

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/033/2025

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> |
|------------------|---|--|
| S. SUDAN | Rick Mateljan SMDA Design Ltd. 482 South Service Rd E Unit 118 Oakville ON, Canada L6J 2X6 | CON 4 SDS PT LOT 3 RP 20R15409 PARTS 2 AND 5 RP 20R22093 PARTS 1 AND 2 RP 20R22571 PART 2 2289 Chancery Lane W Town of Oakville |

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy Area

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

| No. | Current | Proposed |
|-----|--|---|
| 1 | <i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 metres. | To increase the maximum dwelling depth to 26.54 metres. |

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)

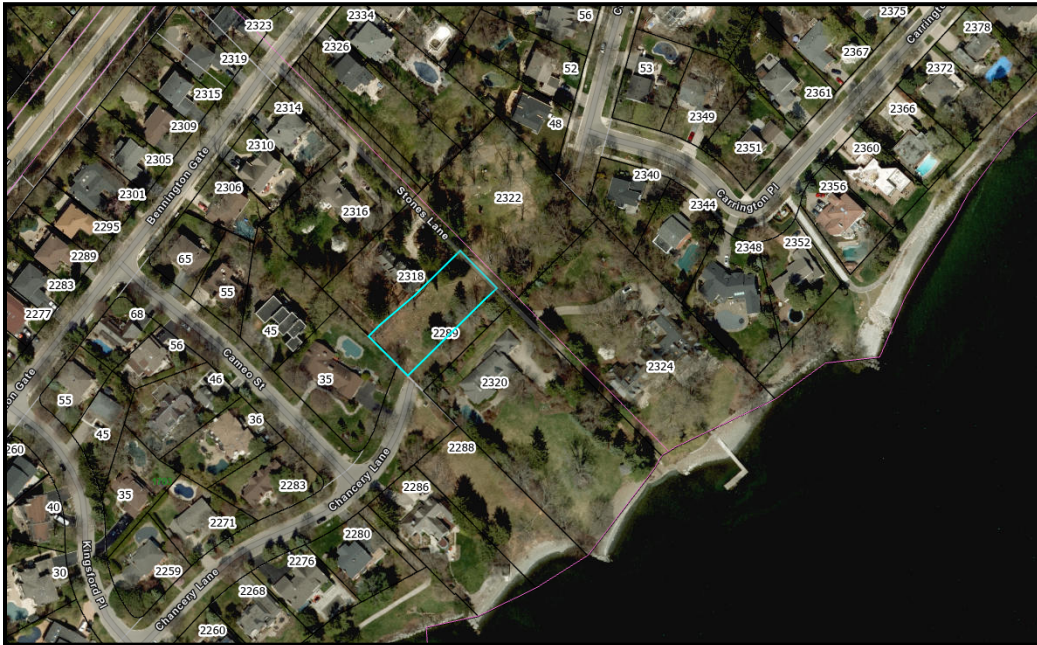
A/033/2025 - 2289 Chancery Lane W (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-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 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:

Site Area and Context

The neighbourhood is in transition and has a mix of two-storey dwellings original to the area and two-storey dwellings that are newly constructed. The proposed dwelling is already under construction with images provided below.



Aerial Photo of 2289 Chancery Lane



2289 Chancery Lane taken from Chancery Lane on February 24, 2025



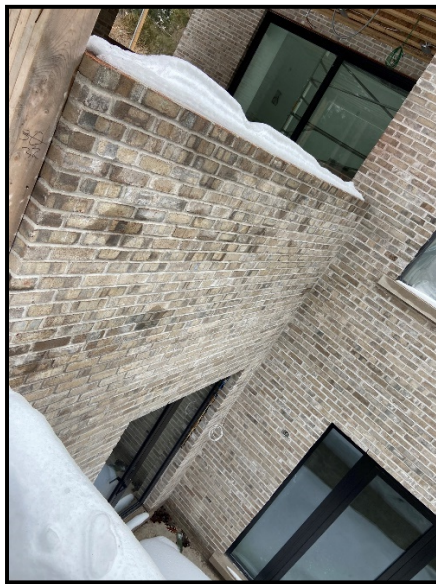
Rear of dwelling and front of 2318 Bennington Gate taken from Stone's Lane on February 24, 2025



Proposed covered porch under construction taken on February 24, 2025

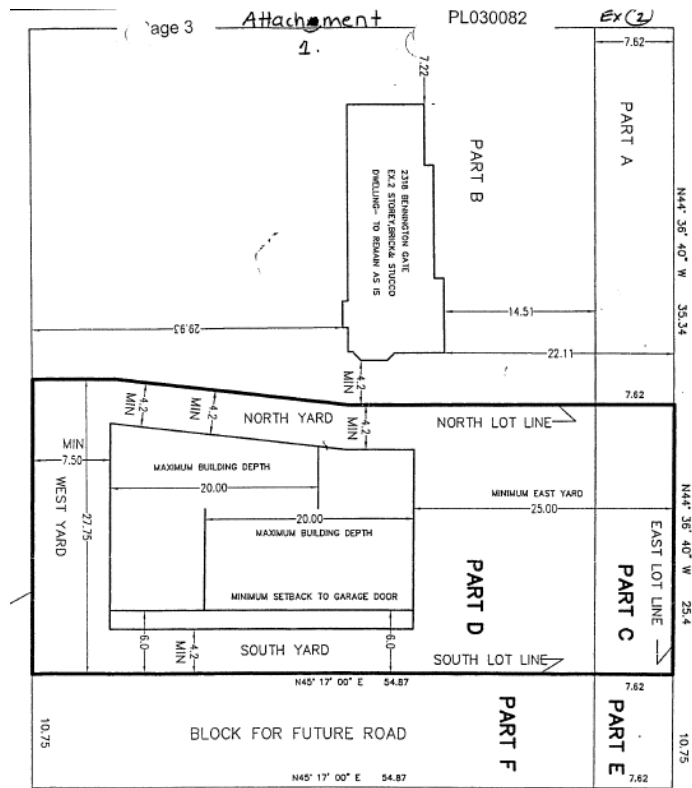


Below grade void next to proposed covered porch taken on February 24, 2025



Below grade extension below the proposed covered porch taken on February 24, 2025

There is significant history related to the subject property. The subject property was severed from 2318 Bennington Gate through a September 18, 2003 Ontario Municipal Board (OMB) decision, now referred to as the Ontario Land Tribunal (OLT) (the "OMB Decision"). 2318 Bennington Gate fronts onto Stones Lane with 2289 Chancery Lane getting access off Chancery Lane. This results in the dwellings on each lot having an opposite orientation. Included in the OMB Decision was a diagram outlining the intent for the lot in terms of minimum yards and depth of any future building. The intent was for the dwelling on 2289 Chancery Lane to not extend into the front yard of the adjacent dwelling at 2318 Bennington Gate. It also identifies a block that is owned by the Town to facilitate a future extension of Chancery Lane.



Excerpt from September 18, 2003 OMB Decision regarding consent to convey part of the lands composed of 2318 Bennington Gate.

Prior to Bill 23, properties created through consent were required to undergo Site Plan approval. As a result, Final Site Plan approval was granted for the subject property on October 20, 2023 with approved plans and reports registered on title. In advance of Final Site Plan Approval, the applicant received variances for maximum total floor area for a private garage, maximum residential floor area ratio and main wall proportionality (the length of all main walls oriented toward the front lot line located within the area on the lot defined by the minimum and maximum front yards) on April 5, 2023 (CAV A/043/2023).

The subject property is subject to Zoning By-law 2014-014, as amended, and the regulations of the Residential Low (RL1-0) Zone apply. This includes the permission for a single storey extension that is less than or equal to 7.5 metres in height to extend an additional 3.0 metres into a rear yard provided that minimum interior side yards and minimum flankage yards of 9.0 metres are established on both sides of the single storey extension. The applicant used this additional permission for a portion of the dwelling at the rear to allow for a dwelling with a depth greater than 20 metres. With the addition of the covered porch and basement extension, the applicant now requires relief to allow for a dwelling depth of 26.54 metres and relief is required for not only the covered porch but the additional 3.0 metre bump out since the minimum side yard is no longer 9.0 metres.

At the time that staff reviewed the Site Plan Application there was extensive discussion with the applicant regarding the dwelling depth and this additional depth that could be utilized beyond what was originally intended for the lot. It was understood that no variances regarding dwelling depth would be supported since it would not align with the original OMB Decision and intent for the site.

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

The subject property is designated Low Density Residential- Special Policy 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. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots and not negatively impact surrounding properties.

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 also 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.*

3.2.4 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.*

In this instance, the rear of the subject property fronts onto Stone's Lane and contributes to the character of the lane. Extending the depth of the dwelling beyond that of the neighbouring dwelling to the north creates a misalignment of Stones Lane. It is staff's opinion that the requested 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?

Variance #1 – Maximum Dwelling Depth (Objection) – 20 m to 26.54 m

The intent of regulating dwelling depth is to ensure that dwellings are of a consistent mass and scale and prevent a dwelling from having a mass and scale that appears larger than the dwellings in surrounding neighbourhood. The applicant previously received variances that impact the mass of the dwelling for maximum private garage floor area and maximum residential floor area ratio on April 5, 2023. At that time, the dwelling was conditioned to be constructed in general accordance with the plans presented at that time. It is staff's opinion that introducing an additional variance that impacts the scale of the dwelling has a cumulative impact that should be considered in the context of the previous variances.

In this specific instance, regulating the dwelling depth also assists in regulating the rear yard and streetscape along Stones Lane. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. Increasing the depth of the dwelling results in this portion extending beyond the front yard of the neighbouring dwelling. The intent of the zoning is also informed by the OMB Decision discussed above.

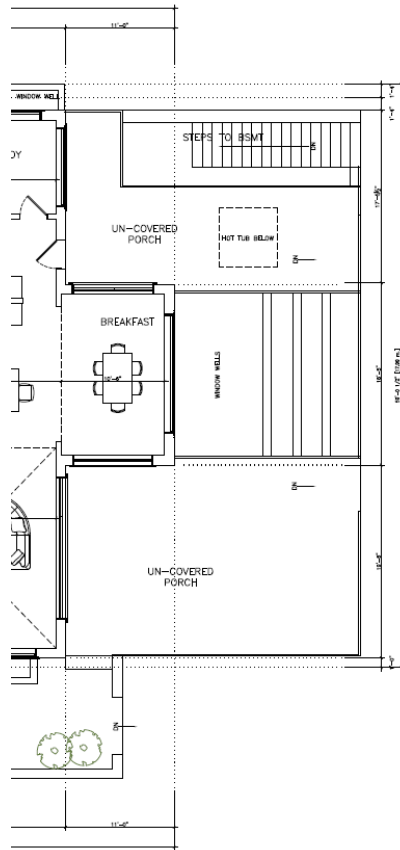
Based on the foregoing, the proposal does not maintain the general intent and purpose of the Zoning By-law.

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

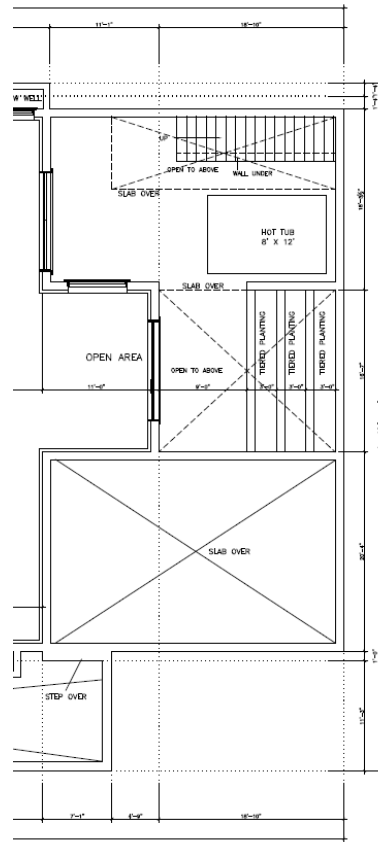
It is staff's opinion that the requested variance is not minor in nature or appropriate for the development of the lands.

Plans approved as part of the Final Site Plan approval for the subject property show a slab over un-covered porch as shown in the excerpts of plans dated April 18, 2023 below. In contrast, it appears that the applicant is proposing and has built a below grade extension of the basement and an above grade covered porch, as shown in the excerpts from the plans dated November 15, 2024.

This change in above and below grade design has an impact not just on the built form but on the stormwater management for the subject property. Now that there are extended below-grade elements it appears that there may be insufficient spacing from the soakaway pit, approved through the Final Site Plan Approval, to the porch and basement area. The minimum spacing required is 5 metres. This may either require reconfiguration of the soak away pit or waterproofing to be signed off by the applicant's consultant.

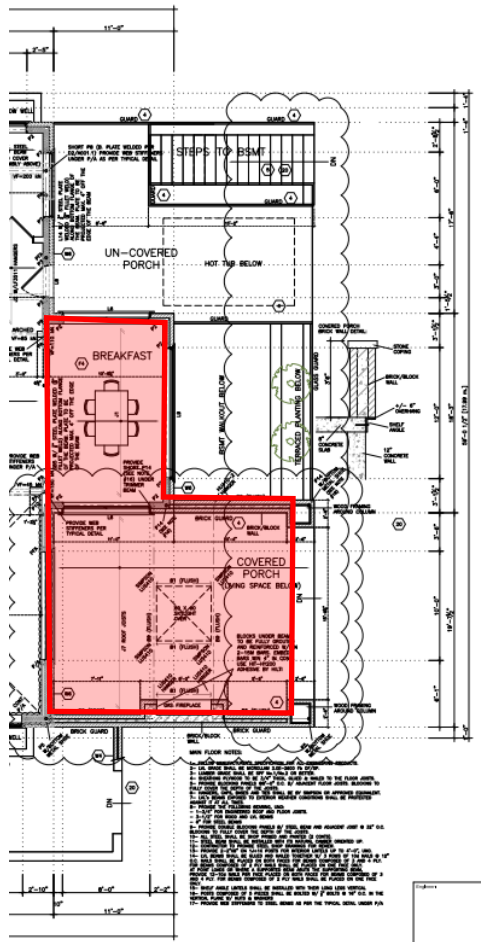


Ground Floor Plan

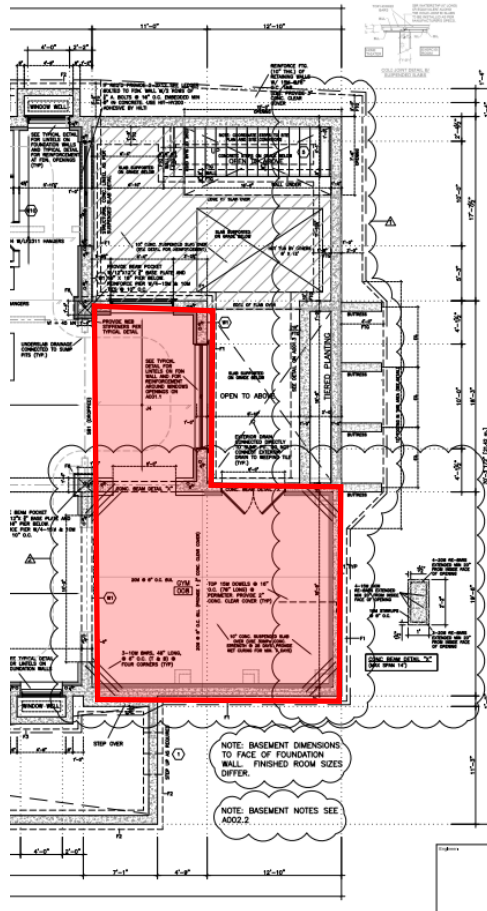


Basement Floor Plan

Excerpts of plans prepared by the applicant dated April 18, 2023 approved as part of the Final Site Plan Approval



Ground Floor Plan



Basement Floor Plan

Excerpt of plans prepared by the applicant dated November 15, 2024 (area subject to requested relief highlighted in red)

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Fire: No concerns for fire.

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

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 understand that concerns relating to site servicing are being addressed through the corresponding Site Plan application for this property (SP.1703.011/02).
- Regional staff note that an easement was registered as part of the associated Site Plan application (SP.1703.011/02) and servicing concerns for the property are reviewed and approved via Service Permits.

- 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 dwelling depth to 26.54 m, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new 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 – 3

Letter(s) in opposition – 0

Letter of Support #1

TOWN OF OAKVILLE

ATT: COMMITTEE OF ADJUSTMENTS

RE: 2289 CHANCERY LANE WEST, OAKVILLE

We are the neighbours of Tina Hansa & Shiv Sudan at 2289 Chancery Lane West and have no objection to the variance noted below

- To increase the maximum dwelling depth to 26.54 metres

Name: KAM DUTTA

Address: [REDACTED] BENNINGTON CTR
OAKVILLE

Signature: [Handwritten Signature]

Date: FEB, 24, 2025

Letter of Support #2

TOWN OF OAKVILLE

ATT: COMMITTEE OF ADJUSTMENTS

RE: 2289 CHANCERY LANE WEST, OAKVILLE

We are the neighbours of Tina Hansa & Shiv Sudan at 2289 Chancery Lane West and have no objection to the variance noted below

- To increase the maximum dwelling depth to 26.54 metres

Name:

Deirdre Thomas

Address:

[REDACTED] Bennington Gate, Oakville, ON
L6J5N6

Signature:

Deirdre Thomas

Date:

20th February 2025

Letter of Support #3

TOWN OF OAKVILLE


ATT: COMMITTEE OF ADJUSTMENTS

RE: 2289 CHANCERY LANE WEST, OAKVILLE

We are the neighbours of Tina Hansa & Shiv Sudan at 2289 Chancery Lane West and have no objection to the variance noted below

- To increase the maximum dwelling depth to 26.54 metres

Name: Stephen Ashbourne _____

Address:  Cameo Street, Oakville L6J 5X9 _____

Signature:  Stephen Ashbourne _____

Date: 02/22/25 _____

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment