

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: *Section 45 of the Planning Act, 1990*

**APPLICATION: A/073/2025**

**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](https://oakville.ca) on Wednesday, June 11, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. KING A. KING	N/A	PLAN 641 LOT 264 411 Sherin Dr Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2**

**ZONING:RL3-0  
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 a driveway extension on the subject property proposing the following variance to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to 13.0 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/073/2025 – 411 Sherin Drive (West District)** (OP Designation: Low Density Residential)

The applicant constructed a driveway extension on the subject lands without the proper permits or approvals being in place and is now seeking to legalize the existing non-compliant driveway with a reduced width, less than what exists currently on site, subject to the variance listed above.

An application for minor variance (CAV A/122/2024) was previously presented to the Committee on August 21, 2024, requesting an increase in driveway width from 9.0 m to 16.60 m. The application was not supported by staff and subsequently denied by the Committee. The owner appealed the decision of the Committee to the Ontario Land Tribunal (OLT). Subsequently, the town and the applicant reached a settlement. As a result, the applicant has submitted a new application proposing a driveway width of 13.0 m.

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 comments concerning the application of the four tests to this minor variance request are as follows:

### Site Area and Context

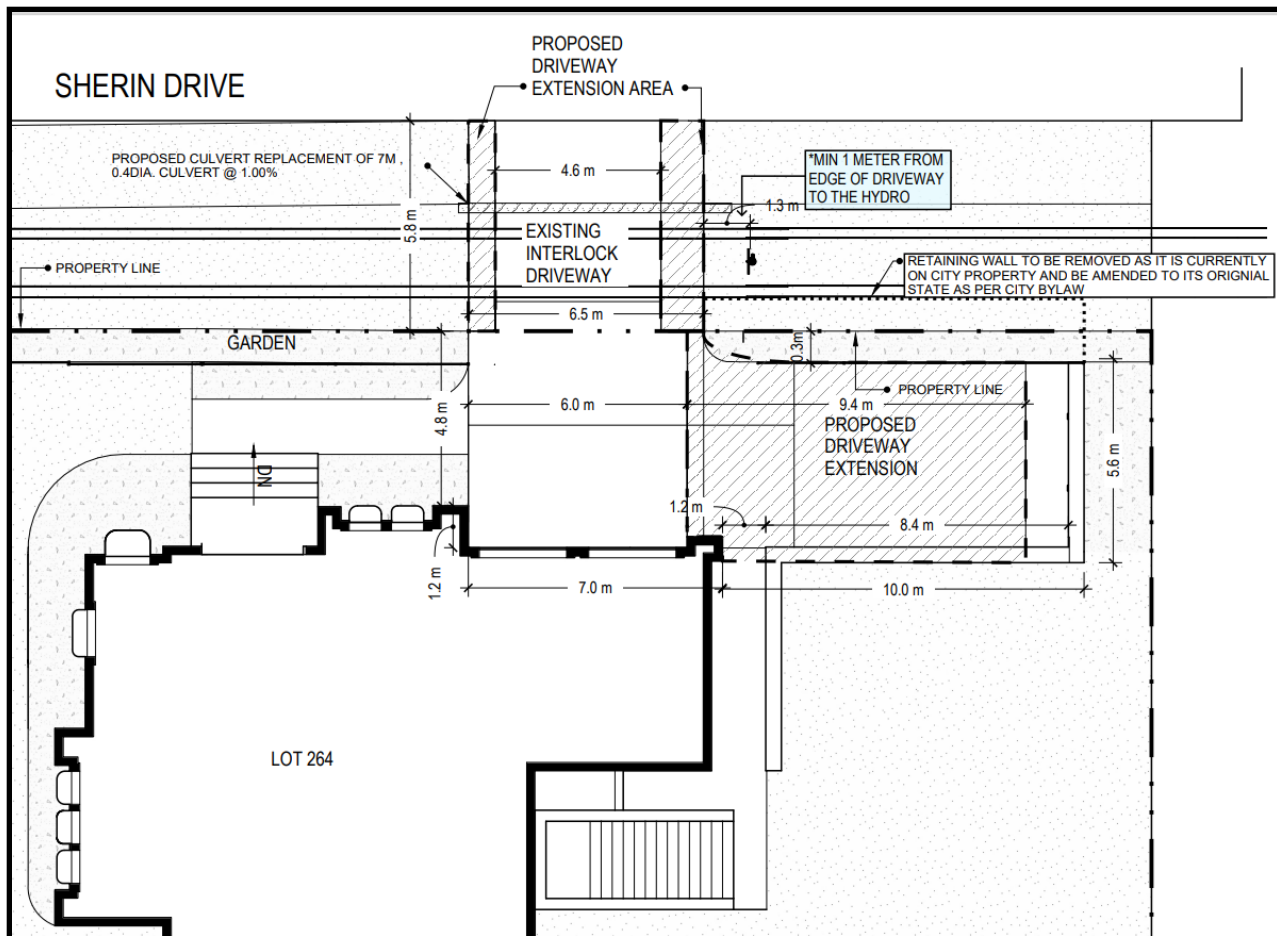
As shown in Figure 1 below, the subject lands are located within a residential neighbourhood north of Rebecca Street and east of Third Line. This area has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings, some of which have requested variances. The neighbourhood consists of single and double car driveways, at varying lengths, depending on the setback of the dwelling or detached garages in this area. Staff also note that a neighbouring property to the north at 421 Sherin Drive has a circular driveway, which further contributes to the varied driveway styles found in the surrounding neighbourhood.



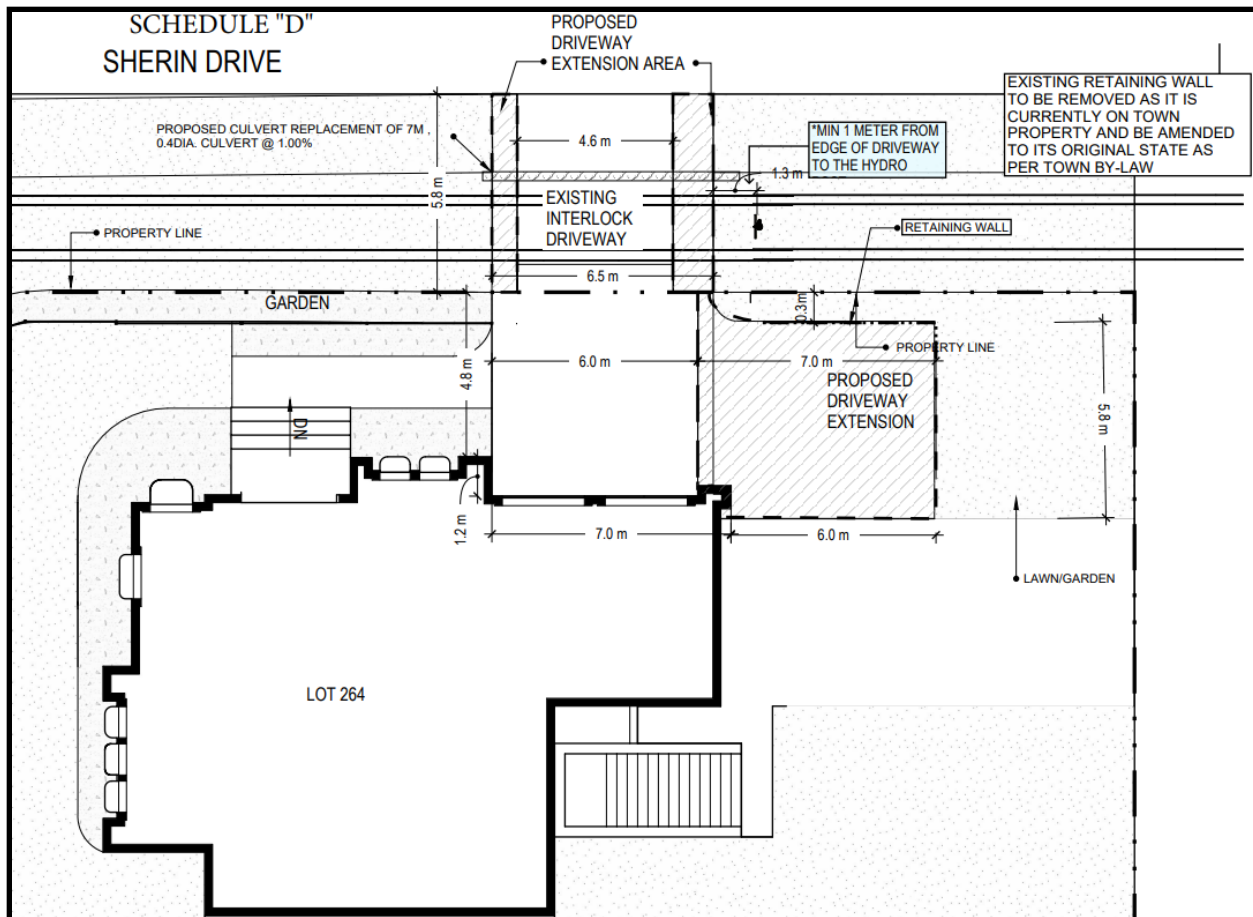
**Figure 1** – Aerial photo of 411 Sherin Drive showing the previous driveway configuration on the subject lands prior to the alterations having been made

The existing non-complaint driveway forms part of the built condition on the subject lands, but the owner/applicant is now seeking approval to rectify the situation and reduce the width of the driveway extension on the subject property to 13.0 m from the present 16.60 m. The owner/applicant will also need to revise the existing Site Alteration Permit (2024 101203 DEPA) under the town's Site Alteration By-law to undertake all such construction modifications as required to reduce the width of the driveway extension, in accordance with the submitted site plan. As part of the Settlement, all associated works are to be completed within six months of the date of the decision of the Committee on the second application, or of the OLT if the decision of the Committee on the second application is appealed to the OLT.

Figures 2 and 3 below illustrate the differences between the previous requested variance for driveway width (16.60 m) in comparison to what is currently being proposed (13.0 m). The applicant's revised proposal has reduced the driveway width to maintain a reduced hammerhead design.



**Figure 2** – Previous minor variance application (August 21, 2024) showing a driveway width of 16.60 m



**Figure 3 – Currently proposed minor variance application (June 11, 2025) showing a driveway width of 13.0 m**

Staff have evaluated the application and found that it is minor, is in keeping with the general intent and purpose of the Official Plan and Zoning By-law and is desirable for the appropriate development of the land. The proposed development maintains and protects the character of the existing neighbourhood and does not present unacceptable adverse impacts. On this basis, the application meets the four tests of the *Planning Act*.

**Recommendation:**

Staff do not object to the proposed variance. Staff do not recommend any conditions as the proposal is subject to an executed Minutes of Settlement approved by the Ontario Land Tribunal.

**Bell Canada:** No comments received.

**Finance:** No comments received.

**Fire:** No concerns for fire.

**Metrolinx:** No comments/concerns.

**Oakville Hydro:** 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 to the maximum width of the driveway to 13.0

metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a driveway extension on the Subject Property.

**Halton Conservation:** No comments received.

**Transit:** No comments received.

**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.
- 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](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 stated, 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.



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Sharon Coyne  
Asst. Secretary-Treasurer  
Committee of Adjustment