

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/028/2025 – Deferred from March 5, 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, May 28, 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 Pl 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 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>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.
2	<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 23.49m.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

(Note: Planning & Development 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 (deferred March 5, 2025) (East District) (OP

Designation: Low Density Residential – Special Policy)

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 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:

Background

A minor variance application was previously submitted and considered by the Committee of March 5, 2025. The application was deferred, following the applicant's attempt to make changes to the proposal during the meeting, to provide the opportunity to address staff concerns with the proposed application.

The revised application removes several variances previously requested. The dwelling depth and garage floor variances remain the same as previously proposed. Table 1 below depicts the variances proposed on March 5, 2025 in comparison to the revised application.

Table 1 – Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	March 5, 2025	May 28, 2025
Width of walkway	1.8 m	3.05 m	N/A
Width of driveway	9.0 m	9.78 m	N/A
Driveway separation distance	15.0 m	7.28 m	N/A
Garage floor area	56.0 sq.m	63.38 sq.m	63.38 sq.m
Dwelling depth	20.0 m	23.49 m	23.49 m
Dwelling height	9.0 m	9.97 m	N/A

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. Dwellings in the immediate area include common design elements like two-car garages, one-storey architectural elements and typically have single municipal accesses. Some newer two-storey dwellings existing in the surrounding neighbourhood. The subject lands are located on the north side of Carrington Place, within the special policy area of the Low Density Residential neighbourhood. The property is subject to Bill 97 and requires a scoped site plan approval which will review grading and any potential stormwater impacts, and also evaluate driveway width at the property line and impacts on trees both privately and town owned.

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.

As part of the previous application, staff evaluated the application based on the cumulative impact of the variances proposed, at that time. The elimination of the dwelling height variance, as well as the elimination of the variances for increased walkway width, increased driveway width and reduced driveway separation and the overall re-design of the driveway sufficiently mitigates the potential impacts of the proposed dwelling on the surrounding neighbourhood character.

It is staff's opinion that the revised 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?

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

Variance #1 – Garage Floor Area (No Objection) – 56.0 sqm increased 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 elimination of proposed dwelling height variance, inclusion of one-storey architectural elements and compliance of the revised driveway design to the established performance standards helps mitigate the garage floor area from creating any adverse impacts on the neighbourhood character and streetscape. Additionally, the increased garage floor area has been incorporated into the proposed dwelling, and will not be a visually dominant feature of the dwelling.

Variance #2 – Dwelling Depth (No Objection) – 20 m increased to 23.49 m

The intent of regulating dwelling depth 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 proposed increase in dwelling depth is mitigated through the inclusion of one-storey architectural elements in the rear yard, including the covered porch. Additionally, the design of the rear elevation includes one-storey elements, articulations and step backs, breaking up the massing and the inclusion of an integrated roofline lowering the rear yard open to below.

Staff are of the opinion that the requested variances 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?

Staff are of the opinion that the revised proposal represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Note: A scoped site plan application is currently under review to assess storm water management and tree protection matters.

Recommendation:

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

1. That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 20, 2025; and,
2. 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.

Finance: No comments received.

Fire: No concerns for Fire.

Metrolinx: No comments/concerns for this application.

Oakville Hydro: No comments.

Halton Region:

- It is understood that this application was deferred from March 5, 2025. Regional comments provided on February 28, 2025, still apply.
- 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 total floor area for the private garage to 63.38 square metres and an increase to the maximum dwelling depth to 23.49 metres, 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.

Transit: No comments.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.

- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Funeral, Burial and Cremation Services Act—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.

- 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. That the dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated March 20, 2025; and,
2. 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

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment