

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/028/2025

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, March 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
R. Saroya	Peter Giordano David Small Designs 1405 Cornwall Rd, Unit 4 Oakville ON, L6J 7T5	PLAN 1522 LOT 40 2375 Carrington PI Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy

ZONING: RL1-0, 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 a two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.8.2 f)</i> Notwithstanding subsection (e), 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 northerly side of the driveway to 3.05 metres.
2	<i>Section 5.8.5 b)</i> The maximum cumulative width of the driveway entrances, measured at the point of crossing the front lot line and flankage lot line, shall be 9.0 metres.	To increase the maximum cumulative width to 9.78 metres.
3	<i>Section 5.8.5 c) ii)</i> The separation distance between two driveway entrances on the same lot that cross the same lot line, measured at the point of crossing the applicable lot line shall be a minimum of 15.0m if the driveway has access to a local road.	To reduce the separation distance between two driveway entrances to 7.28 m.
4	<i>Section 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres.	To increase the maximum total floor area for the private garage to 63.38 square metres.
5	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 23.49 m.

6	Section 6.4.6 c) The maximum height shall be 9.0 metres.	To increase the maximum height to 9.97 metres.
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CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

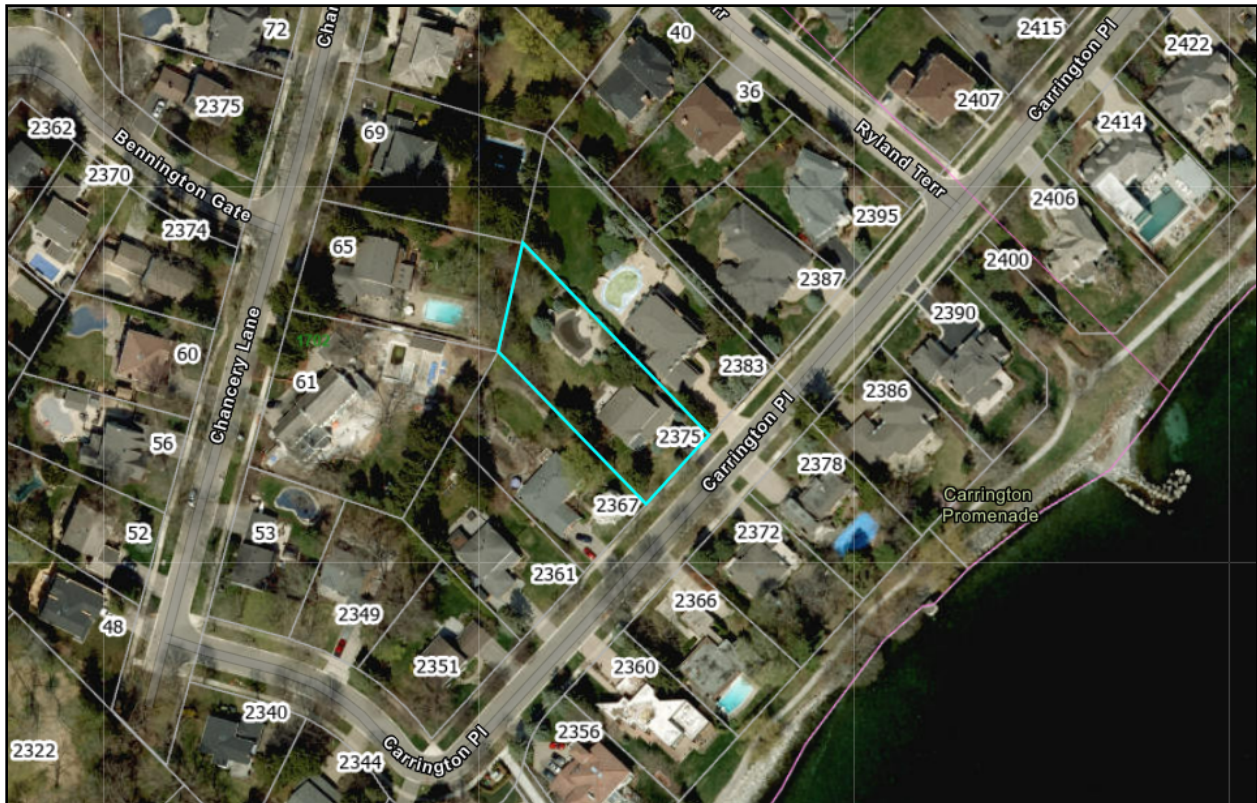
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/028/2025 - 2375 Carrington Place (East District) (OP Designation: Low Density Residential – Special Policy)

The applicant is proposing to construct a new two-storey detached dwelling subject to the variances listed above.

Site Area and Context

The subject lands are located within an established neighbourhood that consists predominantly of one, one-half and two storey dwellings designed in a range of architectural forms with two-car garages, one-storey architectural elements with predominantly single municipal access (driveways). Some newer two-storey dwellings exist in the surrounding neighbourhood. The subject lands are located on the north side of Carrington Place, west of Ryland Terrace, within the special policy area of the Low Density Residential neighbourhood.



The following images depict existing and newer two-storey detached dwellings in the established neighbourhood:



Primary Façade - 2378 & 2372 Carrington Place (across from the subject lands)



Primary Façade – 2360 Carrington Place



Primary Façade – 2351 Carrington Place



Primary Façade – 2361 & 2367 Carrington Place



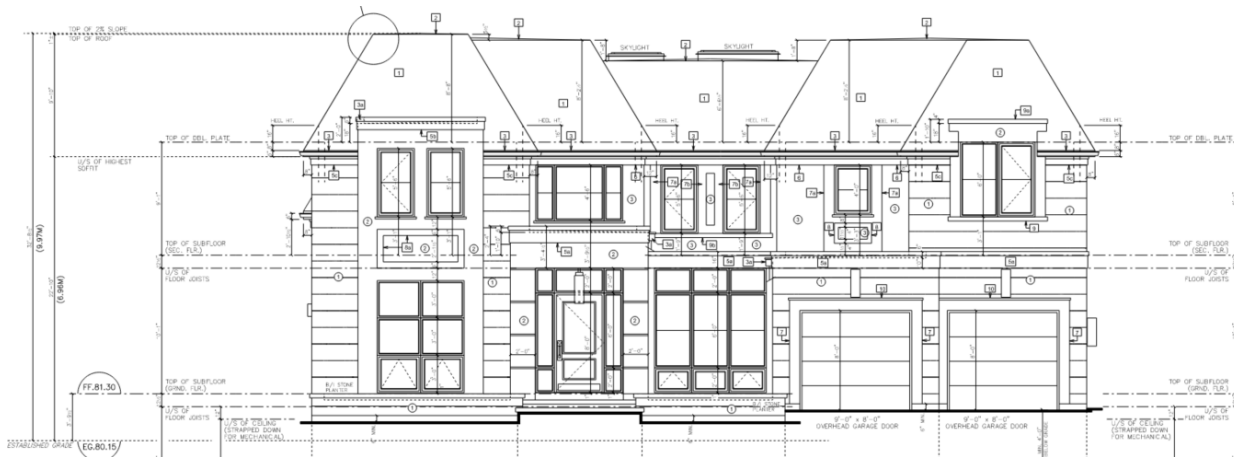
Primary Façade – 2387 & 2395 Carrington Place



Primary Façade – 2390 Carrington Place



Existing Primary Façade – 2375 Carrington Place



Proposed Primary Façade – 2375 Carrington Place

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:

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

The subject property is designated Low Density Residential – Special Policy Area in the Livable Oakville Plan. Accordingly, Policy 26.2.1 applies and is intended to protect the unique character and integrity of the large lots in the area.

Furthermore, 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 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 intent of the above noted Official Plan policies is to maintain and protect the existing character of stable residential neighbourhoods and to ensure that any potential impacts on adjacent properties or the public realm are effectively mitigated. While redevelopment of some of the original housing stock has taken place in the surrounding area, staff are of the opinion that the proposed variances combined with the chosen architectural elements and resulting massing and scale of the proposed dwelling would result in the establishment of a dwelling that does not maintain or protect the existing neighbourhood character and is not compatible with the surrounding neighbourhood.

The proposed development has also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of new development to ensure the maintenance and preservation of the existing neighbourhood in accordance with Section 11.1.9 of the Livable Oakville Plan. Subsection 6.1.2 c) of the Livable Oakville Plan 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. Based on the submitted plans, staff have concerns with the cumulative impact of the requested variances, which does not implement the Design Guidelines for Stable Residential Communities, nor protect the established neighbourhood character.

The proposed dwelling will create undue, adverse impacts on the neighbouring properties and the public realm through the establishment of a dwelling that does not effectively mitigate the massing and scale impacts it creates. The proposed dwelling represents an overbuild of the subject property and the proposed dwelling will create negative impacts on adjacent properties, the public realm and the overall established neighbourhood character. It is staff's opinion that the substantial increase in dwelling height, paired with the increased dwelling depth, garage floor area, increased walkway width, increased driveway width and reduced separation distance between circular driveway access points will result in negative massing and scale impacts onto the streetscape of the surrounding area, does not endeavour to minimize the paved areas in the front yard, and will negatively impact neighbouring property owners. The proposed dwelling does not protect or represent a desirable transition in the existing and developing character of the neighbourhood and therefore, does not maintain the intent of the Official Plan.

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

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

Variance #1 – Maximum width of walkway (Objection) – Increased from 1.8 m to 3.05 m

Variance #2 – Maximum cumulative width driveway entrances (Objection) – Increased from 9.0 m to 9.78 m

Variance #3 – Minimum separation distances between driveways (Objection) – Decreased from 15.0 m to 7.28 m

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 and to reduce the impact on the pedestrian environment and on street trees in the boulevard. Maintaining an appropriate amount of landscaping in the front yard also promotes positive drainage conditions for sites. The requested relief from separation distances between driveways is to enable the second entrance to be established between two healthy, mature and desirable Town trees.

The driveway width proposed provides for dual access to both the garage and the front yard of the subject property. The proposed western driveway access is planning to be constructed between two healthy, mature Town trees. Staff discourage the new driveway access along the west side as a result of potential impacts to the Town's trees through the use of this access. While it is acknowledged that the driveways are 4.72 m and 5.06 m respectively, Staff are of the opinion that the split driveway, as proposed, does not implement the intent of the provision to

minimize the amount of hardscaping in the front yard. Additionally, the location of the second driveway between two healthy, mature Town trees is not supported, given the potential impacts on the long term health and longevity of the trees. Staff are of the opinion that the requested relief to permit an increased walkway width, increased driveway width and reduced separation distance to enable the construction of a circular driveway contributes to increasing non-permeable surfaces on site. On this basis, staff are of the opinion that the requested variances do not maintain the intent of the Zoning By-law.

Variance #4 – Maximum Garage Floor Area (Objection) – Increased from 56.0 sqm to 63.38 sqm

The intent of regulating the garage floor area is to prevent the garage from being a visually dominant feature of the dwelling and creating an adverse impact on both the existing neighbourhood character and streetscape. The increased floor area of the garage contributes to the overall size and scale of the proposed dwelling and serves to enhance the massing and scale of the proposed dwelling. When considered cumulatively along with the other requested variances the requested variance contributes to the establishment of a dwelling that is larger than those in the surrounding area. On this basis, staff are of the opinion that the requested variance would impact the public realm and not protect or maintain the existing neighbourhood character.

Variance #5 – Maximum Dwelling Depth (Objection) – Increased from 20.0 m to 23.49 m

Variance #6 – Maximum Dwelling Height (Objection) – Increased from 9.0 m to 9.97 m

The intent of regulating dwelling depth and dwelling height is to ensure a dwelling's mass and scale does not appear larger than the dwellings in the surrounding area. While it has been noted that the applicant states the dwelling depth is tied specifically to the one-storey covered porch, the application and variances are reviewed holistically and cannot be tied to one specific element, but rather the proposed dwelling as a whole. The increase in dwelling height is substantial and enhances the mass and scale of the proposed dwelling especially considering the lack of mitigating measures to reduce the impact on the public realm. The proposed increase in dwelling depth and increase in dwelling height will contribute to the establishment of a dwelling that appears larger than those in the surrounding area. The applicant has not identified how they are intending to mitigate the massing and scale impacts of the proposed dwelling on adjacent properties, surrounding area and public realm. When all of the variances are considered cumulatively, the massing and scale impacts of the proposed dwelling constitutes an overbuild of the subject lands and the impacts are not being effectively mitigated. This will result in the establishment of a dwelling that appears significantly larger than other dwellings in the surrounding area and does not protect or maintain the established neighbourhood character.

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

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variances are not appropriate for the development and are not minor in nature as the cumulative impacts of the variances as proposed result in a dwelling that represents an overbuild of the subject property.

Note: Urban Forestry staff note that both municipal trees along the boulevard will require a minimum Tree Protection Zone (TPZ) of 3.0 m, which are minimum distances, measured from outside edge of trunk, and the driveway must be outside the TPZ for both Town trees. A site plan application will be required to be applied for and approved prior to the issuance of a building permit application, in accordance with Bill 97.

Recommendation:

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

Fire: No concerns for fire.

Oakville Transit: No comments for the March 5th agenda package.

Finance: No comments received.

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 in the maximum width of the walkway attachment to the northerly side of the driveway to 3.05 m, an increase in the maximum cumulative width to 9.78 m, a decrease in the separation distance between two driveway entrances to 7.28 m, an increase in the maximum total floor area for the private garage to 63.38 square metres, an increase in the maximum dwelling depth to 23.49 m, an increase to the maximum height to 9.97 m, 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.

Bell Canada: No comments received.

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

Union Gas: No comments received.

Letter(s) in support – None

Letter(s) in opposition – None

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment