

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/016/2025 – Deferred from February 19, 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, April 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. Al-Hajjaj A. Al-Zhari	Kurtis Van Keulen Huis Design Studio 1a Conestoga Dr., Unit 301 Brampton ON, L6Z 4N5	PLAN 542 LOT 1 2019 Lakeshore Rd E Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy

ZONING: RL1-0, Residential

WARD: 3

DISTRICT: East

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 RL1)</i> The minimum rear yard shall be 10.5 metres.	To reduce the minimum rear yard to 8.08 metres.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with an area between 1,115.0 m ² and 1,207.99m ² shall be 35%.	To increase the maximum residential floor area ratio to 37.25%.
3	<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 to 26.5%.
4	<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 16.02m.	To reduce the minimum front yard to 11.27 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/016/2025 - 2019 Lakeshore Road East (East District) (OP Designation: Low Density Residential – Special Policy)

The applicant proposes to construct a two-storey detached dwelling 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:

A minor variance application was previously submitted for consideration by the Committee on February 19, 2025. This application was deferred, at the request of the applicant, to provide the opportunity to address staff comments. A revised minor variance application is now before the Committee of Adjustment for consideration. The applicant proposes to mitigate the proposed variances by reducing the footprint of the dwelling, dropping the height above the great room and incorporating second floor stepbacks.

The revised application results in the removal of an interior side yard variance and a reduced variance request for minimum rear yard, maximum residential floor area ratio, and maximum lot coverage. See the table below for the variances proposed in February 2025, and the variances brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	February 19, 2025	April 30, 2025
Minimum Interior Side Yard	4.2 m	3.08 m	REMOVED
Minimum Rear Yard	10.5 m	7.52 m	8.08 m
Maximum Residential Floor Area Ratio	35%	37.83%	37.25%
Maximum Lot Coverage	25%	28.11%	26.5%
Minimum Front Yard	16.02 m	12.81 m	11.27 m

Site Area and Context

The neighbourhood is in transition and has a mix of one-storey and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed.



Aerial Photo of 2019 Lakeshore Road East



Streetview of 2019 Lakeshore Road East

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

The subject property is designated Low Density Residential- Special Policy in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and not negatively impact surrounding properties. It is staff's opinion that the proposal 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 – Rear Yard (No Objection) – 10.5 m reduced to 8.08 m

The intent of regulating rear yard setback is to provide adequate rear yard amenity. Staff are of the opinion that the proposed setback will result in an adequate rear yard amenity space. The reduced rear yard setback is to a one-storey covered porch which mitigates overlook and privacy impacts. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Variance #2 – Maximum Residential Floor Area Ratio (No Objection) – increase from 35% to 37.25%

Variance #3 – Maximum lot coverage (No Objection) – increase from 25% to 26.5%

The intent of the Zoning By-law provisions for residential floor area and lot coverage are to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The updates made to the proposed dwelling have assisted in mitigating the massing of the dwelling.

Variance #4 – Minimum front yard (No Objection) – decrease from 16.02 m to 11.27 m

The intent of regulating minimum front yard is to ensure a relatively uniform setback along the street. In this instance, the setback of the dwellings in this section of Lakeshore Road East vary; however, the proposed location of the dwelling will still be relatively consistent with the dwellings on either side.

It is staff's opinion that the application as revised maintains the general intent and purpose of the Zoning By-law, and results in a dwelling that is compatible with the existing neighbourhood character.

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 development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be constructed in general accordance with the submitted updated site plan and elevation drawings dated 11.28.2024, 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.

Oakville Hydro: We do not have any comments.

Transit: No comments.

Metrolinx: No comments/concerns.

Finance: No comments received.

Halton Region:

- It is understood that this application was deferred from February 19, 2025. Regional comments provided on February 13, 2025, still apply.
- 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 reduce the minimum rear yard to 8.08 metres, to increase the maximum residential floor area ratio to 37.25%, to increase the maximum lot coverage to 26.5%, and to reduce the minimum front yard to 11.27 metres, 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.

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.
- 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. That the dwelling be constructed in general accordance with the submitted updated site plan and elevation drawings dated 11.28.2024, 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.

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment