

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/073/2024-Deferred May 01, 2024      RELATED FILE: N/A

### DATE OF MEETING:

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, JULY 24, 2024 AT 7:00 P.M.**

Applicant / Owner	Authorized Agent	Subject Property
Renuka Mahajan Sumesh Mahajan	Kurtis Van Keulen Huis Design Studio Inc. 1A Conestoga Dr Brampton ON, Canada L6Z 4N5	442 Sandmere PI PLAN 646 LOT 275

**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 43.56%.
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 July 24, 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.

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

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

## Site Area and Context

A Minor Variance application was previously submitted for consideration by the Committee on May 1, 2024. The application was deferred due to staff objection to the cumulative impact of variances for residential floor area and front yard setback, specifically related to massing and scale impacts on the streetscape and abutting properties. Please see the table below for a list of variances being applied for.

Zoning By-law 2014-014		Agenda	
Regulation	Requirement	May 1, 2024	July 24, 2024
Residential Floor Area	41% (285.58 m <sup>2</sup> )	46% (320.40 m <sup>2</sup> )	43.56% (303.41 m <sup>2</sup> )
Front Yard Setback	9.13 m	8.38 m	8.38 m

### Changes to Proposal

In the comments report prepared for the May 1, 2024 Committee of Adjustment meeting, staff expressed concerns about the cumulative impact of additional residential floor area and front yard setback in relation to massing and scale that does not preserve the character of the neighbourhood. Staff also noted that the two-storey front porch feature contributed to the massing and scale impacts on the streetscape and abutting properties. To address these concerns, the applicant has revised the proposed dwelling to reduce the front porch feature to a single storey element and a reduction in the residential floor area from 46% (320.40 m<sup>2</sup>) to 43.56% (303.41 m<sup>2</sup>).



*Original Front Elevation*



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 the 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 within Low Density Residential 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 (RFA) and front yard setback is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding area in addition to providing a generally consistent alignment of buildings along the streetscape. The increase in residential floor area of 2.56% results in 17.83 m<sup>2</sup> of additional floor area. The revisions to reduce the RFA, revised front porch feature, as well as the façade articulation and single-storey elements adequately mitigate the impact of mass and scale. Staff are of the opinion that the revised request maintains the general intent and purpose of the Zoning By-law, noting that the front yard setback remains as originally proposed with a revised front porch feature.

### 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 on adjoining properties or the existing neighbourhood character.

## Recommendation:

Staff do not object to the proposed variances. 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 May 15, 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.

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

**Transit:** No Comments received.

**Finance:** No Comments received

**Metrolinx:** There are no applicable comments for this application.

### **Halton Region:**

- It is understood that this application was deferred from May 1, 2024. Regional comments provided on April 25, 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 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 constructing a two-storey detached dwelling on the Subject Property.
- **General ROP Policy:** The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

**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.

Requested conditions from circulated agencies:

1. The dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated May 15, 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.



FOR

---

Heather McCrae, ACST  
Secretary-Treasurer