

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/101/2021-Revised
Deferred from July 13, 2021

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JANUARY 25, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Qader Hashimi 241 Donessle Drive Oakville ON L6J 3Y8	Hosseini Homes Corporation c/o Mehdi Hosseini 201 Steeles Avenue East Toronto ON M2M 3Y6	PLAN 422 LOT 10 241 Donessle Drive Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential – Special Policy

ZONING: RL1-0

WARD: 3

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 variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 9, Column RL1) The maximum <i>dwelling depth</i> shall be 20.0 metres.	To permit the maximum dwelling depth of 22.60 metres.
2	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> 1301.00 m ² or greater shall be 29% (517.27 m ²); (Lot area is 1,783.69 m ²).	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 30.59% (545.59 m ²).
3	Section 6.4.6 c) The maximum <i>height</i> shall be 9.0 metres.	To permit a maximum <i>height</i> of 9.66 metres.

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/101/2021 - 241 Donessle Dr (East District) (OP Designation: Low Density Residential – Special Policy) (*Deferred from July 13, 2021*)

This application was deferred at the July 13, 2021 meeting at the request of the applicant in order to address staff concerns. The applicant has revised their proposal by removing variances for encroachment of access stairs below grade into a minimum flankage yard; updating the design of the dwelling to reduce the requested Residential Floor Area Ratio from 32.47% to 30.59%; reducing the driveway width to comply with the zoning by-law; reducing the height of

the accessory building to comply with the zoning by-law; reducing the garage area to comply with the zoning by-law; and including a variance for dwelling depth which was previously missed. The Staff comments previously provided are revised as follows:

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

The neighbourhood is characterized by a combination of original one, one and half and two storey dwellings and newly constructed two-storey dwellings of varying sizes. The majority of the dwellings are two storey or incorporate two-storey elements. Mature trees and various species of vegetation on private property and within the road allowance, provide a significant amount of screening, shade and contribute to the character of the area. The subject property is located at the north east corner of Donessle Drive and Esselmont Avenue and neither street has sidewalks on either side of the street. The lotting pattern is fairly consistent throughout the neighbourhood, which results in relatively similar built form of existing and newly built dwellings. Other two storey dwellings in the area appear to incorporate elements to reduce the appearance of the two storey massing.

The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, applies to the Low Density Residential designation and is intended to protect the unique character and integrity of the large lots in the area.

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.”

The intent of the Official Plan and Zoning By-law is to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development, which maintains the integrity of the large lots and does not negatively impact surrounding properties.

Variance #1 - Dwelling Depth (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to increase the dwelling depth from 20.0 metres to 25.61 metres. One of the intentions of regulating the dwelling depth is to assist in ensuring that an adequate rear yard amenity space is provided and reduce the potential for any adverse impacts such as overlook, privacy loss and shadowing from rear yard projections. It is also intended to control the massing and size of new dwellings in relation to adjacent properties. The proposed dwelling depth appears to be comparable to the extent of the existing dwelling. Staff are of the opinion that the proposed dwelling depth is satisfactory and does not have a negative impact on adjacent properties or the surrounding area.

Variance #2 – Residential Floor Area Ratio (Supported)

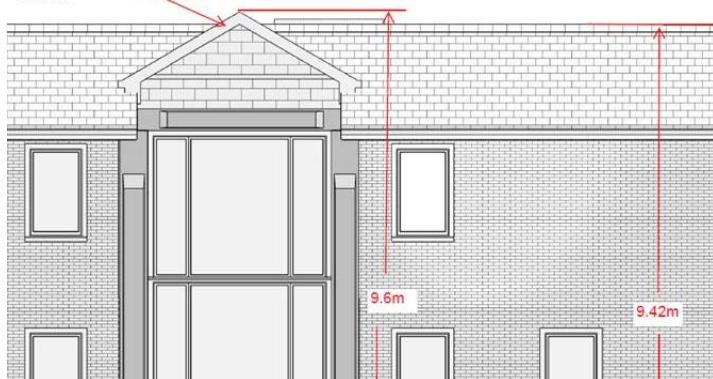
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 29% (517.27 square metres) to 30.59% (545.59 square metres) for an increase of 28.32 square metres. This is a decrease from the previously requested increase of 61.98 square metres. The applicant has also reduced the proposed open to below areas from approximately 66.22 square metres or 712.72 square feet to approximately 40.93 square metres or 440.55 square feet. 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 applicant has made efforts to improve the design of the proposed dwelling and reduce the impact of an increase in residential floor area. The neighbourhood is characterized by larger two-storey dwellings which is consistent with the request.

Variance #3 – Maximum Height (Unsupported)

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in maximum height from 9 metres to 9.66 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the height of a dwelling is to prevent a mass and scale that appears larger than dwellings in the surrounding neighbourhood and to reduce impacts of shadowing and overlook. There appears to be a grade change on the property which may warrant some relief in height but the current request is not compatible with the surrounding area.

It appears that a portion of the roof extends beyond the height of the remainder of the dwelling which has a height of 9.42 metres. Staff are of the opinion that this element should be reduced in height to limit the impact of the requested increase in height.

Diagram prepared by Hosseini Homes Corporation demonstrating the proposed height of the dwelling:



Subject property:



Conclusion:

In summary, based on the application as submitted, staff are of the opinion that variance #3 should not be supported as it does not satisfy the four tests under the *Planning Act*. Further, it is staff's opinion that variances #1 and #2 satisfy the four tests under the *Planning Act*.

Fire: SFD. FD Access Acceptable. No concerns to submit

Transit: No Comment

Finance: None

Halton Region:

- It is understood this application was deferred from July 13th, 2021. Regional comments provided on July 13th 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 dwelling depth, an increase in the maximum residential floor area ratio, and an increase in the maximum height, 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.

Region of Halton Comments from July 13th Meeting:

- 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 encroachment into the minimum flankage yard for uncovered access to stairs below grade, an increase in the maximum floor area ratio, and an increase in the maximum height 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.

A handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

Heather McCrae, ACST
Secretary-Treasurer