

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/056/2025**

**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>
P. Yamka	Alex Blanchard Carrothers and Associates 505 York Blvd., Unit 3 Hamilton ON, L8R 3K4	PLAN 350 PT LOT 53 580 Fourth Line Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL3 sp:1, Residential**

**WARD: 2**

**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 site proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 7)</i> Window wells with a maximum width of 1.8 metres shall encroach a maximum of 0.6 metres into a minimum yard.	To permit a window well with a maximum width of 2.13 metres to encroach a maximum of 0.49 metres into the minimum northerly interior side yard.
2	<i>Table 4.3 (Row 7)</i> Window wells with a maximum width of 1.8 metres shall encroach a maximum of 0.6 metres into a minimum yard.	To permit a window well with a maximum width of 2.74 metres to encroach a maximum of 0.59 metres into the minimum northerly interior side yard.
3	<i>Section 5.2.3 b) iv)</i> The minimum dimensions of a parking space located in a private garage shall be 5.7 metres in length and where stacked parking spaces are provided, 3.0 metres in width for either the parking space on or below the vehicle elevating device.	To reduce the minimum width of a stacked parking space to 2.54 metres.

4	<p><i>Section 5.8.6 b)</i>  For detached dwellings on lot 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.</p>	To increase the maximum total floor area to 78.05 square metres.
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**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/056/2025 - 580 Fourth Line (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached 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’s comments concerning the application of the four tests to this minor variance request are as follows:

**Site Area and Context**

The neighbourhood is comprised of one-storey and two-storey dwellings that are original to the area as well as two-storey dwellings that are newly constructed.

**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 is in keeping with the existing neighbourhood and would not result in negative cumulative impacts on the surrounding neighbourhood. 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** – Maximum Window Well Width in Interior Side Yard (No Objection) – 1.5 to 2.13 m

**Variance #2** – Maximum Window Well Width in Interior Side Yard (No Objection) – 1.5 m to 2.74 m

The intent of regulating the size and dimension of the window well is to ensure there are no negative impacts to drainage and adequate access to rear amenity space. The window wells do not exceed the maximum encroachment of 0.6 metres into the required yard. Adequate space is still available for access and drainage within the side yard.

Staff are of the opinion that the requested variances maintain the general intent and purpose of the Zoning By-law.

**Variance #3** – Minimum Stacked Parking Space Width (No Objection) – 3.0 m to 2.54 m

The intent of regulating the minimum width of stacked parking spaces is to ensure adequate space and functionality for a stacked parking / elevating device and the ability to adequately enter and exit a vehicle. In this instance, the elevating device is within a private garage that has a width greater than 3.0 m; however, the structural car lift posts are within the 3.0 m space. Car lifts are designed to allow car doors to open and allow for adequate functionality. As a result, staff have no objections to the requested variance and are of the opinion that it meets the general intent and purpose of the Zoning By-law.

**Variance #4** – Maximum Private Garage Floor Area (No Objection) – 45 square metres to 78.05 square metres

The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling. In this instance, the garage appears to be a two-car garage from the street and the additional private garage floor area is to accommodate a tandem parking space internally. The additional space includes the car lift. Staff is 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?**

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 to adjoining properties, the public realm 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. That the dwelling be built in general accordance with the submitted site plan dated May 22, 2024 and elevation drawings dated March 11, 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 a window well with a maximum width of 2.13 metres to encroach a maximum of 0.49 metres into the minimum northerly interior side yard, to permit a window well with a maximum width of 2.74 metres to encroach a maximum of 0.59 metres into the minimum northerly interior side yard, to reduce the minimum width of a stacked parking space to 2.54 metres, and to increase the maximum total floor area to 78.05 square 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.

**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 built in general accordance with the submitted site plan dated May 22, 2024 and elevation drawings dated March 11, 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