

May 6, 2024

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File 23875.00001

Planning and Development Council  
Town of Oakville  
Oakville Town Hall  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Dear Members:

**Re: Statutory Public Meeting – Town-initiated Official Plan and Zoning By-law Amendments – Four Dwelling Units Per Property and Sheridan College Housing Area (File No. 42.15.62 and 42.15.63)**

WeirFoulds is legal counsel to Jose Jardino, owner of lands municipally known as [REDACTED], in the Town of Oakville (the “Town”).

On behalf of our client, we filed an interim written submission dated March 4, 2024 in respect of the above-noted initiative. We have now received the notice of statutory public meeting and reviewed the draft implementing planning instruments posted on the Town’s Housing Accelerator Fund web portal. These planning instruments are scheduled to be considered by the Planning and Development Council (the “PDC”) during the statutory public meeting on May 6, 2024.

For the purpose of this further written submission, we are restricting our comments related to the implementing Zoning By-law, which if approved, would permit the creation of up to four dwelling units per residential lot for single detached homes. As stated in the information reviewed, *“this permission could be done “as-of-right” meaning without a zoning amendment, but still must meet all existing applicable zoning regulations”*.

Part of those regulations include the continuation of the existing zoning parking requirements. As we understand, no changes to the minimum parking requirements are being proposed. Current minimum parking requirements for the four dwelling units would be four parking spaces. These four parking spaces would need to be provided on the same lot as the four dwelling units.

For the reasons detailed below, there are three other related parking regulations (maximum garage size, number of garages and maximum width of driveways), which, when considered collectively, create challenges.

Zoning By-law 2014-014 regulates a parking space to have a minimum of 2.7 metres in width and 5.7 metres in length (Section 5.2.2(a)) or approximately 15.39 square metres. At the same time,

Section 5.8.6(b) permits a maximum garage area of 45 square metres. To provide four parking spaces in a private garage on the same lot will generate a garage area of at least 62 square metres. In our opinion, the maximum garage area size should be increased to promote the internalization of the required parking spaces rather than necessitating the externalization of these spaces on the driveway apron in front of the private garage. Further, the internalization of parking spaces maintains the streetscape, especially important in an established mature neighbourhood.

Furthermore, where the four internalized parking spaces are provided, each of the unit holder would inevitably require their garage to be partitioned from the others for safety and security of private belongings. Once a demising wall is proposed, the result would be a technical interpretation of having four garages under the Town's Zoning By-law 2014-014. We suggest that demising walls be permitted in the case of conversion/construction of four dwelling units. This would have the added benefit of providing the required two-hour fire separation rating under the Building Code.

We would recommend that a choice be made whether it's a larger garage be pursued or four smaller garages, but in no case can the two be standards we are suggesting being changed, can be deployed simultaneously. In other words, the amendments should prohibit the implementation of four partitioned garages, each having an area of 62 square metres.

Finally, the Town's Zoning By-law 201-014 regulates the maximum width of a driveway in a variety of situations as set out in Section 5.8.2 width of the Town's Zoning By-law 5.8.2. The width of the driveway is usually measured at the widest point which typically occurs at the front of the private garage. In our experience, while the majority of the driveway usually complies with the maximum driveway width, it often does not comply when measured at the front of the private garage. We suggest that the driveway width should be measured a certain distance back from the front lot line, much in the same manner lot frontage is measured. This would provide a fair application of the maximum driveway width.

From our experience, it is not unusual for the Town's Committee of Adjustment to consider and where appropriate approve minor variances for relief of the above regulations. However, given the underlying interest and motivation to increase the housing supply and implement the Housing Accelerator Fund pledge, it would be appropriate that these regulations be amended in tandem with the other changes being suggested in the proposed implementing zoning by-law. These suggestions would ensure the timely delivery of the needed housing units on an as-of-right basis, without requiring applications to proceed for zoning relief. At the same time, the suggestions are aimed at ensuring the preservation of the neighbourhood streetscape.

We again repeat our support of the Town's initiative to permit four dwelling units, but we encourage further consideration of the above to ensure the vitality and viability of Oakville's established neighbourhoods and to mitigate against allowing gentle intensification without unacceptable adverse impacts to the streetscape.

We thank you for the opportunity to provide comments. Please provide any notice of adoption of these implementing instruments.

Should you have any questions or wish to discuss our comments, please do not hesitate to contact the undersigned, or Paul Chronis, Land Use Planner at our office at 416.460.0038 or [pchronis@weirfoulds.com](mailto:pchronis@weirfoulds.com).

Yours truly,

**WeirFoulds LLP**



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PC/rm

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