

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/017/2022 Deferred from February 08th, 2022
FILE: N/A

RELATED

DATE OF MEETING: April 5, LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT
OAKVILLE.CA ON TUESDAY, APRIL 05TH, 2022 AT 7:00 P.M.

Owner (s)	Agent	Location of Land
RAFAL MAJ 54 GERMORDA DR OAKVILLE ON, L6H 1A8	MEAGAN SANDERSON W.E. OUGHTRED & ASSOCIATES 2140 WINSTON PARK DR SUITE 28 OAKVILLE ON, L6H 5V5	54 GERMORDA DR PLAN 386 LOT 14

OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 5

ZONING: RL2-0
DISTRICT: EAST

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 variances:

No.	Zoning By-law Regulation	Variance Request
1	Section 6.4.1 The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> on a <i>lot</i> with a <i>lot area</i> between 929.00 m ² and 1021.99 m ² shall be 38% (353.94 m ²); (Lot area is 931.41 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 41.54% (386.91 m ²).
2	Section 6.4.2 a) (Row RL2, Column 3) The maximum <i>lot coverage</i> shall be 25% (232.85 m ²) where the <i>detached dwelling</i> is greater than 7.0 metres in <i>height</i> ; (Lot area is 931.41 m ²).	To permit the maximum <i>lot coverage</i> to be 28.35% (264.05 m ²) for the <i>detached dwelling</i> which is greater than 7.0 metres in <i>height</i> .
3	Section 6.4.3 a) The <i>minimum front yard</i> on all <i>lots</i> shall be the <i>yard</i> legally existing on the effective date of this By-law less 1.0 metre; (Existing 9.18 m -1.0 m = 8.18 m minimum).	To permit a <i>minimum front yard</i> of 7.55 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/017/2022 - 54 Germorda Dr (East District) (OP Designation: Low Density Residential)
(Deferred from February 8, 2022)

This application was deferred at the February 8, 2022, meeting at the request of the applicant in order to address staff concerns. The applicant revised their proposal by reducing the residential

floor area ratio from an increase of 43.49 square metres to 32.97 square metres. The Staff comments previously provided are revised as follows:

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

The neighbourhood consists of one-storey dwellings original to the area and two storey dwellings that are newly constructed. There are no sidewalks on either side of Germorda Drive and the streetscape contains culverts and mature trees which are a character defining feature of the area.

The subject lands are designated Low Density Residential in the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

Variance #1 – Residential Floor Area Ratio (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 38% (353.94 square metres) to 41.54%. (386.91 square metres) for an increase of 32.97 square metres. The proposed design of the dwelling includes an open to below area above the foyer which results in a greater perceived residential floor area ratio.

The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The reduction in residential floor area ratio results in a dwelling that is more compatible with the character of the surrounding neighbourhood. From an urban design perspective, the design of the second storey includes setbacks which assist in breaking up the massing.

Variance #2 – Lot Coverage (Supported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum lot coverage from 25% (232.85 square metres) to 28.35% (264.05 square metres) for an increase of 31.2 square metres. The intent of regulating lot coverage is to prevent the construction of a dwelling with a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff are of the opinion that a variance regarding lot coverage is interrelated to a variance regarding the residential floor area ratio. With the reduction in the residential floor area ratio, the massing of the dwelling is more appropriate. As a result, staff are of the opinion that the requested increase meets the intent of the Official Plan and Zoning By-law, is minor and will not have a negative impact on adjacent and surrounding properties.

Variance #3 – Minimum Front Yard (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum front yard setback from 8.18 metres to 7.55 metres for a reduction of 0.63 metres. The front yard is measured from the front property line to the main wall of the dwelling which is a one-storey architectural feature of the dwelling. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. In this instance, staff are of the opinion that the decrease in front yard setback will not have a negative impact on adjacent and surrounding properties.

Notwithstanding the comments above, it appears that the proposed window wells may not comply with the zoning by-law requirements.

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with window well regulations during construction, which may or may not be in general accordance with the plans submitted with this application.

Alternatively, the applicant may request a deferral of this application in order to submit a Building Permit application for a complete Zoning review. It should be noted staff do not complete a full Zoning review of minor variance applications; rather confirm the accuracy of the variances applied for.

Conclusion:

In summary, based on the application as submitted, Staff are of the opinion that the application satisfies the applicable tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated March 9, 2022; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. 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.

Fire: Comments not received.

Transit : No comments.

Halton Region: 6.10 CAV A/017/2022 – R. Maj, 54 Germorda Drive, Oakville

- It is understood this application was deferred from February 8th, 2022. Regional comments provided on February 8th, 2022 still apply.
- The majority of the subject property falls within Conservation Halton (CH) regulated area, floodplains and watersheds. Conservation Halton (CH) Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- 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 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 constructing a two-storey detached dwelling on the subject property.

Halton Conservation:

The property at 54 Germorda Drive is outside of CH's regulated area and it therefore not regulated by CH. Development on the subject property does not require permission from CH, we have no comments or concerns at this time.

Oakville Hydro:

CAV -017-2022 54 Germorda Drive

We do not have any objection with this Minor Variance Application. Please make note that the new house will require a new underground hydro service from Germorda Drive. In addition, any relocations due to conflicts with the existing pole(s) and/or wire(s) located on the property will be at the property owner's expense.

We do not have any objection or comments for the other Minor Variance Applications on the agenda.

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. That the dwelling be built in general accordance with the submitted site plan and elevation drawings dated March 9, 2022; 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 cursive script, which appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment