

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/089/2025

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 July 9, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Menkes South Lake Homes Inc.	Sarah Clark Glen Schnarr & Assoc. Inc. 10 Kingsbridge Garden Cir 700 Mississauga ON L5R 3K6	PLAN M1297 LOT 5 158 Charles Bray Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Residential Area
WARD: 1

ZONING: RL6 sp:296
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 two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1.	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 54.0 square metres.
2.	<i>Table 6.3.1 (Row 10, Column RL6)</i> The maximum residential floor area ratio shall be 75%.	To increase the maximum residential floor area ratio to 80%.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/089/2025 – 158 Charles Bray Crescent (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct a two-storey detached dwelling subject to the variances listed above.

Recommendation:

Based on the analysis below, it is staff's opinion that the application does not meet the four tests and staff recommend that the application be denied. Should the Committee approve the application, they must be satisfied that the application meets the four tests of the *Planning Act*.

Analysis:

The applicant seeks to alter one provision depending on the choice of a prospective purchaser, but the notice requests two variances. The applicant's letter included in the submission package indicates a desire to increase either the garage floor area or residential floor area ratio to make the proposed dwelling more attractive to potential purchasers.

Staff note that minor variances are subject to conditions, one of which is that the proposed development be built in accordance with the plans submitted to the Committee of Adjustment for consideration. However, the applicant has only provided the site plan and builder's options for front elevations, whereas all of the proposed elevations must be included for a fulsome review and would be referenced in a condition of any approval.

Staff opine that it is neither desirable nor appropriate to permit a variance that allows for an option to modify one or the other provision. The applicant should come forward with a further refined application that reflects specific deviations and provide associated plans for a full evaluation. If the application is approved, the decision would permit both variances without a full understanding of the proposed impact and affect on the surrounding neighbourhood. Further, this would allow potential modifications to the dwelling (i.e. internal garage space and an external addition) in the future without staff review.

Site Area and Context

The subject lands are located within a recently registered plan of subdivision (20M-1297) that allows for the same lot fabric and built form as the surrounding neighbourhood, which is characterized by large homes on relatively smaller lots, in keeping with the Residential Low (RL6) Zone.

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

The subject property is designated Low Density Residential 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. The proposal is to allow for the construction of a two-storey detached dwelling that has a garage floor area and residential floor area larger than the surrounding neighbourhood. It is staff's opinion that the requested variances will have a negative impact on the adjacent properties since "options" have been applied for with an unknown resulting built form based on the plans as submitted. On this basis, it is staff's opinion that the proposal does not maintain the general intent and purpose of the Official Plan.

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

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – (Objection) Increase Maximum Garage Floor Area from 45 m² to 54 m²

Variance #2 – (Objection) Increase Maximum Residential Floor Area Ratio from 75% to 80%

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, to permit increases to the maximum garage floor area and residential floor area. The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling and the intent of regulating the residential floor area 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

cumulative impact of both the requested variances together results in a dwelling that will create undesirable impacts based on the “options” applied for. On this basis staff are of the opinion that the requested variances do not maintain 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 does not represent appropriate development of the subject property. Staff are unable to determine compliance with the test of whether the proposal is minor in nature because of the “options” the applicant has requested without supporting plans.

On this basis, it is staff’s opinion that the application does not meet the four tests and staff recommend that the application be denied.

Fire: No concerns.

Finance: 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 total floor area for the private garage to 54.0 square metres and an increase to the maximum residential floor area ratio to 80%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

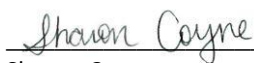
Halton Conservation: No comments for this agenda.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None



Sharon Coyne
Asst. Secretary-Treasurer
Committee of Adjustment