

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/122/2024

RELATED FILE: N/A

DATE OF MEETING:

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

Applicant / Owner	Authorized Agent	Subject Property
Adepeju King Abraham King	N/A	411 Sherin Dr PLAN 641 LOT 264

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2**

**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 driveway extension 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 16.60 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 August 21, 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/122/2024 – 411 Sherin Drive (West District) (OP Designation: Low Density Residential)**

The applicant has constructed a driveway extension on the subject lands without prior approval or the necessary permits 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:

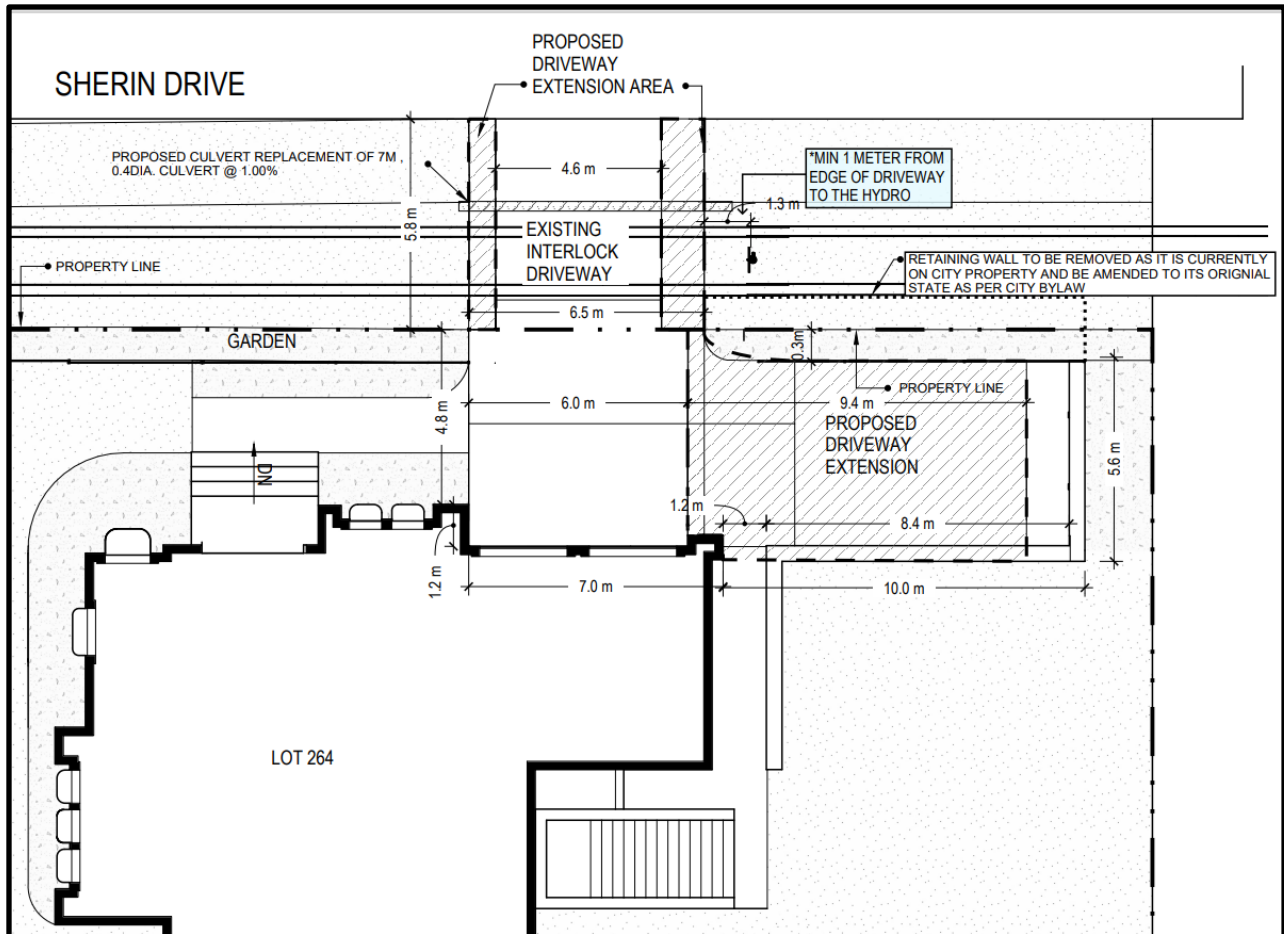
### Site Area and Context

The subject lands are within a residential neighbourhood north of Rebecca Street and East of Third Line. This area has experienced redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings, 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 garages 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 a neighbouring property to the north at 421 Sherin Drive 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 411 Sherin Drive

The proposed works are part of the existing built condition that have not been approved. The applicant proceeded with the construction of the widened driveway prior to any approvals. However, the Development Engineering Section did recently approve a Development Engineering Permit Application to remove the proposed flare and limit the driveway to 9.0 metres in width, which is the maximum allowed under the By-law.



Existing 2024 non-compliant driveway configuration

## 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 for adequate landscaping space in the front yard, nor has it been constructed with minimal pavement either, as a large portion of the front yard area is composed of hardscaped impermeable surfaces. 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) – 9.0 metres increased to 16.60 metres**

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

It is staff's 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. It is also not clear from Development Engineering if the driveway has additional negative impacts on stormwater runoff directed to Sherin Drive. Staff are also of the opinion that an increase of 7.60 metres in driveway width, which results in a large portion of the front yard being hardscaped, does not maintain the character of the neighbourhood and is not minor in nature.

### Recommendation:

On this basis, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan or the 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.

**Oakville Hydro:** We do not have any comments.

**Transit:** No Comments received.

**Finance:** No Comments received.

**Heritage:** No heritage issues.

**Metrolinx:** 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 the maximum width of the driveway, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of the permitting a driveway extension 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' 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.



---

Jennifer Ulcar  
Secretary-Treasurer