

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/061/2024-Deferred from April 17, 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 29, 2024 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Simply Kapoor, Sunn Gawri	Sakora Design c/o Marco Razzolini 94 Lakeshore Road Mississauga ON L5G 1E3	PLAN 1324 LOT 45 153 Ulster Drive Town of Oakville

**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(s) 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 40.51%.
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.

## **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 29, 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/061/2024 – 153 Ulster Dr (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 of Adjustment on April 17, 2024. This application was deferred due to Staff comments objecting to three of the proposed variances, those being residential floor area ratio, minimum front yard setback and maximum height. Please see the table below for the list of variances proposed in April 2024, and the revised variances currently being sought.

<b>Town of Oakville Zoning By-law 2014-014</b>		<b>Agenda</b>	
<b>Regulation</b>	<b>Requirement</b>	<b>April 17, 2024</b>	<b>May 29, 2024</b>
<b>Maximum Residential Floor Area Ratio</b>	39.0%	40.44%	40.51%
<b>Maximum Height</b>	9 m	9.52 m	N/A
<b>Minimum Front Yard</b>	13.87 m	10.85 m	10.85 m
<b>Window Well Encroachment</b>	1.8 m	3.05 m	3.05 m

### **Changes to the Proposal**

Through the comments prepared for the April 17, 2024 Committee of Adjustment meeting, staff concerns were related to:

- The proposed dwelling appears substantially larger than adjacent dwellings; therefore creating an overpowering effect on the streetscape;
- The overall increase in residential floor area, increased dwelling height, reduction in front yard setback, and chosen architectural elements would result in a dwelling with a mass and scale that would not be compatible with the existing stable residential neighbourhood;
- The cumulative impacts of the previously proposed variances along with the chosen architectural elements 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 existing dwellings in the immediate neighbourhood, and to mitigate the potential massing impacts on the public realm. The dwelling height has been reduced to comply with the established performance standards for low density residential dwellings and the two-storey architectural elements have been removed to mitigate massing and scale impacts on the public realm. As previously noted, when the residential floor area ratio variance is considered in combination with the reduced front yard setback, increased building height and two-storey primary façade elements, the resulting dwelling would appear larger than those in the surrounding area. By removing the two-storey architectural elements and reducing the dwelling height, the applicant has modified the proposal to mitigate the verticality of the dwelling and subsequently potential impacts on the established residential neighbourhood.



Front Elevation – April 17, 2024



Front Elevation – May 29, 2024

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:

**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 and described above, 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 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. The intent of the Zoning By-law provision for window well encroachment 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. Staff are of the opinion that the revised 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 variances are 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 24/04/22; 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:** SFD. Side yard proposed to be decreased from minimum. Minimum side yard set back (1.2m) based on minimum limiting distance for fire spread between properties as well as Fire Department access to rear and side yards. This proposal is not supported by the Fire Department.

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

**Transit:** No Comments received.

**Finance:** No Comments received

### **Halton Region:**

- It is understood that this application was deferred from April 17, 2024. Regional comments provided on April 9, 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 to the maximum width of the window well encroachment into the minimum easterly interior side yard, an increase to the maximum residential floor area ratio, and a decrease to 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:** Three

**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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated 24/04/22.
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 blue ink that reads "Heather McCrae".

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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails of Opposition – 3

## Comitee of Adjustment

I have a complaint. I have heard that Sunny Gauri and Ramesh Gauri want to make their house taller and wider. The thing is, do Dave and Jean Bertollo want this? There are already two tall houses beside Mr and Mrs. Gauri. It has come to my attention that Jean and Dave do not like this idea. Before the two houses on the left and right of Mr and Mrs. Gauri were extended they watched the sunset with family. Now they block their view. If that house extends they will not even have a glimpse of it. You think about it, about who and what it will affect. This might be good for Mr and Mrs Gauri, but not for the environment. This kind of thing leads to pollution, global warming, and climate change. Do you want to help save OUR planet? Well this is not helping. It's their property, they can do what they want with their property, but think about how this is hurting animals, flowers, herbs, and trees, AND humans who care. Think about how long the construction will take if you pass it. The construction will be dusty, and noisy, it will most likely disturb people. You know how in the Pioneer days they didn't have this kind of stuff? They were tough, we need to be tough to. by realizing how many people take what they want, not need. Only, ONLY, take what you need. In this case, this probably what Mr and Mrs. Gauri WANT. I know they can survive without an extra large house. If you agree to this, you might have to agree to everyone if they want extra large houses too. Please let Jean and Dave still have a glimpse of their prized sunset. It would make me so happy and filled with joy. Sincerely,  
Beatrice, (Bea), Crow.

**From:**  
**Sent:** Monday, May 20, 2024 11:36 AM  
**To:** Heather McCrae <heather.mccrae@oakville.ca>  
**Subject:** Fwd: #CAV A/061/2024 153 Ulster Drive Oakville

Hello Heather,

re #CAV A/061/2024-Deferred from April 17,2024 153 Ulster Drive Oakville

My name is George Nicol and live at 149 Ulster Drive Oakville Ontario, L6L3P3.

Variance Request

1. no issue
2. cannot see this being an issue as long as number three is not increased.
3. I am totally opposed to number three regarding the change to the front yard from 13.87 meters to 10.85 meters.

The front yard should remain as it is and if not, no further forward than 151 Ulster & the height should not exceed 9.0 meters as it's the current max.

Putting houses similar to the size and position of 155 Ulster is totally unacceptable. I know that was built and approved during the pandemic but I do not recall being notified and do not understand how it ever got approved.

Building houses of this size does not fit the character of this street or neighborhood at all.

thank you  
George Nicol

----- Forwarded Message -----

**Subject:**#CAV A/061/2024 153 Ulster Drive Oakville  
**Date:**Mon, 15 Apr 2024 16:31:14 -0400  
**From:**  
**To:**[jasmina.radomirovic@oakville.ca](mailto:jasmina.radomirovic@oakville.ca)

Hello Jasmina, re #CAV A/061/2024 153 Ulster Drive Oakville

My name is George Nicol and live at 149 Ulster Drive Oakville Ontario, L6L3P3.

Reference the variance request I am totally opposed to number three and four regarding the change to the front yard from 13.87 meters to 10.85 meters and the max height fro 9.0 meters to 9.52 meters.

The front yard should remain as it is and if not, no further forward than 151 Ulster & the height should not exceed 9.0 meters as it's the current max.

Putting houses similar to the size and position of 155 Ulster is totally unacceptable. I know that was built and approved during the pandemic but I do not recall being notified and do not understand how it ever got approved.



Building houses of this size does not fit the character of this street at all.

thank you  
George Nicol

From:  
Sent: Monday, May 20, 2024 9:55 PM  
To: Heather McCrae <heather.mccrae@oakville.ca>  
Cc:  
Subject: File #CAV A/061/2024

Dear Heather,

We are writing regarding 153 Ulster Drive, Plan 1324, Lot 45. Our names are Mandy and Vic Sahota from 151 Ulster Dr, Oakville, L6L 3P3.  
We have reviewed the Variance requests and decline all 3 proposed changes. Can you please notify us of the final decision on this application.

Kindest regards,

Mandy and Vic Sahota