

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/138/2022-Revised-Deferred from August 16, 2022**

**RELATED FILE: N/A**

**DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, DECEMBER 13, 2022 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
Roman Boyko 741 Bloor Street Mississauga ON L4Y 2M7	Guitberg Group Inc c/o Victor Guitberg 33 Belvedere Crescent Richmond Hill ON L4C 8W1	PLAN 536 LOT 71 1527 Constance Drive Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3**

**ZONING: RL3-0  
DISTRICT: East**

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:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 6.4.1</b> 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 650.00 m <sup>2</sup> and 742.99 m <sup>2</sup> shall be 41% (286.02 m <sup>2</sup> ); (Lot area is 697.60 m <sup>2</sup> ).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 44.95% (313.57 m <sup>2</sup> ).

## 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)

**CAV A/138/2022 - 1527 Constance Dr (East District)** (OP Designation: Low Density Residential)

This application was deferred at the August 16, 2022, meeting as the requested variance was not supported by the staff. The requested variance has been reduced from previous application from 51.36% (358.31 square metres) to 44.95% (313.57 square metres) and Staff comments as previously provided are as follows:

The applicant is proposing to construct a two-storey detached dwelling subject to the variance above.

The neighbourhood consists of one and one and a half storey dwellings that are original to the area and two-storey dwellings that are newly constructed. Constance Drive has sidewalks on both sides of the street and the lotting pattern is consistent along the street, which results in a relatively similar built form of existing and new dwellings.

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 41% (286.02 square metres) to 44.95%. (313.57 square metres) for an increase of 27.55 square metres. 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 proposed dwelling has been designed to reduce the mass and scale by lowering the roofline, incorporating the second storey into the roof. Staff are of the opinion that the requested variance is compatible with the neighbourhood and meets the intent of the Official Plan and Zoning By law.

#### **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, floor plans and elevations dated June, 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:** No concerns for fire. DL

**Oakville Hydro:** We do not have any objection or comments for this Minor Variance Application.

**Transit:** No Comments Received

**Finance:** None

**Halton Region:**

- It is understood this application was deferred from August 16, 2022. Regional comments provided on August 5, 2022 still apply.
- 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 maximum residential floor area ratio, 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.

**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 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, floor plans and elevations dated June, 2022.
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 handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

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Heather McCrae, ACST  
Secretary-Treasurer