

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/143/2024

RELATED FILE: N/A

DATE OF MEETING: October 2, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. BRAJIC D. BRAJIC	Pamir Rafiq Lucid Homes Inc. 1435 CORNWALL RD UNIT Unit D2 Oakville ON, Canada L6J 7T5	PLAN 1059 LOT 22 2063 Salvator Blvd Town of Oakville

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

	Current zoning by-law requirements	Variance request
1	<i>Section 5.8.6 b)</i> For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.	To increase the maximum total floor area for the private garage to 48.32 square metres on a lot having greater than or equal to 12.0 metres in lot frontage.
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 1,022.00 m ² and 1,114.99 m ² shall be 37%.	To increase the maximum residential floor area ratio to 39.65%.

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/143/2024 - 2063 Salvator Boulevard (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a new 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:

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 and development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposed dwelling incorporates many design elements that help to reduce the overall scale and massing impacts. These include: setting back multiple sections at the sides of the dwelling to limit shadowing and overlook conditions on adjacent properties, the inclusion of a one-storey front porch element, multiple single-storey elements, a mix of materials which help to break up the massing of the dwelling and creates some articulation and interest along the front façade, and finally, the second storey partially built into the roof with a lowered roofline above the garage to help de-emphasize the height and scale of the dwelling. These design features assist in limiting any undue massing or visual impacts on abutting properties or the surrounding area. Staff are of the opinion that the proposal maintains the general neighbourhood character and complies with Livable Oakville.

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

Variance #1 – Garage Area (No Objection) – increased from 45 sq. m to 48.32 sq. m

Variance #2 – Residential Floor Area (No Objection) – increased from 37% to 39.65%

The intent of the Zoning By-law provisions for garage area is to prevent it from being a dominant feature of the dwelling and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood.

The proposed dwelling maintains a two-door garage on the front façade of the dwelling, which is consistent with others along the streetscape. Additionally, architectural elements and features as previously noted to help mitigate massing and scale impacts from the public realm. The proposed development is compatible with existing and newly built homes in the surrounding area, most notably 2058 Salvator Boulevard located directly across the street from the subject lands. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.



Proposed Dwelling for 2063 Salvator Boulevard



Streetview of 2058 Salvator Boulevard

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. That the dwelling be constructed in general accordance with the submitted site plan dated May 30, 2024 and elevation drawings submitted with the application; 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 : 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 to the maximum residential floor area ratio to 39.65% and the maximum total floor area for the private garage to 48.32 sq m on a lot having greater than or equal to 12.0 m in lot frontage, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new two-storey detached dwelling on the Subject Property.

Halton Conservation: No comments received.

Bell Canada: No comments received.

Trans Canada Pipeline : No comments received.

CNR: No comments received.

Union Gas: No comments received.

Letter(s) in support –0

Letter(s) in opposition –0

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, 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. That the dwelling be constructed in general accordance with the submitted site plan dated May 30, 2024 and elevation drawings submitted with the application; 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.

Sharon Coyne
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Assistant-Secretary Treasurer
Committee of Adjustment