

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/072/2025

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>
T. Fangrad	Brian Hudson Hudson Design 2581 Benedet Dr Mississauga ON, L5J 4H6	PLAN M965 LOT 29 227 Beechtree Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL6, Residential

WARD: 1

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 covered platform (deck) on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 6, Column RL6)</i> The minimum rear yard shall be 7.0 metres.	To reduce the minimum rear yard to 3.79 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/072/2025 - 227 Beechtree Crescent (West District) (OP Designation: Low Density Residential) (*Deferred from May 28, 2025*)

The applicant proposes to permit the construction a rear covered platform (deck), subject to the variance 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.

The application was previously submitted and considered by the Committee on May 28, 2025, which was deferred due to insufficient notice for failure to properly post signage on the property. The Staff comments remain unchanged as follows:

Site and Area Context:

The subject land is located in an established neighbourhood within a relatively consistent lotting pattern, resulting in lots that are similar in size and shape. The related homes in the area are also similar in size and age that are part of the original housing stock. Rear yards appear to be utilized in a similar manner throughout the neighbourhood as the subject land, with pools, decks, gazebos, patios and landscaped areas.

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

The subject land is designated Low Density Residential by the Livable Oakville Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. Based on staff's review, the proposal maintains the general intent and purpose of the Livable Oakville Plan.

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

Variance #1 – Rear yard setback decrease from 7.0 m to 3.79 m (No Objection)

The intent of the Zoning By-law provision regulating the rear yard setback is to provide adequate rear yard amenity space and reduce potential overlook and privacy impacts. Staff are of the opinion that the general intent and purpose of the Zoning By-law is maintained, since the deck allows for outdoor amenity space separate from the dwelling.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

In this instance, although the deck is under construction, Staff did not observe any negative adverse impacts on abutting properties as seen in Figure 1. Staff are of the opinion that the proposal represents appropriate use of the rear yard and meets the foregoing test.



Figure 1: View east of the existing deck under construction

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 rear covered platform (deck) be permitted in general accordance with the submitted site plan and elevations drawings “ISSUED FOR BUILDING PERMIT”, dated 06 AUG; 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:

- It is understood that this application was deferred from May 28, 2025. Regional comments provided on May 22, 2025, still apply.
- 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 a decrease to the minimum rear yard to 3.79 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a covered platform (deck) on the Subject Property.

Union Gas: No comments received.

Letter(s)/Emails in support: 0

Letter(s)/Emails in opposition: 1

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 rear covered platform (deck) be permitted in general accordance with the submitted site plan and elevations drawings "ISSUED FOR BUILDING PERMIT", dated 06 AUG; 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

Attachment:
Letter/Email in Opposition - 1

coarequests

From: Shaochun Cao [REDACTED]
Sent: Thursday, June 19, 2025 12:28 PM
To: coarequests
Cc: Susan Zhu
Subject: [EXTERNAL] June 25 Public Hearing about 227 Beechtree Cres
Attachments: Deck4-227Beechtree.jpg; Deck3-227Beechtree.jpg

Categories: JEN

Hello Jen,

Thank you so much for your response! We received the mailed notice last Friday.

Yes, we would like to attend the hearing again and speak to the file.

We have updated our objection and comments below. Two new photos are also attached. Please pass them (objection, comments and photos) to the committee. Please update them online accordingly if necessary. Please show these two new photos when I speak during the hearing.

We have the following concerns about the deck construction at 227 Beechtree Cres:

1. The deck with a closed roof has been already built. It is a tall and huge structure of a living space about 600 square feet and hence NOT a minor variance! How could it have been built before the hearing and the approval?
2. We are very concerned if the building by-laws are followed properly because a SOLID wall about **15 feet high and 16 feet long** was built just about **2 feet** away from our property line (see attached photos)
3. The proposed 4 openings at the top of the wall are actually 3 closed glass windows.
4. Some friends and neighbors were surprised by such a weird huge structure when they saw the wall from our backyard. This means people could build similar things in their backyards if the city approves the construction of the deck at 227 Beechtree Cres. This would cause big messes in the neighborhoods of Oakville.
5. We hope the city of Oakville can send someone to inspect the construction and make sure if the building by-laws are properly followed.

We strongly object to the construction of the deck at 227 Beechtree Cres. It directly affects us for the following reasons:

1. It looks very ugly from my property and blocks our view and sunlight.
2. It devalues our house. We would have to build a similar thing in order to keep the value of our property.
3. If such tall and huge construction is allowed, many homeowners would apply to build similar structures in their backyards. This would greatly destroy the beauty of Oakville and thus devalue residential houses in Oakville.
4. We have been living in our house since 2013 and paying \$7-8000 property tax to the City of Oakville each year for 12 years. In contrast, the owners of 227 Beechtree Cres have just lived in the house for less than 2 years and are selling their property and then move to another location.

Thank you very much for your attention to this matter.

Suying Zhu & Shaochun Cao

Owners of [REDACTED] Beechtree Cres, Oakville, ON



○ HONOR X50
● 108MP Ultra Camera

2025/06/15 10:56
43°23' N 79°43' W



HONOR X50
108MP Ultra Camera

2025/06/15 09:54
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