

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/084/2025

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 June 25, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
N. Plaskos A. Zukowska	Brian O'Brian Works Office of Brian O'Brian 530 Queen St E Toronto ON, M5A 1V2	PLAN 581 LOT 17 358 Pinehurst Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy

ZONING: RL1-0, Residential

WARD: 3

DISTRICT: East

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 front, side, and rear additions to the existing one-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 3)</i> The maximum encroachment into a minimum yard for canopies and eaves shall be 0.6 metres.	To increase the maximum encroachment into the minimum rear yard for the canopy/eaves to 1.32 metres.
2	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 metres.	To reduce the minimum southerly interior side yard to 2.49 metres.
3	<i>Table 6.3.1 (Row 6, Column RL1)</i> The minimum rear yard shall be 10.5 metres.	To reduce the minimum rear yard to 6.45 metres.

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/084/2025 - 358 Pinehurst Drive (East District) (OP Designation: Low Density Residential – Special Policy)

The applicant is proposing the construction of front, side, and rear additions to the existing one-storey detached dwelling, 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 property is located in an area that has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey, one-half-storey, and two-storey detached dwellings, as well as newer two-storey detached dwellings.

The application indicates that the existing home currently encroaches into the rear and side yard. The proposed one-storey additions will result in additional encroachment into these yards. The site plan diagram below illustrates the existing yard encroachments and proposed encroachments on the property.

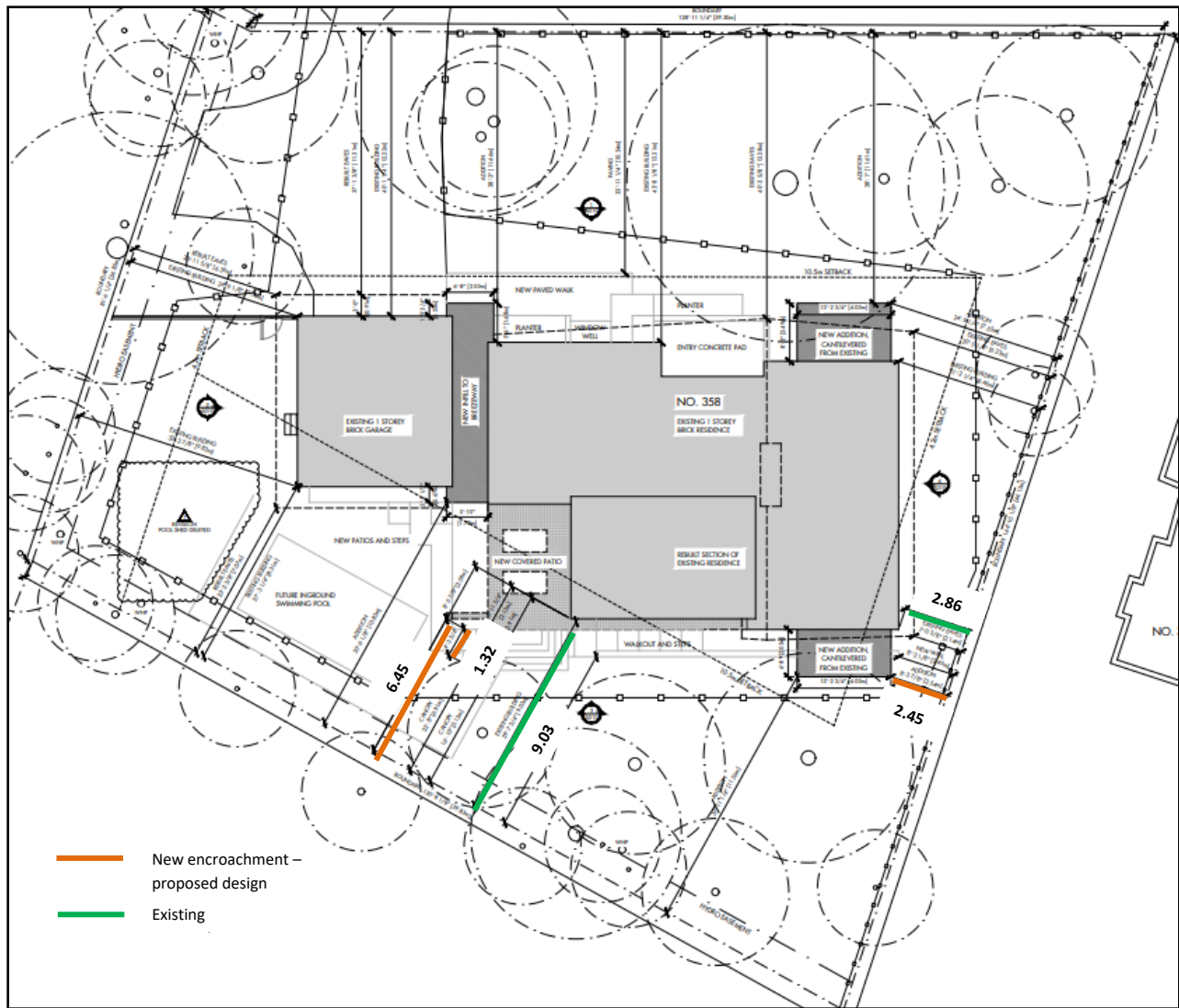


Figure 1: 358 Pinehurst Drive Site Plan

On August 11, 2024, a minor variance application was approved by the Committee of Adjustment to permit additions to the one-storey detached dwelling. The proposed additions have been altered slightly following the 2024 approval, resulting in the submission of a revised application.

Table 1 below depicts the variances approved in August of 2024, in comparison to the updated proposal.

Table 1 – Variance Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	August 11, 2024	June 25, 2025
Canopy and Eave Encroachment (Side Yard)	0.6 m	0.75 m	N/A
Canopy and Eave Encroachment (Rear Yard)	0.6 m	2.04 m	1.32 m
Side Yard Setback	4.2 m	2.48 m	2.49 m
Rear Yard Setback	10.5 m	7.83 m	6.45 m

Based on a site visit of the surrounding neighbourhood, staff note that there are other properties in the area with similar variances and various architectural styles. This proposal continues to maintain and preserve the established neighbourhood character. Additionally, the unique shape of the lot and the way the existing dwelling is situated further contributes to the proposed design.

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

The subject property is designated Low Density Residential – Special Policy 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. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville.

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 – Maximum Encroachment into a Minimum Rear Yard for Canopies and Eaves (No Objection) – Increase from 0.6 m to 1.32 m

Variance #2 – Interior Side Yard Setback (No Objection) – Decrease from 4.2 m to 2.49 m

Variance #3 – Rear Yard Setback (No Objection) – Decrease from 10.5 m to 6.45 m

The intent of the Zoning By-law provisions for regulating interior side yard setback is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. The intent of the Zoning By-law provision for minimum rear yard setbacks and canopy/eave encroachments is to ensure that an adequate rear yard amenity space is provided, and to reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections.

The proposed setbacks and eave encroachments do not result in any unacceptable adverse effects on to abutting properties, and the dwelling as proposed assists in maintaining and protecting the existing neighbourhood character. The one-storey additions do not contribute to any adverse massing or scale impacts from the public realm and staff are of the opinion that the request 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 cumulatively 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 variances. 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 and elevation drawings dated April 10, 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.

Bell Canada: No comments received.

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 to permit an increase to the maximum encroachment into the minimum rear yard for the canopy/eaves to 1.32 metres, a decrease to the minimum southerly interior side yard to 2.49 metres and a decrease to the minimum rear yard to 6.45 metres under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing additions to the existing one-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. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 10, 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.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment