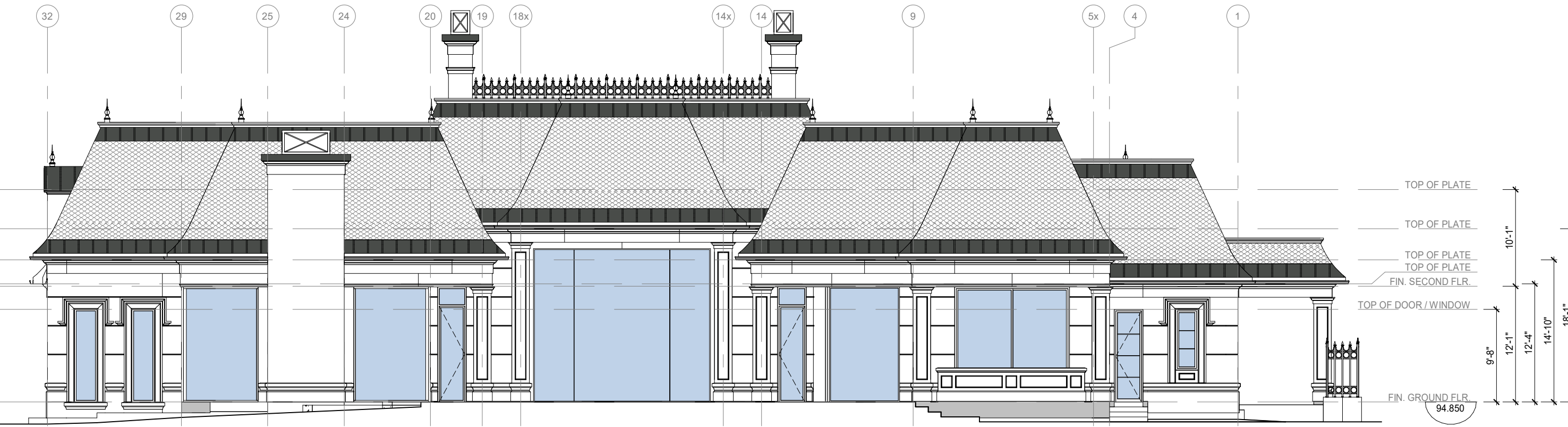
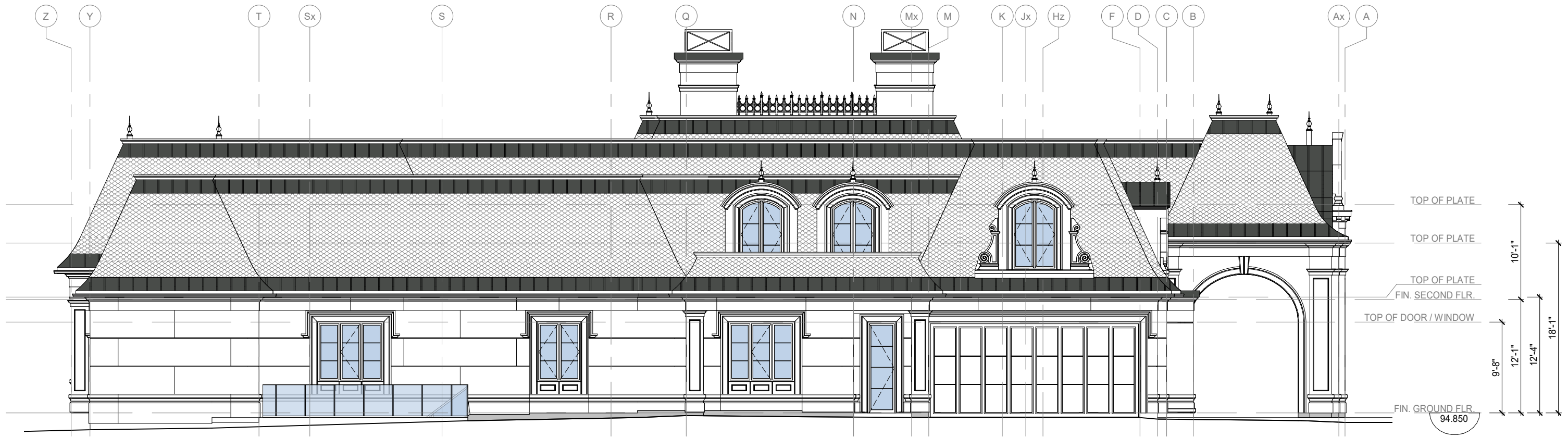


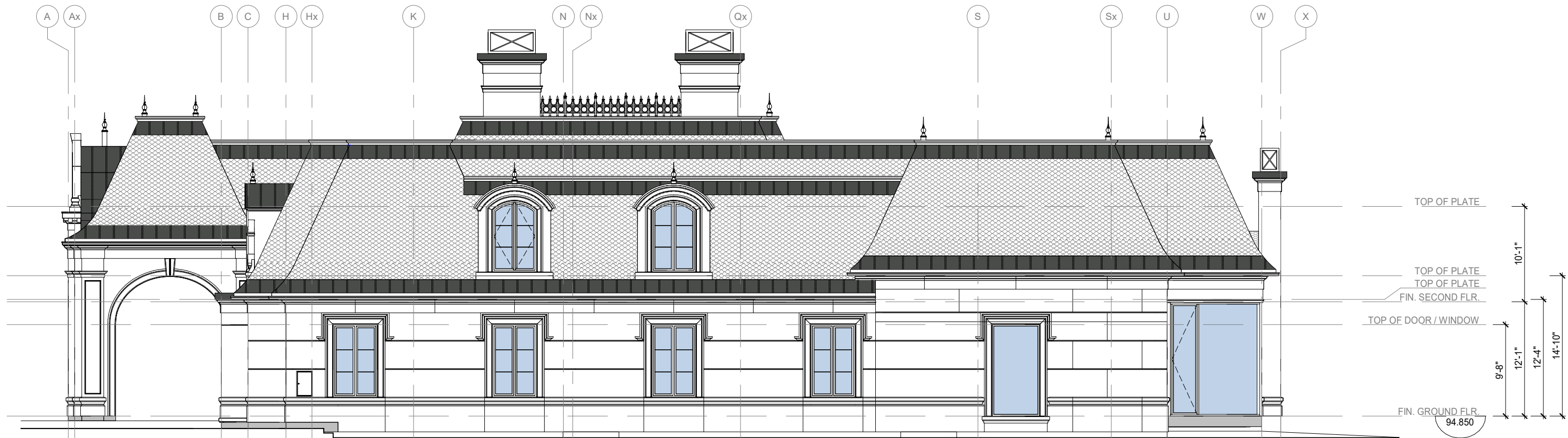
3 FRONT ELEVATION
D1.0 3/32" = 1'-0"



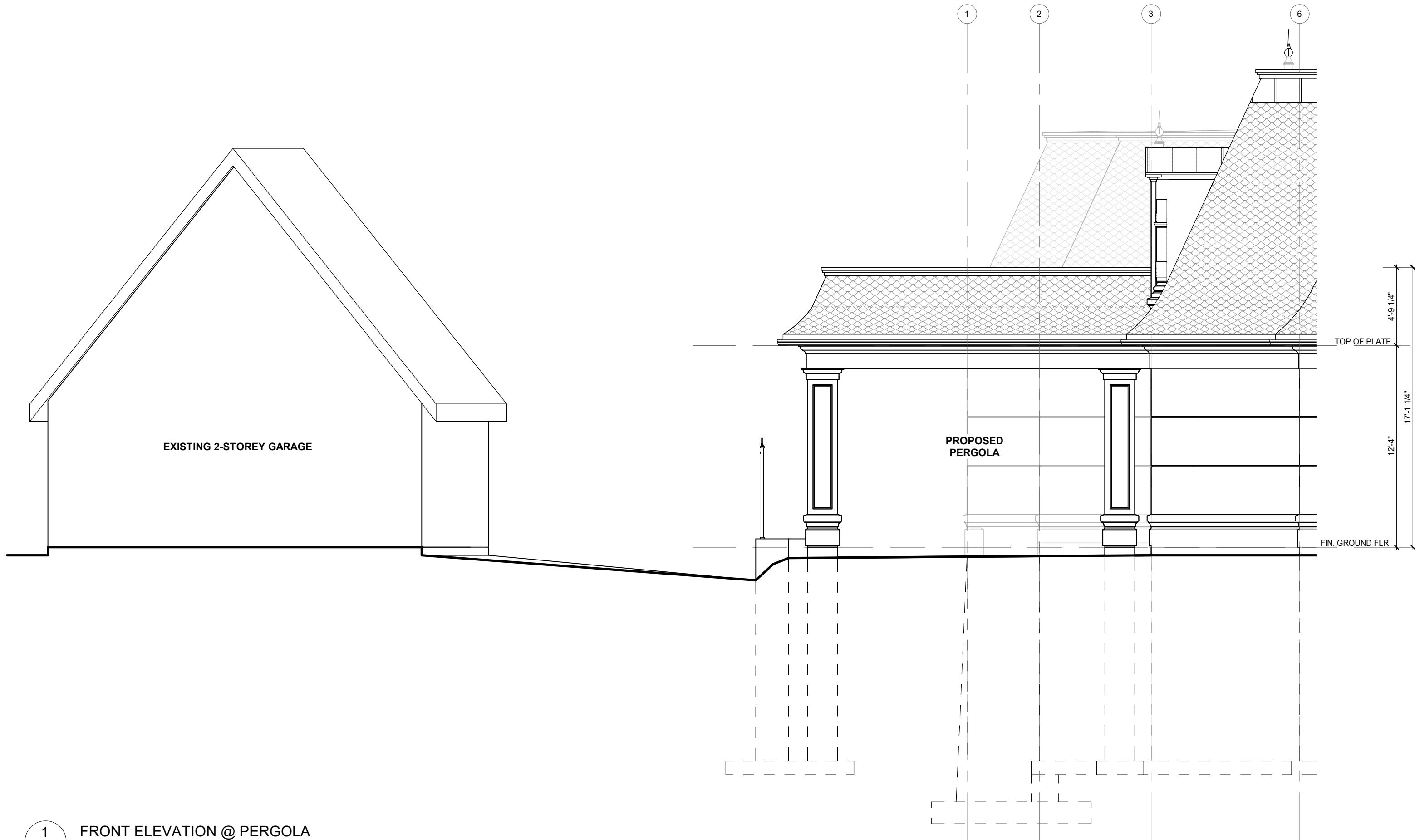
4 REAR ELEVATION
D1.0 3/32" = 1'-0"



3 LEFT SIDE ELEVATION
 D1.1 3/32" = 1'-0"

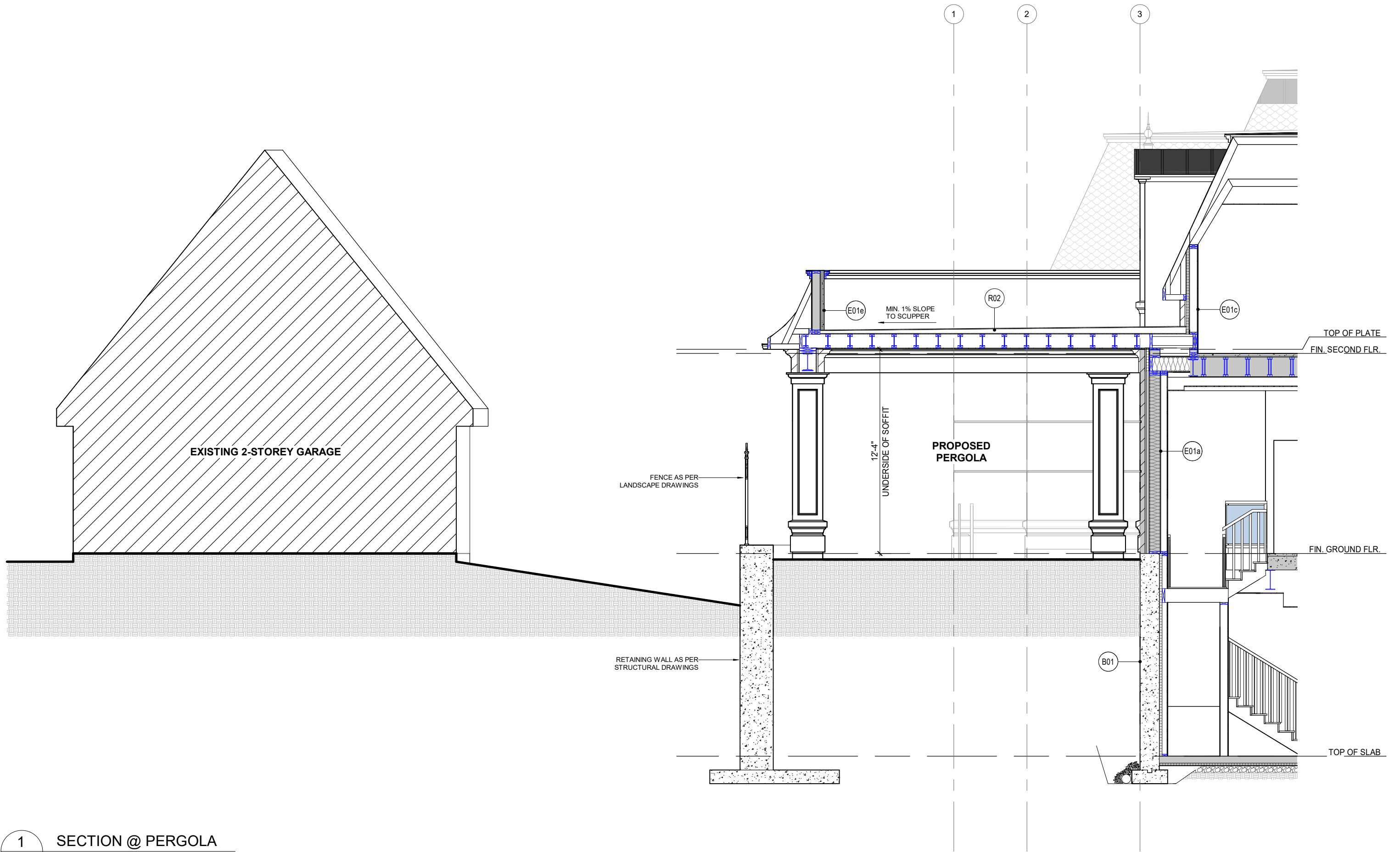


4 RIGHT SIDE ELEVATION
 D1.1 3/32" = 1'-0"



1 FRONT ELEVATION @ PERGOLA
 D-0.0 3/16" = 1'-0"

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1 SECTION @ PERGOLA
 D-0.1 3/16" = 1'-0"

Delivered via Digital Delivery

January 16, 2026

**RE: Minor Variance Application
309 Balsam Drive, Oakville, ON**

Batory Planning + Management are the planning consultant representing the owner of the property at 309 Balsam Drive (herein referred to as the 'subject site'). This letter accompanies our formal submission for a Minor Variance Application.

The Subject Site and Background

The Subject Site is an interior lot, roughly rectangular in shape, with a lot area of 4,676 square metres. A large, two-storey detached dwelling with an integral garage previously occupied the site and was demolished in 2023. The site is currently under construction for the previously approved detached home.

The Subject Site is designated "Urban Area" by the Region of Halton Official Plan. The Subject Site is within the "Residential Areas" and "Low Density Residential" land use designation as shown on Schedule G – South East Land Use of the Livable Oakville Official Plan. It is also subject to the Special Policy Area overlay. The Subject Site is zoned RL1-0 - Residential Low Zone by the Town of Oakville Zoning By-Law 2014-014.

The site has previously been proposed by the Ontario Land Tribunal (OLT), on July 20, 2023, for a two-storey (10.95 m height), single-detached dwelling with an overall floor area of 1,073.43 square metres. The proposed detached dwelling covers 23.3%, or 1,004.57 square metres, of the Subject Site. This minor variance application details a request for the following two variances to allow for an additional garage:

1. Variance to increase the maximum number of permitted garages to allow for the proposed 4 garages, whereas the bylaw only allows for 3 (note OLT decision)
2. Variance to reduce the minimum required side yard setback to allow for the proposed setback of 1.5m to the pergola parking whereas the bylaw requires for 4.2m

Supporting Documents

In support of the Minor Variance Submission, please find enclosed the following digital materials:

1. Application Form, prepared by Batory Planning + Management, dated January 15, 2026
2. Cover Letter, prepared by Batory Planning + Management, dated January 16, 2026
3. Architectural Package, prepared by 4 Architecture, dated January 14, 2026
4. Renders, prepared by 4 Architecture, dated January 14, 2026

We look forward to working with Town staff on this application. Please do not hesitate to contact the undersigned should you have any questions.

Respectfully submitted by,

Arishah Mazhar

Project Manager, Batory Planning + Management
amazhar@batory.ca

309 Balsam Drive

Planning Rationale

Prepared by Batory Planning + Management – January 2025

BÁTORY
Planning + Management

Summary

This report provides an overview of the Minor Variance application for the property municipally known as 309 Balsam Drive (the “subject site”) located in Oakville, Ontario. The Subject Site is designated “Urban Area” by the Region of Halton Official Plan and “Low Density Residential” within the Livable Oakville Official Plan. It is also subject to the Special Policy Area overlay. The Subject Site is zoned RL1-0 - Residential Low Zone by the Town of Oakville Zoning By-Law 2014-014. A large, two-storey detached dwelling with an integral garage previously occupied the site and has since been demolished.

The site was previously subject to a minor variance application in December 2022 seeking relief from various zoning standards to facilitate the development of a two-storey detached dwelling. The application was approved on July 20th, 2023. The dwelling approved by the Tribunal is currently under construction on the subject site.

As a result of a building design revision during construction, a Minor Variance Application is now required to permit an additional carport to the previously approved development. To note, the site was previously approved to allow for 3 garages within the previous application, but following the approval of the building permit, the minor variance approval has expired. As a result, the site is now subject to the original allowance of one garage. The purpose of this Minor Variance application is to permit an additional ‘garage’ on the site. As such, a total of two (2) variances are requested:

Variance 1 - Maximum number of garages: To increase the maximum number of permitted garages to allow for the proposed 4 garages, whereas the bylaw only allows for 1

Variance 2 - Side Yard Setback: To reduce the minimum required side yard setback to allow for the proposed setback of 1.5m to the open structure carport parking, whereas the bylaw requires 4.2m

The requested variances are consistent with the general intent and purpose of the Official Plan; consistent with the general intent and purpose of the Zoning By-law; desirable for the appropriate development of the land; and minor in nature.

Subject Lands and Application Background

The subject site is located in the Old Oakville Neighbourhood, north of the intersection of Lakeshore Road East and Balsam Drive on the east side of Balsam Drive. The surrounding area is characterized by one and two-storey detached dwellings situated on large residential lots with mature trees and landscaping. Parking for dwellings in the area is typically accommodated within private driveways and attached or integrated garage structures. Several properties within the immediate context include rear yard pools and outdoor amenity areas.

The subject site is an interior lot and is generally rectangular in shape with an approximate area of 4,676.38 square metres. The site has a depth of 96.6 metres and a frontage of 47.46 metres along Balsam Drive. The topography of the site is relatively flat. A two-storey single-detached dwelling was previously approved by the Ontario Land Tribunal in 2023 and is currently under construction on the subject site.



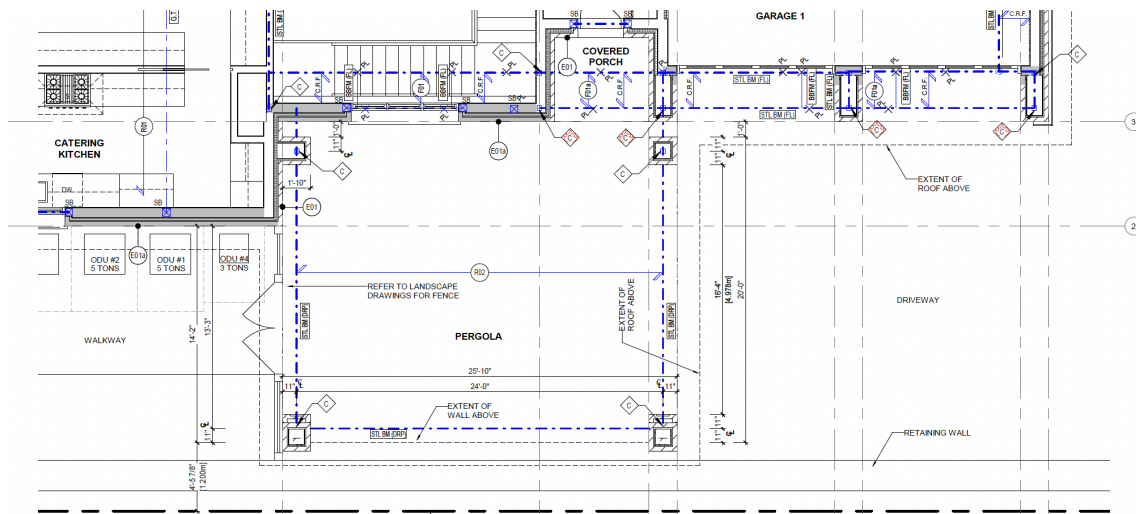
Aerial view of subject site (highlighted in red)

The principal dwelling is not the subject of this Minor Variance application. This Minor Variance application relates solely to the proposed garage configuration associated with the previously approved dwelling. To note, the site was previously approved to allow for 3 garages subject to conditions, but following the approval of the building permit, the minor variance approval has expired. As a result, the site is now subject to the original allowance of one garage. The application details variances to permit an additional garage and a reduced side yard setback to accommodate an unenclosed carport structure. No changes are proposed to the approved dwelling footprint, height, residential floor area, or overall built form beyond those required to facilitate the carport component.

Proposed Development

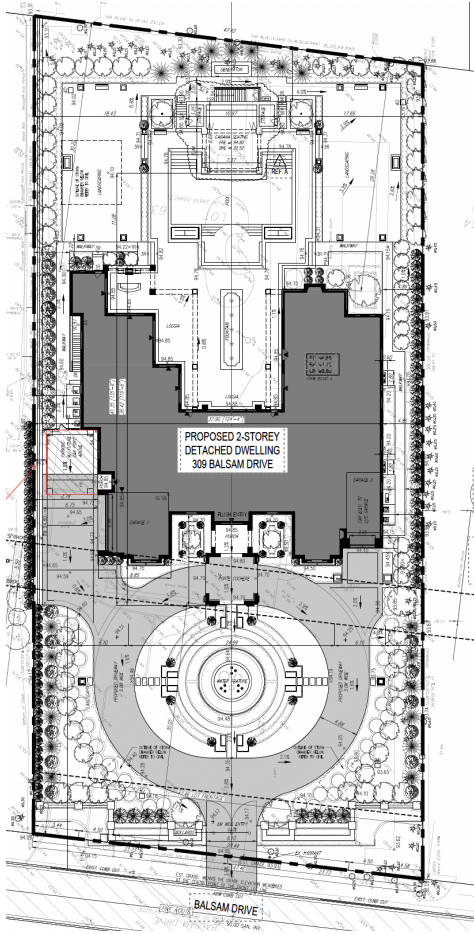
Within the previously approved design, a centrally located driveway provides access to a curved drive at the front of the dwelling, connecting to a porte cochere and two integrated garages located on the north and south sides of the house. During construction, a minor design refinement was identified to incorporate an open structure carport on the north side of the dwelling. All other aspects of the development remain consistent with the 2023 Ontario Land Tribunal approval.

The proposed unenclosed addition is a 7.87 metres deep and 6.09 metres wide carport connected to the side entrance of the dwelling. The carport does not function as a formal garage; however is defined as such in the Zoning By-law. The structure is designed as an architectural feature that enhances facade articulation by creating an additional break in the facade by dropping the height of the roof to 3.35 meters. From the public realm, the addition reads as an extension of the main dwelling with a covered area for short term parking rather than a garage, resulting in no negative streetscape impact.

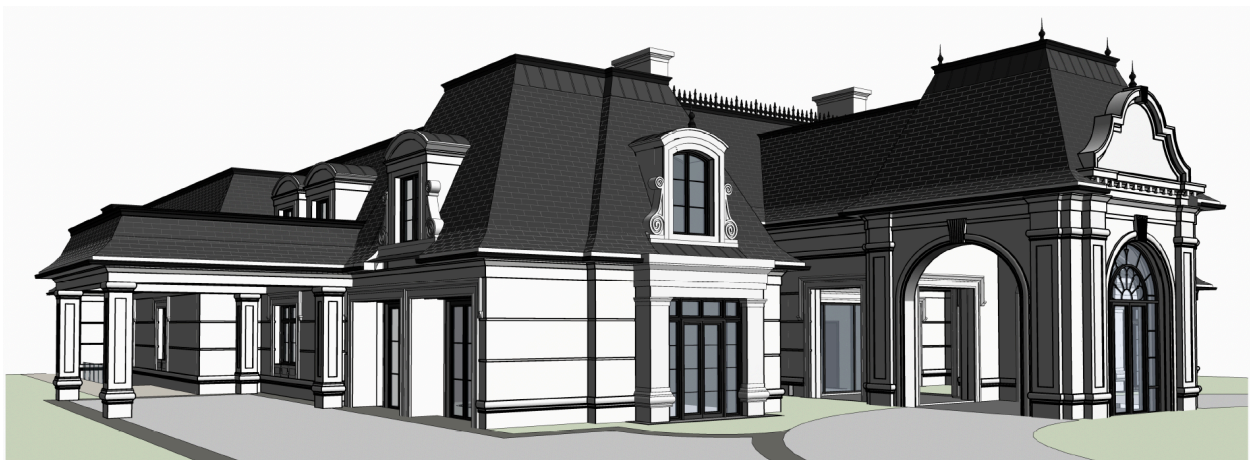


Site Plan of open structure carport prepared by 4 Architecture

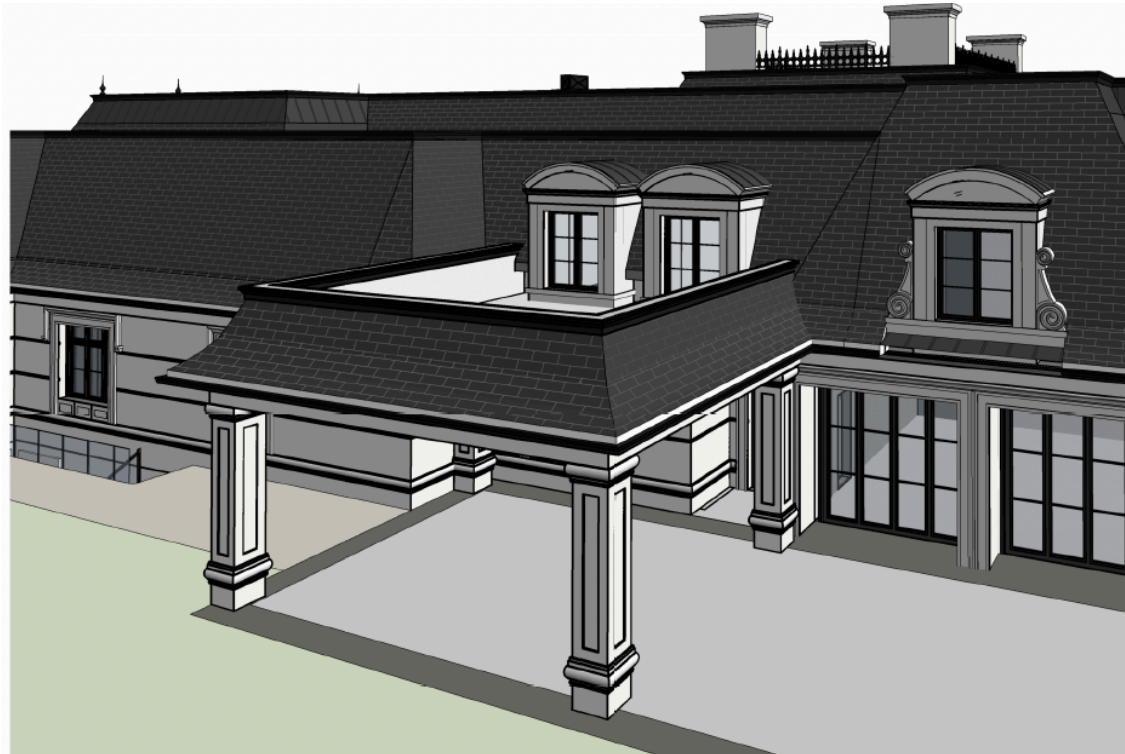
The garage elements are integrated into the overall design of the approved dwelling and are set back from the street to minimize visual impact and maintain compatibility with the established streetscape. The carport is setback 1.5m from the north property line, a retaining wall located along the side of the property provides separation and ensures that there are no adverse impacts on adjacent lands. Further, the architecture of the dwelling has been carefully considered to mitigate any potential streetscape and massing impacts of the garages.



Previously approved site plan prepared by 4 Architecture. Proposed open structure carport outlined in red.



Rendering of proposed open structure carport to the west of the detached dwelling.



Rendering of proposed open structure carport from the north property line.



Rendering of proposed open structure carport in relation to the neighbouring two-storey garage

Summary of Requested Variances

To permit the proposed development, a total of two (2) variances are requested. The following table summarizes the applicable zone permissions and lists the requested variances for the proposed development:

	Variance	Required / Permitted	Requested
1	Maximum Number of Garages	A maximum of 1 garage is permitted	To permit 4 garages within the development.
2	Side Yard Setback	A minimum side yard setback of 4.2m is required	To permit a 1.5m side yard setback

Evaluation of the Requested Minor Variances

The application to the Town of Oakville Committee of Adjustment seeks approval of two variances to permit the construction of a new dwelling. As such, the application is evaluated by examining the four tests of minor variance, as set out in the Planning Act:

- 1) Is the application minor in nature?
- 2) Is it an appropriate and desirable development for the area?
- 3) Is it in keeping with the purpose and intent of the Zoning By-law?
- 4) Is it in keeping with the purpose and intent of the Official Plan?

Minor in Nature

The primary basis for determining whether a proposed by-law variance is minor in nature is one of impact. This determination is not a mathematical exercise and, even though a variance may be a considerable numerical change, it may still be properly judged to be a minor variance if the actual effects of the variance do not result in significant adverse impacts on the surroundings, which include neighbouring properties as well as the ‘streetscape’ of the public realm. In the subject application, all the variances in our opinion meet the test of being minor in nature.

Maximum Number of Garages

The proposed number of garages within the development exceeds the Zoning By-law requirements; however, the design features, siting and context of the development mitigate the potential massing impacts. As previously mentioned, the site was previously approved to allow for 3 garages, but the minor variance approval has expired following building permits being issued. No changes have been made to the previously approved garages. The carport being added does not act as a traditional garage but is defined as such under the bylaw. The carport has been designed as an unenclosed structure that integrates into the overall architectural design of the dwelling and is articulated through building indentations, rooflines, and material transitions that break up the appearance of massing. The siting of the carport, combined with its substantial setback from the front property line, ensures that it does not dominate the streetscape or appear visually prominent. The scale of the carport is compatible with the existing streetscape and the scale of adjacent dwellings. As such, the proposed carport is not out of keeping with the surrounding context and does not introduce a new or incompatible character element to the area.

Side Yard Setback

A minor variance has been requested for the west side yard setback of the proposed dwelling of 1.5 metres, whereby the Zoning By-law requires a setback of 4.2 metres. The reduced side yard setback associated with the carport-covered parking area is minor in nature and does not result in adverse impacts related to privacy, access, drainage, or separation from adjacent properties as it is an open space with a roof structure that does not extend to the entire length of the building. As shown in the previously approved site plan above, the majority of the dwelling adheres to the setback requirements, with only the redlined portion being outside the permitted setback. The impacts on adjacent dwellings and streetscape are further mitigated with the abundant landscaping elements, fence and presence of the previously approved retaining wall located at the property line.

Therefore, it is our opinion that the proposed variances, both individually and collectively, are minor in nature.

Appropriate and Desirable Development

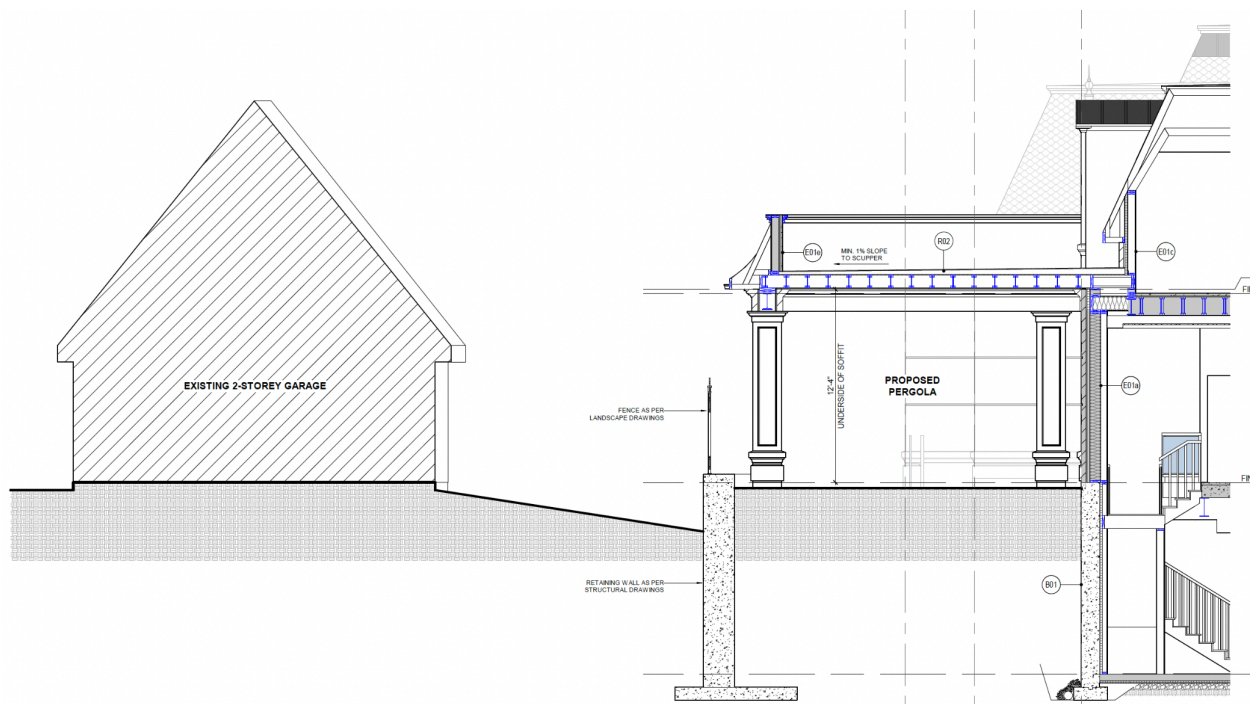
The proposed development on the subject lands demonstrates a high level of architectural quality and thoughtful site design. This is reflected in the building placement, integration of accessory parking structures, and overall architectural character of the dwelling. The proposed carport has been carefully designed to function as part of the overall built form rather than as a

dominant feature, ensuring that the development remains visually balanced and compatible with the surrounding streetscape.

The subject property is located within an established low-density residential neighbourhood characterized by large lots and a varied architectural character. The proposed variances will permit a development that is consistent with the pattern of high-quality, recently constructed dwellings within the neighbourhood. The additional carport is accommodated in a manner that minimizes visual impact, limits surface parking, and preserves landscaped areas, all of which contribute positively to the character of Balsam Drive.

The siting of the proposed carport directly responds to and is compatible with the built form of the neighbouring detached garage to the north, which includes a prominent two-storey front-projecting garage adjacent to the subject site as shown in the elevation below. In comparison, the proposed carport is lower in height, visually lighter in form, and minor in scale. As such, it represents a less visually prominent built form condition than what currently exists on the adjacent property and reinforces an established pattern of garage placement along this portion of Balsam Drive. Given this context, the proposal does not introduce a new or incompatible character element, and any potential impacts are negligible.

Accordingly, the proposed development supports the established neighbourhood character and is appropriate and desirable for the area.



Cross-section of open structure carport in relation to the neighbouring two-storey garage



Rendering of proposed open structure carport from Balsam Drive in relation to the neighbouring two-storey garage

General Intent and Purpose of the Official Plan and Zoning By-law

Intent of the Official Plan

Within the Livable Oakville Official Plan, the subject site is designated as Low-Density Residential (*Section 11.2.1*), which permits the development of a detached dwelling and accessory structures.

Allowing for a revised design of a high-quality detached dwelling with the new proposed carport maintains the integrity of the property and the surrounding neighbourhood. The proposal represents a context-sensitive form of development that aligns with the Town of Oakville's Official Plan objectives. Specifically, the following policies are relevant to the subject property:

Section 11.1.9: Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:

- 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 microclimate conditions such as shadowing.*

The proposed additional carport is integrated into the overall building design and does not alter the height, density or general massing of the dwelling as previously approved. The carport is internalized and screened within the building form and open structure carport structure, thereby limiting visual prominence and ensuring that the proposal does not dominate the streetscape or detract from the established character of Balsam Drive

Further to Section 11.1.9 of the Livable Oakville Official Plan, the *Design Guidelines for Stable Residential Communities* implement the urban design and residential policies of the Official Plan. The design guidelines would apply to the development of the subject site and are an important tool in providing an assessment of the intent of the Official Plan.

Maximum Number of Garages

The Design Guidelines emphasize minimizing the visual impact of garages and surface parking on the streetscape. The proposed carport has been carefully designed to ensure that parking is maintained within a covered structure, with no additional surface parking proposed in the front or side yards. This approach supports the Official Plan objective of preserving a high-quality residential streetscape and maintaining opportunities for landscaping and softscape.

The proposed increase in the number of garages does not result in additional curb cuts, excessive paving, or an altered streetscape condition. As such, the intent of the Official Plan to maintain compatibility within stable residential neighbourhoods is preserved.

Side Yard Setback

The proposed reduction in the side yard setback applies solely to the unenclosed carport structure and does not affect the primary dwelling, which otherwise complies with the required setback provisions. The carport is a visually smaller in scale, unenclosed structure that is subordinate to the principal dwelling and does not contribute to an increase in perceived massing or built form intensity.

The reduced setback maintains appropriate separation from the adjacent property and does not result in adverse impacts related to privacy, access, grading, drainage, or microclimatic conditions such as shadowing, consistent with the evaluation criteria set out in Section 11.1.9 of the Official Plan. The presence of landscaping and the previously approved retaining wall along the property line further mitigates any potential impacts on adjacent lands.

Intent of the Zoning By-Law

The regulations governing the maximum number of garages and minimum side yard setbacks are intended to ensure that residential development maintains appropriate scale, separation, and visual compatibility with surrounding properties.

Maximum Number of Garages

The intent of the maximum garage regulation is to prevent parking and garage structures from dominating residential lots and the public streetscape. The proposed increase in the number of garages does not undermine this intent, as the garages and carports are integrated into the overall building design and do not result in increased building height, excessive massing, or expanded surface parking. The proposal maintains a balanced relationship between built form and landscaped areas and does not create an overbuilt condition.

Side Yard Setback

The intent of the minimum side yard setback regulation is to provide adequate separation between buildings, ensure access for maintenance, and minimize impacts on adjacent properties. The proposed reduction in side yard setback is limited to the open carport parking area and does not result in unacceptable adverse impacts as it is not enclosed. The variance maintains functional separation and does not negatively affect light, privacy, or access for neighbouring properties.

Conclusion

This report evaluates the proposed minor variances in accordance with the tests in the Planning Act. The proposed variances have been reviewed in relation to the current requirements of the Zoning By-law and specifically examined with respect to the adverse impact, if any, that would be experienced in the nearby area as a consequence of the granting of the variance. It is my opinion that the property can accommodate the variances for an additional carport and reduced side yard setback without adverse impact on nearby properties, and while fitting into the character of the area.

As such, the application is considered minor in nature, desirable for the use of the land and maintains the general intent and purpose of the Official Plan and Zoning By-law. On this basis, the proposed development satisfies the four tests required for a minor variance application under the Planning Act and represents good planning.

Respectfully submitted by,



Paul Demczak, MCIP, RPP
Principal, Batory Management