

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/077/2025

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, June 11, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
D. LENNOX L. LENNOX	N/A	PLAN 161 LOT 59 PT LOT 58 120 Westside Dr Town of Oakville

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

**ZONING: RL5-0
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 the construction of a rear covered porch on the subject property proposing the following variance to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	Table 6.4.2 For a lot with a detached dwelling where the dwelling is greater than 7.0 metres in height, the maximum lot coverage shall be 35%.	To increase the maximum lot coverage to 41.37%.

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/077/2025 – 120 Westside Drive (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a rear covered rear porch, 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 subject lands are located in a neighbourhood consisting of original one and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs. Mature trees align the street and are also found within side and rear yards. As the rear covered porch has already been constructed, staff do not foresee any further impact to the boundary trees along the easterly property line. Any future work that may impact private trees, may warrant the consent of the abutting neighbour. Figure 1, below, illustrates the obstructed view of the covered porch on the subject lands from the westerly interior side yard of 114 Westside Drive.



Figure 1: Westerly Interior Side Yard – 114 Westside Drive

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

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal is to recognize the as-built condition of a one-storey covered porch located in the rear yard that effectively increases the lot coverage by 31.12 square metres. Staff is of the opinion that the covered porch is in keeping with the intent of the Official Plan and will not negatively impact in the abutting property to the east.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The purpose of regulating lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. As the covered porch has been constructed within the rear yard and is not visible from the public realm, it is staff's opinion that the requested variance maintains the general intent 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 variance is 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 variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the covered rear porch be constructed in general accordance with the submitted site plan and elevation drawings dated October 8, 2024; and,
2. 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:

- 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 lot coverage to 41.37%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a rear covered porch 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 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 covered rear porch be constructed in general accordance with the submitted site plan and elevation drawings dated October 8, 2024; and,
2. The approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

Sharon Coyne

Sharon Coyne

Asst. Secretary-Treasurer
Committee of Adjustment