

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/022/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
K. DA FONSECA	Gerardo Castillo Keystone Home Designs Inc 251 North Service Rd. W. Rd OAKVILLE ON L6M 3E7	PLAN 806 LOT 1 517 Lees Lane Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0, Residential  
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 variance to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot between 743.00 m <sup>2</sup> and 835.99 m <sup>2</sup> shall be 40%.	To increase the maximum residential floor area ratio to 42.42%.

## 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/022/2025 - 517 Lees Lane (West District) (Low Density Residential Area:)**

The applicant proposes to construct a two-storey detached dwelling with the existing dwelling to be demolished, subject to the variances listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this minor variance request are as follows:

### **Site Area and Context**

The subject lands are located in a neighbourhood consisting of original one and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural

forms and designs. The property will also be subject to a minor site plan application for review by Development Engineering staff due to the site being is located within the Bill 97 Buffer.



*Arial Photo of 517 Lees Lane*



*Proposed Front Elevation*



*513 Lees Lane*



*518 Lees Lane*

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

The subject property is designated Low Density Residential area 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. It is staff's opinion that the proposed two storey dwelling is in keeping with the style and character of the existing dwelling and does not create an unbalanced increase that makes the existing dwelling appear larger than other dwellings in the surrounding area.

Additionally, the minimum requirements for the side yard, rear yard setback and height are proposed to be maintained. As such, staff is of the opinion that the proposal maintains the existing neighbourhood character and the general intent and purpose of the Official Plan.



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

Variance #1 – Residential Floor Area (**No Objection**) – increase from 40% to 42.42%.

The intent of the Zoning By-law provision for regulating the maximum residential floor area is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. The applicant is proposing an increase of the residential floor area of 2.4% the overall massing and scale impacts for the proposed addition to the existing dwelling are mitigated through the articulation of the façade, making the proposed increase more fitting with the residential dwellings in the surrounding area. On this basis, staff are of the opinion that the request 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 or the existing neighbourhood character.

### **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 November 11, 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.

**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 residential floor area ratio to 42.42%, 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.

**Metrolinx:** Upon review, we note no properties fall within our review zones.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Bell Canada:** No comments received.

**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 submitted site plan and elevation drawings dated November 11, 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.

Sharon Coyne  
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Assistant Secretary-Treasurer  
Committee of Adjustment