

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/103/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN’S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JULY 24, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Martin Doble	Peter Giordano David Small Designs 1405 Cornwall Rd Oakville ON, Canada L6J 7T5	116 Chartwell Rd PLAN 1009 PT LOT 46

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3**

**ZONING: RL1-0
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 existing 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 be 9.77 metres for a lot having a lot frontage equal to or greater than 18.0 metres.

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 July 24, 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/103/2024 - 116 Chartwell Rd (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant has constructed a new two-storey dwelling, and has modified the driveway design from its approved configuration to include a hammerhead. The applicant proposes to legalize the existing hammerhead, subject to the variance listed above.

Site Area and Context

The subject lands are located on Chartwell Road which is characterized by large lots with both larger one and two storey dwellings both newer and original construction. The character also includes deep front yard setbacks which include a variety of driveway configurations.



Figure 1 – Aerial Photo

Staff note that a previous application for minor variance (CAV A/055/2020) was approved in July 2020 that included variances related to setbacks, floor area ratio, and dwelling depth. The design of the driveway complied with zoning, have a width of 5m from Chartwell Road, widening to 7m approaching the garage doors, shown in Figure 2 below:

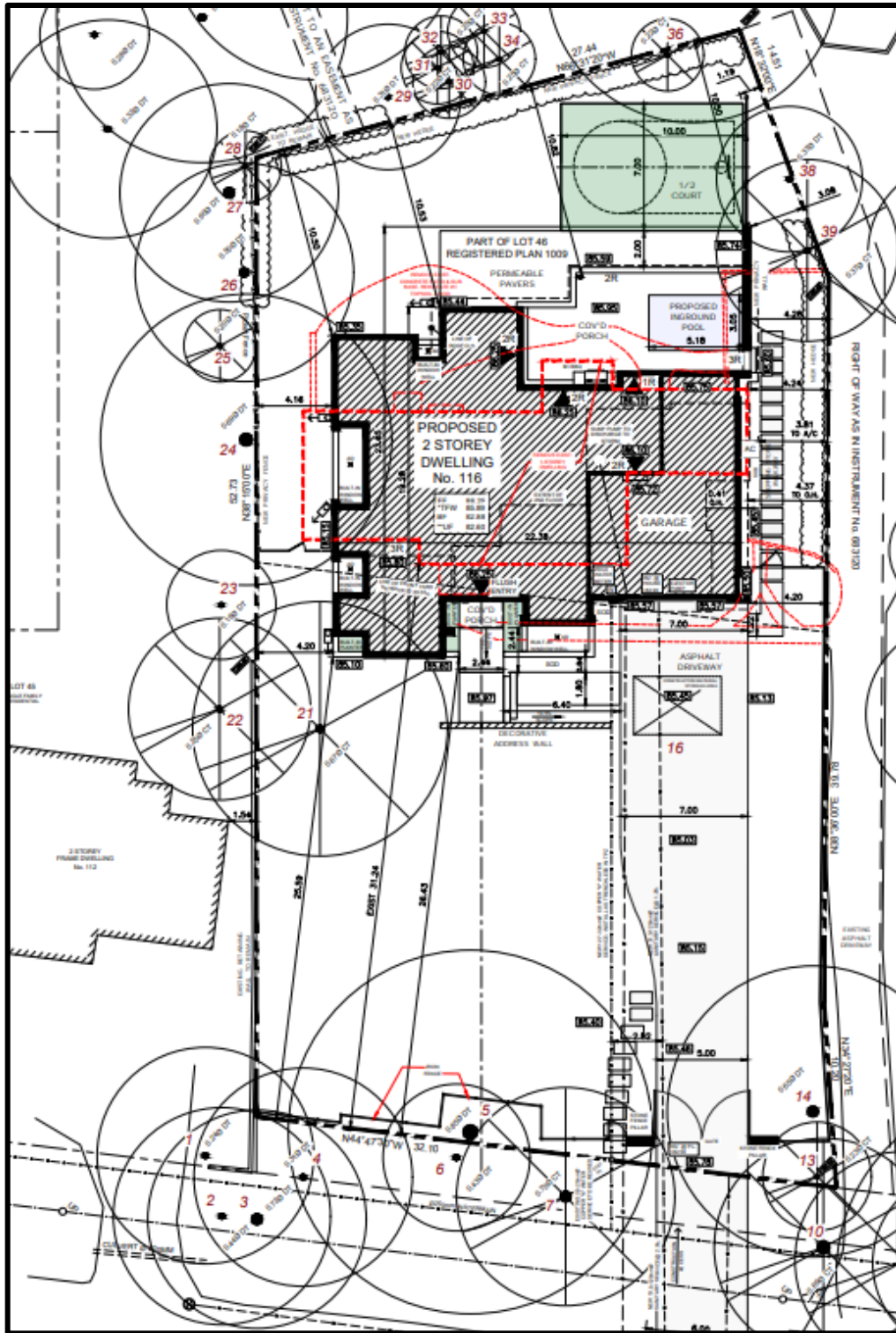


Figure 2 – Approved Site Plan from CAV A/055/2020

The applicant has revised the driveway design in a manner that reduced the overall width of the driveway having a width of 3.69m at Chartwell Road and widening to 6.77m approaching the garage doors, with the exception of a hammerhead having a width of 9.77m, which is located in the front yard away from the street, as shown in Figure 3 below:

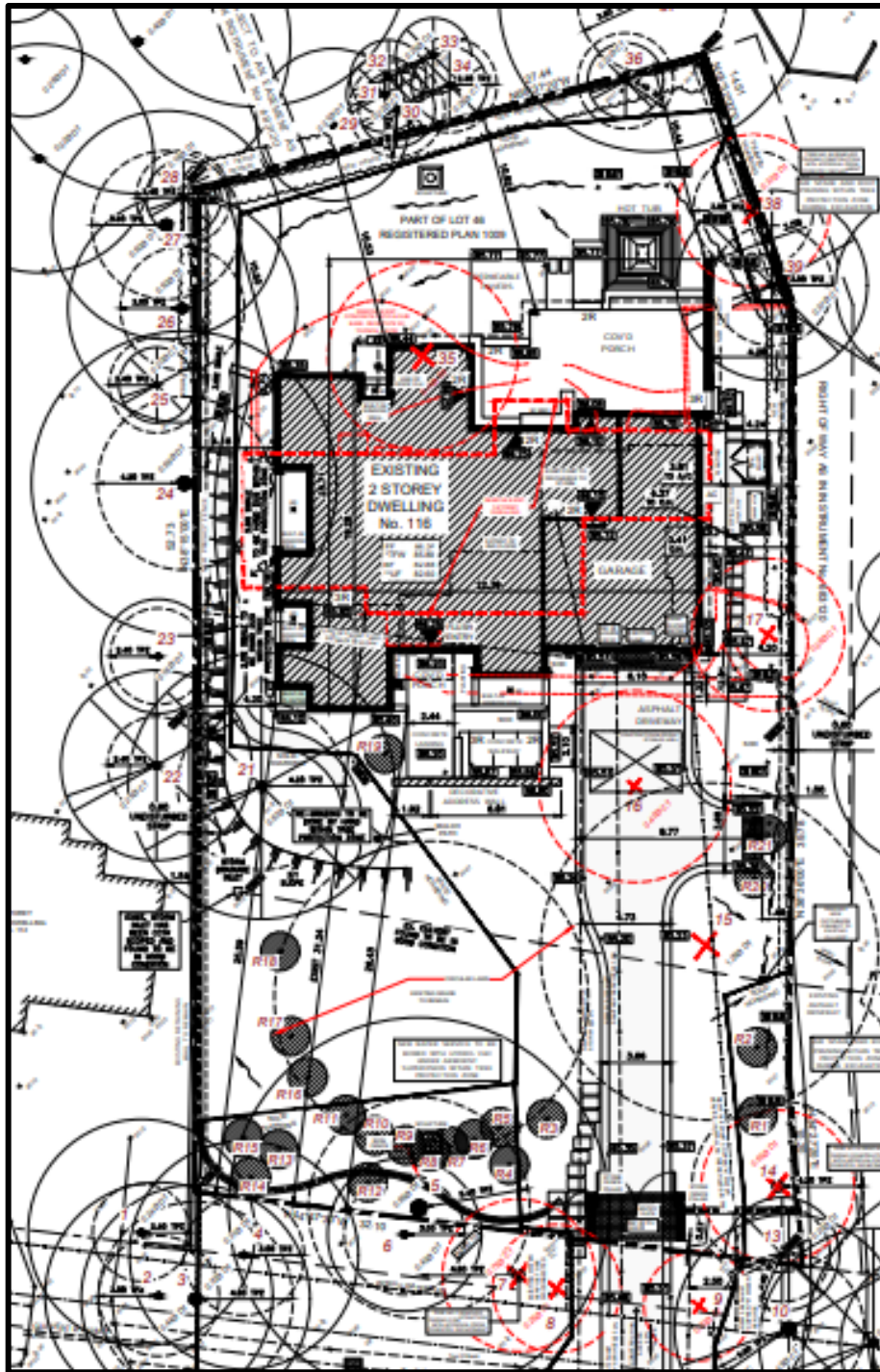


Figure 3 – Site Plan CAV A/103/2024

Staff consider the increased drive width of 0.77m (a maximum width of 9.0m is permitted whereas 9.77m is proposed) for the purposes of providing a hammerhead in the driveway to be a minor change from the Zoning By-law regulations and are of the opinion that the application is appropriate to be handled through the minor variance process. Based on staff's review the application meets the four tests and the application raises no concerns of a planning nature.

Recommendation:

Staff do not object to the proposed variance.

Fire: No Concerns 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

Metrolinx: There are no applicable comments for this application.

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 the maximum width of the driveway, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the existing driveway on the Subject Property.
- **General ROP Policy:** The Region’s Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as ‘Urban Area’ and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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.



FOR

Heather McCrae, ACST
Secretary-Treasurer