

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/066/2025

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.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
147 Deane Limited	Denise Baker WeirFoulds LLP 1320 Cornwall Rd., Suite 201 Oakville ON, L6J 7W5	PLAN 161 LOT 37 147 Deane Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL5-0, 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 new two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 5, Column RL5)</i> The minimum interior side yard shall be 1.2 m.	To reduce the minimum easterly interior side yard to 1.1 m.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area less than 557.5 m ² shall be 43%.	To increase the maximum residential floor area ratio to 49.1%.
3	<i>Table 6.4.2 (Row 2, Column 3)</i> The maximum lot coverage shall be 35% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 37.1%.

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/066/2025 - 147 Deane Avenue (West District) (Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling on the existing foundation, 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:

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.

The property will be subject to site alteration permit to further assess impacts on drainage and grading.

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

The subject property is designated Low Density Residential area in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the proposed two storey dwelling is in keeping with the style and character of the existing dwelling and does not create an unbalanced increase that makes the existing dwelling appear larger than other dwellings in the surrounding area. The dwelling does not project into the established rear yards of the abutting properties and incorporates setbacks in the front façade to mitigate the massing and scale impacts on the streetscape.

Additionally, the minimum requirements for the rear yard setback and height are proposed to be maintained. As such, staff is of the opinion that the proposal maintains the existing neighbourhood character and the general intent and purpose of the Official Plan.

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

Variance #1- Residential Floor Area (No Objection)- 42% to 49%.

Variance #2- Lot Coverage (No Objection)- 35% to 37.10%

The intent of the Zoning By-law provision for regulating the maximum residential floor area and lot coverage is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The applicant is proposing an increase of the existing residential floor area from 42% to 49.1% which will result in an increase of 27.17 m². Whereas the proposed increase in lot coverage from 35% to 37.10% will result in an increase of 9.2m².

The proposed dwelling features varying roof lines and the overall massing and scale impacts for the proposed are mitigated through the articulation of the façade, making the proposed increase more fitting with the residential dwellings in the surrounding area. On this basis, staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

Variance #3- Side yard setback (No Objection)-Reduce from 1.2m to 1.1m

The intent of the Zoning By-law provision for interior side yard setback is to provide sufficient space for access, drainage and grading, as mentioned above drainage will continue to be reviewed as part of the site alteration permit submission of detailed engineering plans. It is

noted that the proposed 1.1 m interior side yard setback will still allow the Owner to access all sides, maintenance and repairs, if required, without infringing on abutting properties. 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 or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed development. Should this minor variance request 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 October 2, 2025; 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 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 permit a decrease to the minimum easterly interior side yard to 1.1m, an increase to the maximum residential floor area ratio to 49.1% and an increase to the maximum lot coverage to 37.1%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling 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 dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 2, 2025; 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.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment