

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/114/2025

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
T. Houle	Paul Chronis WeirFoulds LLP 1320 Cornwall Rd., Suite 201 Oakville ON, L6J 7W5	CON 4 SDS PT LOT 33 3308 Lakeshore Rd W Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL2-0, Residential

WARD: 1

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 variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 7)</i> Window wells with a maximum width of 1.8 metres may encroach a maximum of 0.6 metres into a minimum yard.	To permit the window well with a maximum width of 6.13m to project a maximum of 0.65m into a minimum yard.
2	<i>Section 5.8.1 d)</i> A maximum of one attached private garage per dwelling shall be permitted.	To permit a maximum of two attached private garages.
3	<i>Section 5.8.2 c) iii)</i> The maximum permitted width for a single driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase maximum width for a single driveway of 11.08 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
4	<i>Section 5.8.2 f)</i> The maximum width of the walkway access at the point of attachment shall be 1.8 metres.	To increase maximum width of the walkway access at the point of attachment of 4.5 metres.

5	<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 floor area for the private garage of 57.02 square metres.
6	<i>Section 5.8.7 c)</i> An attached private garage shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first floor of the dwelling orientated toward the front lot line or flankage lot line.	To increase the maximum garage projection to 2.74 metres.
7	<i>Section 6.4.3 a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 22.86 metres.	To reduce the minimum front yard to 14.05 metres.
8	<i>Section 6.4.4 a)</i> A minimum of 50% of the length of all main walls oriented toward the front lot line shall be located within the area on the lot defined by the minimum and maximum front yards.	To reduce the minimum main wall proportion to 26.91%.
9	<i>Section 6.4.5</i> Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone.	To permit three (3) balconies above the floor level of the first storey.

## **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/114/2025 - 3308 Lakeshore Road West (West District)** (OP Designation: Low Density Residential)

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

### **Recommendation:**

Based on the below analysis, it is staff's opinion that Variance #9 does not maintain the general intent and purpose of the Zoning By-law and therefore does not satisfy the four tests for a minor variance. However, staff do not object to Variances 1-8. Should variances 1-8 be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the submitted site plan dated July 21, 2025, and elevations to the satisfaction of the Director of Planning and Development; 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:**

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

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The dwelling has been designed to break up the massing of the dwelling and mitigating impacts on the surrounding neighbourhood. It is staff's opinion that the development proposed maintains the general intent and purpose of the Official Plan.

**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 – Window Well (No Objection):** Increase from 1.8m (width), 0.6m (encroachment) to 6.13m (width), 0.65m encroachment

The intent of regulating the size and dimension of the window well is to ensure there are no negative impacts to drainage and adequate access to rear amenity space. Staff recognize that the window wells requiring a variance are located at the front of the dwelling, and therefore, are not blocking access to rear amenity space.

**Variance #2 – Number of Private Garages (No Objection):** Increase from 1 to 2

**Variance #5 – Garage Floor Area (No Objection):** Increase from 45.0m to 57.02m

**Variance #6 – Garage Projection (No Objection):** Increase from 1.5m to 2.74m

The intent of regulating the number of private garages, garage floor area, and garage projection is to prevent the garage from being a visually dominant feature of the dwelling. It is recognized that both garage doors proposed are front facing, with one providing access to a garage located in the basement and the other to a two-car garage at grade. Although the number of garages, garage floor area, and garage projection exceeds that permitted as-of-right, staff acknowledge that substantial effort has been made to integrate the garages into the design of the building, maintaining compatibility with the overall massing and style of the dwelling. This has helped to minimize the prominence of the garage on the streetscape.

**Variance #3 – Driveway Width (No Objection):** Increase from 9.0m to 11.08m

**Variance #4 – Walkway Width (No Objection):** Increase from 1.8m to 4.5m

The intent of regulating driveway width is to prevent the construction of a driveway that is wider than the width of the garage, in order to minimize the amount of hardscaping in

the front yard, and the intent of regulating the width of a walkway access on each side of the driveway is to ensure that the walkway is not used in conjunction with the parking of vehicles and that sufficient space remains available in the front yard for landscaping.

The applicant seeks to replace the existing circular driveway on the subject property. While most of the proposed driveway complies with the maximum permitted width of 9.0 m, it widens to 11.08 m at the entry point to the basement garage and to 9.7 m at the entry point to the two-car garage. Despite these increases, staff are of the opinion that the proposed design represents an improvement over the existing condition, and adequate softscaping will be maintained.

Furthermore, the proposed walkway is physically separated from the vehicle parking area and incorporates steps leading to a covered porch. Given this design, staff are satisfied that the walkway will not be used for vehicle parking and that the intent of the zoning provisions will be maintained.

**Variance #7 – Front Yard Setback (No Objection):** Reduction from 22.86m to 14.05m

**Variance #8 – Main Wall Proportionality (No Objection):** Reduction from 50% to 26.91%

The intent of regulating maximum front yard and main wall proportionality (the length of all main walls oriented toward the front lot line located within the area on the lot defined by the minimum and maximum front yards) is to ensure a relatively uniform setback along the street. In this instance, the front lot line is angled parallel to Lakeshore Road West, and as a result, the minimum and maximum front yard setbacks follow the same alignment. In this context, dwellings along Lakeshore Road West are generally staggered in this manner, and the proposed dwelling maintains a setback that is compatible with the established streetscape, preserving the character of the area.

**Variance #9 – To permit uncovered balconies on the second storey (Objection):**  
Increase from 0 to 3

The intent of the By-law is to prohibit balconies. As the proposal includes a balcony where it is expressly prohibited, staff are of the opinion that the variance does not maintain the general intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the proposal satisfies the four tests for a minor variance, with the exception of Variance #9, which seeks to permit a second storey balcony. This variance does not meet the intent of the Zoning By-law and therefore fails to satisfy the four tests for a minor variance.

In reviewing the application, staff have determined that Variances 1-8 are minor in nature, in keeping with the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the subject lands. Variances 1-8 maintain and protect the character of the existing neighbourhood and do not present unacceptable adverse impacts.

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.

**Halton Conservation:**



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

August 13, 2025

Sharon Coyne, Assistant Secretary-Treasurer  
Town of Oakville  
1255 Trafalgar Road  
Oakville, ON L6H 0H3

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

To Sharon Coyne:

Re: Minor Variance Application  
File Number: A/114/2025  
CH File Number: PMVG-2744  
3308 Lakeshore Road West  
Town of Oakville  
Applicant: Paul Chronis  
Owner: [REDACTED]

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Conservation Halton (CH) staff has reviewed the above-noted application according to 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).

**Proposal**

CH staff understand that the applicant is proposing the construction of a two-storey dwelling with an attached garage. The following variances are requested:

- To permit a minimum front yard of 14.05 metres
  - To permit a main wall proportion of 26.91%.
  - To permit three balconies above the floor level of the first storey, each with a total balcony projection beyond the main wall of 0.86 metres.
  - To permit the attached private garage to project not more than 2.74 metres from the face of the longest portion of the main wall containing residential floor area that is on the first floor of the dwelling oriented towards the front lot line.
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- To permit the attached private garage to project not more than 2.74 metres from the face of the longest portion of the main wall containing residential floor area that is on the first floor of the dwelling oriented towards the front lot line.
- To permit a maximum width for a single driveway of 11.08 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
- To permit a maximum width of the walkway access at the point of attachment of 4.5 metres.
- To permit the window well with a maximum width of 6.13 metres to project a maximum of 0.65 metres into a minimum yard.
- To permit a maximum of two attached private garages per dwelling.

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

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, 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 adjacent to the shoreline of Lake Ontario. Through the review of the plans for development activities along the shoreline, CH seeks to ensure that waterfront development activities will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes - St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards, as well as applicable regulated allowances. Development setbacks are based on the combination of these hazardous lands which are determined by site specific conditions. The front of the property is also partially located within an spill flood hazard associated with Sheldon Creek. A spill occurs when floodwaters leave a watercourse and its valley and spills overland, rejoining the same watercourse at a distance downstream or moving into another watershed. When a flood hazard is identified and/or mapped through technical studies, CH assesses risk and advises landowners of CH's regulatory requirements when development activity is contemplated in hazardous areas.

Permission is required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities 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>).

Based on the Site Plan, (Drawing No. SP1.01) provided, it appears that the Engineered Development Setback (EDS) has been measured starting from the line labeled "Edge of Water". Please be advised that the EDS is to be measured from the natural toe of slope which can be considered the back (landside) of the shoreline protection works. It is noted that the applicant may need to contact the previous landowner to obtain a copy of the as-built drawings for the shoreline protection works in order to show them on an updated site grading plan. Until the EDS limit is accurately plotted to CH's satisfaction based on the as-built drawings for the shoreline protection works, CH staff cannot confirm that the proposed dwelling will be adequately setback from the EDS.

If future development is proposed in the front yard, then future reviews from CH may be required due to the spill.

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### **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).

Further to the above, CH requires an updated site grading plan showing that the proposed dwelling is located outside of the EDS to CH's satisfaction, before staff can confirm that the proposal is consistent with the Natural Hazard policies of the PPS.

### **Recommendation**

Given the above, CH staff recommend deferral of the application as we cannot confirm the location of the proposed dwelling in relation to the EDS line. We recommend the applicant update their plans accordingly and submit them to CH for review separately, prior to resubmitting the application to the Committee of Adjustment. Alternatively, if the Committee of Adjustment decides to approve the application, we request the following condition be added to the approval.

1. That the applicant obtains a CH Permit prior to the initiation of the development.

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 at [aheizer@hrca.on.ca](mailto:aheizer@hrca.on.ca).

Regards,



Adam Heizer  
Planning & Regulations Analyst

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**Finance:** No comments received.

**Fire:** No concerns for Fire.

**Oakville Hydro:** We do not have any comments.

### **Halton Region:**

CAV A/114/2025 – T. Houle, 3308 Lakeshore Road West, 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 window well with a maximum width of 6.13 m to project a maximum of 0.65 m into a minimum yard, to permit a maximum of two attached private garages, an increase in the maximum width for a single driveway of 11.08 m for a lot having a lot frontage equal to or greater than 18.0 m, an increase in the maximum width of a walkway access at the point of attachment of 4.5 m, an increase in the maximum floor area for the private garage of 57.02 square m, an increase in the maximum garage projection to 2.74 m, a decrease in the minimum front yard to 14.05 m, a decrease in the minimum main wall proportion to 26.91% and to permit three (3) balconies above the floor level of the first storey, 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.

**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 dated July 21, 2025, and elevations to the satisfaction of the Director of Planning and Development; 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*

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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment

Attachment:  
Email in Support – 1

## coarequests

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**From:** Mike Michielli [REDACTED]  
**Sent:** Monday, August 11, 2025 12:59 PM  
**To:** coarequests  
**Subject:** [EXTERNAL] Letter of Support - A/114/2025 - 3308 Lakeshore Road West  
**Categories:** JEN

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

Re: A/114/2025 - 3308 Lakeshore Road West

Good afternoon,

We are the owners of property located at [REDACTED] Lakeshore Road West, two properties to the west of the subject property.

We have received the Notice of Public Hearing and have reviewed the application in detail. Please accept this letter as our full support for the variances being requested. We find the proposal to be very sensitive to our neighbourhood. From the plans we reviewed, we are encouraged to see that the owners have created a building envelope that ensures the preservation of mature trees, particularly around the side yards.

We also wish to specifically mention our support for the requested variance to the balconies. Balconies are obviously a very common feature and who would not want them with the gorgeous view of Lake Ontario. The mature landscape and the separation distances mitigate against any issues with views or interruption of privacy with neighbouring properties.

Thank you for accepting this submission.

Best regards,  
Mike & Noelline Michielli

[REDACTED] Lakeshore Road West  
Oakville, Ontario L6L 6S6