

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/001/2025

RELATED FILE: N/A

DATE OF MEETING: January 22, 2025

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
C. BOON J. VAN KESSEL	Alex Blanchard Carrothers and Associates 3-505 York Blvd Hamilton ON L8R 3K4	PLAN M27 LOT 36 242 Sunrise Cres Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL3-0  
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 one-storey detached dwelling on the subject lands proposing the following variance to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Table 6.3 (Row 11, Column RL3)</i> The maximum lot coverage for the dwelling shall be 35%.	To increase the maximum lot coverage for the dwelling to 38.23%.

### CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

#### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

#### **A/001/2025 - 242 Sunrise Crescent (West District) (OP Designation: Low Density Residential)**

The applicant proposes to permit the construction of a one-storey addition to the existing dwelling on the subject property, 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.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

## Site and Area Context

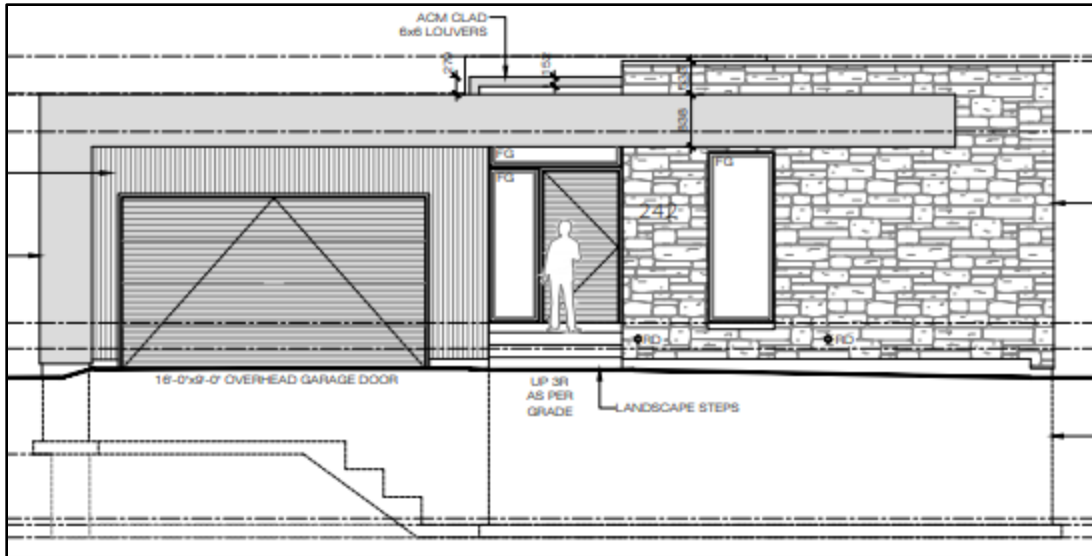
The surrounding neighbourhood is predominantly comprised of one and two-storey existing housing stock and newer two-storey detached dwellings. Dwellings in the surrounding area share similar architectural characteristics and style, while all contributing to the established neighbourhood character.



Aerial Photo – 242 Sunrise Crescent

### 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 one-storey dwelling mitigates any potential massing and scale impacts and protects and maintains the established neighbourhood character. It is staff's opinion that the proposal maintains the general intent and purpose of the Official Plan.



Proposed Front Elevation – 242 Sunrise Crescent

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

The applicant is seeking relief from Zoning By-law 2014-014 to permit an increase in lot coverage from 35% to 38.23%. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed dwelling has been designed as entirely single-storey, which mitigates any potential impacts of a dwelling having a mass and scale that would appear larger than those in the surrounding area. The proposed dwelling helps maintain and protect the established neighbourhood character. Staff are of the opinion that the requested variance 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 variance is minor in nature and will not create any undue adverse impacts to adjoining properties, the public realm or the existing neighbourhood character.

**Note:** Development Engineering staff have acknowledged that a subsequent site alteration permit will be required for the review of stormwater management controls, site grading and tree protection zones.

**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. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated October 7, 2024; and,
2. That the approval expires two (2) years from the dated of the decision if a Building Permit has not been issued for the proposed construction.

**Fire:** No concerns for fire.

**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 lot coverage for the dwelling to 38.23%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a one-storey detached dwelling on the Subject Property.

**Halton Conservation:** No comments received.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**

**General notes for all applications:**

***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.
- 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 October 7, 2024; and,
2. That the approval expires two (2) years from the dated of the decision if a Building Permit has not been issued for the proposed construction.

Sharon Coyne

Sharon Coyne, Assistant Secretary-Treasurer  
Committee of Adjustment