

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/113/2025

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 Wednesday, August 20, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
L. Yang	Jonathan Netta Netta Designs Inc. 22 Queen St Georgetown ON, L7G 2E4	PLAN 1 BLK 71 LOT 5 73 Brock St Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL4-0, Residential

WARD: 2

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:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 6, Column RL4)</i> The minimum rear yard shall be 7.5 metres.	To reduce the minimum rear yard to 4.16 metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 557.50 m ² and 649.99 m ² shall be 42%.	To increase the maximum residential floor area ratio to 52.07%.
3	<i>Table 6.4.2</i> For a lot with a detached dwelling, the maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 35%.	To increase the maximum lot coverage to 38.3%.
4	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.5 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/113/2025 - 73 Brock Street (West District) (OP Designation: Low Density Residential)

The applicant proposes to construct a new dwelling subject to the variances listed above.

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 July 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.

Analysis:

The subject lands have frontage along Brock Street and Burnet Street, and abut a semi-detached dwelling to the north and a single detached dwelling to the east. The grading of the subject property slopes downward toward Brock Street, with the northeast corner approximately 1 m higher than the west property line. Being that this property is a corner lot, the average grade is measured at the average of the centre points of each lot line abutting a road. Being that height is defined as the vertical distance between established grade to the highest point of a structure, a height variance is required. With that said, the dwelling height is 8.74m as measured to the main subfloor at the east side of the dwelling, and measures to be 9.0m to the floor joists at the west side of the dwelling (fronting Brock Street) as shown in **Figure 1**.



Figure 1: Front Elevation of 73 Brock Street

With respect to the requested variances for rear yard setback and lot coverage, Staff recognize that these are specifically attributed to the covered porches proposed. The setback from the rear property line to the covered porch measures 4.16 m; however, the main dwelling complies with the minimum setback requirement, providing 7.81 m from the rear property line. Furthermore, when excluding covered porches from the calculation, the dwelling proposes a lot coverage of 32.71%, which remains below the maximum permitted of 35%.

In addition to the above, a residential floor area ratio of 52% is proposed, representing an increase of 57.76 sq m from that permitted. With that said, Staff are of the opinion that the dwelling has been designed to mitigate massing and scale impacts on abutting properties through variation in roof forms, the use of projections and recesses along the front and exterior side yard façades, and articulation that visually subdivides the larger dwelling into smaller elements.

Based on the foregoing analysis, staff are satisfied that the application is minor in nature, maintains 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*.

As the subject lands are located within the Bill 97 buffer area, the proposed development will be required to go through the scoped Site Plan process and stormwater management control will be required for the 25mm volumetric event.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for Fire.

Oakville Hydro: We do not have any comments.

Halton Region:

CAV A/113/2025 – L. Yang, 73 Brock Street, Oakville

- 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 in the minimum rear yard to 4.16 m, an increase in the maximum residential floor area ratio to 52.07%, an increase in the maximum lot coverage to 38.3% and an increase in the maximum height to 9.5 m, 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.

Oakville Transit: No comments received.

Union Gas: No comments received.

Email/Letter(s) in support – 1

Email/Letter(s) 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 July 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

Attachment:
Email in Support (1)

coarequests

From: Denis Bastien [REDACTED]
Sent: Tuesday, August 12, 2025 3:17 PM
To: coarequests
Subject: [EXTERNAL] Committee of Adjustment Application # A/113/2025

Categories: JEN

You don't often get email from [REDACTED] [Learn why this is important](#)

Assistant Secretary-Treasurer, Committee of Adjustments
1225 Trafalgar Road
Oakville, Ontario L6H 0H
Attn: Sharon Coyne

RE: Your file # A/113/2025 – civic address 73 Brock Street
Applicant: L. Yang

My wife (Elizabeth Rose) and I (Denis Bastien) have had an opportunity to review the proposed application for the construction of a new single family residential dwelling at 73 Brock Street (your file number A/113/2025). We are in agreement that the proposed residential development would constitute an enhancement of this land parcel and that the architectural style would blend well with the current neighbourhood. We understand that the current owner is seeking some minor variances but given the nature of the site's elevation as well as being a corner lot with limited building orientation as well as coverage these variances would be considered reasonable in our view. We have no objections to the proposed development.

Sincerely,
Beth Rose and Denis Bastien
[REDACTED] Burnet Street