

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION:** A/021/2025  
**FILE:** N/A

**RELATED**

**DATE OF MEETING:** February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. MCNAMARA	Tyler Peck WND Associates 90 Eglinton Ave E Suite 970 Toronto ON M4P 2Y3	PLAN 1009 LOT 65 283 Balsam Dr Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential, SP.  
**Residential**  
**WARD:** 3

**ZONING:** RL1-0,  
**DISTRICT:** East

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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 a new two-storey detached dwelling on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1.	<i>Section 5.8.6 c)</i> For detached dwellings on lots located within the Residential Low (RL1) Zone, the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 59.2 square metres.
2.	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to 13.44 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
3.	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 metres.	To increase the maximum dwelling depth to 34.67 metres.
4.	<i>Section 6.4.3 c)</i> The maximum front yard for new dwellings shall be 5.5 metres greater than minimum front yard for the applicable lot. In this instance, the maximum front yard shall be 16.0 metres.	To increase the maximum front yard to 19.53 metres.
5.	<i>Section 6.4.4 a)</i> A minimum of 50% of the length of all main walls oriented toward the front lot line shall be located within the area on the lot defined by the minimum and maximum front yards.	To reduce the minimum length of all main walls oriented toward the front lot line to be located within the area on the lot defined by the minimum and maximum front yards to 0 %.

## **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/021/2025 – 283 Balsam Drive (East District)** (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-storey 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 subject lands are located on the east side of Balsam Drive and are currently vacant. Large mature street trees are located within the municipal right-of-way and cedar trees line the frontage of the property. Properties along the east side of Balsam Drive are significantly deeper and typically wider than the lots along the west side of Balsam Drive. As a result, the dwellings along this side of Balsam are larger and generally set back further from street than the dwellings along the west side of Balsam Drive. The neighbourhood is generally comprised of two-storey dwellings ranging in size, design, and architectural forms.



*Aerial Photo – 283 Balsam Drive*

The following images include the adjacent dwellings along Balsam Drive and others in the vicinity of the subject lands.





*Lands to the North – 291 Balsam Drive*



*Lands to the South – 275 Balsam Drive*



*Lands to the Northwest – 288 Balsam Drive*



*Lands to the Southwest – 280 Balsam Drive*

The existing lot is seen in the image below.



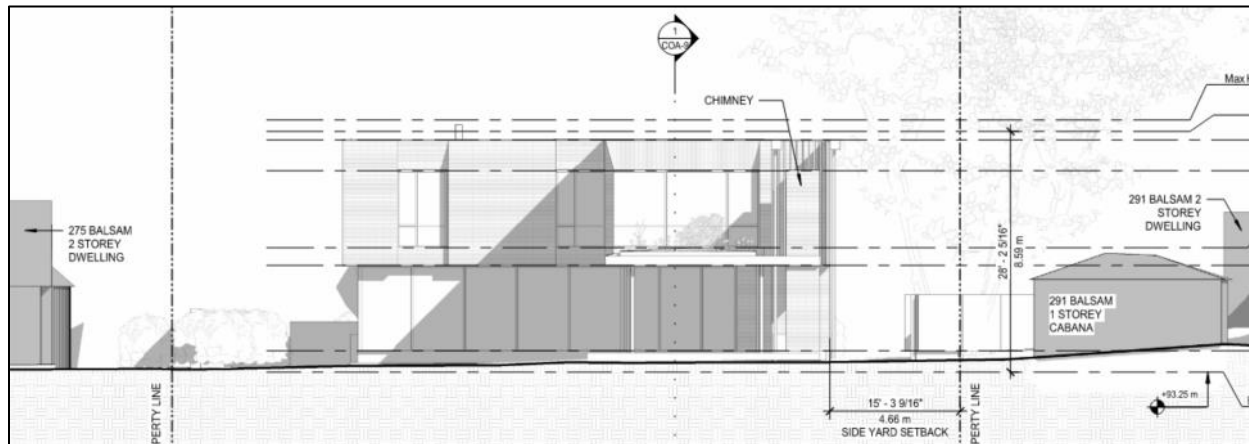


*Existing Vacant Lot – 283 Balsam Drive*

The following images illustrate the proposed dwelling.



*Rendering of Proposed Dwelling – 283 Balsam Drive*





*Excerpt of Site Plan – 283 Balsam Drive*

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

The subject property is designated Low Density Residential – Special Policy Area 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. Although the proposed dwelling has a contemporary design, it remains compatible with surrounding neighbourhood in terms of scale, height, massing, architectural character, and materials. The proposed development is consistent with the front-yard alignment of the adjacent dwellings, and it has been designed to mitigate potential impacts to neighbouring properties with the “T-shaped” profile that provides increased side yard setbacks. The proposed development includes the retention of mature trees along the periphery of the lot, particularly those within the front yard, which will ensure the continuation of the landscaped character of Balsam Drive. Based on the foregoing, 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 the Zoning By-law 2014-014, as amended, as follows:

**Variance #1 – Garage Floor Area (No Objection)** – 56 m<sup>2</sup> increased to 59.2 m<sup>2</sup>

**Variance #2 – Garage Projection (No Objection)** – 1.5 m increased to 13.44 m

The intent of regulating garage floor area and garage projection is to ensure that the garage is not a visually dominant feature of the dwelling. Staff note that the requested garage floor area variance is a modest increase from what is current permitted by the Zoning By-law, which will allow for the parking of two personal vehicles. With respect to

the proposed garage projection, staff note that the single-storey garage will be screened from view from the public realm by existing mature vegetation and enhanced landscaping within the front yard. Furthermore, the architectural design of the proposed dwelling draws attention to other portions of the front façade, particularly the courtyard that is proposed to have additional plantings to provide contrast between the principal wall of the proposed dwelling of the low wall, as illustrated below.



*Excerpt of Twilight Rendering of the Proposed Dwelling viewed from the Front – 238 Balsam Drive*

Based on the foregoing analysis, staff are satisfied that the proposed variance meets the general intent and purpose of the Zoning By-law.

**Variance #3 – Dwelling Depth (No Objection) – 20 m increased to 34.67 m**

The intent of regulating the dwelling depth is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The requested increase in dwelling depth is attributed to a covered porch. However, without that portion, the dwelling depth is measured at 30.4 m, which still exceeds the permitted 20 m in the Zoning By-law. As previously mentioned, the subject property and those that are adjacent to it along the east side of Balsam Drive are significantly larger (almost twice the size) than a typical lot within the RL1-0 Zone, and the depth of this lot is approximately 85m; whereas a depth of 53m would be expected, based on minimum lot area and minimum lot frontage of the RL1-0 Zone. Staff note that a rear yard setback of 35.32m remains for amenities within the rear yard and that the adjacent properties will not be impacted by the proposed increase. Staff also note that the proposed development will also be subject to a Minor Site Plan process, which will ensure proper stormwater management is applied to the site. Therefore, staff are satisfied that the proposed variance meets the general intent and purpose of the Zoning By-law.

**Variance #4 – Maximum Front Yard (No Objection) – 16.0 m increased to 19.53 m**



**Variance #5 – Minimum Length of All Main Walls Oriented Toward the Front Lot Line to be located within the Minimum and Maximum Front Yard Setbacks (No Objection) – 50% decreased to 0%**

The Zoning By-law stipulates both minimum and maximum front yard setbacks and the intent behind the regulations is to address the angular plane of Balsam Drive and to ensure that development is situated not too far back within the lot. Similarly, the intent of regulating a minimum length of the main wall oriented towards the front lot line to be within the area of the lot that is defined by the minimum and maximum front yards is to ensure that dwellings are oriented toward the street and set back an appropriate distance to be in keeping with the surrounding dwellings. In this instance, the proposed dwelling has been designed with the main wall set back behind the garage projection and a low wall that provides an inner courtyard. Staff is satisfied that the proposed variances will allow for a proposed dwelling that contributes to the architectural variation of the neighbourhood that remains situated in alignment with the adjacent dwellings. Therefore, staff is satisfied that proposed variance is in keeping with the 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 revised proposal represents appropriate development of the subject property. The variance is minor in nature and will not create 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 December 5, 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.

**Notes:**

Development Engineering staff note that the site previously went through the Development Engineering Permit Application (DEPA) process and is required to do so again with a “best efforts” approach to pre-/post stormwater management. The Town recommends 25mm retention through the implementation of stormwater management techniques and the Site Alteration Process will also be required.

Parks & Open staff will conduct a forestry review of tree protection and tree removal through the DEPA process. Please note that permits are required for any tree removal and that no trees may be cut until permits have been issued.

**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 total floor area for the private garage to 59.2 sq m, an increase to the attached private garage projection to 13.44 m from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line, an increase to the maximum dwelling depth to 34.67 m, an increase to the maximum front yard to 19.53 m and a decrease to the minimum length of all main walls oriented toward the front lot line to be located within the area on the lot defined by the minimum and maximum front yards to 0% 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.

**Metrolinx:** Upon review, we note no properties fall within our review zones.

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

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support: 5**

Jen Ulcar  
Secretary-Treasurer of Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

**Re: Minor Variance Application – 283 Balsam Drive  
(Town of Oakville File Number: A/021/2025)**

Please accept this letter of support for the above noted minor variance application for 283 Balsam Drive to be heard at the February 19, 2025 hearing of the Committee of Adjustment.

I/We have no objection(s) to the proposed minor variances which permit the construction of a new two-storey detached house on the property.

Sincerely,

Margot Wito

Name

[Redacted]

Address

Balsam Dr.

[Signature]

Signature

Jan 17, 2025

Date

Jen Ulcar  
Secretary-Treasurer of Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

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Sincerely,

Sarah Weatherhead  
Name  
[REDACTED] Balsam Drive

DocuSigned by:  
*Sarah Weatherhead*  
C232D8CFE7EC491...  
Signature

1/22/2025

Jen Ulcar  
Secretary-Treasurer of Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

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I/We have no objection(s) to the proposed minor variances which permit the construction of a new two-storey detached house on the property.

Sincerely,

Fraser Horn  
Name



██████ Balsam Drive, Oakville, ██████

Address

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Signature

Jan 14/2025

Jen Ulcar

Secretary-Treasurer of Committee of Adjustment

1225 Trafalgar Road

Oakville, ON L6H 0H3

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Sincerely,

Arun Kochhar

Name

██████ Balsam Drive, Oakville, Ontario, ██████

Address

  
Signature

2025-01-15

Dat

Jen Ulcar  
Secretary-Treasurer of Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

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Sincerely,

SAMANTHA CHEUNG & LAURENCE CHAU

Name

[REDACTED] BALSAM

  
Signature

Jan. 18, 2025  
Date

## Letter(s) in opposition – None

### **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 December 5, 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.

Sharon Coyne

Sharon Coyne

Assistant Secretary-Treasurer, Committee of Adjustment