

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/069/2025

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, May 28, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
A. Fernando	Kurtis Van Keulen Huis Design Studio 301-1a Conestoga Dr Brampton ON, L6Z 4N5	PLAN 19 PT LOT 8 417 Union St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3 sp:12, Residential

WARD: 3

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 an accessory building (garden shed) and uncovered platform (deck) in the rear yard on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 16)</i> The maximum encroachment into a minimum rear yard for an uncovered platform having a floor height equal to or greater than 0.60 metres measured from grade shall be 1.5 metres.	To increase the maximum encroachment to 5.61 m into the minimum rear yard for the uncovered platform having a floor height equal to or greater than 0.60 metres measured from grade.
2	<i>Section 6.5.2 c)</i> The maximum height for any accessory building or structure shall be 4.0 metres measured from grade.	To increase the maximum height for the accessory building to be 4.29 metres measured from grade.
3	<i>Section 15.12.1 c)</i> Maximum lot coverage shall be 25% as required in Figure 15.12.2.	To increase the maximum lot coverage to 27.71%.

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/069/2025 - 417 Union Street (East District) (OP Designation: Low Density Residential)

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 property is designated under Part V of the *Ontario Heritage Act* as part of the First and Second Street Heritage Conservation District. The property is a non-historic, non-contributing property within the District. The shed and deck are existing and located in the rear yard, which does not have a direct impact on the character of Heritage Conservation District. The shed has been designed to match the dwelling with materials that meet the District Plan and Guidelines. A Heritage Permit for the property's landscaping, including the rear shed and deck, was issued in 2023 and therefore, an additional permit is not required.

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

The subject land is designated Low Density Residential 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. 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 – Rear yard encroachment increase from 1.5 m to 5.61 m (No Objection)

Variance #2 – Accessory building height increase from 4.0 m to 4.29 m (No Objection)

Variance #3 – Lot coverage increase from 25% m to 27.71% m (No Objection)

The intent of the Zoning By-law provision regulating the rear yard encroachment for an uncovered platform (i.e. deck) is to prevent overlook and privacy impacts on abutting properties, while the height and lot coverage provisions ensure that an accessory building is clearly subordinated to the dwelling without causing mass and scale impacts. Staff are of the opinion that the general intent of the Zoning By-law is maintained, since the deck is constructed close to grade behind the dwelling and the shed has been designed to be separate and distinct from the dwelling and massing impacts have been minimized.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

In this instance, although the shed and deck are existing, Staff did not observe any negative adverse impacts on abutting properties as seen in Figure 1. Staff are of the opinion that the proposal represents appropriate use of the rear yard and meets the foregoing test.



Figure 1: View north from the existing deck

Notwithstanding the comments above, a Development Engineering Site Plan (DESP 2020 129197) application was approved on November 16, 2020. Based on the new deck, retaining walls in the rear and east side yards, and increased driveway width, a revision to the DESP is required.

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 shed and deck be permitted in general accordance with the revised DESP 2020 129197 and elevation drawings “ISSUED FOR COA” dated 03.24.2025, 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.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns with the application.

Oakville Hydro: No comments.

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 to the maximum encroachment to 5.61 metres into the minimum rear yard for the uncovered platform having a floor height equal to or greater than 0.60 metres measured from grade, an increase to the maximum height for the accessory building to be 4.9 metres measured from grade and an increase to the maximum lot coverage to 27.7%, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of an accessory building (garden shed) and uncovered platform (deck) in the rear yard on the Subject Property.

Transit: No comments.

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 shed and deck be permitted in general accordance with the revised DESP 2020 129197 and elevation drawings “ISSUED FOR COA” dated 03.24.2025, 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.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment