

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION: A/093/2025**

**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 Circle #700 Mississauga ON L5R 3K6	PLAN M1297 LOT 14 194 Charles Bray Cres Town of Oakville

**OFFICIAL PLAN DESIGNATION: Residential Area**  
**WARD: 1**

**ZONING: RL6 sp:296**  
**DISTRICT: West**

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### **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 variance to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
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.

## **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/093/2025 – 194 Charles Bray Crescent** (Official Plan Designation: Low Density Residential)

The applicant proposes to permit the construction of a new two-storey detached dwelling subject to the variance listed above.

**Recommendation:**

Staff do not object to the proposed variance. However, it should be noted that the applicant has only provided staff with the site plan and front elevation drawings instead of all proposed building elevations, which are usually included as part of the minor variance submission package. As such, should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan drawing dated January 28, 2025, and elevation drawings to the satisfaction of the Director of Planning and Development.
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.

**Analysis:**

Staff have evaluated the application and found that it is minor in nature, 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 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. The variance to permit an increase in garage floor area is appropriate since the dwelling still presents as having an integral two-car garage when viewed from the public realm, and the garage floor area increase of 9.0 square metres has been located towards the interior of the dwelling. As such, it is staff's opinion 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*.

**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, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of 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.

**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. The dwelling be constructed in general accordance with the submitted site plan drawing dated January 28, 2025, and elevation drawings to the satisfaction of the Director of Planning and Development.
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