

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/013/2025**

**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, February 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
L. ZHIXING LI J. HUANG	JORIS KEEREN Keeren Design Inc. 11 Bronte Rd, Suite 31 Oakville ON, CANADA L6L 0E1	CON 4 SDS PT LOT 25 RP 20R3003 PART 4 1574 Old Lakeshore Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential**

**ZONING: RL2-0, 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>Section 5.8.2 f)</i> One walkway access may be connected to each side of a driveway. The maximum width of the walkway access at the point of attachment shall be 1.8 metres.	To increase the maximum width of the walkway access at the point of attachment to 2.7 metres.
2	<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 total floor area for a private garage to 84.0 square metres.
3	<i>Section 5.8.7 c)</i> Attached or detached private garages 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 storey of the dwelling oriented toward the front lot line or flankage lot line.	To increase the maximum projection to 5.7 metres.
4	<i>Table 6.4.2</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 25%.	To increase the maximum lot coverage where the detached dwelling is greater than 7.0 metres in height to 28.4%.
5	<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 9.41 metres.	To increase the minimum front yard to 17.2 metres.

6	<p><i>Section 6.4.3 c)</i>  The maximum front yard for new dwellings on all lots shall be 5.5 metres greater than the minimum front yard for the applicable lot. In this instance, the maximum front yard shall be 14.91 metres.</p>	To increase the maximum front yard to 29.1 metres.
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**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/013/2025 – 1574 Old Lakeshore Road (West District) (OP Designation: Low Density Residential)**

**Site Area and Context**

The subject lands are located along the south side of Old Lakeshore Road, across the street from Sir John Colborn Recreation Centre for Seniors. The subject lands are centrally located along the street, which consists of two-storey dwellings varying architectural styles with some newer two-storey dwellings having been constructed within recent years. The dwellings are stepped back along the street because the front lot line is angled in relation to the side property lines.

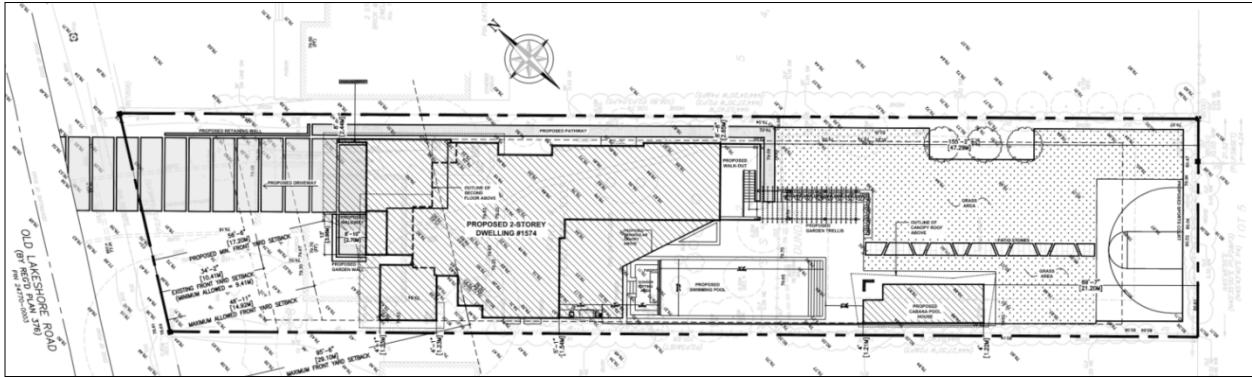


*Aerial photo of 1574 Old Lakeshore Road*



*Existing dwelling located at 1574 Old Lakeshore Road*

The following Site Plan illustrates the existing dwelling and the proposed new dwelling.



*Excerpt of Site Plan for 1574 Old Lakeshore Road*

The following perspectives illustrate the proposed new dwelling.



*Excerpt of Front Perspective View for Proposed Dwelling at 1574 Old Lakeshore Road*



*Excerpt of Rear Perspective View for Proposed Dwelling at 1574 Old Lakeshore Road*



*Excerpt of Side Perspective View for Proposed Dwelling at 1574 Old Lakeshore Road*

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:

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

The subject property is designated Low Density Residential 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. The proposal aligns with the setbacks of the adjacent dwellings and is compatible with in terms of scale, massing and architectural character with the surrounding neighbourhood. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville. Therefore, the proposal is in keeping with the general intent 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:

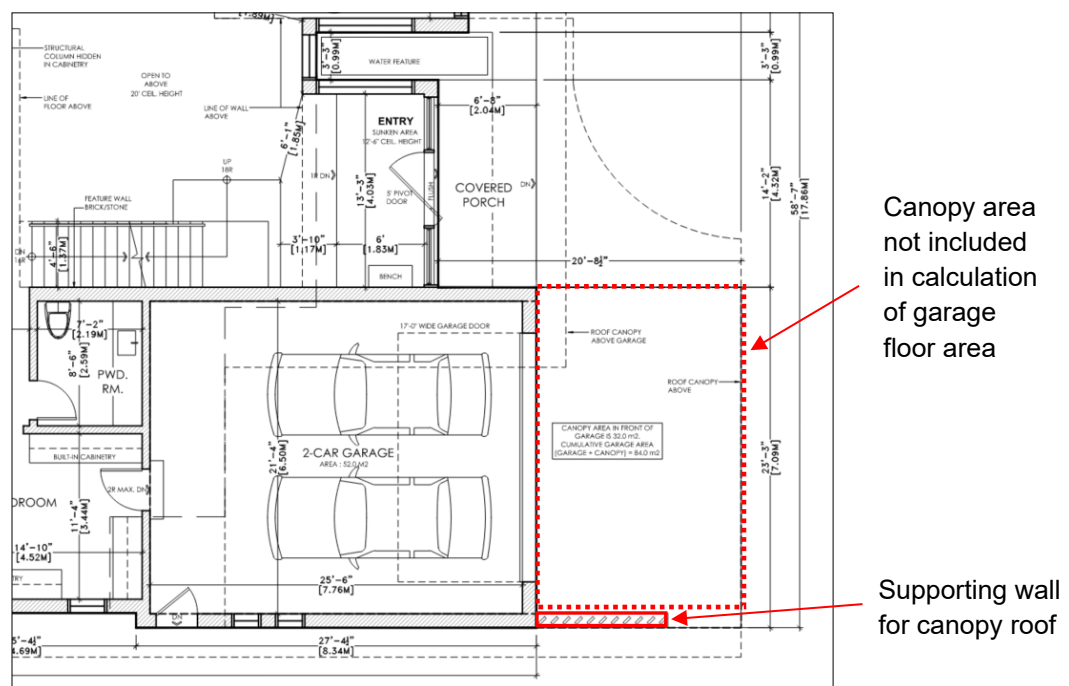
### Variance #1 – Walkway Width (No Objection) – 1.8 m increased to 2.7 m

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 proposed walkway is 2.7 metres at the point of attachment to the front porch and staff is satisfied that the walkway will be used for its intended purpose and that sufficient space remains for landscaping in the front yard.

### Variance #2 –Garage Floor Area (Objection) – 45 m<sup>2</sup> increased to 84 m<sup>2</sup>

### Variance #3 – Garage Projection (No Objection) – 11.5 m increased to 5.7 m

The intent of regulating garage floor area and garage projection is to ensure that the garage is not a visually dominant feature of the dwelling. Staff note that the requested garage floor area variance includes the area in front of the garage that is covered by a roof canopy, which may be considered a carport / porte-cochere. Based on the definition of floor area and staff's interpretation of the By-law, the roof canopy portion is not counted towards the garage floor area calculation since less than 50% is surrounded exterior walls. Therefore, the actual total garage floor area is 52 m<sup>2</sup>, not the requested 84 m<sup>2</sup>. With respect to the proposed garage projection, staff note that the enclosed portion of the garage does not project more than 1.5 m from the main wall of the house. The requested variance is attributed to the canopy roof and supporting wall, which are architectural elements of the proposed dwelling (see illustration below).



Excerpt of First Floor Plan of proposed dwelling at 1574 Old Lakeshore Road

Staff support the variances, with the exception being that the garage floor area be reduced to 52 m<sup>2</sup>, which reflects staff's interpretation of the By-law and the submitted architectural package.

**Variance #4** – Lot Coverage (No Objection) – 25% increased to 28.4%

**Variance #5** – Minimum Front Yard (No Objection) – 9.41 m increased to 17.2 m

**Variance #6** – Maximum Front Yard (No Objection) – 14.91 m increased to 29.1 m

The Zoning By-law stipulates both minimum and maximum front yard setbacks to address the angular plane of Old Lakeshore Road and the intent behind the regulations is to ensure that development is appropriately set back from the street. The intent of regulating lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Increasing the minimum and maximum front yard setbacks are in keeping with the adjacent dwellings and will lessen the perceived impacts of the requested increase in lot coverage. Staff also note that stormwater management associated with the proposed is currently being reviewed through the Minor Site Plan process. Therefore, staff is satisfied that proposed dwelling is in keeping with the surrounding neighborhood

Based on the foregoing, staff is satisfied that the proposal 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 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 variance. Should these minor variance requests be approved by the Committee, the following conditions are recommended:

1. The dwelling be constructed in general accordance with the site plan and elevations dated November 18, 2024; 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.

**Note:**

Development Engineering staff advise that the proposed development is subject to Minor Site Plan due to the property being located within the Bill 97 Buffer (remnant channel) and is currently undergoing said review. The site requires 25mm storm retention to ensure that downstream properties and town infrastructure are not negatively impacted by the proposed development, and the applicant is instructed to illustrate swales (min. 2%) and flood lines on the plans to address concerns about flooding in the front and rear yards.

**Bell Canada:** No comments received.

**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 width of the walkway access at the point of attachment to 2.7 m, an increase to the maximum total floor area for the private garage to 84.0 square m, an increase to the maximum garage projection to 5.7 m, an increase to the maximum lot coverage to 28.4%, an increase to the minimum front yard to 17.2 m and an increase to the maximum front yard to 29.1 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 Hydro:** We do not have any comments to add for this group of minor variance applications.

**Union Gas:** No comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – None**

### **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.

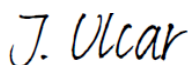
- A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, 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 site plan and elevations dated November 18, 2024; 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.

**Note:**

Development Engineering staff advise that the proposed development is subject to Minor Site Plan due to the property being located within the Bill 97 Buffer (remnant channel) and is currently undergoing said review. The site requires 25mm storm retention to ensure that downstream properties and town infrastructure are not negatively impacted by the proposed development, and the applicant is instructed to illustrate swales (min. 2%) and flood lines on the plans to address concerns about flooding in the front and rear yards.



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Jennifer Ulcar  
Secretary-Treasurer  
Committee of Adjustment