

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/049/2025**

**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 30, 2025 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u>  | <u>Location of Land</u>                             |
|------------------|---|---|
| H. Taylor        | Emelie Vea<br>Willmott and Strickland Inc.<br>594 Chartwell Road, Suite 3<br>Oakville ON, L6J 4A5 | PLAN 113 LOT 61<br>379 Allan St<br>Town of Oakville |

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL3-0 sp:10, Residential**

**WARD: 3**

**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 a one-storey addition with attached garage and a covered porch in the rear yard on the subject property proposing the following variances to Zoning By-law 2014-014:

| No. | Current  | Proposed   |
|-----|--|--|
| 1   | <i>Section 15.10.1 c)</i><br>The maximum lot coverage for a dwelling having two storeys shall be 19%.  | To increase the maximum lot coverage to 25%.                       |
| 2   | <i>Section 15.10.1 g)</i><br>The minimum interior side yard for a detached dwelling having two storeys and an attached private garage shall be 1.8 metres. | To reduce the minimum northerly interior side yard to 0.71 metres. |

## **CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

### **Planning & Development:**

**(Note:** Planning & Development includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

### **A/049/2025 - 379 Allan Street (East District) (Low Density Residential)**

The applicant is proposing the construction of an addition to the existing one and half storey dwelling, subject to the variances listed above. The proposal consists of a two-

storey addition, a covered porch, and an attached garage located towards the rear of the property.

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 subject lands are located within the Brantwood neighbourhood (RL3-0 SP: 10) which permits a maximum lot coverage of 19% for two-storey dwellings. However, through an evolution in the housing stock in the neighbourhood, there are two-storey dwellings with lot coverages greater than 19%. Relief from the Zoning By-law has been granted by the Committee of Adjustment for increases beyond 19%.

As noted above, this neighbourhood has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey, one-half-storey, and two-storey detached dwellings, as well as newer two-storey detached dwellings. Newer two-storey dwellings in the surrounding area consist of a variety of architectural forms, many of which include one-storey architectural elements that assist in breaking up the massing.

The property will be subject to Site Alteration Permit for review by Development Engineering staff to further assess impacts on drainage and grading.

### **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 and is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the proposed addition does not make the existing dwelling appear larger than other dwellings in the surrounding area as the addition will be located towards the rear of the property which will not be visible from the street, preserving the existing character of the streetscape.

Additionally, the minimum requirements for the easterly interior side, rear yard setback and height are proposed to be maintained. As such, staff is of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

### **Variance #1 –Lot Coverage (No Objection)- Increase from 19% to 25.0%.**

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, to permit an increase in lot coverage from the existing lot coverage of 18% (119.45m<sup>2</sup>) to 25% (166.88 m<sup>2</sup>) whereas the maximum permitted lot coverage is 19%. The proposed addition will result in an additional 77.31 m<sup>2</sup> of lot coverage. The intent of regulating lot coverage is to prevent the construction of a dwelling with a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

**Variance #2 - Interior side yard (No Objection) – Reduce from 1.8 m to 0.71 m.**

The intent of the Zoning By-law provision for interior side yard setback is to provide sufficient space for access, drainage and grading, as mentioned above drainage will continue to be reviewed as part of the site alternation permit submission of detailed engineering plans. It is noted that the proposed 0.71 m interior side yard setback will still allow the Owner to access all sides of the addition for construction, maintenance and repairs, if required, without infringing on abutting properties. Staff are of the opinion that the requested variance 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?**

It is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in an addition that is in keeping with the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

**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 dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 27/ 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.

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

**Transit:** No comments.

**Metrolinx:** No comments/concerns.

**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 25%, and to reduce the minimum northerly interior side yard to 0.71 metres, under the requirements of the Town of

Oakville Zoning By-law, for the purpose of permitting a one-storey addition with attached garage and a covered porch in the rear yard on the Subject Property.

**Bell Canada:** No comments received.

**Union Gas:** 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 proponent is cautioned that during development activities, should archaeological materials be found on the property, 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 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 dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 27/ 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.

*J. Ulcar*

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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment