

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/056/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, APRIL 03, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Nimarta Gill Kaler and Mantej Singh Kaler	JD COA Consulting c/o Joseph Domb 207-133 Torredale Avenue North York ON M2R 3T2	PLAN 1059 LOT 6 2042 Salvator Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 1

ZONING: RL2-0
DISTRICT: West

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>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 1022.00 m ² and 1114.99 m ² shall be 37%.	To increase the maximum residential floor area ratio to 38.80%.
2	<i>Section 6.4.2 (Row RL2, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 29.50%.
3	<i>Section 6.4.3 a)</i> The minimum front yard shall be 10.86 metres in this instance.	To decrease the minimum front yard to 10.11 metres.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

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

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on April 3, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/056/2024 – 2042 Salvator Boulevard (West District) (OP Designation: Low Density Residential)

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

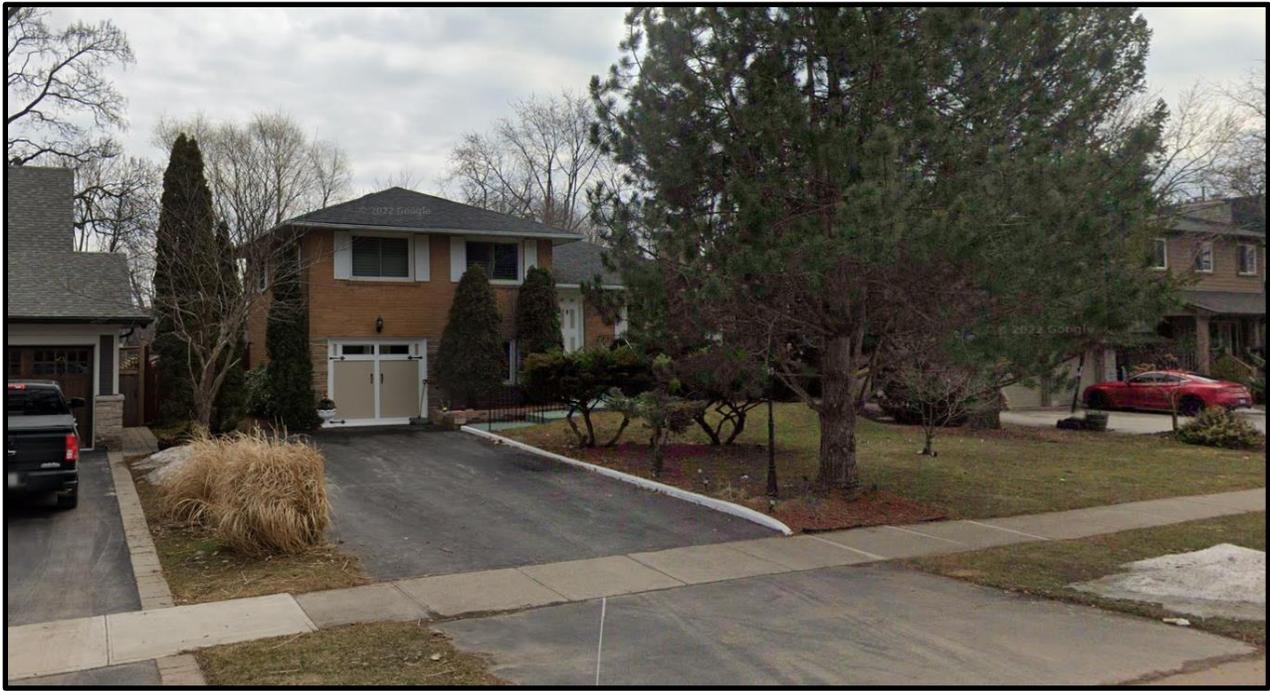
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

Site and Area Context

The subject property is in a neighbourhood containing two-storey dwellings that are original to the area, along with some newly constructed two-storey homes with diverse architectural styles. Most newly constructed dwellings include attached two-car garages and consist of lower second floor roof lines, stepbacks, and massing that is broken up into smaller elements to help reduce potential impacts on the streetscape. The following images provide the neighbourhood context in the immediate vicinity of the subject lands.



Aerial Photo of subject lands – 2042 Salvator Boulevard



Street View of subject lands – 2042 Salvator Boulevard (South side of Salvator Boulevard)



Street View of neighbouring dwellings located to the east of the subject lands (2036 Salvator Boulevard and 2030 Salvator Boulevard)



Street View of a dwelling located on the north side of Salvator Boulevard (2035 Salvator Boulevard), opposite the subject lands

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

The subject lands are designated Low Density Residential 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. 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 Official Plan is to protect the existing character of stable residential neighbourhoods. While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed dwelling would not maintain and protect the existing neighbourhood character. The proposed dwelling presents as substantially larger than adjacent dwellings and creates an overpowering effect on the local streetscape.

The increase in floor area and lot coverage being requested contributes to the overall scale and massing impacts of the proposed development. While measures have been taken to mitigate some of the potential impacts; such as the second storey roofline being lowered above the

eastern portion of the garage and the front entryway area, the remainder of the proposed dwelling still appears as a full two-storeys from the public realm. Furthermore, the additional portion of the garage and front main wall above presents itself as a full two-storey element from the street and projects slightly outward so that this overpowering feature of the dwelling has become the prominent fixture of the entire façade. As seen in the above photos, the abutting dwelling to the east has been designed to incorporate the entire second floor into the roofline, making it appear considerably smaller in massing and scale than the proposed development. The other newly constructed modern dwelling located two properties to the east of the subject lands at 2030 Salvator Boulevard, has also incorporated significant stepbacks along the front and western facades that help to break up the massing. The subject proposal has attempted to mitigate some of the impacts on neighbouring properties, but the magnitude and cumulative impacts of variances being sought still result in a development that is not desirable or appropriate given the existing neighbourhood character.



Street View of 2042 Salvator Boulevard – Existing Dwelling



2042 Salvator Boulevard – Proposed Front Elevation

In Staff's opinion, the proposed floor area and lot coverage increases, along with some of the chosen exterior façade design elements of the dwelling, have not been properly considered when examining it against the existing character of the stable residential neighbourhood in which it is located. As such, the proposal results in a development that appears to be substantially larger than those around it and would result in negative cumulative impacts on the surrounding neighbourhood.

On this basis, it is Staff's opinion that variances #1 and #2 do not maintain the general intent and purpose of the Official Plan as these variances contributes to a proposal that would not maintain nor protect the character of the existing neighbourhood.

The requested variance to decrease the minimum required front yard setback is required to accommodate decorative pillars at the front of the dwelling. The setback to the easternmost portion of the dwelling exceeds the requirements for minimum front yard setback as set out in the By-law. While the remainder of the dwelling may be deficient in the front yard setback requirements, it is minor in nature and will not result in any adverse impacts to abutting neighbours. Variance #3 does maintain the 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 the Zoning By-law 2014-014, as amended, as follows:

Variance #3 – Minimum Front Yard Setback (No Objection) – decrease from 10.86 m to 10.11 m

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit a decrease in the minimum required front yard setback of 0.75 m. The intent of the provision for minimum front yard setback is to ensure a relatively uniform setback along the street. As mentioned previously, Staff recognize that the decrease in the minimum required front yard setback is needed to accommodate decorative pillars at the front of the dwelling. The setback to the easternmost portion of the dwelling exceeds the requirements for minimum front yard setback

as set out in the By-law. While the remainder of the dwelling may be deficient in the front yard setback requirements, it is minor in nature and will not result in any adverse impacts to abutting neighbours. As such, Staff are of the opinion that the requests maintain the general intent and purpose of the Zoning By-law.

Variance #1 – Maximum Residential Floor Area Ratio (Objection) – increase from 37% to 38.80%

Variance #2 – Maximum Lot Coverage (Objection) – increase from 25% to 29.50%

The intent of the Zoning By-law provisions for residential floor area and lot coverage are to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

The residential floor area ratio variance results in a total increase of 18.84 square metres above the maximum permitted. The lot coverage variance is greater with a total increase of 46.78 square metres above the maximum permitted.

The proposed dwelling also consists of massing resulting from the large open-to-below area of approximately 37 square metres in the rear that pushes the second-storey floor area to the perimeter of the dwelling. While the open-to-below does not technically count towards the residential floor area, it contributes to the massing and scale of the dwelling in a manner that is not compatible with the neighbourhood character. The 37 square metres of open-to-below area combined with the additional residential floor area of approximately 18.84 square metres results in 55.84 square metres of additional area that contributes towards the massing and scale of the proposed dwelling. Additionally, no other residential floor area ratio variances have been approved in the immediate area. A few new dwellings in the neighbourhood have been approved with increases to the maximum permitted lot coverage of 25%, but none as currently proposed.

The abutting dwelling to the east at 2036 Salvator Boulevard (CAV A/097/2016) was approved with a lot coverage variance of 26.2%, and the newly constructed dwelling to the west of the subject lands at 2058 Salvator Boulevard (CAV A/119/2018) was approved with a lot coverage of 25.87%. The proposed 29.50% lot coverage would exceed the foregoing and would have the effect of expanding the building footprint and increasing the amount of hardscaped and impermeable areas on the lot. Having fewer soft landscaped areas on the property means additional stormwater runoff cannot be absorbed as quickly, exacerbating potential drainage impacts.

On this basis, it is Staff's opinion that the proposed dwelling would negatively impact adjacent properties, as the combined effect of the proposed variances creates a massing and scale that is not in keeping with other dwellings in the area. Although efforts have been to mitigate some of the potential massing and scale impacts, the magnitude of the variances being sought would make the proposed development appear visually larger than the dwellings in the existing neighbourhood. In Staff's opinion, the proposed variances do not meet the general intent and purpose of the Zoning By-law and would negatively impact the streetscape.

Development Engineering Notes to Applicant:

Works are shown in the rear and side yard easements, the works are to be removed and the plans are to be adjusted accordingly. These are drainage easements and as such, they should be left unincumbered. The driveway is too wide in ROW and should be reduced to 6.5m max. This lot will propose a significant increase in runoff so SWM measures are recommended to mitigate the additional runoff. It is noted that this is also upstream of a remnant channel. While it

is not anticipated to be directly affected based on the location in the Town of Oakville Storm Water Master Plan, extra care should be considered when developing the plans.

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

Staff are of the opinion that the variances proposed for floor area ratio and lot coverage do not represent the appropriate development of the subject property as the variances are not minor in nature. The proposed dwelling would create negative impacts on the public realm in terms of massing and scale and does not fit within the context of the existing neighbourhood. However, Staff do not object to the requested variance related to the front yard setback, as it is in keeping with the neighbourhood's character and is minor in nature.

Staff object to variances #1 and #2 on the basis that they do not satisfy the four tests under the *Planning Act*. Further, it is Staff's opinion that variance #3 satisfies all four tests under the *Planning Act*. Should the Committee's evaluation of the application differ from Staff, the Committee should determine whether approval of the proposed variances would result in appropriate development for the site.

Fire: No Concern for Fire.

Oakville Hydro: We do not have any comments for this minor variance application.

Transit: No Comments received.

Finance: None

Halton Region:

- 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 residential floor area ratio, an increase in the maximum lot coverage, and a decrease in the minimum front yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-story detached dwelling on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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 stated, 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.

A rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer