

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/010/2025

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on Wednesday, February 05, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
J. SWINOGA K. BASSETT-SWINOGA	Joris Keeren Keeren Design Inc. 11 Bronte Rd, Unit 31 Oakville ON, Canada L6L 0E1	PLAN 114 PT LOT 47 530 Carson Lane Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL3-0, Residential

WARD: 3

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 construction of a two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 7)</i> The maximum allowable encroachment of window wells with a maximum width of 1.8 metres shall be 0.6 metres.	To increase the maximum width of window wells to 4.0 metres and to increase the maximum allowable encroachment to 1.2 metres.
2	<i>Table 6.4.1</i> The maximum residential floor area for a lot having an area less than 557.5 m ² shall be 43%.	To increase the maximum residential floor area to 51%.
3	<i>Table 6.4.2</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 35%	To increase the maximum lot coverage where the detached dwelling is greater than 7.0 metres in height to 38%.

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)

A/010/2025 - 530 Carson Lane (East District) (OP Designation: Low Density Residential)

The applicant proposes to replace the existing one-storey dwelling with a new two-storey dwelling subject to the variances listed above.

Site Area and Context

The subject lands are located on Carson Lane between Howard Avenue and Chartwell Road. The subject lands contain one of the last remaining dwellings of the original housing stock in this section. The property is also west of a single parcel of land that is zoned RL3 whereas the surrounding area is zoned RL3-0.

Staff note that the area bound by Lakeshore Road East to the north, Lake Ontario to the south, Chartwell Road to the east, and Park Avenue to the west can be described as having an eclectic variety of lot sizes, building forms and styles, few sidewalks and a robust tree canopy. The subject lands can be considered one of the smaller lots in the neighbourhood and is generally square in shape.

The site plan diagram shown in Figure 1 below illustrates the existing dwelling footprint and the proposed new dwelling.

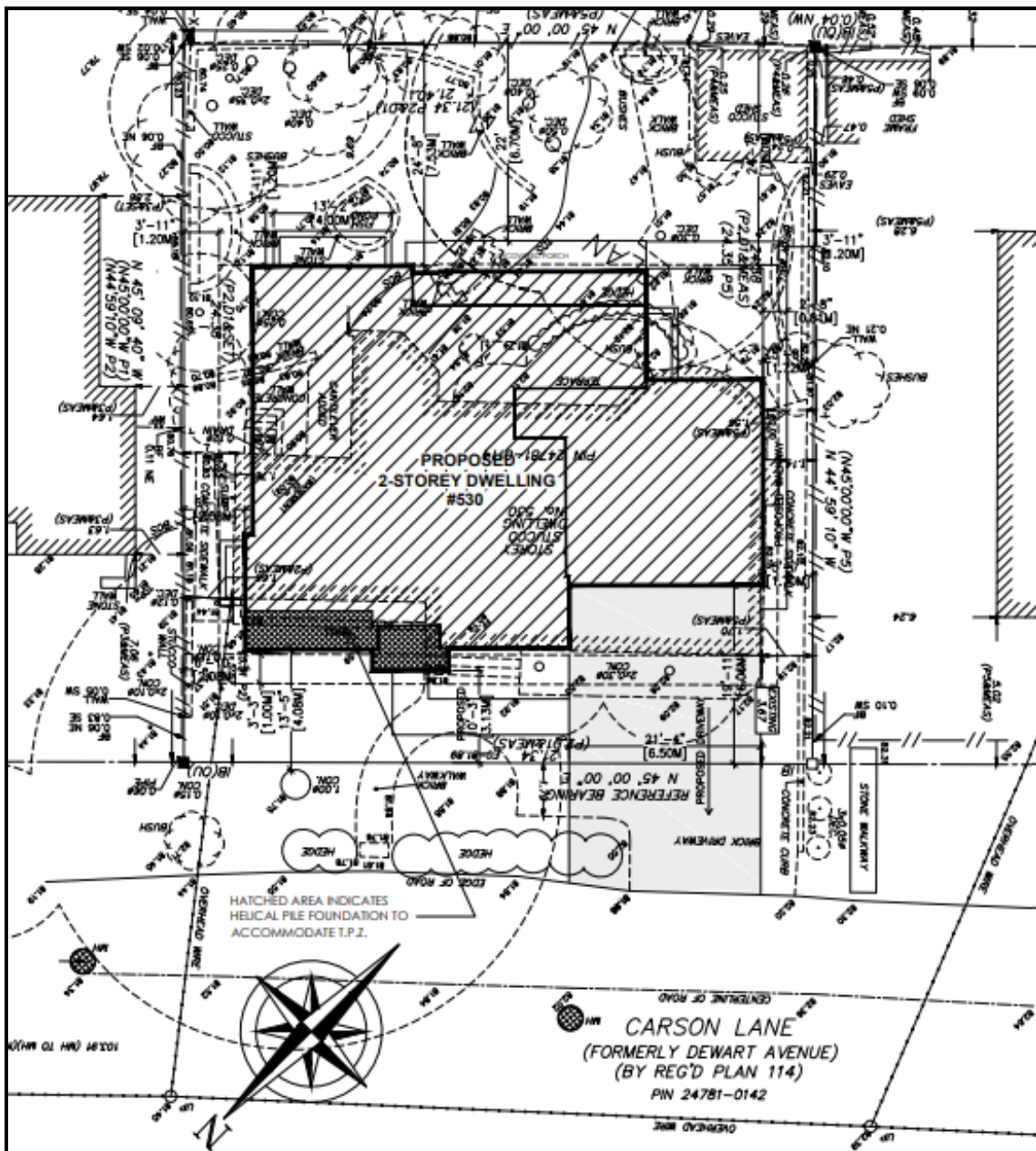


Figure 1 Site Plan – 530 Carson Lane

Figure 1 demonstrates an improvement to the front yard setback, and maintains the dwelling generally in line with the dwellings to the east and west. A streetscape plan is provided in Figure 2 below, that demonstrates the scale of the proposed dwelling in comparison to the dwellings to the east and west. As noted, the property to the east is not subject to the “-0” suffix regulations which limits height to 9 m, and regulates floor area ratio.



Figure 2 – Streetscape Plan

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff's comments concerning the application of the four tests to this minor variance request are as follows:

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

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the proposed dwelling maintains and protects the existing character of the neighbourhood by incorporating the architectural elements found in the surrounding area. Additionally, the massing and scale of the dwelling on the streetscape is mitigated by moving the dwelling further back into the property, with the integrated garage further recessed beyond the main wall. Further, the proposed dwelling height is 8.90 m, being below the 9.0 m maximum. Staff also note the front eastern portion of the dwelling is to be constructed on helical piles to better protect the mature town owned tree in the boulevard. Lastly, as noted previously, the size of the lot is one of the smaller lots in the neighbourhood which would not be able to accommodate a dwelling of similar size and scale to those in the surrounding area without the need for deviations from the By-law. The requested variances are intended to facilitate the development of a dwelling that maintains the neighbourhood character. On this basis, staff is of the opinion that the proposal maintains the general intent and purpose of the Official Plan.

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

Variance #1 – Maximum Window Well Width and Encroachment (No Objection) – Increased from 1.8 m x 0.6 m to 4.0 m x 1.2 m

The applicant is requesting relief from the width and depth of a window well located at the rear of the dwelling. The intent of regulating window well size and encroachment is generally to ensure there is sufficient space within the side yard to accommodate access and drainage. In this case, the proposed window well is located at the rear of the

dwelling and does not appear to present any negative impacts to access or drainage. On this basis, staff are of the opinion that the proposal maintains the intent of the by-law.

Variance #2 – Maximum Residential Floor Area Ratio (No Objection) – Increased from 43% to 51%

The applicant is requesting relief from By-law 2014-014 to permit an increase in residential floor area ratio from 43% to 51%. The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. As discussed above, the requested variances are to facilitate the development of a dwelling that has a similar scale and mass to those in the surrounding neighbourhood, as well as to the dwellings both east of the site, and north of the site despite being on a small lot. The architectural expression of the dwelling, together with recessing the garage face and maintaining existing mature vegetation adequately mitigates the massing and scale on the streetscape. Additionally, the dwelling is generally positioned in line with the dwellings to the east and west and does not present any new privacy or overlook concerns with the change from a one-storey dwelling to a two-storey dwelling. On this basis, it is staff's opinion that the proposal maintains the intent of the by-law.

Variance #3 – Maximum Lot Coverage (No Objection) – Increased from 35% to 38%

The applicant proposes an increase in lot coverage from 35% to 38%. The intent of the Zoning By-law provision for lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. In addition to the analysis provided above, the increase in lot coverage is primarily focused towards the rear of the dwelling and proposes improvements to the easterly side yard setback being 2.08 m where 1.7 m currently exists, and a westerly side yard setback of 1.7 m where 1.4 m currently exists. The additional coverage does not project beyond the main walls of the abutting dwellings, does not create any adverse impacts on the streetscape, and facilitates the development of a dwelling that is consistent in size and scale with those in the neighbourhood. On this basis, the proposed variance maintains the intent of the Zoning By-law.

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

Staff are of the opinion that the proposal represents appropriate development of the subject property. The proposed development will require a site alteration permit where grading and drainage will be more closely evaluated. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

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

1. The dwelling be constructed in general accordance with the submitted site plan and elevations dated November 22, 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.

Bell Canada: No comments received.

Fire: No Concerns for Fire.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 window wells to 4.0 m, an increase to the maximum allowable encroachment to 1.2 m, an increase to the maximum residential floor area ratio to 51% and an increase to the maximum lot coverage where the detached dwelling is greater than 7.0 m in height to 38%, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a two-storey detached dwelling on the Subject Property.

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

Union Gas: No comments received.

Letters in support – 3

#1

 Peter Nesbitt
Re: Follow-up and House build Update
To: Kimberly Swinoga, Cc: Petrina Nesbitt, Jeffrey Swinoga

Inbox - AOL January 18, 2025 at 4:05 PM

[Details](#)

Hi Kimberly and Jeff,

We contacted John French, one of the sons, and they would appreciate it if you could return the mail to sender. Erika is the wife of Michael, John's brother.

Thanks very much for keeping us informed on your approval process and house design.
We do not have any concerns at this time. It appears you will have a very attractive new home.

Look forward to staying in touch.

All the best,
Peter & Petrina

Sent from my iPad

Peter and Petrina Nesbitt
Howard Ave, Oakville

#2

DR Dominic Ruso
Re: Follow-up and house build update
To: Kimberly Swinoga, Jeffrey Swinoga, Cc: Christine Ruso

Inbox - Google January 18, 2025 at 1:06 PM

[Details](#)

Hi, the house design looks great, and we wish you well with the COA. We don't have any concerns.

Erika could be the wife of Barry's son. I believe his name is Michael.

Have a nice weekend,

Dom and Christine

Dominic and Christine Ruso
[REDACTED] Carson Lane, Oakville

#3

coarequests

From: Peter Nesbitt [REDACTED]
Sent: January 27, 2025 4:38 PM
To: coarequests
Cc: Petrina Nesbitt
Subject: [EXTERNAL] RE: 530 Carson Lane
Categories: JEN

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Attention:
Jen Ulcar
Secretary-Treasurer of Committee of Adjustment Town of Oakville

From:
Peter and Petrina Nesbitt
[REDACTED] Howard Avenue
Oakville, ON L6J 3Y2

We received the notice regarding the hearing for variance requests for a new built house. We own the property immediately adjacent to the west side of the subject property.

We do not have any concerns with the variance requests and support the application.

Sincerely,
Peter and Petrina Nesbitt

Sent from my iPad

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, 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 states, 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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevations dated November 22, 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.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment