

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/153/2024

RELATED FILE: N/A

DATE OF MEETING: October 30, 2024

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
E. SHAHID N. EJAZ	GERARDO CASTILLO Keystone Home Designs Inc. 303-251 North Service Rd. W OAKVILLE ON L6M 3E7	PLAN 1059 LOT 2 2016 Salvator Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 1

ZONING: RL2-0  
DISTRICT: West

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**APPLICATION:** Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a new two-storey residential dwelling on the subject property proposing the following variances to Zoning By-law 2014-014:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Section 6.4.3 a)</i> The minimum front yard on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre. In this instance, the minimum front yard shall be 10.0 metres.	To reduce the minimum front yard to 9.72 metres.
2	<i>Table 6.4.2 (Row 1, Column 3)</i> The maximum lot coverage where the detached dwelling is greater than 7.0 metres in height shall be 25%.	To increase maximum lot coverage to 26.66%.
3	<i>Table 6.4.1 (Row 7, Column 2)</i> The maximum residential floor area for a detached dwelling shall be 37%.	To increase the maximum residential floor area to 39.59%.

## 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)

The applicant proposes to demolish the existing one-storey dwelling and construct a new two-storey dwelling subject to the variances listed above.

### **Site Area and Context**

The subject lands are located in a neighbourhood consisting of original one and two-storey dwellings and newer two-storey dwellings. The newer two-storey dwellings consist of a variety of architectural forms and designs. Two storey dwellings are located on either side of the subject property.



*Aerial Photo – 2016 Salvator Boulevard*



*2016 Salvator Blvd – Taken Monday, October 21, 2024*



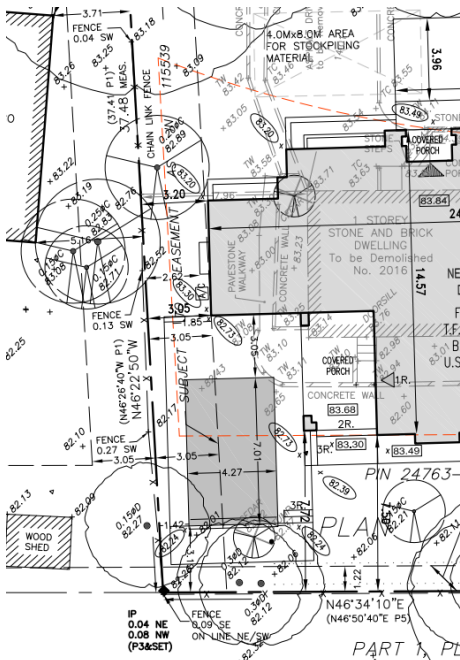


*View of 2022 Salvator Blvd towards 2016 Salvator Blvd and 2006 Salvator Blvd – Taken Monday, October 21, 2024*

There is a Bell Easement that runs along the westerly side yard which conflicts with a proposed window well and the location of the proposed pool. The pool is not subject to this application as it would be reviewed through a Site Alteration permit; however, if the Committee were to approve the proposed development, the applicant would be required to move the window well and proposed pool outside of the area impacted by the easement.



*Town of Oakville Mapping depicting the location of the Bell Easement in side yard of 2016 Salvator*



*Excerpt of Site Plan prepared by applicant which shows window well and pool proposed in location of easement*

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 by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The dwelling is designed to have elements of the second floor in the roofline to minimize the impact of the proposed massing including a one storey covered porch which further breaks up the massing. The resulting massing of the proposed dwelling appears to be consistent with other dwellings in the neighbourhood, as well as the adjacent two storey dwellings. It is staff’s opinion that the proposal maintains the general intent and purpose of the Official Plan.



*Rendering prepared by Applicant*





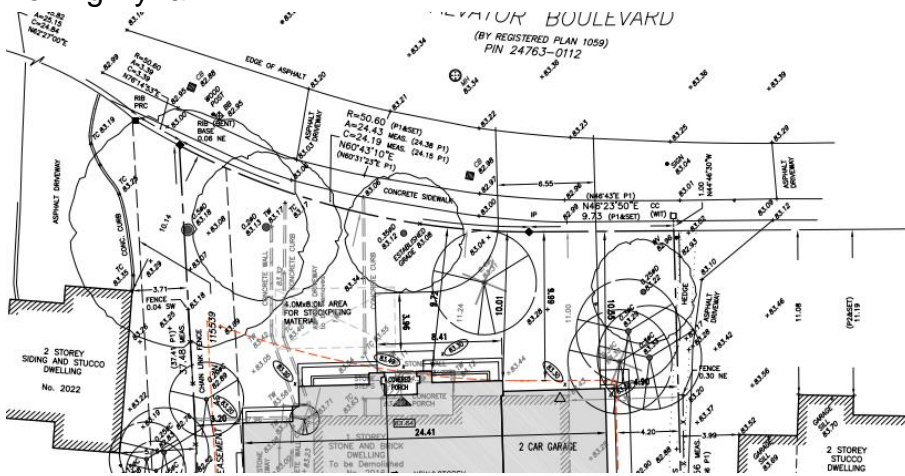
*Rendering prepared by Applicant*

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

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

**Variance #1 – Minimum Front Yard (No Objection) – 10 m reduced to 9.72 m**

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The subject property is located along a curve of the street which results in an inconsistent setback of the dwellings along the street; however, the proposed dwelling is still consistent with the front yard setbacks of the adjacent dwellings resulting in an appropriate setback along the street. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.



*Excerpt of Site Plan prepared by applicant illustrating the proposed setback along the street*

**Variance #2 – Maximum Lot Coverage (No Objection) – increased from 25% to 26.66%.**

The intent of the Zoning By-law provision for lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The statistics provided on the site plan show that the applicant has requested a lot coverage increase of approximately 1.66% (17.72 m<sup>2</sup>) from the maximum permitted through the Town’s Zoning By-law. The proposed dwelling contains architectural elements such as single-storey covered porch and lowered roof line and design features found on surrounding dwellings to help maintain the character of the area.

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

**Variance #3 – Residential Floor Area (No Objection) – 37% increased to 39.59%**

The intent of regulating the residential floor area ratio is to ensure that the dwelling does not have the appearance of being larger than other dwellings in the neighbourhood. The statistics provided on the site plan show that the applicant has requested a residential floor area ratio increase of approximately 2.59% (27.64 m<sup>2</sup>) from the maximum permitted through the Town's Zoning By-law. As mentioned above, the massing and scale of the proposed dwelling is mitigated by the design of the dwelling. Staff are of the opinion that the proposal is compatible and in keeping with the character of the neighbourhood and are supportive of the requested variance.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff note that subject to the proposed window well, pool or any other elements being located outside of the Bell Easement along the subject property's side yard, 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 elevation drawings dated July 5, 2024 and a revised site plan demonstrating that all elements are located outside the easement to the satisfaction of the Director of Planning and Development; 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.

**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 a decrease to the minimum front yard to 9.72 metres, an increase to the maximum lot coverage to 26.66% and an increase to the maximum residential floor area to 39.59%, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new two-storey residential dwelling on the Subject Property.

**Halton Conservation:** No comments.

**Bell Canada:** No comments received.

**Metrolinx:** No comments.

**Hydro:** No comments.

**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 states, 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.

Sharon Coyne

Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment