

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/035/2025

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 March 19, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
H. KANG S. KANG	SHARAN KANG 411 Seaton Dr Oakville ON L6L 3Y3	PLAN 852 LOT 160 411 Seaton Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL3-0  
DISTRICT: West

**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:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Table 4.3 (Row 7)</i> The maximum encroachment into a minimum yard for window wells with a maximum width of 1.8 metres shall be 0.6 metres.	To increase the maximum encroachment into the minimum rear yard for the window well to 1.1 metres with a maximum width of 4.1 metres.
2	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 56.0 square metres.
3	<i>Table 6.3.1 (Row 6, Column RL3)</i> The minimum rear yard shall be 7.5 m.	To reduce the minimum rear yard to 6.80 m.
4	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 42.20%.
5	<i>Section 6.4.3 a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 8.85 metres.	To reduce the minimum front yard to 8.41 metres.

## 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/035/2025 - 411 Seaton Drive (West District) (OP Designation: Low Density Residential)**

The applicant proposes to demolish the existing one-storey detached dwelling and construct a two-storey detached dwelling, subject to the variances listed above.

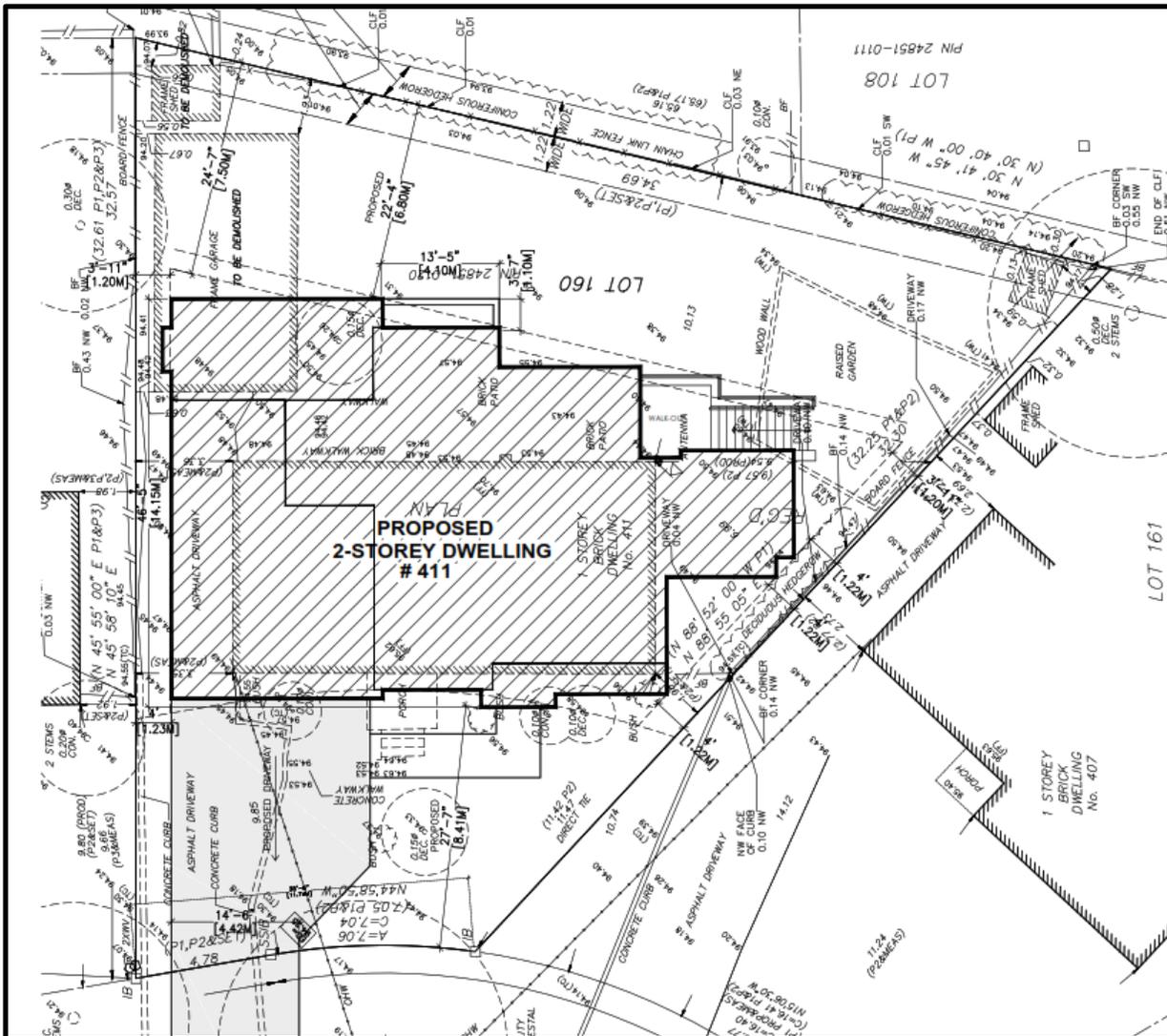
**Site Area and Context**

The subject property is located in an area has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey and one-and-a-half-storey detached dwellings, as well as newer two-storey detached dwellings. The newer homes tend to have massing that is broken up into smaller elements and façade articulation that help mitigate the impacts of mass and scale.

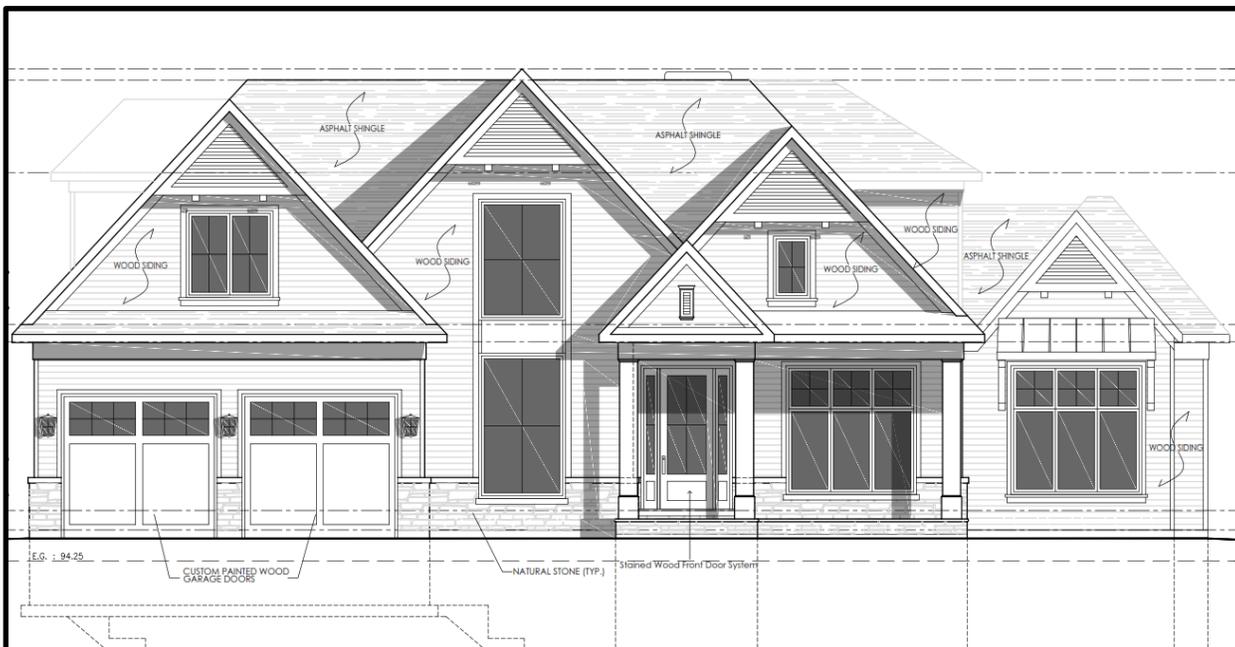


of 411 Seaton Drive

Aerial Photo



Proposed Site Plan – 411 Seaton Drive



Proposed Front Elevation – 411 Seaton Drive

Staff note that a previous minor variance application was approved on October 4, 2022 (CAV A/154/2022) seeking the same variances as currently proposed. A Development Engineering Site Alteration Permit was subsequently approved for the subject lands on December 16, 2024 (Permit # 23 155973 DEPA). Development Engineering staff also note that although the proposal appears to be similar to the plans that were submitted for the Site Alteration Permit, since the approved Grading Plan was not provided as part of this submission, they cannot provide confirmation. Staff require the proposed works to be completed as per the approved Site Alteration Permit. If not, the proposed changes will require a revision of the DEPA, including revised grading and stormwater management.

Although a Site Alteration Permit was submitted for review and approval, the minor variance application is required to be heard before the Committee of Adjustment once again since the previous approval expired. The approval from Committee expires two years from the date of a decision if a Building Permit has not been issued for the proposed construction. Even if the grading and stormwater management systems are the same as the Site Alteration Permit approval plans, a Building Permit is still required prior to proceeding with the proposed works.

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. The proposed dwelling has been designed to be compatible with the surrounding neighbourhood by incorporating architectural elements that reduce the mass and scale of the dwelling and not creating any unacceptable adverse impacts to the streetscape with the reduced front yard setback. As such, staff is of the opinion that the proposal maintains and protects the existing neighbourhood character and complies with the Livable Oakville Plan.

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

**Variance #1** – Maximum Window Well Width and Encroachment (**No Objection**) – Increase in width from 1.8 m to 4.1 m and increase in encroachment into the rear yard from 0.6 m to 1.1 m

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit a window well to have a maximum width of 4.1 metres and encroach 1.1 metres into the minimum rear yard when a window well is permitted to have a maximum width of 1.8 metres and encroach a maximum of 0.6 metres. The intent of regulating window wells is to allow for adequate drainage and passage through a yard so that the window well does not impede access and allows for adequate open space and landscaping. In this instance, there is adequate room for drainage and landscaping and adequate access is still possible.

**Variance #2** – Maximum Garage Floor Area (**No Objection**) – Increase from 45.0 square metres to 56.0 square metres

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum garage floor area from 45.0 square metres to 56.0 square metres for a total increase of 11.0 square metres. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling does not present negative impacts to the streetscape. Staff

are of the opinion that the proposed design of the garage with requested increase in garage area would be internal to the dwelling due to the added storage area; therefore, it would not be a visually dominant feature of the dwelling or impact the streetscape, which meets the intent of the zoning by-law.

**Variance #3 – Minimum Rear Yard Setback (No Objection)** – Decrease from 7.50 m to 6.80 m  
The applicant requests relief from Zoning By-law 2014-014, as amended, to reduce the minimum rear yard setback from 7.5 metres to 6.80 metres, which is measured from the rear lot line to the closest point of the proposed new one-storey covered porch. The intent of regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. The reduction in the rear yard setback is due to the odd shaped structure of the lot and the reduced setback is for small portion of the house and increases to the further end. In this instance, the proposed rear yard setback will not create any adverse impacts as the property has sufficient separation distance from the dwelling at the rear to provide any overlooking concerns. On this basis, staff are of the opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law.

**Variance #4 – Maximum Residential Floor Area Ratio (No Objection)** – Increase from 41% to 42.2%  
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 41% (277.69 square metres) to 42.20% (285.82 square metres) for an increase of 8.13 square metres. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

The proposed dwelling has been designed to reduce the mass and scale by stepping back the second storey in various locations. The setbacks and other design components mitigate the potential of massing impacts of the proposed dwelling on the neighbourhood. Staff are of the opinion that the requested increase in floor area is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is appropriate for the development of the site as it will not negatively impact adjacent properties or the surrounding area.

**Variance #5 – Minimum Front Yard Setback (No Objection)** – Decrease from 8.85 m to 8.41 m  
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 8.85 metres to 8.41 metres. The front yard is measured from the front property line to the main wall of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The reduced front yard setback is due to the irregular shape of the lot which is curved at the front which attributes to the reduction of the front yard setback. The proposed dwelling is in line with the dwelling to the north, and staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

**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 variances are minor in nature and will not create any undue adverse impacts on adjoining properties or the existing neighbourhood character.

**Recommendation:**

Staff do not object to the proposed variances. 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 elevation drawings dated January 14, 2025; 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.

**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 encroachment into the minimum rear yard for the window well to 1.1 m with a maximum width of 4.1 m, an increase in the maximum total floor area for the private garage to 56.0 sq m, a decrease in the minimum rear yard to 6.80 m, an increase in the maximum residential floor area ratio to 42.2%, a decrease in the minimum front yard to 8.41 m, 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.

**Oakville Hydro:** No comments.

**Bell Canada:** No Comments.

**Union Gas:** No comments

**Letter(s) in support – None**

**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 elevation drawings dated January 14, 2025; 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  
Asst. Secretary-Treasurer  
Committee of Adjustment