

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/073/2024**

**RELATED FILE: N/A**

### **DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Sumesh Mahajan/ Renuka Mahajan	Huis Design Studio c/o Kurtis Van Keulen 301-1a Conestoga Drive Brampton ON L6Z 4N5	PLAN 646 LOT 275 442 Sandmere Place Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2**

**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(s) 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 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41%.	To increase the maximum residential floor area ratio to 46.0%.
2	<i>Section 6.4.3 a)</i> The minimum front yard in this instance shall be 9.13 metres.	To reduce the minimum front yard to 8.38 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 May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

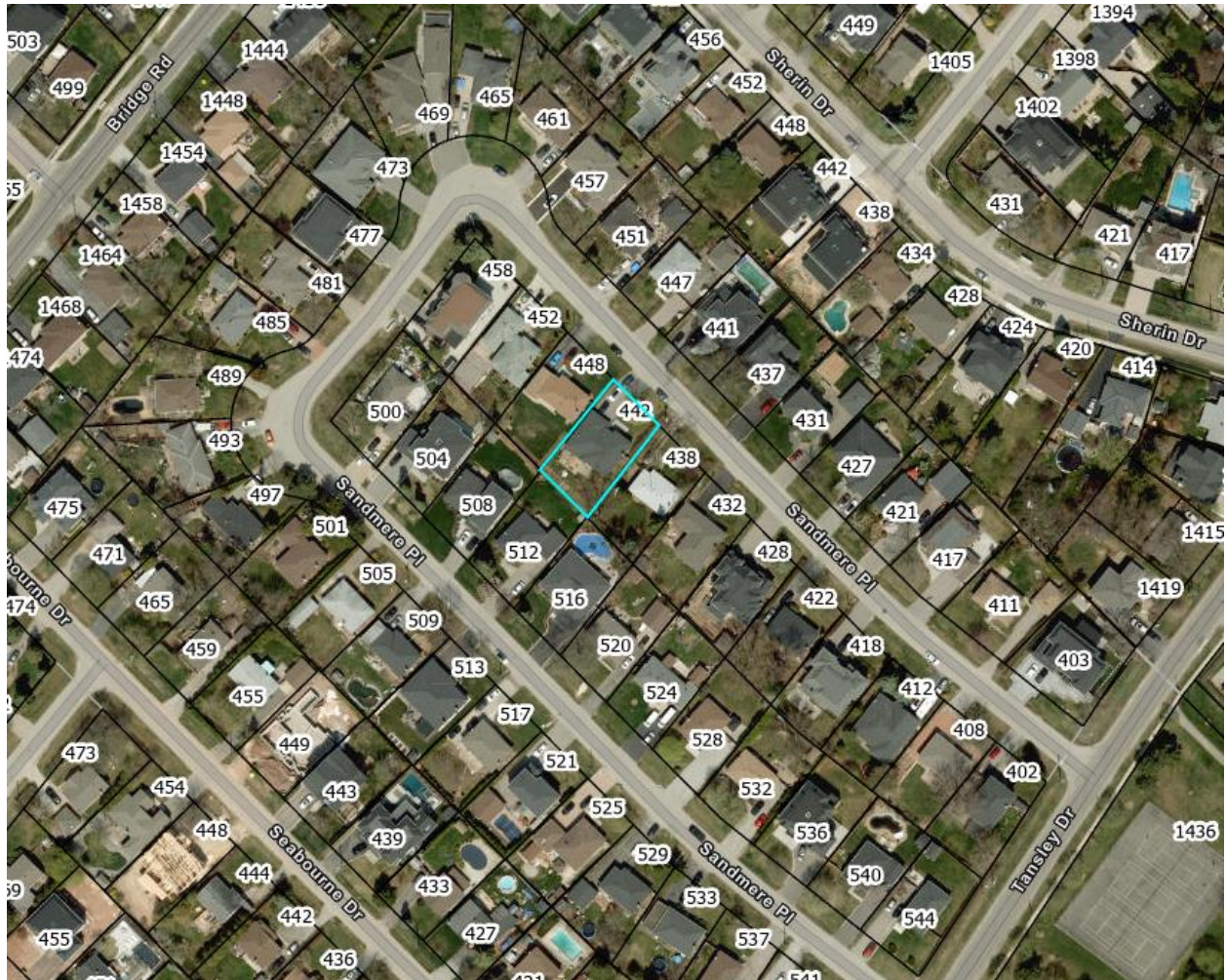
**CAV A/073/2024 - 442 Sandmere Place (West District)** (OP Designation: Low Density Residential)

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 west side of Sandmere Place, as seen in the aerial photo below. The neighbourhood consists of original one and two-storey dwellings, along with some newer two-storey dwellings that did not require Minor Variance applications at the time of their construction.



*Aerial Photo of 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 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.*

**3.2.4. 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 and the protruding front porch 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 large entryway feature would enhance the verticality of the primary façade, and in combination with the additional square footage will 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 façades on the private and public realms in accordance with the Town's Design Guidelines for Stable Residential Communities. Below are examples of other two-storey dwellings with similar components to the proposed dwelling, with smaller and less prominent front porches (noting the remainder of homes along the street are primarily bungalows):



*Streetview Image of 403 Sandmere Place*



*Streetview Image of 417 Sandmere Place*





*Streetview Image of 418 Sandmere Place*



*Streetview Image of 428 Sandmere Place*





*Streetview Image of 441, 437 and 431 Sandmere Place*



*Streetview Image of 457 Sandmere Place*



*Streetview Image of 458 Sandmere Place*



*Streetview Image of 477 Sandmere Place*





*Streetview Image of 504 Sandmere Place*



*Streetview Image of 521 Sandmere Place*





*Streetview Image of 536 Sandmere Place*

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?**

**Variance #1** – Maximum Residential Floor Area Ratio (Objection) – 41% increased to 46%

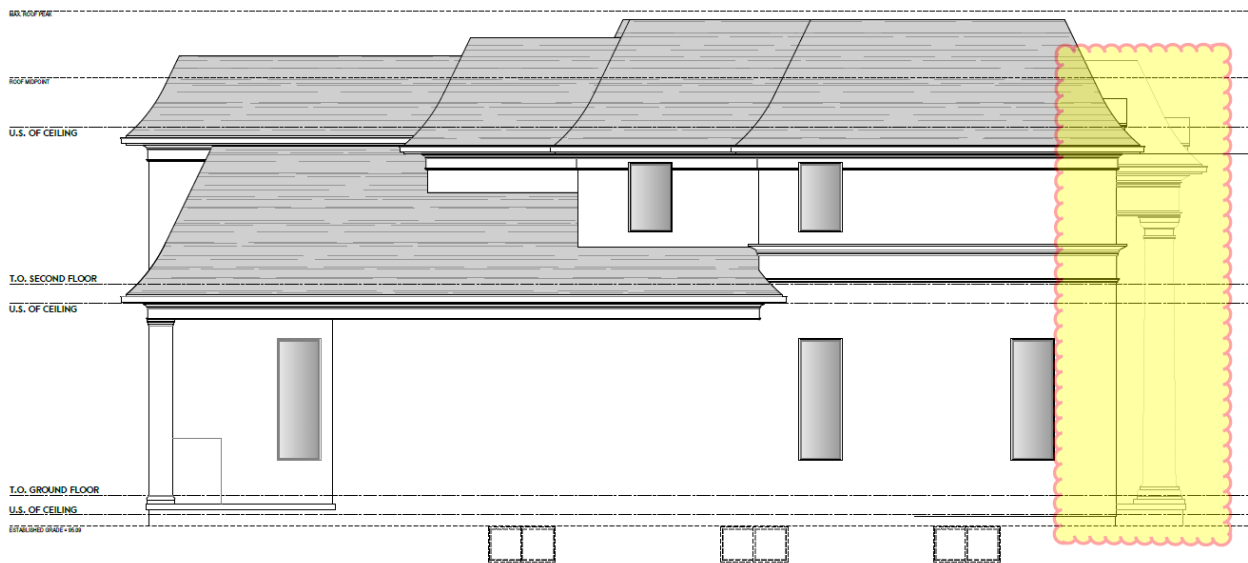
**Variance #2** – Minimum Front Yard Setback (Objection) – 9.13 m reduced to 8.38 m

The intent of regulating the 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 applicant is proposing to increase the residential floor area ratio by 5%, which equates to an additional 34.84 square metres (375.01 square feet), excluding the stair case and open to below and areas (32.49 square metres or 349.72 square feet), which pushes the second-storey floor area to the perimeter of the dwelling. When the residential floor area ratio variance is considered in combination with the proposed reduced front yard setback, the dwelling design does not appropriately mitigate the potential massing and scale impacts on the public realm, as it will be viewed as more dominant along the streetscape. The inclusion of the large and protruding entryway feature creates an overpowering front façade element, which also projects massing towards the public realm, as seen in the marked-up Elevation Drawings below:

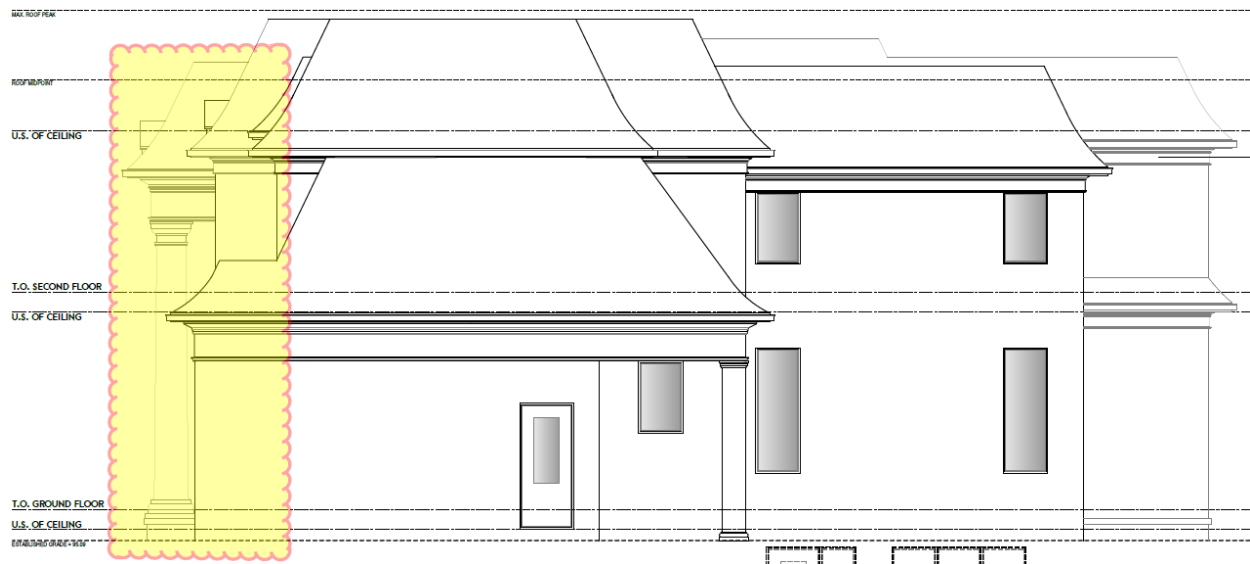


*Proposed Front (East) Elevation*



*Proposed Left (South) Elevation*





### *Proposed Right (North) Elevation*

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 previously noted elements would make the dwelling 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 mass and scale, 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:** No Concerns for Fire.

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

**Transit:** No Comments received.

**Finance:** No Comments received

### **Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of

Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.

- 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 and a decrease in the minimum front yard, an increase in the maximum residential floor area ratio, 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-storey 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 handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

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Heather McCrae, ACST  
Secretary-Treasurer