

# COMMITTEE OF ADJUSTMENT

**MINOR VARIANCE REPORT**

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

**APPLICATION: CAV A/099/2024**

**RELATED FILE: N/A**

**DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JUNE 26, 2024 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Blythe Properties Holdings Inc c/o Arati Patel	HDS Dwell Inc c/o Jason Huether 20 Gilmour Road Puslinch ON N0B 2J0	PLAN 513 PT LOT 15 26 Holyrood Avenue Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential and Waterfront Open Space**

**ZONING: RL3-0**

**WARD: 2**

**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 three-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.4 a)</i> A driveway crossing a front lot line on a corner lot shall be located no further than 11.2 metres from the interior side lot line in this instance, measured at the point of where the driveway crosses the front lot line.	To increase the distance of the driveway crossing the front lot line to no further than 18.99 metres from the westerly interior side lot line, measured at the point of where the driveway crosses the front lot line.
2	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 261 square metres.
3	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to 20.89 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
4	<i>Table 6.3.1 (Row 4, Column RL3)</i> The minimum flankage yard shall be 3.5 m.	To reduce the minimum flankage yard to 1.26 m.
5	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m <sup>2</sup> or greater shall be 29%.	To increase the maximum residential floor area ratio to 40.13%.

6	<i>Section 6.4.3 c)</i> The maximum front yard for a new dwelling shall be 16.68 metres in this instance.	To increase the maximum front yard to 28.99 metres.
7	<i>Section 6.4.6 a)</i> The maximum number of storeys shall be 2.	To increase the maximum number of storeys to 3.
8	<i>Section 6.4.6 b)</i> Floor area is prohibited above the second storey.	To permit floor area above the second storey.

## **CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED**

### **Planning Services:**

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on June 26, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

**CAV A/099/2024 – 26 Holyrood Avenue (West District)** (OP Designation: Low Density Residential and Waterfront Open Space)

The applicant proposes to construct a three-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 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:

### **Request for Deferral**

The applicant proposes to construct a new three-storey dwelling with a below grade garage on the subject lands. There is a remnant channel at the rear of the site and the property also abuts Lake Ontario. Since the property is located within 120 metres of Lake Ontario, under Provincial Bill 97, a site plan application is required to be completed prior to any development occurring on the site.

An application for site plan has not been submitted. It is staff's opinion that the minor variance application is premature, and the requested variances are not desirable for the appropriate development of the site as the variances cannot be properly assessed without evaluating the proposed dwelling through the site plan process. This may, for example, impact grading and site layout matters and thus the variances currently being sought. As such, staff do not support the minor variance application as submitted at this time and request a deferral of the application at the June 26, 2024, meeting. Staff will advise the applicant to return to the Committee of Adjustment when the site plan application has been properly vetted.

Setting aside the request for deferral, staff put forth the following comments on the application, as submitted.

### **Site and Area Context**

Holyrood Avenue is a cul-de-sac street which contains a crescent providing access to three properties. The subject site is situated along this portion of the crescent and is adjacent to a public walkway that provides access to Holyrood Park. The property has an irregular topography and falls within Conservation Halton's regulated area limits as it abuts Lake Ontario. The site is currently vacant as the previous dwelling was demolished in 2022.

The neighbourhood consists of predominately one and two-storey dwellings that are original to the area and newly constructed two-storey dwellings. Most of the recently constructed dwellings include attached two-car garages and consist of lower second floor roof lines, stepbacks, and massing broken up into smaller elements to help reduce potential impacts on the streetscape.



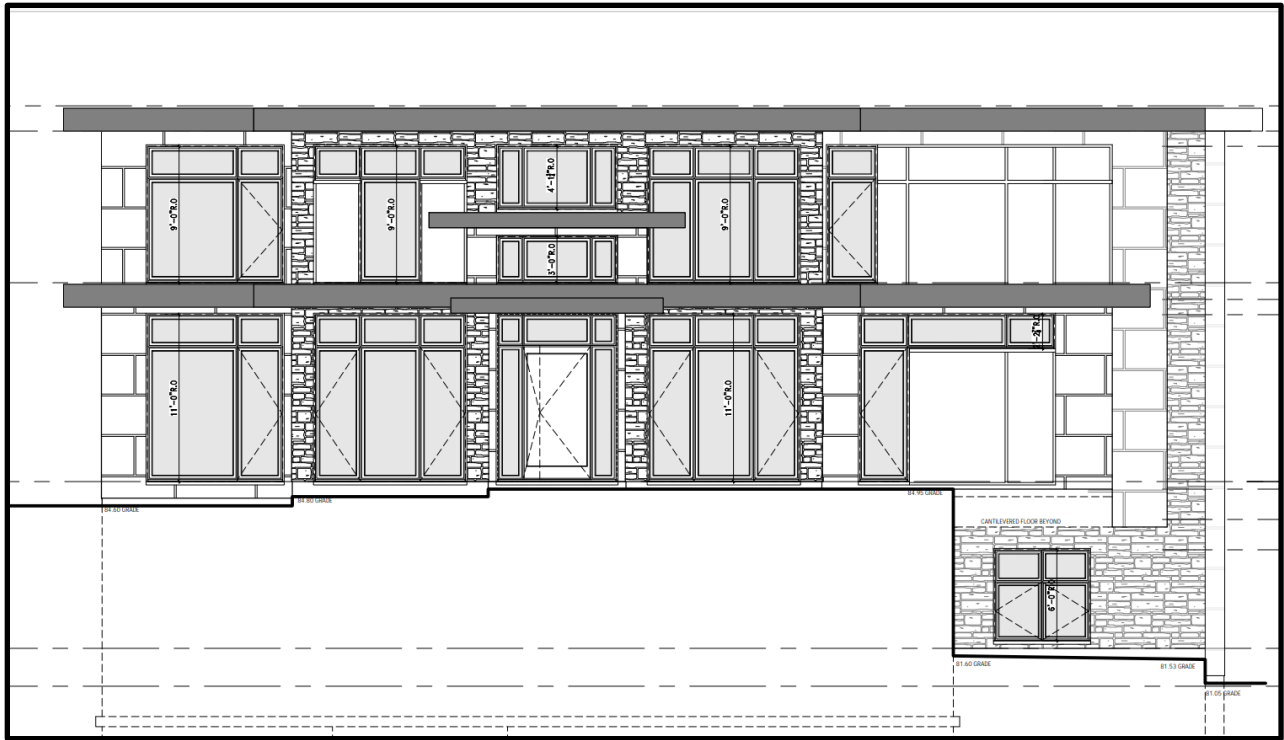
*Aerial Photo of subject lands – 26 Holyrood Avenue*



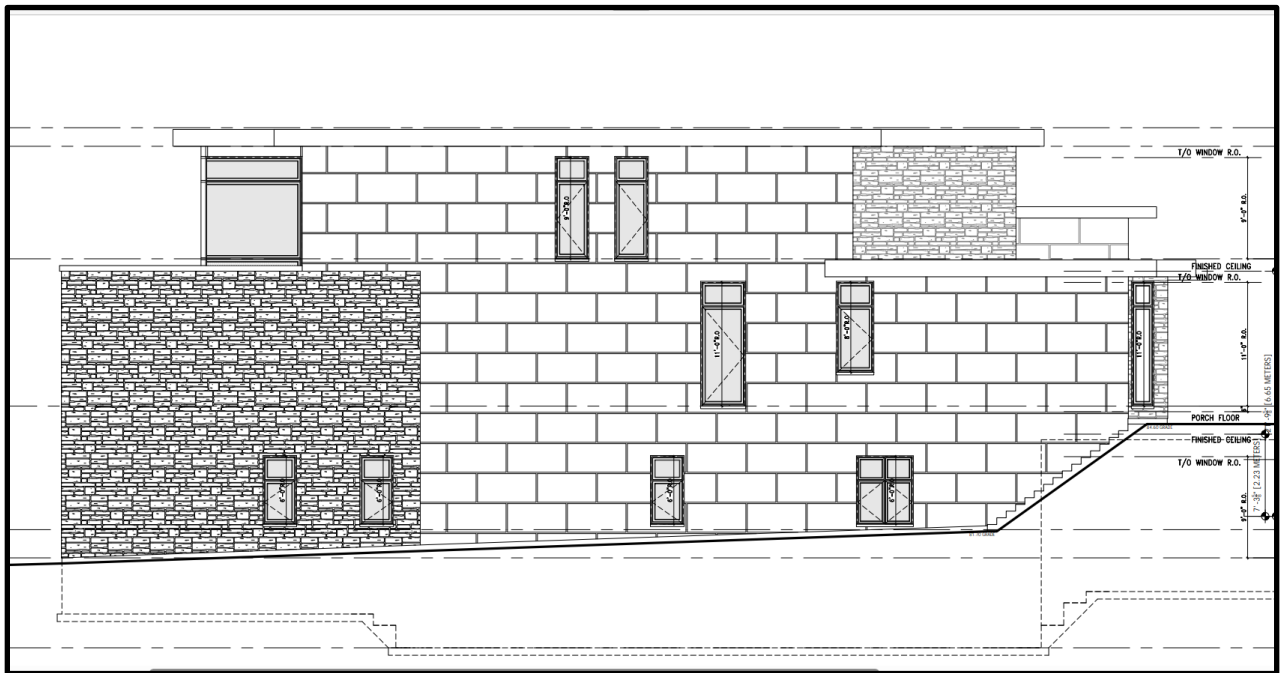
*Street View of subject lands – 26 Holyrood Avenue (vacant site) and the neighbouring dwellings abutting the property to the west, at 32 Holyrood Avenue (not visible in photo) and 38 Holyrood Avenue (right side of photo)*



*Street View of the neighbouring two-storey dwellings located on the east side of Holyrood Avenue, opposite the subject lands*



26 Holyrood Avenue – Proposed Front Elevation



26 Holyrood Avenue – Proposed East Elevation (Flankage Yard [visible from the public realm])

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

The subject lands are designated Low Density Residential and Waterfront Open Space in the Official Plan. Development within the Waterfront Open Space area is required to be evaluated using the criteria established in Section 17.3. No portion of the proposed dwelling is to be constructed within the Waterfront Open Space area. Therefore, the proposal complies with this Section of Livable Oakville. Development within stable residential communities shall also 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 Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*

*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*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.”*

The proposed development 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 preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. 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. Staff are of the opinion that the proposal would not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

**3.1.1. Character:** *New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

**3.1.3 Scale:** *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

**3.2.4 Primary Façade:** *New development is discouraged to project significant built form and elements toward the street which may create an overpowering effect on the streetscape.*

The intent of the Official Plan is to protect the existing character of stable residential neighbourhoods. While redevelopment of some of the original housing stock has taken place in the surrounding area, staff are of the opinion that the proposed dwelling would not maintain and protect the existing neighbourhood character. The proposed dwelling presents as substantially larger than adjacent dwellings and creates an overpowering effect on the local streetscape.

The increase in floor area being requested, the addition of a third storey, and the inclusion of floor area above the second storey all contribute to the overall scale and massing impacts of the proposed development. While measures have been taken to mitigate some of the potential impacts; such as the third storey main wall being stepped-back along the front and rear façades, variations in the roof lines, and the introduction of a one-storey front porch element, the remainder of the proposed dwelling still appears as a full two to three-storeys from the public realm.

The proposed front façade of the dwelling includes full two-storey window elements towards the street and there are also two large open-to-below areas, that although do not technically contribute towards the increase in residential floor area, effectively push the third storey floor area to the perimeter of both the eastern and western façades of the dwelling, contributing to the massing and scale impacts. While it is noted that the subject proposal has attempted to mitigate some of the impacts on neighbouring properties, the magnitude and cumulative results

of the variances being sought still result in a development that is not desirable or appropriate given the existing neighbourhood character.

In staff's opinion, the proposed floor area increase being requested, along with the architectural design of the dwelling's exterior, have not been properly considered when examining it against the existing character of the stable residential neighbourhood in which it is located. As such, the proposal results in a development that appears to be substantially larger than those around it and would result in negative cumulative impacts on the surrounding neighbourhood. The large open-to-below areas, the three-storey eastern façade that is visible from the public realm, and the full two-storey window treatments along the front yard façade, all help contribute to a mass and scale that is not in keeping with the existing neighbourhood. The proposal does not incorporate sufficient design elements that would help to mitigate the impact of the significant massing and scale on adjacent properties.

On this basis, it is staff's opinion that the proposed variance does not maintain the general intent and purpose of the Official Plan as it would contribute to a proposal that would not maintain nor protect the character of the existing neighbourhood.

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

The applicant requests relief from Zoning By-law 2014-014, as amended, as follows:

**Variance #1** – Driveway Crossing a Front Lot Line on a Corner Lot (Objection) – Increase in the maximum allowed setback of 11.2 metres from the interior side lot line to 18.99 metres from the interior side lot line.

The intent of regulating the distance of a driveway from the interior side lot line that crosses the front lot line on a corner lot is; to ensure the driveway is setback far enough from the flankage yard to preserve visibility at the intersection, to maintain both pedestrian and vehicular safety at the intersection, and to ensure the driveway does not encroach within the sight triangle.

There are two driveway entrances crossing the front lot line on the property. One is a reverse slope driveway leading to the below grade garage, the second entrance leads to a circular driveway with a pedestrian pathway to the front entrance. If the secondary driveway leading to the front entryway was removed, it would not only eliminate the variance, but would allow for the inclusion of additional front yard soft landscaping that would help mitigate any potential stormwater runoff issues on-site. Although Holyrood Avenue is a local street and does not experience high volumes of traffic, the inclusion of the second driveway entrance closer to the flankage yard is not in keeping with other lots in the neighbourhood and sets an undesirable precedent for the area.

**Variance #2** – Garage Floor Area (Objection) – Increase from 45.0 square metres to 261 square metres

**Variance #3** – Garage Projection (Objection) – Increase from 1.5 metres to 20.89 metres

**Variance #5** – Residential Floor Area Ratio (Objection) – Increase from 29% to 40.13%

**Variance #6** – Maximum Front Yard Setback (Objection) – Increase from 16.68 metres to 28.99 metres

**Variance #7** – Maximum Number of Storeys (Objection) – Increase from 2 to 3

**Variance #8** – To Permit Floor Area Above the Second Storey (Objection)

The intent of regulating garage floor area and the garage projection from the front main wall is to prevent the garage from becoming the predominant feature of the dwelling. The intent of

regulating the residential floor area ratio, the number of storeys, and preventing floor area above the second floor is to prevent the dwelling from having a mass and scale that is larger than the dwellings in the surrounding neighbourhood and to limit the potential impacts of shadowing or overlook conditions on abutting properties. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street, to maintain the consistency of front yards in the area, and to ensure adequate space for landscaped areas.

Given the current grading of the subject property, the garage is located in what appears to be the basement level, but according to the Zoning By-law definitions of “first storey”, “storey”, and “grade,” the basement level has been designated as the first storey, since it has a height greater than 1.8 metres above grade. As such, the dwelling is classified as three-storeys in height. Although these related variances can be perceived as technical due to the current grading on the lot, the effect would be a dwelling that appears as two-storeys from the front façade and presents primarily as a three-storey building along the eastern façade. This portion of the dwelling is visible from the public realm, as it abuts public open space, which has the effect of making the dwelling appearing significantly larger in scale and massing than others in the area.

Given the foregoing, it is staff’s opinion that the proposal, as contemplated, does not protect nor maintain the existing character of the neighbourhood.

#### **Relevant Definitions:**

According to Part 3 of Zoning By-law 2014-014, as amended, “storey” is defined as:

*“...the portion of a building not including an attic or a mezzanine that is:*

- a) situated between the top of any floor and the top of the floor next above it; or,*
- b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.”*

According to Part 3 of Zoning By-law 2014-014, as amended, “first storey” is defined as:

*“...the storey with its floor closest to grade and having its ceiling 1.8 metres or more above grade adjacent to the exterior walls of the building.”*

According to Part 3 of Zoning By-law 2014-014, as amended, “grade” is defined as:

*“...the average level of proposed or finished ground adjoining a building or structure at all exterior walls.”*

It is noted that through the required site plan process, grading of the site would be evaluated, and this could potentially result in alteration to variances, as requested. More specifically, alterations to grade on the lot to reduce the height of the basement level to less than 1.8 metres above grade would result in the variances related to the third storey, floor area above the second storey, garage projection, and garage floor area no longer being required. The variances related to the below grade garage projection and garage floor area are not typically included in minor variance applications, but since the garage/basement level is classified as the first storey, the variances are needed in this case.

#### **Variance #4 – Minimum Flankage Yard (Objection) – Decrease from 3.5 metres to 1.26 metres**

The intent of regulating the minimum flankage yard setback is to ensure adequate separation distances from the public right-of-way, maintain relatively consistent setbacks along the street, and to ensure there are no negative impacts on drainage.



The reduced flankage yard setback has the effect of expanding the building footprint closer to both the public right-of-way, and the open space area abutting the subject lands. Bringing the massing of the dwelling closer to this public open space area would result in a built form condition that is out of character for this area. Furthermore, having a reduced flankage yard setback can result in an increase to the amount of hardscaped area on the lot. Having fewer soft landscaped areas on the property means additional stormwater runoff cannot be absorbed as quickly, exacerbating potential drainage impacts. While the open space area adjacent to the flankage yard contains an existing pedestrian walkway, and natural treed area, and although no neighbouring dwellings would be affected by this reduced setback, having a smaller flankage yard could still result in potential stormwater runoff flowing onto Town owned land, which would be an unacceptable outcome of this requested variance.

On this basis, it is staff's opinion that the cumulative effect of the proposed variances would negatively impact adjacent properties and the surrounding neighbourhood, as the massing and scale of the proposed dwelling would make it appear visually larger than existing dwellings in the immediate area. In staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law, would not maintain nor protect the neighbourhood's existing character, and would negatively impact the streetscape.

*Development Engineering Notes to Applicant:*

*The applicant is planning to build right through the watercourse, and it appears over half of the dwelling is in the regulated area. Applicant should be confirming the design of the required channel prior to proceeding due to the potential risk of erosion, spilling and surcharging of the system. Development Engineering notes this application is premature. Issues with the siting of the house. The majority of the dwelling is pushed back due to the subsurface garage and driveway layout. If the subsurface parking was removed and the development was pushed forward, it wouldn't run into the existing watercourse. Additionally, Development Engineering will need an easement over any channel that is built.*

*Environmental Planning Notes to Applicant:*

*From a natural heritage perspective, the property falls within 120 m of Lake Ontario, a watercourse and fish habitat. It is noted that no in-lake works are proposed. An erosion and sediment control plan for the watercourse realignment is requested. It should include phasing of works, stabilization of works post-construction of the new watercourse with vegetation and consideration for completing works outside of sensitive timing window for Lake Ontario as directed by the MNRF and DFO. Environmental Planning defers erosion and flooding issues to engineering and CH. Maintaining the watercourse open and not piped, as proposed, is recommended.*

*Urban Forestry Notes to Applicant:*

*At this point Urban Forestry does not support the proposed CoA proposal at 26 Holyrood Avenue. The dwelling design does not allow for proper tree preservation for a number of "boundary trees" (co-owned) located on the west side of the property. Boundary trees are regulated under the provincial Forestry Act and specifically mentions conditions relating to tree removal or injury to boundary trees. With the design of the previous proposal, Planning and Urban Forestry had the basement along the west side set back, with the first floor cantilevered. The previous plans looked good with an adequate design approach to preserve the trees. For the present proposal, Urban Forestry requirements will be for the Owner to demonstrate a dwelling design and tree preservation methodology that will ensure the long-term survivability of the trees.*

*Zoning Examiner Notes to Applicant:*

*In the absence of a building permit application, Zoning is unable to confirm the accuracy of the requested variances or determine whether additional variances may be required. It should be noted that a zoning review has not been completed.*

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

Staff are of the opinion that the proposal does not represent appropriate development of the subject property as the variances are not minor in nature and will result in a dwelling that appears larger than those in the immediate area. The proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, which does not fit within the context of the surrounding area. Moreover, the application is premature as the proposal still needs to undergo a full review through the minor site plan approval process.

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommends that the application be denied.

**Fire:** No Concern for Fire.

**Oakville Hydro:** We do not have any comments or concerns for this minor variance application.

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- 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 to distance of the driveway from the westerly interior side lot line, an increase in the maximum total floor area for the garage, an increase to the maximum total floor area for the private garage, an increase to the attached private garage projection, a reduction of the minimum flankage yard, an increase of the maximum residential floor area, an increase to the maximum front yard, an increase to the maximum number of storeys and permission to build floor area above the second storey, under the requirements of the Town of Oakville Zoning By-law, for the purposes of constructing a three-storey detached dwelling on the Subject Property.

**Conservation Halton:**

June 20, 2024

Heather McCrae, Secretary Treasurer  
Committee of Adjustment, Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6J 5A6

**BY EMAIL ([heather.mccrae@oakville.ca](mailto:heather.mccrae@oakville.ca))**

To: Heather McCrae

**Re: Minor Variance Application**  
**File Number: CAV A/099/2024**  
**26 Holyrood Avenue, Town of Oakville**  
**Blythe Properties Holdings Inc. (Owners)**  
**HDS Dwell Inc. c/o Jason Huether (Agent)**

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Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24, and our provincially designated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Policy Statement [PPS, Sections 3.1.1-3.1.7] and/or provincial plans).

### **Proposal**

The applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a single family dwelling proposing the following variances:

1. To increase the distance of the driveway crossing the front lot line to no further than 18.99 metres from the westerly interior side lot line, measured at the point of where the driveway crosses the front lot line
2. To increase the maximum total floor area for the private garage to 261 square metres.
3. To increase the attached private garage projection to 20.89 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line
4. To reduce the minimum flankage yard to 1.26 m
5. To increase the maximum residential floor area ratio to 40.13%.
6. To increase the maximum front yard to 28.99 metres
7. To increase the maximum number of storeys to 3
8. To permit floor area above the second storey

### **Conservation Authorities Act and Ontario Regulation 41/24**

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands including unstable soil and bedrock, as well as lands adjacent to these features. The property, 26 Holyrood Ave, is adjacent to the shoreline of Lake Ontario and contains the flooding and erosion hazards associated with the shoreline. Through the review of the plans for development along the shoreline, CH seeks to ensure that waterfront development will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes – St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards. Permission is required from CH prior to undertaking any development activities within CH's regulated area and applications for development are reviewed under the *Conservation Authorities Act*, Ontario Regulation 41/24 and CH's Regulatory Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

CH staff have worked extensively with the applicant and have issued a permit for the proposed works (No. 8800). The drawing submitted through this application meet those submitted and approved through the CH permit process. CH has no objections to the approval of the minor variances as written.

### **Provincial Policy Statement (Sections 3.1.1-3.1.7)**

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7). As per the above comments, delineation of the flooding and erosion hazard limits relative to the proposed development is required to assess the proposed development relative to the natural hazards policies of the PPS.

Given the above, CH has no concerns from a PPS perspective.

### **Recommendation**

Given the above, CH staff has no objection to the requested minor variances.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** One

***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 stated, 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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Email of Opposition – 1

**From:**

**Sent:** Thursday, June 20, 2024 5:12 PM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Cc:** Ray Chisholm <ray.chisholm@oakville.ca>; Cathy Duddeck <cathy.duddeck@oakville.ca>;

**Subject:** Comments in protest of variances requested at 26 Holyrood Avenue PLAN 513 PT LOT 15

For submission to Committee of Adjustment, Town of Oakville in opposition to allowing the eight “minor” adjustments that all add up to a house much bigger than than the lot would allow.

**File #CAV A/099/2024**

**26 Holyrood Avenue PLAN 513 PT LOT 15**

To keep our Ward Councillors informed, I copied them here.

I will not go point by point to the Application on the website or the rebuttal letter from the designer and owner that they put in our mailboxes. I believe this specific Application (and any others previous or to come) allow a house too big for the property to be built in our neighbourhood.

And first - where is the stream, I do not see it on the site plan showing the building. We have lived on Holyrood for 20 years and never had a water issue in our basement. It appears you are allowing for some diversion of this natural stream that impacts all on the western side of Holyrood. And for us on the east side, moving, diverting or other moving of this stream may impact our homes not to mention the law of “unintended consequences” moving a natural stream.

Also, there is only one large canopy tree left on the site. This is after the property was clear-cut during Covid to remove all other trees - of course in anticipation of a large property. What is the protection for this one last tree, I see a house and walkway where the tree was on the proposed site. It is impacted as the house is moved back from the street and closer to property lines - both "minor variance" requested.

Last, these adjustments are called minor, but they are asking for things that allow for a property that does not belong on that property to be able to be built. These include:

- Changes to driveways, setbacks and other allow for a house to be built right up to the property line - allowing a property that is too big for the lot to now be accommodated. We should all abide by the same rules.
- Increasing the allowable square footage to over 40% again, allowing a property too big for the site.
- Allowing a 3,000 sq ft garage (10 cars with turning lane), underground that also help/impacts the design and layout not the site by pushing it back from the street - that also is noted in the requests for variances.
- Increasing the front yard to allow for a larger building (assuming other noted variances) thereby pushing the house further back on the lot to improve their view of the lake (I get that but too many variances are being requested when considered in totality).

To reiterate, I oppose the Committee of Adjustment granting these requests as it not only puts a house too big for the property, but appears to take down one of Oakville's canopy trees and diverts a natural stream near our home. I disagree with the letter the designer and owner put in our mailboxes that these minor variances do not impact our neighbourhood. They knew the lot configuration when they bought this, so saying these variances are necessary because of the lot are a red-herring - they knew the lot and the building codes when they purchased the property.

I would like a notice of the outcome and results from this as noted in the Application memo.

Thanks,

Ed Burcher  
39 Holyrood Ave (formerly at 55 Holyrood)