

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/034/2024

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 06, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Venkateswarlu Bollu	Tenhouse Building Workshop c/o Matthew Fratarcangeli 107 Gladstone Avenue Hamilton ON L8M 2H8	PLAN 646 LOT 181 410 Samford Place Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 2

ZONING: RL3-0  
DISTRICT: West

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.	Zoning By-law Regulation	Variance Request
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 47.78%.

## 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 March 6, 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. The following comments are provided:

**CAV A/034/2024 - 410 Samford PI (West District)** (OP Designation: Low Density Residential)

The applicant proposes to construct a two-storey detached dwelling, subject to the variance 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:

## Site and Area Context

The subject property is in a neighbourhood which is currently in transition. The neighbourhood contains one-storey dwellings that are original to the area, and newly constructed two-storey homes.



*Aerial Photo of 410 Samford Place*



*Street View of 410 Samford Place*

### **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 is required to be evaluated using the criteria established in Section 11.1.9 to

maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

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

The intent of regulating residential floor area is to ensure that the dwelling does not appear larger than those in the surrounding area, and that the massing does not present unacceptable adverse impacts on neighbouring properties. The proposal includes differing building elements and forms to reflect the massing and scale of the dwellings in the surrounding area through varying building materials and colours between the first and second storeys, horizontal detailing, and subdividing the building into smaller elements through additive massing techniques. The dwelling as proposed is consistent with the changing character of the existing neighbourhood, and therefore, Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law.

Notwithstanding the comments above, it appears that the following variances may have been missed, and therefore, the proposal may not comply with the Zoning By-law requirements:

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 4.27 a)</b> A rooftop terrace is permitted on a lot in any Zone, except for Residential Low -0 Suffix Zones.	To permit a rooftop terrace.
2	<b>Section 4.27 i)</b> In Residential Low Zones, a rooftop terrace is only permitted on the first storey of the dwelling having two or more storeys with a maximum 1.5m depth measured from the main wall.	To permit an increase in the maximum depth (depth not identified on plans provided).

Therefore, depending on the outcome of this application, the applicant may need to revise the proposal to comply with relevant 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, they only confirm the accuracy of the variances applied for.

### **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 proposed two-storey dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated January 3, 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 for this minor variance application.

**Transit:** No Comments received.

**Finance:** None

**Halton Region:**

- 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 permitting the construction of a two-storey detached dwelling on the Subject Property.

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Six

**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. That the proposed two-storey dwelling be constructed in general accordance with the submitted site plan and elevation drawings dated January 3, 2024.
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.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails in Support – 6

**From:**  
**Sent:** Saturday, February 24, 2024 12:01 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Cc:**  
**Subject:** 410 Samford place, Oakville

Re: The proposed Variance Request, we don't have any issues, pertaining to the same.

Manuel and Gabriela DaRosa  
409 Samford Place Oakville

**From:**  
**Sent:** Saturday, February 24, 2024 10:28 PM  
**To:** coarequests <coarequests@oakville.ca>  
**Subject:** File # CAV A/034/2024 – 410 Samford Place, Oakville, L6L 4E8

Respected Team,

I am writing this letter to express my full support for the variance application submitted by Venkateswarlu Bollu for 410 Samford Place, Oakville. As a neighbor in close proximity to the

subject property, I believe that the proposed variance aligns with the spirit of the neighborhood and will have a positive impact.

Additionally, I would like to emphasize that Venkateswarlu Bollu has been proactive in communicating with the community, addressing concerns, and seeking feedback. This collaborative approach demonstrates a commitment to maintaining a harmonious neighborhood.

In conclusion, I believe that granting the requested variance is in the best interest of the community and will contribute to the overall improvement and enhancement of our neighborhood. I respectfully request that the Committee of Adjustment carefully considers this letter and supports the approval of the variance application.

If you require any further information or would like to discuss this matter in more detail, please do not hesitate to contact me at

Thank you for your time and consideration.

Sincerely,

REDDI KIRAN BOSIGARI

**From:**

**Sent:** Sunday, February 25, 2024 5:35 PM

**To:** coarequests <coarequests@oakville.ca>

**Subject:** File # CAV A/034/2024 410 Samford Place

To whom it may concern,

My husband and I live in the above-noted address and we have no objections for the variance and fully endorse the project.

Kinda regards,

Lubna Sabbah

**From:**

**Sent:** Monday, February 26, 2024 12:48 PM

**To:** coarequests <coarequests@oakville.ca>

**Subject:** File # CAV A/034/2024 - 410 Samford Place

Hello,

I reside in the immediate neighbourhood and have no objections for the variance and fully support this project.

Thank you.

**From:**

**Sent:** Tuesday, February 27, 2024 8:16 PM

**To:** coarequests <coarequests@oakville.ca>

**Subject:** 410 Stamford variance

Hello,

Just wanted to send an email of support for the public hearing and variance application for 410 Stamford property.

Me and my husband reviewed the proposed drawings and are in full support. Hope the build goes well!

Thanks,

Regards  
Sridevi Darmapuri

**From:**

**Sent:** Thursday, February 29, 2024 10:11 AM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** Letter of Support for the File #CAV A/034/2024

Hi Heather,

I am writing this letter to express my full support for the variance application File #CAV A/034/2024 submitted by Venkateswarlu Bollu for 410 Samford Place PLAN 646 LOT 181. As a neighbor in close proximity to the subject property, I believe that the proposed variance aligns with the spirit of the neighborhood and will have a positive impact.

Additionally, I would like to emphasize that Venkateswarlu Bollu has been proactive in communicating with the community, addressing concerns, and seeking feedback. This collaborative approach demonstrates a commitment to maintaining a harmonious neighborhood.

In conclusion, I believe that granting the requested variance is in the best interest of the community and will contribute to the overall improvement and enhancement of our neighborhood. I respectfully request that the Committee of Adjustment carefully considers this letter and supports the approval of the variance application.

If you require any further information or would like to discuss this matter in more detail, please do not hesitate to contact me at

Thank you for your time and consideration.

Sincerely,

Pramod Darma