

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/047/2025 (deferred from April 2/25)**

**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.

Owner (s)	Agent	Location of Land
A. KEYS	DOMENICO MONARDO 209 Poplar Dr Oakville ON L6J 4C7	PLAN 592 LOT 37 1321 Duncan Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3**

**ZONING: RL2-0  
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 with accessory structure (shed) on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1022.00 m <sup>2</sup> and 1114.99 m <sup>2</sup> shall be 37%.	To increase the maximum residential floor area ratio to 40.02%.
2	<i>Table 6.4.2 (Row 1, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 27.02%.

## **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/047/2025 (deferred April 2, 2025) - 1321 Duncan Road (East 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 variance from the 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:

Background

A Minor Variance application was previously submitted and considered by the Committee on April 2, 2025. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application.

Table 1 below depicts the variance proposed on April 2, 2025, in comparison to the revised application.

Table 1 – Variance Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	April 2, 2025	June 11, 2025
Garage Floor Area	45.0 sq m	56.10 sq m	N/A
Residential Floor Area	37%	40.54%	40.02%
Lot Coverage	25%	28.91%	27.02%

Through the comments prepared for the April 2, 2025, Committee of Adjustment meeting, staff concerns were related to the three-car garage that served to elongate the dwelling, contributing to the overall size of the proposed dwelling, and enhancing the mass and scale.

In reviewing the updated site plan and renderings, it is demonstrated that the third garage area has been removed from the dwelling, as can be viewed in the figures below, and the drawings now identify a two-car garage. Additional revisions have also been incorporated to mitigate massing and scale impacts on the existing neighbourhood.



Figure 1 – April 2, 2025, Front Elevation



Figure 2 – June 11, 2025, Front Elevation

Site Area and Context

The subject property is located in Southeast Oakville, an established area primarily comprised of one-storey and two-storey detached dwellings with a classic architectural style. The neighbourhood is characterized by its mature tree-lined streets and large lot sizes.

In accordance with Bill 97, this property will be subject to a Minor Site Plan application for review by Development Engineering staff to review any potential stormwater impacts.

**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** – Residential Floor Area Ratio (No Objection) – Increase from 37% to 40.02%

**Variance #2** – Lot Coverage (No Objection) – Increase from 25% to 27.02%

The applicant is requesting relief from By-law 2014-014 to permit an increase in residential floor area ratio, and lot coverage. The intent of regulating the residential floor area and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

Staff are of the opinion that the revised proposal appropriately addresses the previous concerns. The plans have been revised to remove the third garage and incorporate breaks in the massing to reduce impacts on the abutting properties. Staff are of the opinion that the general intent of the Zoning By-law is maintained, as the proposed dwelling demonstrates an appropriate transition to the existing neighbourhood.

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

It is staff's opinion that the variances are minor in nature and appropriate for the development of the site as the variances will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

**Recommendation:**

Staff do not object to the proposed variances. Should these minor variance requests 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 May 6, 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.

**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:**

- It is understood that this application was deferred from April 2, 2025. Regional comments provided on March 28, 2025, still apply.
- 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 residential floor area to 40.02% and an increase to the maximum lot coverage to 27.02%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling with accessory structure (shed) 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**

**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 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.

Requested conditions from circulated agencies:

1. That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated May 6, 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.



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Sharon Coyne  
Asst. Secretary-Treasurer  
Committee of Adjustment