

# 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, MAY 15th, 2024 AT 7:00 P.M**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MANTEJ KALER NIMARTA KALER	GRAHAM BARRETT SGL PLANNING & DESIGN INC 1547 BLOOR STREET W TORONTO, ON M6P 1A5	2042 SALVATOR BLVD PLAN 1059 LOT 6

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

**ZONING: RL2-0  
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 1022.00 m <sup>2</sup> and 1114.99 m <sup>2</sup> shall be 37%.	To increase the maximum residential floor area ratio to 38.20%.
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 28.50%.
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, Long Range and Heritage Planning, Urban Design and Development Engineering)

**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.

A minor variance application was previously submitted for consideration by the Committee on April 3, 2024. This application was deferred due to Staff comments objecting to two of the

proposed variances, those being residential floor area and lot coverage. Please see the table below for the list of variances proposed in April 2024, and the revised variances being applied for.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	April 3, 2024	May 15, 2024
Maximum Residential Floor Area Ratio	37.0%	38.80%	38.20%
Maximum Lot Coverage	25.0%	29.50%	28.50%
Minimum Front Yard	10.86 m	10.11 m	10.11 m

### Changes to the Proposal

Through the comments prepared for the April 3, 2024, Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling appearing as substantially larger than adjacent dwellings, therefore creating an overpowering effect on the streetscape;
- The portion of the garage and front main wall above that appeared as a full two-storey element from the street, and projected outward towards the public realm;
- The overall increase in residential floor area and lot coverage being requested, resulting in a dwelling with a mass and scale that would not be compatible with the existing stable residential neighbourhood;
- The large open-to-below area in the rear that pushed the second-storey floor area to the perimeter of the dwelling; and,
- The proposed floor area ratio and lot coverage variances would not maintain or protect the existing neighbourhood character.

As seen in the renderings below, revisions have been made to reduce the massing of the proposed dwelling to provide an adequate transition to the existing dwellings in the immediate neighbourhood. The floor area ratio and lot coverage variances have been reduced to mitigate some of the massing and scale concerns from the original proposal. This also results in a slightly smaller building footprint, therefore decreasing the amount of hardscaped and impermeable areas on the lot to help better deal with on-site stormwater management. Additionally, the portion of the garage and front main wall above that presented as a full two-storey element and projected outward towards the street, has been recessed further into the dwelling to reduce the impacts on the public realm. The introduction of the roofing element along the front façade between the first and second floors, further assists in breaking up the verticality of the garage feature by de-emphasizing height and massing of the dwelling.

Development Engineering also had concerns with proposed works that were previously shown in the rear and side yard easements, along with the portion of the driveway within the public right-of-way. All works that were shown in these drainage easements in both the rear and side yard have since been removed from the updated site plan, and the driveway has been reduced to 6.5 m within the public right-of-way, as previously requested and in compliance with the Zoning By-law. Based on the above Development Engineering had no further comments on this application.

Although the open to below area has not been removed, it is Staff's opinion that the reduction to the floor area ratio and lot coverage variances, in addition to the changes made to the front façade, helps in breaking up the massing and scale of the dwelling and adequately mitigates potential impacts. The revised proposal results in a dwelling that is compatible with the existing character of the neighbourhood.



Front Elevation – April 3, 2024



Front Elevation – May 15, 2024

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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:

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

The subject property is designated Low Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. It is staff's opinion that the proposal, as revised, 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 intent of the Zoning By-law provision for regulating the maximum residential floor area and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area. The intent of the Zoning-By law provision for the front yard setback is to ensure uniformity along the street, and to provide an adequate area to allow for the planting and maintenance of large canopy shade trees. Staff are of the opinion that the request maintains 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 proposal represents appropriate development of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

**Recommendation:**

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

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 18, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

**Fire:** No concerns for fire.

**Transit :** Comments not received.

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

**Halton Region: CAV A/056/2024 – M. Singh Kaler & N. Gill Kaler, 2042 Salvator Boulevard, Oakville**

- It is understood that this application was deferred from April 3<sup>rd</sup>, 2024. Regional comments provided on March 26<sup>th</sup>, 2024 still apply.
- 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, 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.

**Bell Canada:** Comments not received.

**Union Gas:** Comments not received.

**Letter(s) in support – None.**

**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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated April 18, 2024; and,
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued for the proposed construction.

A rectangular box containing a handwritten signature in black ink. The signature appears to be "J. Radomirovic" written in a cursive style.

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment