

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/061/2024**

RELATED FILE: N/A

**DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, April 17th, 2024 AT 7:00 P.M**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
SUNN GAWRI, SIMPY KAPOOR	SAKORA DESIGN C/O MARCO RAZZOLINI 94 LAKESHORE ROAD MISSISSAUGA ON L5G 1E3	153 ULSTER DRIVE PLAN 1324 LOT 45

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 1**

**ZONING: RL3-0  
DISTRICT: WEST**

### **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 4.3 (Row 7)</i> The maximum encroachment into a minimum yard for window wells with a maximum width of 1.8 metres shall be 0.6m.	To increase the maximum width of the window well encroachment into the minimum easterly interior side yard to 3.05m.
2	<i>Section 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area between 836.00 m <sup>2</sup> and 928.99 m <sup>2</sup> shall be 39%.	To increase the maximum residential floor area ratio to 40.44%.
3	<i>Section 6.4.3 a)</i> The minimum front yard shall be 13.87 metres in this instance.	To decrease the minimum front yard to 10.85 metres.
4	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.52 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)

**CAV A/061/2024 - 153 Ulster Drive (West District) (OP Designation: Low Density Residential)**

The applicant proposes to construct a two-storey detached dwelling on the subject property, 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 located on the south side of Ulster Drive, west of Solingate Drive and north of Salmon Road. The neighbourhood consists of original one-storey, and two-storey dwellings, along with a newer two-storey dwellings. The existing and proposed dwellings can be viewed in the images below.



*Aerial Photo of subject lands – 153 Ulster Drive*



*Street View of subject lands – 153 Ulster Road with adjacent, newer two-storey dwellings*





*Street View of the original housing stock located on the north side of Ulster Drive*



*Street view of newer two-storey dwellings located on Ulster Drive*



153 Ulster Drive – Proposed Front Elevation

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

The subject lands are designated Low Density Residential in the Livable Oakville 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 above-mentioned Official Plan policies are to protect the existing character of stable residential neighbourhoods and to ensure that any potential impacts on adjacent properties are effectively mitigated. While redevelopment of some of the original housing stock has taken place in the surrounding area, Staff are of the opinion that the proposed variances and design elements of the proposed dwelling will result in a dwelling that appears larger than those in the existing neighbourhood.

The proposed development has also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Subsection 6.1.2 c) of the Livable Oakville Plan 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:

**3.2.1. Massing:** *New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements and forms that visually reflect the scale and character of the dwellings in the surrounding area. This design approach may incorporate:*

- *projections and/or recesses of forms and/or wall planes on the façade(s)*
- *single-level building elements when located adjacent to lower height dwellings*
- *variation in roof forms*
- *subdividing the larger building into smaller elements through additive and/or repetitive massing techniques*
- *porches and balconies that can reduce the verticality of taller dwellings and bring focus to the main entrance*
- *architectural components that reflect human scale and do not appear monolithic*
- *horizontal detailing to de-emphasize the massing*
- *variation in building materials and colours.*

**3.2.2 Height:** *New development should make every effort to incorporate a transition in building height when the proposed development is more than a storey higher than the adjacent dwellings. The transition may be achieved by:*

- *stepping down the proposed dwelling height towards the adjacent shorter dwellings*
- *constructing a mid-range building element between the shorter and taller dwellings on either side*
- *increasing the separation distance between the dwellings.*
- *New development is encouraged to incorporate upper storey living spaces wholly or partially within the roof structure to de-emphasize the height and overall building scale, and to divide the massing of the roof. Dormer and end gable windows can provide adequate light into these spaces.*
- *New development that is taller than the average dwelling in the surrounding area should make every effort to step back the higher portions of the dwelling façade and roof to minimize the verticality of the structure and presence along the building front.*

**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.*

The cumulative impact of the proposed reduced front yard setback, the increase in residential floor area, increase in maximum building height and two-storey architectural elements of the primary façade contribute to the overall massing and scale of the proposed dwelling which would appear larger than those in the surrounding area. In particular it is noted that the proposed two-storey entryway feature would enhance the verticality of the primary façade, and in combination with the additional dwelling height would contribute to the development of a dwelling that appears larger than those in the existing neighbourhood. Staff encourage the applicant to revise the proposed dwelling to incorporate effective mitigative measures that reduces the impact of the dwelling on the public realm in accordance with the Town's Design Guidelines for Stable Residential Communities.

On this basis, it is Staff's opinion that the proposed variances does not maintain the general intent and purpose of the Livable Oakville Plan, as it would contribute to a proposal that would not maintain nor protect the character of the existing neighbourhood.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

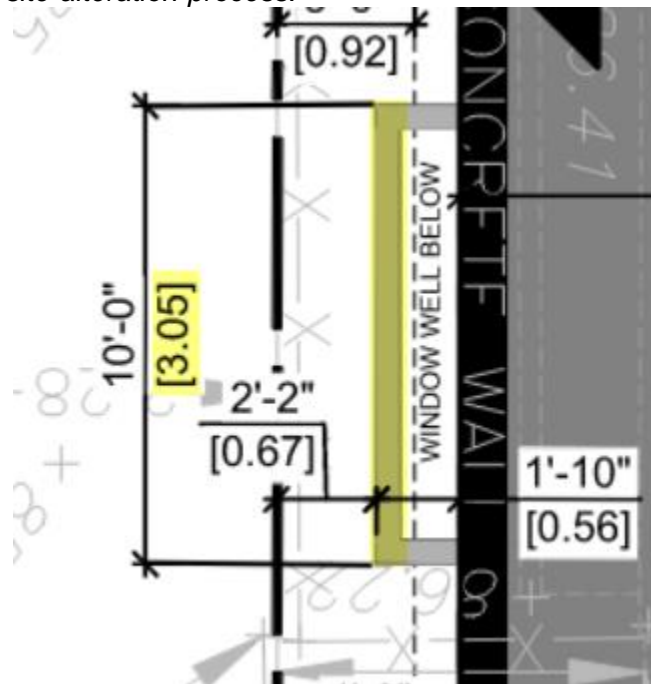
The applicant is seeking relief from Zoning By-law 2014-014, as amended, as follows:



**Variance #1** – Window Well Encroachment (No Objection) – window well width of 1.8 m encroaching 0.6 m into a minimum yard, increased to a window well width of 3.05 m encroaching into a minimum yard

The intent of regulating window wells is to allow for adequate drainage and passage through a yard so that the window well does not impede access and to allow for adequate open space and landscaping. In this instance, the window well will not impede access and adequate landscaping will be accommodated on-site. Drainage will continue to occur; however, as part of the building permit submission of detailed engineering plans (Grading Plans) will be required to address concerns raised from Development Engineering and ensure no offsite drainage impacts.

**Note:** *Development Engineering does not support the increased window well size as this will make it more difficult to facilitate drainage between the lots. Additionally, Development Engineering notes that the increase in hardened surface from the development will add to cumulative impact downstream. As such, additional runoff mitigation measures should be considered during the site alteration process.*



153 Ulster Drive - Window well encroachment excerpt

**Variance #2** – Maximum Residential Floor Area Ratio (Objection) – 39% increased to 40.44%

**Variance #3** – Minimum Front Yard Setback (Objection) – 13.87 m reduced to 10.85 m

**Variance #4** – Maximum height (Objection) – 9.0 m increased to 9.52 m

The intent of the Zoning By-law provision for residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street.

The intent of regulating the building height is to prevent the construction of a dwelling that has a mass and scale that appears larger than those in the surrounding area.

The applicant is proposing to increase the residential floor area ratio by 1.44%. It is acknowledged that, numerically, this is a relatively modest increase. However, when the residential floor area ratio variance is considered in combination with the proposed reduced front yard setback, increased building height, two-storey primary façade architectural elements, and absence of mitigative measures. The dwelling design does not appropriately mitigate the potential massing and scale impacts on the public realm. The roofline has not been lowered or

integrated into the second storey to help mitigate massing and scale from the public realm. In addition, the inclusion of the two-storey front porch creates an overpowering front façade element which also projects massing towards the public realm. The lack of other mitigation measures such as; the second storey not being stepped back from the front main wall of the first storey, façade articulation, variation in roof forms, and massing that is broken up into smaller elements, exacerbates the negative impacts of mass and scale on the surrounding properties and the streetscape. The proposed dwelling will result in massing and scale impacts, visible from the public realm, and would not be in keeping with the established neighbourhood character.



*153 Ulster Drive Primary Façade of proposed two-storey detached dwelling*

It is staff's opinion that the cumulative impact of the proposed variances has the potential to negatively impact adjacent properties and the surrounding area, as the height of the proposed dwelling and two-storey primary façade elements would make it appear visually larger than existing dwellings in the immediate area.

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 and public realm.

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

Staff are of the opinion that the proposal does not represent appropriate development of the subject property as the variances are not minor in nature and will result in a dwelling that appears larger than those in the immediate area. The proposed dwelling creates negative impacts on the streetscape in terms of height, which does not fit within the context of the surrounding area. Staff encourage the applicant to revise the proposal in accordance with the direction provided in the Town's Urban Design Guidelines for Stable Residential Communities, to ensure the proposed dwelling does not appear larger than those in the surrounding area.

On this basis, it is staff's opinion that the application does not meet the four tests and staff recommends that the application be denied.

**Fire:** COA to decrease side yard setback below 1.2m. One aspect of the side yard setback is to provide the minimum amount of room to maneuver equipment to the rear of the property to facilitate fire-fighting operations. Plans provided indicate an impedance to the minimum required side yard setback on both sides of the property (i.e. window wells, stairs, vegetation). This proposal creates a negative impact to standard fire-fighting operations.

**Transit :** Comments not received.

**Oakville Hydro:** We do not have any comments to add for this group of minor variance applications.

**Halton Region: 6.1 CAV A/061/2024 – S. Gawri & S. Kapoor, 153 Ulster Drive, Oakville**

- 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 width of the window well encroachment into the minimum easterly interior side yard, an increase in the maximum residential floor area ratio, a decrease in the minimum front yard, and an increase in the maximum height, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a two-storey detached dwelling on the Subject Property.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – 1**

**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 Services, 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.



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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment



**Letter of Supports:1**

April 17th, 2024  
TO: Committee of Adjustment, City of Oakville  
FILE #: CAV A/059/2024  
ADDRESS: 153 Ulster Dr  
OWNER(S): Ramesh Gawri, Sunny Gawri

PROPOSAL: To build a new build single family detached dwelling in place of the existing dwelling. The variance(s) have been outlined in the notices sent by the Committee and are part of file #CAV A/059/2024.

**RE: 153 ULSTER DR**

I/We live at 155 ULSTER DRIVE, Oakville, ON.

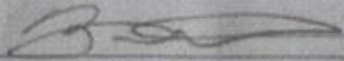
I/We **support** the above proposal for **153 Ulster Dr.**

Signed,

NAME:

ROBERT BARIC

SIGNATURE



DATE:

April 5 2024