

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/032/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, FEBRUARY 21, 2024 AT 7:00 P.M

Owner (s)	Agent	Location of Land
ADELINO DASILVA AURORA DASILVA	PAUL DEMCZAK BATORY MANAGEMENT 4-1550 KINGSTON RD SUITE 1345 PICKERING ON, L1V 6W9	2452 HIXON ST PLAN M7 LOT 9

**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 driveway on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.2 c) iii)</i> The maximum width of a driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum width of the driveway to 20.40 metres.

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)

CAV A/032/2024 - 2452 Hixon Street (West District) (OP Designation: Low Density Residential)

The applicant has constructed a two-storey detached dwelling, and has constructed a driveway contrary to the approved building permit and Development Engineering Site Plan (DESP) and is 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 Area and Context

The subject lands are within a residential neighbourhood north of the Bronte Village Growth Area. This area has experienced redevelopment in the form of replacement dwellings and new dwellings on newly created (severed) lots, some of which have requested variances. However, staff were unable to identify any variances that requested increases to driveway width within the

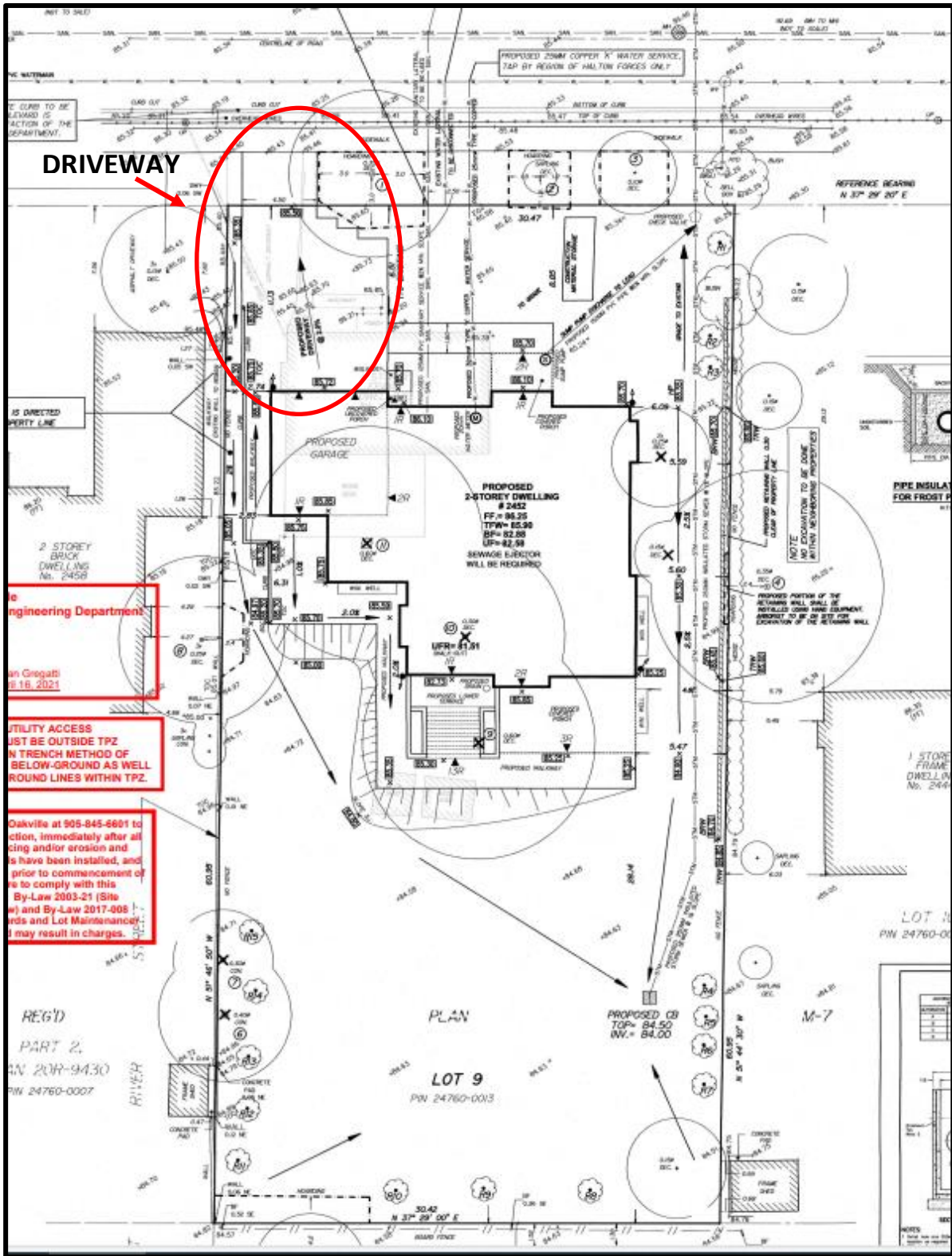
neighbourhood. The neighbourhood consists of single and double car driveways, at varying lengths, depending on the setback of the dwelling or detached garage in this area. All properties were found to have landscaped front yards containing mature vegetation on both public and private property and the driveway was not the dominant feature of the front yard. Staff note that the adjacent property to the west has a circular driveway which was constructed prior to the current by-law being in effect, and is not representative of the prevailing character of driveways in the area.



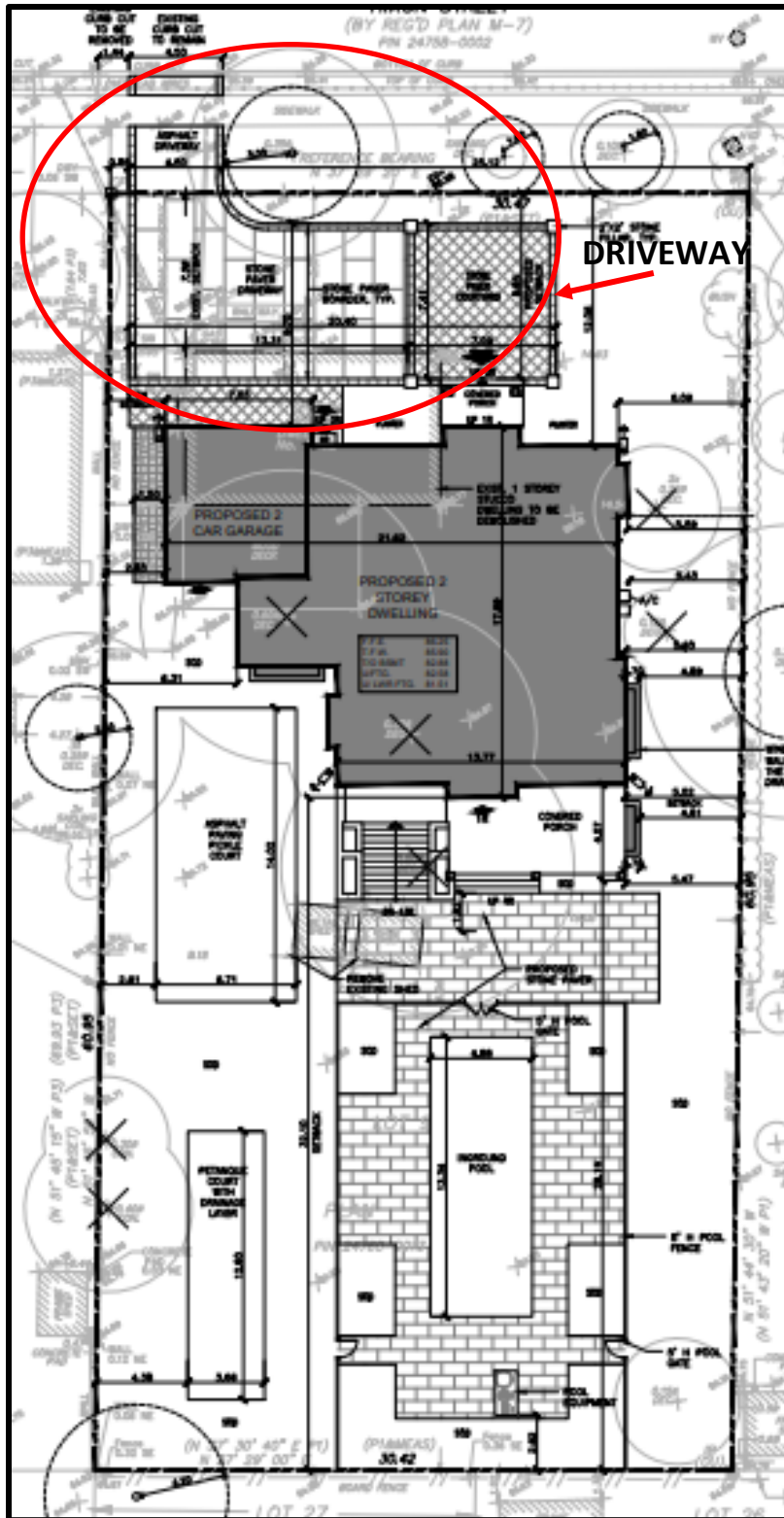
Aerial photo of 2452 Hixon Street

The applicant received a building permit in April 2021, and the approved Development Engineering Site Plan (DESP) application from 2021 shows that the driveway was compliant with the zoning by-law, as shown below.

The proposal is currently in the DESP revision process. However, the applicant has proceeded with the construction of the courtyard and widened driveway prior to any approval.



Approved 2021 DESP driveway configuration



Existing 2024 non-compliant driveway configuration

Further, the existing plan above also shows additional hardscaping in the rear yard in the form of an inground pool, asphalt pickleball court, and pétanque court which have not been evaluated through the DESP process to confirm if they have negative impacts on the stormwater management approach for the site.

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

The subject property is designated Low Density Residential 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. The

proposal was evaluated against the criteria established under 11.1.9, and the following criteria apply:

Policies 11.1.9 f) and h) states:

f) Surface parking shall be minimized on the site.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. The variance has been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and protection of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

3.3.1 Landscaping and Tree Preservation: *New development should make every effort to retain established landscaping, such as healthy mature trees and existing topography, by designing new dwellings and building additions around these stable features.*

3.3.2 Driveways and Walkways: *New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.*

It is staff's opinion that the proposed driveway does not provide adequate landscaping in the front yard, and has not been constructed with minimal pavement in the front yard, as the driveway is heated and is 100% impervious. Therefore, the variance does not maintain 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 – Driveway Width (Objection) – 9.0m increased to 20.4m

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. Maintaining an appropriate amount of landscaping in the front yard also promotes improved drainage conditions for redeveloped sites. The existing driveway was constructed in non-compliance with approved plans, and has resulted in a driveway configuration that does not maintain the character of the neighbourhood. On this basis, staff are of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law.

Is the proposal minor in nature?

It is staff's opinion that an increase of 11.4m in driveway width which results in more than 50% of the front yard being hardscaped, and does not maintain the character of the neighbourhood is not minor in nature.

Is the proposal desirable for the appropriate development of the subject lands?

Staff are also of the opinion that the requested variance is not appropriate for the development of the lands as it contributes to the driveway being a dominant feature of the front yard, with more than 50% of the front yard dedicated to the driveway area. It is also not clear if the driveway has additional negative impacts on stormwater runoff directed to Hixon Street. On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests and staff recommend denial

Fire: No concerns for fire.

Transit : Comments not received.

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

Halton Region: 6.7 CAV A/032/2024 – A. & A. Dasilva, 2452 Hixon Street, Oakville

- The subject lands are located within an area of Archaeological Potential. Although the property has already been disturbed with an existing development, as an advisory note, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately. In the event that human remains are encountered during construction, the Owner shall immediately notify the police or coroner, the Registrar, the Ministry of Public and Business Service Delivery (MPBSD), who administers provisions of that Act related to burial sites, and the MCM.
- 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 in the maximum width of the driveway, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a driveway on the Subject Property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 5

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 Services, 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of Supports:

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 2452 Hixon Street, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE,

Samir Sheroda
the owner(s) of

2452 Hixon St, Oakville,
ON, have reviewed the minor

variance application located at 2452 Hixon Street, Oakville, ON,
and would like to express our

full support of the subject application.

Sincerely,

Print Name: Samir Sheroda

Signature: 

Date: Feb 11, 2024

To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3

Subject: 2452 Hixon Street, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE,

Carol Dalby
 the owner(s) of

2444 Hixon St., Oakville,
ON, have reviewed the minor

variance application located at 2452 Hixon Street, Oakville, ON,
and would like to express our

full support of the subject application.

Sincerely,

Print Name: Carol Dalby

Signature: Carol Dalby

Date: Feb 8, 2024

**Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 2452 Hixon Street, Oakville ON - Letter of Support

Dear Sir/Madam,

I, Albert Kwong, one of the owners of 2458 Hixon Street, Oakville, ON, have reviewed the minor variance application located at 2452 Hixon Street, Oakville, ON, and have no concern of the subject application.

Sincerely,

Albert Kwong

A handwritten signature in blue ink, appearing to read 'Albert Kwong', with a stylized flourish at the end.

Feb 11, 2024

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 2452 Hixon Street, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE, DAVID BLOMMERS
_____ the owner(s) of

2451 HIXON ST., Oakville,
ON, have reviewed the minor

variance application located at 2452 Hixon Street, Oakville, ON,
and would like to express our

full support of the subject application.

Sincerely,

Print Name: DAVID BLOMMERS

Signature: 

Date: Feb 9, 2024

To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3

Subject: 2452 Hixon Street, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE,

Carol Dalby
 the owner(s) of _____

2444 Hixon St., Oakville,
ON, have reviewed the minor

variance application located at 2452 Hixon Street, Oakville, ON,
and would like to express our

full support of the subject application.

Sincerely,

Print Name: Carol Dalby

Signature: Carol Dalby

Date: Feb 8, 2024

**To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3**

Subject: 2452 Hixon Street, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE,

Samir Sheroda
the owner(s) of

2452 Hixon St, Oakville,
ON, have reviewed the minor

variance application located at 2452 Hixon Street, Oakville, ON,
and would like to express our

full support of the subject application.

Sincerely,

Print Name: Samir Sheroda

Signature: 

Date: Feb 11, 2024