

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/078/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 15th, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
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 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 12.90 metres.
2	<i>Section 5.8.2 g)</i> Notwithstanding subsection (f), 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 attachment to the easterly side of the driveway to 2.50 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/078/2024 – 2452 Hixon St (West District) (OP Designation: Low Density Residential)
The applicant has constructed a two-storey detached dwelling. The driveway was constructed contrary to the approved building permit and the Development Engineering Site Plan (DESP) permit and is subject to the variance listed above.

An application for minor variance (CAV A/032/2024) was previously presented to the Committee on February 21, 2024, for an increase in driveway width from 9m to 20.4m. The application was not supported by staff and subsequently denied by the Committee. The applicant has modified their proposal and submitted a new application which proposes a reduced driveway width as well as a new variance for an increase in walkway width.

Site Area and Context

Staff previously provided the following Site Area and Context comments:

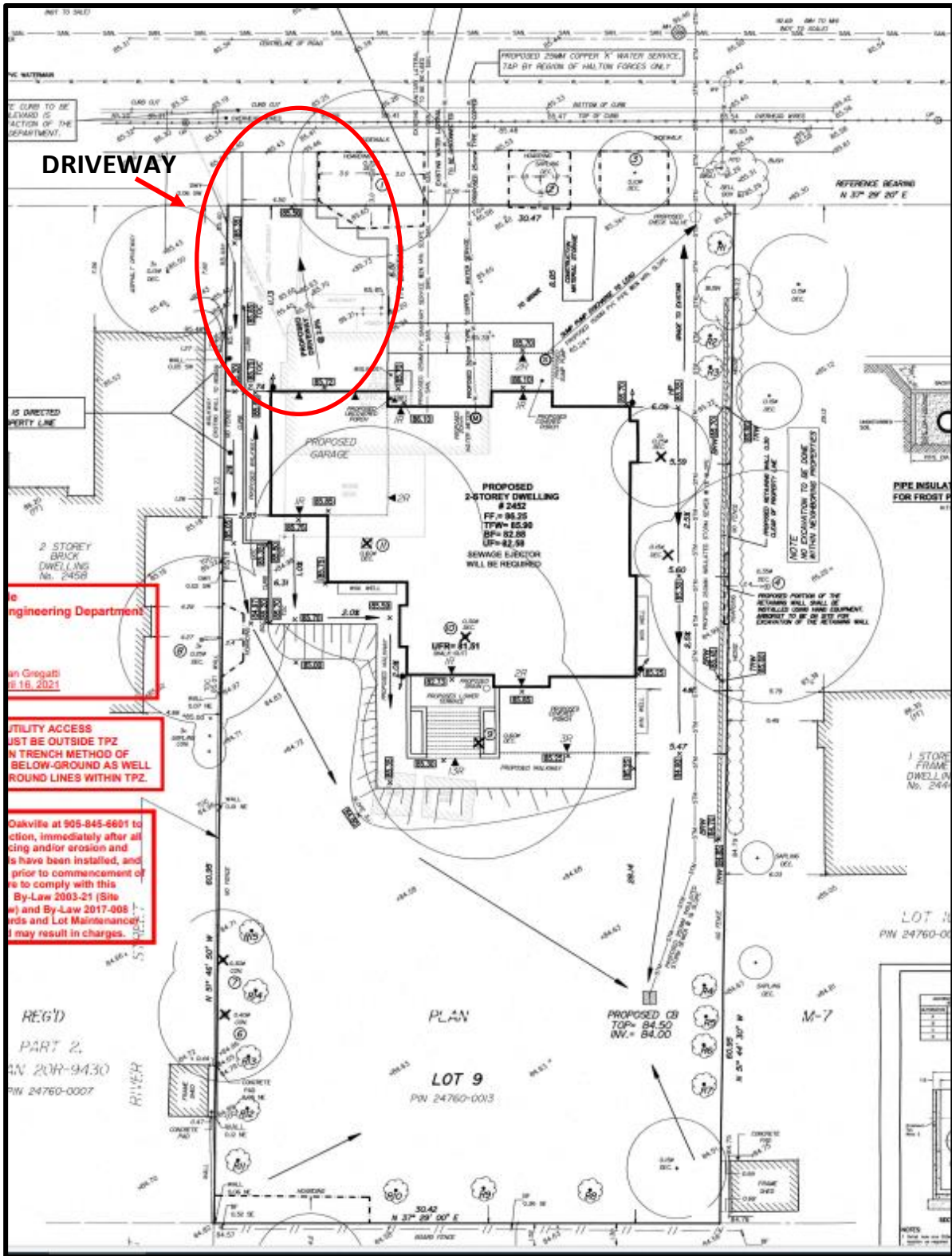
“The subject lands are within a residential neighbourhood north of the Bronte Village Growth Area. This area has experienced redevelopment in the form of replacement dwellings and new dwellings on newly created (severed) lots, some of which have requested variances. However, staff were unable to identify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

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.”



Aerial photo of 2452 Hixon Street



Approved 2021 DESP driveway configuration

The applicant's revised proposal (shown below) has reduced the driveway width to maintain a reduced hammerhead design, with robust planting and screening, together with a new variance to recognize a wider walkway from the driveway to the front door.



Proposed landscaping rendering

Further, as noted previously, 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 had not been evaluated through the DESP process. The applicant has now engaged with the Town's Development Engineering section to resolve the stormwater management matters.

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. It is staff's opinion that the proposed driveway design provides adequate landscaping in the front yard and the revised proposal has reduced the amount of hardscaping in the front yard. Additionally, the expanded walkway also 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 Driveway Width (No Objection) – 9.0m increased to 12.9m (previously 20.4m)

Variance #2 – Walkway Width (No Objection) 1.8m increased to 2.5m

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 applicant's proposed landscaping provides appropriate screening and additional landscaping in the front yard to mitigate the impacts of the expanded driveway width and walkway width. On this basis, it is staff's opinion that the requested variances maintain the intent and purpose of the Zoning By-law.

Is the proposal minor in nature and desirable for the appropriate development of the subject lands?

It is staff's opinion that the requested variances are minor in nature and desirable for the appropriate development of the lands together with the proposed landscaping to mitigate the increased width of the driveway and walkway.

Recommendation:

Staff do not object to the proposed variances. Should these minor variance requests be approved by the Committee, the following conditions are recommended:

1. That the driveway and walkway be modified in general accordance with the submitted site plan and landscape plan dated April 9, 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.

Transit : Comments not received.

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

Halton Region: CAV A/078/2024 – A. Da Conceicao Dasilva, 2452 Hixon Street, Oakville

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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 and an increase in the maximum width of the walkway attachment to the easterly side 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 – 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 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.

Requested conditions from circulated agencies:

1. That the driveway and walkway be modified in general accordance with the submitted site plan and landscape plan dated April 9, 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.

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment