

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/041/2025

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 April 02, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
H. Kachwala	Maulin Mavani DVM Engineering Inc. 6820 Kitimat Rd Mississauga ON, L5N 5M3	PLAN M1024 PT BLK 5 RP 20R20826 PARTS 8 AND 9 2400 Baronwood Dr Town of Oakville

**OFFICIAL PLAN DESIGNATION: Medium Density Residential**

**ZONING: RM1 sp:269, Residential Medium**

**WARD: 4**

**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 an attached additional residential unit on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 5.2.1 row 15) An attached additional residential unit shall require 1.0 additional parking space.	To require no additional parking space for the attached additional residential unit.

## 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/041/2025 - 2400 Baronwood Drive (West District)** (OP Designation: Medium Density Residential)

The applicant proposes to construct an additional residential unit, subject to the variance 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's comments concerning the application of the four tests to this minor variance request are as follows:

## Site Area and Context

The area is characterized by semi-detached 2-3 storey dwellings with single car garages. Abutting the rear of the subject property is two eight-storey buildings with a total of 487 residential units and 515 parking spaces at 2333-2343 Khalsa Gate. The related plan of condominium received draft approval on August 12, 2024.



*Aerial Photo of 2400 Baronwood Drive*

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

The subject property is located within Palermo Village, designated Medium Density Residential within the Official Plan. The Medium Density Residential designation allows for a range of medium density housing types including multiple-attached dwelling units, apartments, retirement homes, and long term care homes.

It is staff's opinion that the proposed variance 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:

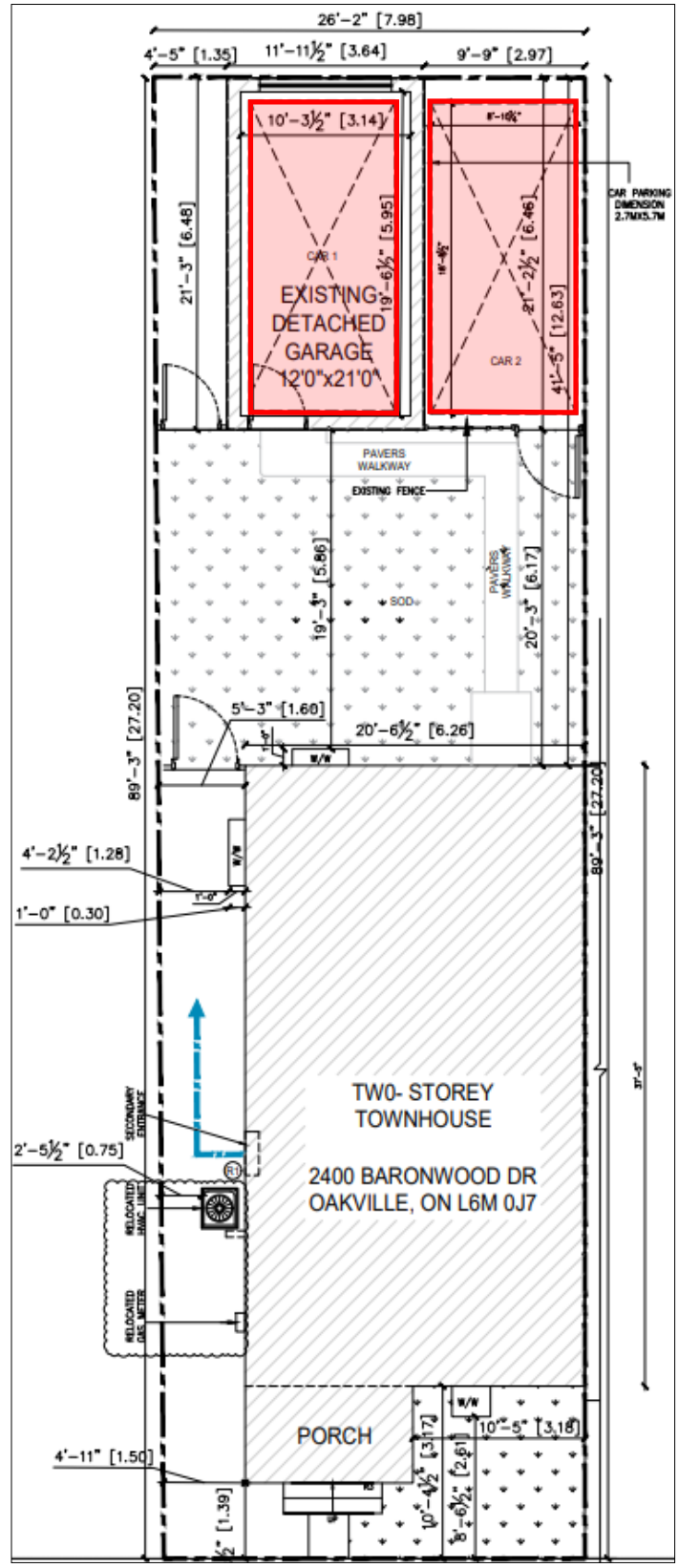
**Variance #1** – Accessory Dwelling Unit Parking (No Objection) – 1 parking space reduced to 0 parking spaces

The applicant requests relief from Zoning By-law 2014-014, as amended, to waive the requirement for an additional parking space for an accessory dwelling unit. The intent of regulating the minimum number of parking spaces for an accessory residential unit is to ensure that there is an adequate and appropriate level of parking allocated for residents/tenants of the unit.

According to Table 5.2.1 of the Zoning By-law, a semi-detached dwelling requires a minimum of two parking spaces, and one additional space is required for each additional attached or detached residential unit. At this time, the subject property provides two parking spaces, as outlined in the image below, satisfying the requirements of the Zoning By-law. As shown on the site plan, there is not adequate space on the subject property to accommodate a third parking space for the additional residential unit required by the Zoning By-law.

It is recognized that this variance works towards addressing the goals and objectives of the Housing Strategy and Action Plan, which aims to create policy and regulation updates promoting and permitting accessory dwelling units. Given the context that the subject lands are

located within a growth area, and proximity to numerous transit options, commercial and employment uses and multi-use trails the proposed reduction of one parking space is warranted.



2400 Baronwood Drive Site Plan

**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 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.

**Municipal Enforcement Services:** On street parking cannot be guaranteed.

**Oakville Hydro:** We do not have any comments to add.

**Transit:** No comments received.

**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 require no additional parking space for an attached additional residential unit on the Subject Property, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting an attached additional residential unit on the Subject Property.

**Union Gas:** No comments received.

**Bell Canada:** No comments received.

**Letter(s) in support – 0**

**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.
- The applicant is cautioned that during development activities, should archaeological materials be found on the property, the provincial Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately ([archaeology@ontario.ca](mailto: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 disturbances 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 *Funeral, Burial and Cremation Services Act*—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 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