

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/051/2025

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 on Wednesday, April 16, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
S. BARAC M. BARAC	Tomasz Goral Goral Design Corporation 720 King St W Unit 411 Toronto ON M5V 3S5	PLAN 1322 LOT 50 291 Dalewood Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - SP
WARD: 3

ZONING: RL1-0
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 variance to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<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 14.88 metres.	To reduce the minimum front yard to 10.29 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/051/2025 - 291 Dalewood Drive (East District) (OP Designation: Low Density Residential – Special Policy Area)

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 regarding the application of the four tests to this Minor Variance request are as follows:

Site and Area Context:

The subject land is located in an established neighbourhood within a relatively consistent lotting pattern, resulting in lots that are similar in size and shape. The related homes in the area are also similar in size and age that are part of the original housing stock, with newer two-storey dwellings becoming more frequent. Large mature trees and vegetation contribute to the character of the area, noting that there are no sidewalks along the landscaped boulevards of Dalewood Drive.

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

The subject land is designated Low Density Residential Special Policy Area by the Livable Oakville Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. Furthermore, Section 26.2.1 – states:

“The Special Policy Area in Southeast, Central and Southwest Oakville that applies to the Low Density Residential designation is intended to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots. Densities in the Special Policy Area shall not exceed 10 units per site hectare notwithstanding the Low Density Residential designation.”

Based on staff's review, the proposal maintains the general intent and purpose of the Livable Oakville Plan.

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

Variance #1 – Front yard setback decrease from 14.88 m to 10.29 m (No Objection)

The intent of the Zoning By-law provision regulating the front yard setback is to ensure a relatively consistent alignment of dwellings along the streetscape. In this instance, given that the property is located on a curved section of Dalewood Drive, only a portion of the proposed dwelling extends into the required front yard and dwellings further south along the curvature of the road are staggered in the same manner. Furthermore, it is Staff's understanding that due to the Conservation Halton regulated area of Wedgewood Creek at the rear of the property, the proposed dwelling cannot be shifted further into the rear yard to comply with the as-of-right setback. Therefore, Staff are of the opinion that the request 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 are of the opinion that the proposal represents appropriate development of the subject land. The requested variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Notwithstanding the comments above, although relief is not required for the proposed rear covered patio, Staff are concerned that the roof connected to the second floor will be used as a balcony. As seen in the Rear Elevation Drawing below, the same glass railing is being used throughout this portion of the building and there is a double door from the Master Bedroom leading onto the roof of the covered patio:



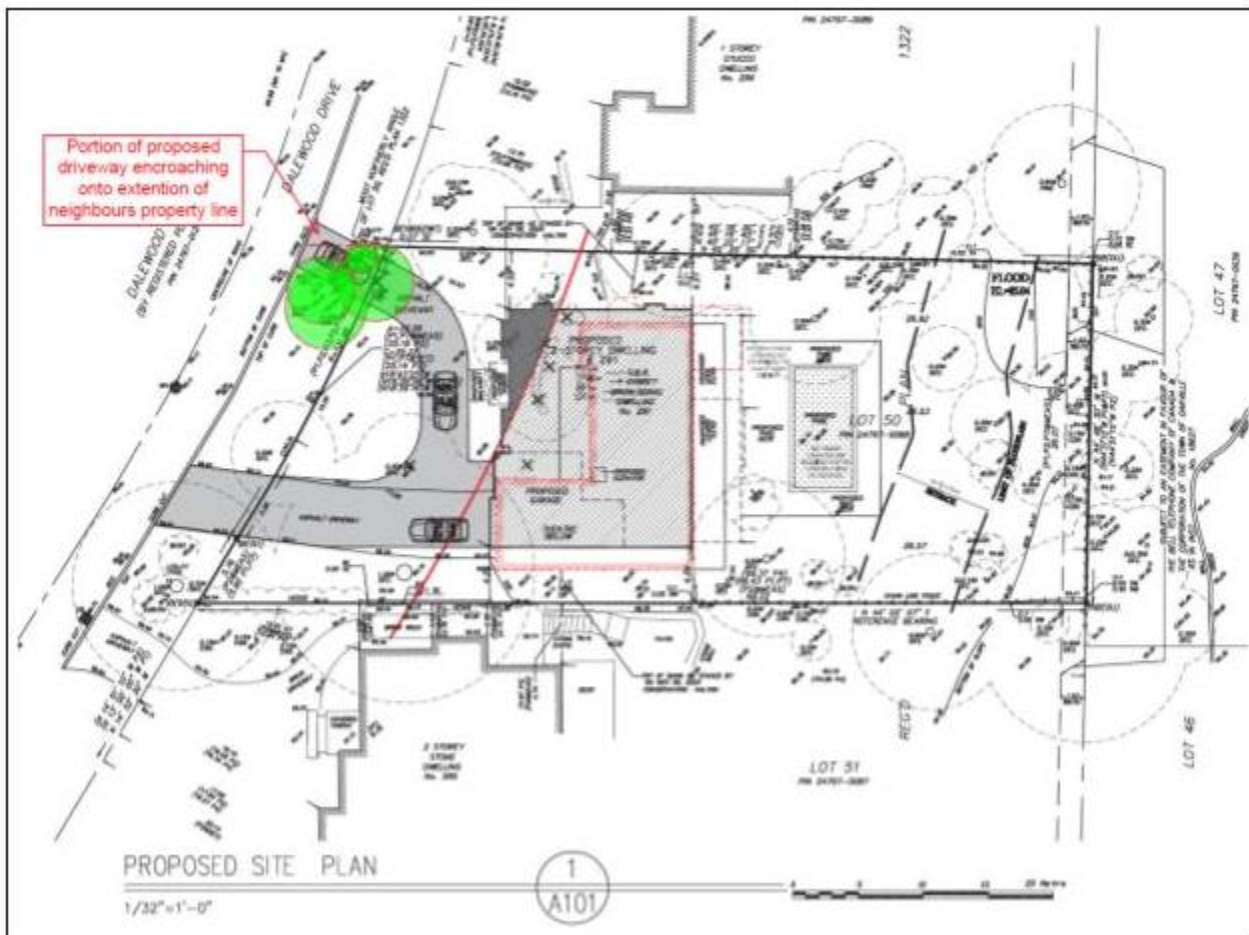
Rear Elevation markups showing balcony elements (i.e. glass railings and doors)

The applicant is required to remove these components at time of Building Permit review so that this feature cannot be used as a balcony, which is prohibited in the Zoning By-law, as it will cause negative adverse impacts of overlook and privacy concerns on abutting and surrounding properties.

The following additional comments have been provided by internal Town Departments:

Urban Forestry: The town trees at the front of the property may not be removed to accommodate the new proposed circular driveway. They must be preserved with the future development and the proposed driveway must be outside the minimum Tree Protection Zone for all town trees.

Development Engineering: Due to this site being in the Bill 97 buffer area, the applicant will be required to go through the Minor Site Plan application. This means that the site will need to provide SWM controls for the 25mm volumetric event and Conservation Halton approval is required. Approximate limits on the plans are shown, but it is noted that the applicant requires a Professional Engineer to assess how the proposed works will impact the flood limits. This may include a cut fill analysis, updated PCSWMM model, etc. Another concern is proposed driveway on the municipal right-of way, which appears to be encroaching onto an extension of the neighbor's property line.



Site Plan markups showing Urban Forestry and Development Engineering concerns (i.e. tree removal and driveway conflicts)

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 elevation drawings "FOR COA" dated Feb 6, 2025, to the satisfaction of the Director of Planning and Development; 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.

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 reduce the minimum front yard to 10.29 metres, 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:

April 10, 2025

Town of Oakville – Committee of Adjustment
1225 Trafalgar Road
Oakville, ON L6H 0H3

BY E-MAIL ONLY (coarequests@oakville.ca)

To Committee of Adjustment:

Re: Minor Variance Application
File Number(s): A/051/2025
CH File Number(s): PMVG-2715
291 Dalewood Dr, Town of Oakville
Agent: Tomasz Goral
Owner: Stanko and Mirka Barac

Conservation Halton (CH) staff has reviewed the above-noted application according to 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).

Documents reviewed as part of this submission, received on March 28, 2025, are listed below:

- **Site Plan [A101], Proposed Elevations Set [A200-203], Proposed Floor Plans Set [A300-303]**, prepared by JRCP Design INC, dated November 01, 2021.

Proposal

A minor variance is requested to reduce the minimum front yard to 10.29 metres whereas the By-law requires a minimum front yard of 14.88 metres in this case. The variance is requested to permit the construction of a two-storey detached dwelling on the subject property.

Regulatory Comments (Conservation Authorities Act and Ontario Regulation 41/24)

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands and unstable soil and bedrock, as well as lands adjacent to these features. The subject property is adjacent to lands traversed by Wedgewood Creek and contains the flooding and erosion hazards

associated with that watercourse. CH regulates a distance of 15 metres from the greatest hazard associated with watercourses.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24, and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document* (last amended, June 21, 2024) (<https://conservationhalton.ca/policies-and-guidelines>).

Based on the site plan submitted, the proposed dwelling and patio are located within the erosion hazard (valley slope), and the proposed pool and associated deck are within the valley as well as the 15m regulatory allowance from the flood plain. As such, the applicant is required to obtain a permit from CH prior to commencing any development activities.

The proposed dwelling reconstruction and expansion meets CH policy requirements for being located no further into the valley than the current dwelling. Although not required for CH to review the proposed minor variance, additional details and technical information will be required through the CH permit process to support the proposed dwelling, and to determine whether the proposed pool and deck can be supported under CH policies.

Provincial Planning Statement Natural Hazard Comments (Sections 5.1.1-5.2.8)

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement (PPS). CH raises no concerns with the requested variance considering it is for a dwelling reconstruction and expansion that is located no further into a valley than the existing dwelling. CH will review further technical details to address natural hazards through the CH permit process.

Recommendation

CH has no objection to the approval of this minor variance application for the subject property

Note: Please note that a Permit is required from CH prior to initiating the proposed development activities within CH's regulated area.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

We trust the above is of assistance. Please contact the undersigned with any questions.

Sincerely,

Shayan Madani Ghahfarokhi
Planning & Regulations Analyst
905-336-1158 ext. 2335
sgahfarokhi@hrca.on.ca

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 – 0

Letter(s) in opposition – 0

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. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings "FOR COA" dated Feb 6, 2025, to the satisfaction of the Director of Planning and Development; 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
Asst. Secretary Treasurer
Committee of Adjustment