

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/079/2025**

**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](http://oakville.ca) on June 25, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. Barseghian	William Hicks William Hicks Holdings Inc. 905 Sangster Ave Mississauga ON, L5H 2Y3	PLAN 545 LOT 48 296 Alscot Cres Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL1-0, Residential**

**WARD: 3**

**DISTRICT: East**

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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 second floor addition to the existing two storey detached dwelling proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 m.	To reduce the minimum northerly interior side yard to 2.75 m.

## **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/079/2025 - 296 Alscot Crescent (East District)** (OP Designation: Low Density Residential)

The applicant is proposing the construction of an addition to the existing one storey dwelling, subject to the variance listed above.

**Recommendation**

Staff do not object to the proposed variance. 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 March 4/ 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.

**Analysis:**

The 2.75 metre northerly side yard setback is an existing condition. The proponent is proposing a second-storey addition atop the existing dwelling. The addition is designed to be incorporated within the proposed roofline, and as such, does not result in a disproportionate increase in massing or cause the dwelling to appear significantly larger than others in the surrounding area.

Based on staff's evaluation of the application 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 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*.

**Bell Canada:** No comments received.

**Halton Conservation:**



Planning & Regulations  
905.336.1158  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

June 18, 2025

Town of Oakville – Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

BY E-MAIL ONLY ([coarequests@oakville.ca](mailto:coarequests@oakville.ca))

Re: Minor Variance Application  
296 Alscot Crescent  
Town of Oakville  
File Number: A/079/2025  
CH File Number: PMVG-2734  
Applicant: William Hicks  
Owner: [REDACTED]

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Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.1-5.2.8] and/or provincial plans).

Documents reviewed as part of this submission, received on June 06, 2025, are listed below:

- Site Plan, prepared by Rock Cliff Custom Homes, dated March 4, 2025.

#### Proposal

The proposed development includes the construction of a second floor addition to the existing two storey detached dwelling. The applicant is requesting a variance to reduce the minimum northern interior side yard setback to 2.75 metres.

#### Regulatory Comments (Conservation Authorities Act and Ontario Regulation 41/24)

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. The subject property is traversed by Wedgewood Creek and contains the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres from the greatest hazard associated with Wedgewood Creek.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24, and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document* (last amended, April 17, 2025) (<https://conservationhalton.ca/policies-and-guidelines>).

The proposed second storey addition to the dwelling meets CH policies 2.27.2 and 2.30. Therefore, from a regulatory perspective, there is no concern with the approval of the requested variance. A CH permit is still required.

#### **Provincial Planning Statement Natural Hazard Comments (Sections 5.1.1-5.2.8)**

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement (PPS). From a PPS perspective, CH does not have concerns with this application as it is consistent with the PPS.

#### **Recommendation**

Given the above, CH staff has no objections to the approval of this minor variance application. A CH permit is still required for the proposed addition.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

We trust the above is of assistance. Please contact the undersigned with any questions.

Sincerely,

Shayan Madani Ghahfarokhi



Planning & Regulations Analyst  
905-336-1158 ext. 2335  
[sgahfarokhi@hrca.on.ca](mailto:sgahfarokhi@hrca.on.ca)

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**Finance:** No comments received.

**Fire:** No concerns.

**Metrolinx:** No comments.

**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 northerly interior side yard to 2.75 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a second floor addition to the existing two-storey detached dwelling on the Subject Property.

**Union Gas:** No comments received.

**Letter(s)/Emails in support:** 0

**Letter(s)/Emails in opposition:** 0

***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.

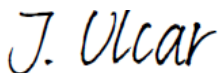
- Unless otherwise states, the Planning basis for the conditions referenced herein are as follows:

- 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 March 4/ 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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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment