc. 10 Kingsbridge Garden Cir Suite 700 Mississauga ON, L5R 3K6	PLAN 475 LOT 11 1082 Melvin Ave Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**WARD:** 3

**ZONING:** RL2-0, Residential  
**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 rear porch on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.4.2</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 25%.	To increase the maximum lot coverage to 27.71%.

## 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/032/2025 - 1082 Melvin Avenue (East District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a rear porch subject to the variances listed above.

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:

### **Site Area and Context**

The neighbourhood is characterized by two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed.



*Aerial Photo of 1082 Melvin Avenue*

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

The subject property is designated Low Density Residential in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. In this instance, the front of the dwelling is not proposed to change maintaining the existing character of the street. There is an existing rear covered porch that is proposed to be removed and replaced. The proposed porch results in an increase of approximately 1.5 metres into the rear yard and the removal of a walk out balcony to be replaced by a flat roof with skylights. The proposed covered porch continues to break up the massing at the rear of the dwelling by incorporating a one-storey element. As such, Staff is of the opinion that the proposal maintains and protects the neighbourhood character and complies with the Livable Oakville Plan.



*Rear of 1082 Melvin Avenue and existing covered porch taken on February 24, 2025*

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

**Variance #1** – Maximum Lot Coverage (No Objection) – 25% to 27.71%

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (259.461 square metres) to 27.71% (287.57 square metres) for an increase of approximately 28 square metres. In this instance, the existing dwelling and existing porch have a lot coverage of 26.43% (274.27 square metres). The proposed porch would increase the coverage on the lot by approximately 1.43% (14.809 square metres). The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood and to ensure that adequate open space is available on a lot for outdoor amenity areas and stormwater infiltration.

The proposed dwelling is similar in mass and scale to the surrounding dwellings and the requested increase in lot coverage to accommodate the new porch continues to act as a one-storey element that assists in breaking up the mass and scale of the dwelling. Additionally, adequate space is provided for outdoor amenity areas and stormwater infiltration.

It is staff's opinion that the application as submitted 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 is 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, the public realm or the existing neighbourhood character.

**Recommendation:**

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

1. That the rear covered porch be constructed in general accordance with the submitted site plan and elevation drawings dated December 19, 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.

**Note:** The property will be subject to a minor site plan application for review of stormwater management controls, site grading and tree protection zones by Development Engineering staff due to the site being located within the Bill 97 Buffer.

**Fire:** No concerns for fire.

**Oakville Transit:** No comments for the March 5<sup>th</sup> COA package.

**Finance:** No comments received.

**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 in the maximum lot coverage to 27.71%, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of a rear porch on the Subject Property.

**Bell Canada:** No comments received.

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

**Union Gas:** No comments received.

**Letter(s) in support – 2**

**Letter(s) in opposition – 0**



## Letter of Support #2

### **coarequests**

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**From:** Rose papastamos [REDACTED]  
**Sent:** February 24, 2025 6:17 PM  
**To:** coarequests  
**Subject:** [EXTERNAL] minor variance 1082 Melvin Avenue- CAV A/032/2025  
**Categories:** JEN

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

To whom it may concern

I have reviewed the plans for the upcoming Minor Variance Application at the Town of Oakville.

I have no objection and provide my full support.

Sincerely,

Rose Papastamos  
[REDACTED] Melvin Avenue  
Oakville. On  
L6J 2V9

Sent from my iPhone

**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.

- Should archaeological remains or resources be found on the property during construction activities, the proponent is cautioned that during development activities, should archaeological materials be found, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Act related to burial sites—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.

- 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 rear covered porch be constructed in general accordance with the submitted site plan and elevation drawings dated December 19, 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.

*J. Ulcar*

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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment