

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION:** A/038/2025

**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](http://oakville.ca) on March 19, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
P D'ANGELO J D'ANGELO	Alex Blanchard Carrothers and Associates 3-505 YORK Blvd Hamilton ON L8R 3K4	CON 3 SDS PT LOT 10 307 Chartwell Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential, SP.  
**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 construction of a two-storey detached dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Section 5.8.2</i> The maximum width for a single driveway and the combined maximum width where more than one driveway is permitted shall be 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.	To increase the maximum driveway width to 10.58 metres.
2	<i>Section 5.8.6 c)</i> Notwithstanding subsection (b) above, for lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres and the maximum width of the entrance to the private garage shall be 9.0 metres.	To increase the maximum total floor area to 80.4 square metres.
3	<i>Section 5.8.7 c)</i> Attached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To increase the attached private garage projection to a maximum of 2.64 metres.
4	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.00 metres.	To increase the maximum dwelling depth to 27.51.
5	<i>Section 6.5.2 c)</i> The maximum height for an accessory building or structure shall be 4.0 metres measured from grade.	To increase the maximum height for the accessory building to 6.69 metres measured from grade.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### **Planning Services:**

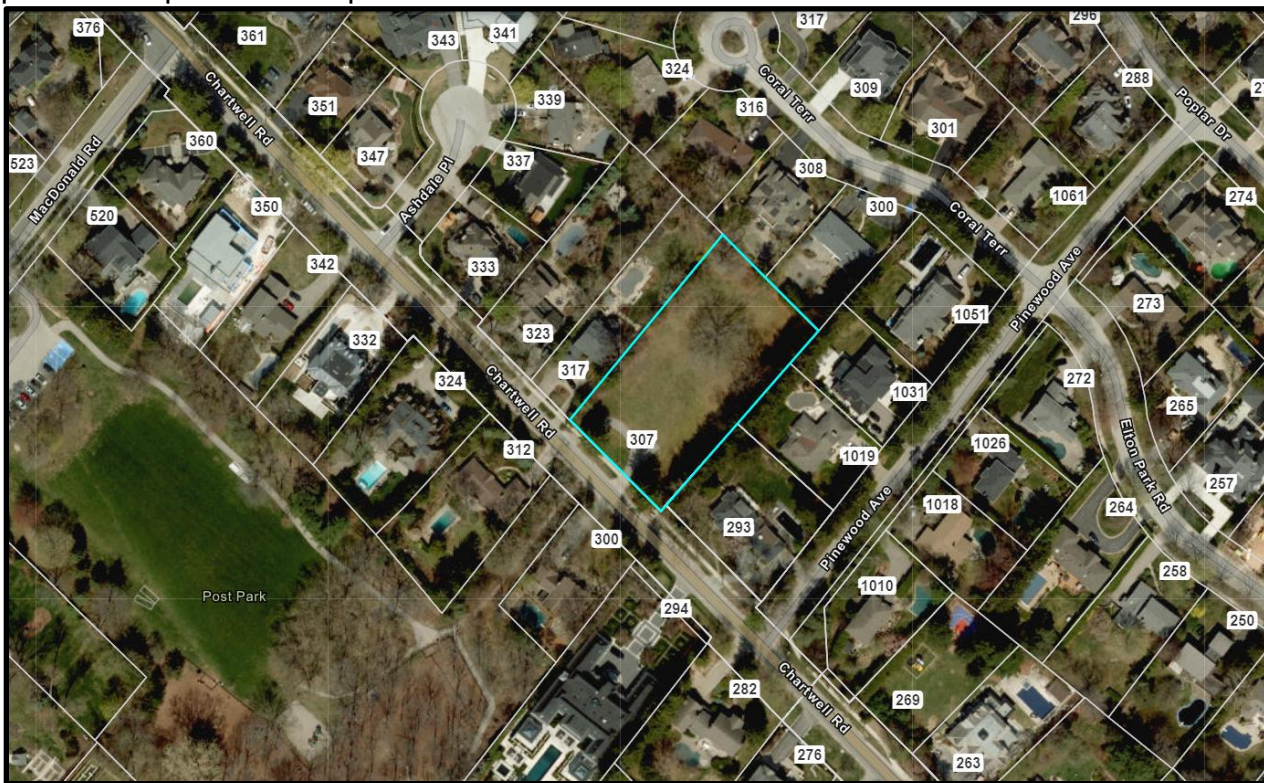
**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

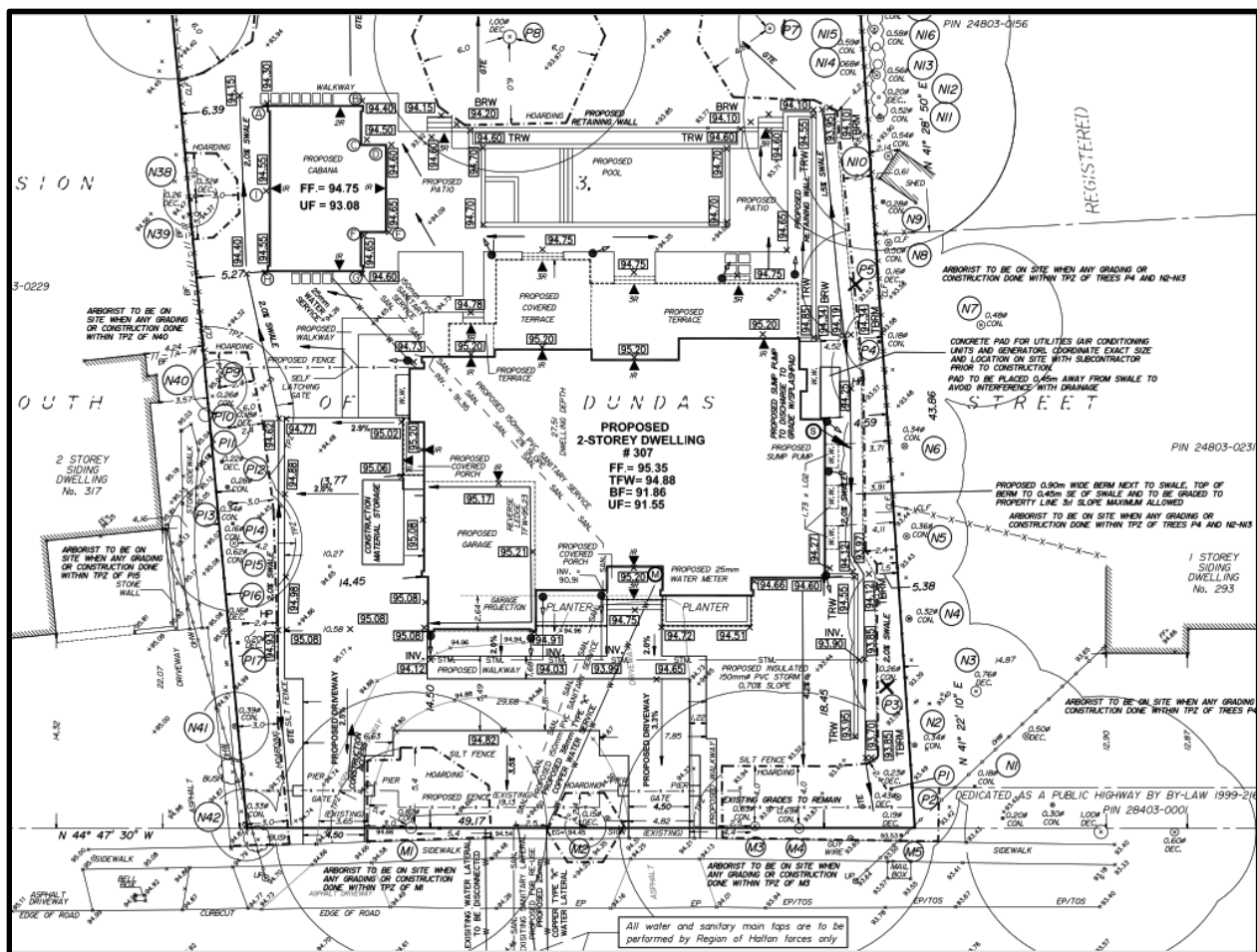
### **A/038/2025 – 307 Chartwell Road (East District) (OP Designation: Low Density Residential – Special Policy Area)**

The applicant proposes to construct a two-storey detached dwelling, subject to the variances listed above.

### **Site Area and Context**

The subject lands are located on the east side of Chartwell Road and are currently vacant. However, there are multiple mature street trees located within the municipal right-of-way. The proposed development contemplates the retention of these mature trees along the periphery of the lot, particularly those within the front yard, which will ensure the continuation of the landscaped character of Chartwell Road. The subject lands are within a neighbourhood that has experienced considerable redevelopment in the form of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of two-storey and one-storey existing housing stock and newer two-storey replacement dwellings. Dwellings in the surrounding area consist of a variety of architectural styles and design elements that maintain and contribute to the established neighbourhood character. Along Chartwell Road, there have been several newer two-storey dwellings that have been constructed over the years replacing the original housing stock in the neighbourhood. Many of these expansive, custom homes incorporate one-storey and one-and-a-half-storey architectural elements which help to ensure an appropriate transition to neighbouring properties, and to mitigate any potential impacts on the public realm.





*Proposed Site Plan – 307 Chartwell Road*



*Proposed Front Elevation – 307 Chartwell Road*

Staff note that a previous consent application to sever the property into two lots, and the associated minor variance applications for lot frontage were approved on April 5, 2023 (B23/01 [1610], CAV A/009/2023, and CAV A/010/2023). The current development proposal involves the construction of one new detached residential dwelling across the entire lands as a whole. Once approval is granted by Committee, the applicant must fulfill all of the conditions of approval and the Certificate must be issued on or before the lapsing date, which is 2 years from the giving of notice. In this case, the lapsing date is April 6, 2025. Since the conditions have not yet been cleared, and the current development proposal contemplates just one new dwelling on the entirety of the lot, the property owner may be abandoning the consent approval to focus on building a larger dwelling instead of two smaller ones.

Development Engineering staff also note this development will need a Site Alteration Permit (DEPA) following this application, prior to proceeding with works. Site Alteration requires development to provide for stormwater management on site to control post development flows to pre-development conditions. Development Engineering Staff have concerns with the 10.58 m wide driveway; this minimizes room in the side yard to complete grading works which are tight due to the Tree Protection Zones present. Staff have other concerns such as potential impacts to street trees, unsupportable servicing layouts and no consideration for stormwater management on site per the grading plans. While there is opportunity to address the above concerns through the Site Alteration Permit process, it is important to note there may be additional variances or variances that will not be applicable, and it may require an adjustment in the layout of the development.

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 – Special Policy Area in the Livable Oakville Official Plan. The intent of the Official Plan is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The design of the proposed dwelling effectively mitigates its overall scale and massing impacts by including the following: one-storey front porch element which further alleviate massing impacts visible from the public realm; the roofline over the garage drops lower which helps reduce the overall height of the house; and, a mix of materials such as metal and brick is included in the house design to help to break up the massing of the dwelling and creates articulation and interest along the front façade.

Additionally, it should be noted that there are no associated variances requested for lot coverage of residential floor area. The lot is sized to accommodate a larger home as-of-right following the minimum zoning requirements. The maximum allowable lot coverage is 25%; whereas the applicant is currently seeking 15.2%. Likewise, the maximum permitted residential floor area ratio is 29%; whereas the applicant is currently seeking 14.7%. Having a proposed development that is sympathetic to the lot coverage and floor area ratio maximums helps to further mitigate any perceived massing or scale impacts upon the neighbourhood. The proposed dwelling has been designed to be compatible with the surrounding area by incorporating architectural elements that also reduce the mass and scale of the dwelling, and the proposal can be considered an appropriate addition to the streetscape. As such, staff is of the opinion that the proposal maintains and protects the existing neighbourhood character and complies with the Livable Oakville 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 – Maximum Driveway Width (No Objection) – Increase from 9.0m to 10.58m**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the driveway width from 9.0 m to 10.58 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. Maintaining an appropriate amount of landscaping in the front yard also promotes improved drainage conditions for redeveloped sites. The increase in 1.58 m is solely required for the portion of the driveway that is immediately adjacent to the three-car garage. The extended driveway width in this area helps with the maneuverability of vehicles entering and exiting the garage. The remainder of the circular driveway is fully compliant with the maximum width requirement under the by-law. Additionally, the two single width driveway entrances have been located on the property to preserve as many private trees as possible along the public right-of-way. The introduction of robust landscaping treatments within the front yard area also help to further mitigate the appearance of the widened, circular driveway. Lastly, based off the rendering that was provided to staff, it appears the use of paver stones are being used throughout the circular driveway design which also helps improve the imperviousness of the driveway.

### **Variance #2 – Maximum Garage Floor Area (No Objection) – Increase from 56.0 square metres to 80.4 square metres**

### **Variance #3 – Maximum Garage Projection (No Objection) – Increase from 1.5m to 2.64m**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the garage floor area from 45.0 square metres to 46.0 square metres and to increase the garage projection from 1.5 m to 2.64 m. The intent of the by-law provision for regulating the garage floor area and garage projection is to ensure that the garage is not a visually dominant feature of the dwelling. Although the proposed garage is a three-car garage, it has been designed to be side facing with a front elevation that complements the overall design of the house to help reduce any visual impact on the streetscape. The garage area footprint has also been mostly included within the dwelling footprint to accommodate an additional third vehicle. The additional 1.14 m in garage projection from the front main wall of the dwelling will not be noticeable from the public realm. The inclusion of large planting beds immediately adjacent to the garage will also help screen the projection and thoroughly minimizes any perceived impacts on the streetscape.

### **Variance #4 – Maximum Dwelling Depth (No Objection) – increase from 20.0m to 27.51m**

The applicant requests relief from Zoning By-law 2014-014, as amended to permit a maximum dwelling depth increase of 7.51 m from what is permitted. The intent of regulating maximum dwelling depth is to ensure adequate rear yard amenity space is maintained on site and prevent any shadowing, privacy, or massing impacts on abutting properties. The increase in the total dwelling depth has been measured from the front porch to the covered terrace at the rear. The dwelling depth of the habitable portion of the home itself, from the front main wall to the rear main wall, is 21.6 m. Additionally, the setback from the proposed cabana structure, which is situated further past the rear covered terrace, to the rear yard lot line is 36.15 m. This rear yard setback provision offers substantial amenity space and landscaping areas to be provided for on the property, while still having a setback that is well above the minimum requirement under the by-law. This helps to further mitigate any potential shadowing or overlook conditions onto the neighbouring properties.

### **Variance #5 – Maximum Height for an Accessory Building or Structure (No Objection) – increase from 4.0m to 6.69m**

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the accessory building height from 4.0 m to 6.69 m. The intent of the by-law provision for regulating height of an accessory building is to ensure that the accessory building is of an appropriate scale and mass and is subordinate to the principal use of the property. The proposed cabana structure is approximately 2.29 m lower in height than the main dwelling (8.98 m). The cabana also has a total floor area of 92.8 square metres, whereas the main dwelling has a total residential floor area of 669.6 square metres. The cabana accessory structure is subordinate to the principal use of the property in both height and floor area. Additionally, the cabana has been setback 5.27 m from the closest point of the structure to the northerly interior side yard setback, and 6.39 m from the farthest point of the structure to the northerly interior side yard. These setbacks are well in excess of the minimum requirements under the by-law. The purpose of having the accessory structure setback further from the property line helps limit any potential shadowing, privacy, or overlook conditions on abutting properties. The roof of the proposed cabana also has a traditional hip/gable style, so that the bulk of the massing and scale of this structure is at a maximum height of approximately 4.19 metres, with the roof pitch accounting for the additional 2.5 metres in requested height.

**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 variances are minor in nature and will not create any undue adverse impacts on adjoining properties or the existing neighbourhood character.

**Recommendation:**

Staff do not object to the proposed variances. 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 dated January 29, 2025 and elevation drawings dated January 15, 2025;
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; and
3. That the previous consent approval B23/01 [1610] lapse on April 6, 2025, before a Building Permit is issued.

**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 in the maximum driveway width to 10.58 m, an increase in the maximum total floor area to 80.4 sq m, an increase in the attached private garage projection to a maximum to 2.64 m, an increase in the maximum dwelling depth to 27.51 and an increase in the maximum height for the accessory building to 6.69 m measured from grade, 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:** No comments.

**Bell Canada:** No Comments.

**Union Gas:** No comments

**Letter(s) in support** – None

**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 dated January 29, 2025 and elevation drawings dated January 15, 2025;

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; and
3. That the previous consent approval B23/01 [1610] lapse on April 6, 2025, before a Building Permit is issued.

Sharon Coyne  
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Asst. Secretary-Treasurer  
Committee of Adjustment