

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: CAV A/139/2024**  
**DATE OF MEETING: October 2, 2024**

**RELATED FILE: N/A**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
R. SHAHEEN T. SHAHEEN	Stephanie Matveeva Glen Schnarr and Associates Inc. 700-10 Kingsbridge Garden Cir Mississauga ON, L5R 3K6	PLAN 1103 LOT 4 208 Donessle Dr Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential Special Policy Area**

**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 a two-storey detached 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 5.8.6 c)</i> For lots located within the Residential Low (RL1) Zone the maximum total floor area for a private garage shall be 56.0 square metres and the maximum width of the entrance to the private garage shall be 9.0 metres.	To increase the maximum total floor area for a private garage to 74.5 square metres and increase the maximum width of the entrance to the private garage to 10.7 metres.
2	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 metres.	To reduce the minimum southerly interior side yard to 3.1 metres.
3	<i>Table 6.3.1 (Row 5, Column RL1)</i> The minimum interior side yard shall be 4.2 metres.	To reduce the minimum southerly interior side yard to 2.4 metres.
4	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 metres.	To increase the maximum dwelling depth to 21.9 metres.
5	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1,301.0 m <sup>2</sup> or greater shall be 29%.	To increase the maximum residential floor area ratio to 39.8%.
6	<i>Table 6.4.2 (Row 1, Column 3)</i> Where the detached dwelling is greater than 7.0 metres in height, the maximum lot coverage shall be 25%.	To increase the maximum lot coverage to 32.8%.
7	<i>Section 6.4.3 a)</i> The minimum front yard shall be 14.6 metres in this instance.	To reduce the minimum front yard to 12.4 metres.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### Planning Services:

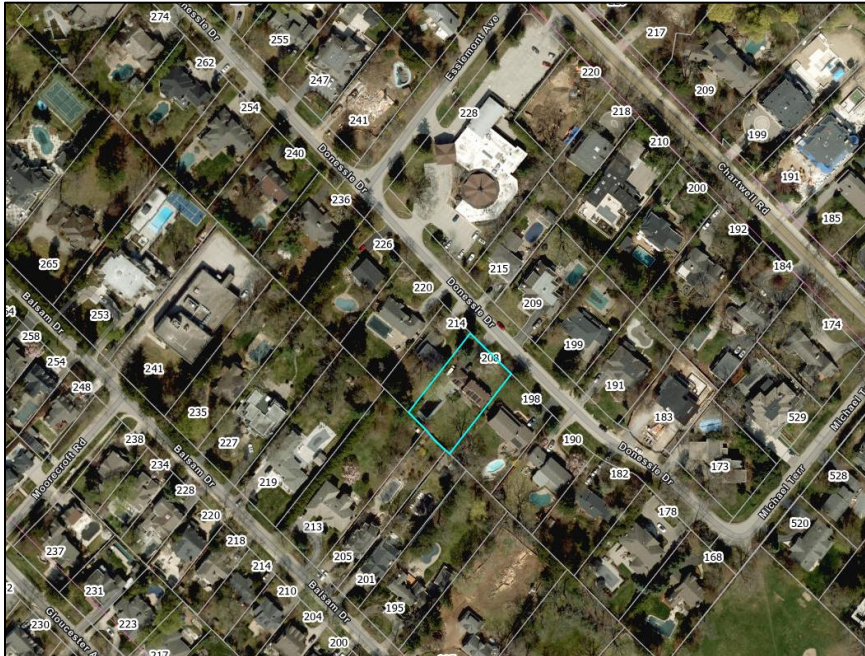
**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

### **CAV A/139/2024 – 208 Donessle Drive (East District) (OP Designation: Low Density Residential – Special Policy Area)**

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

### **Site Area and Context**

The subject lands are within a neighbourhood that consists of two-storey dwellings with some newer two-storey dwellings ranging in architectural forms and design having been constructed within recent years. Along this portion of Donessle Drive, the main walls of dwellings on both sides of the street are generally set back from the front lot line the same as or more than the minimum front yard setback of the zoning by-law.



*Aerial Photo – 208 Donessle Drive*

The following images are of adjacent dwellings and recently constructed dwellings along Donessle Drive and Michael Terrace.



*198 Donessle Drive*



*214 Donessle Drive*



*209 Donessle Drive*



215 Donessle Drive



183 Donessle Drive



247 Donessle Drive



*529 Michael Terrace*

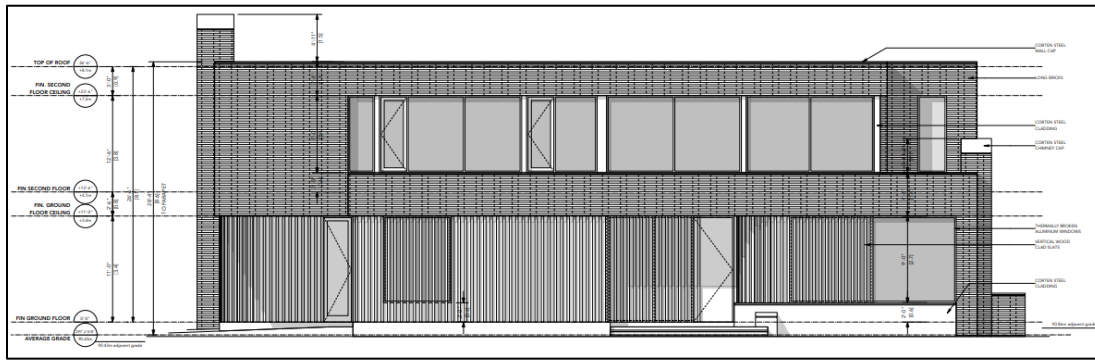
The existing dwelling and proposed dwelling may be viewed in the images below.



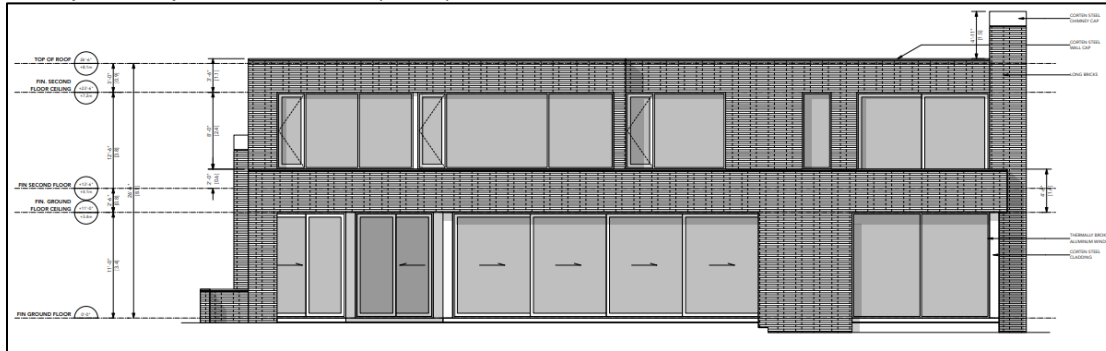
*Existing Dwelling – 208 Donessle Drive*



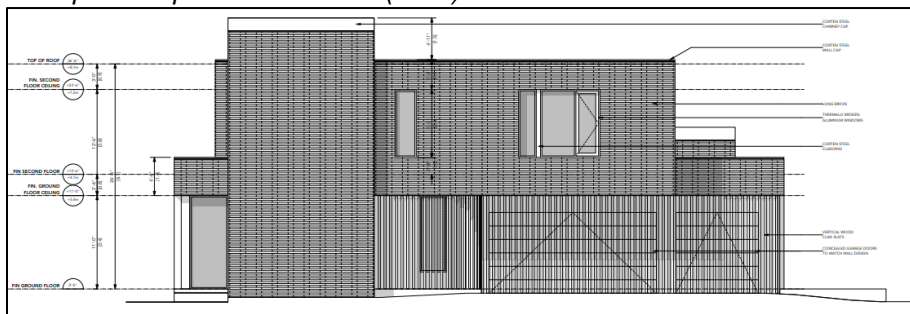
*Proposed Dwelling – 208 Donessle Drive*



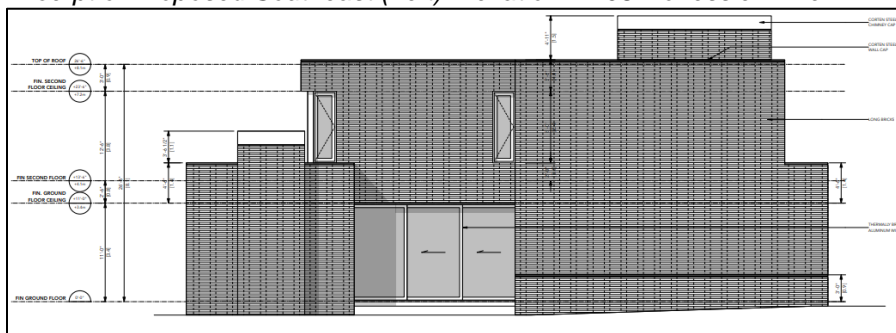
*Excerpt of Proposed Northeast (Front) Elevation – 208 Donessle Drive*



*Excerpt of Proposed Southwest (Rear) Elevation – 208 Donessle Drive*

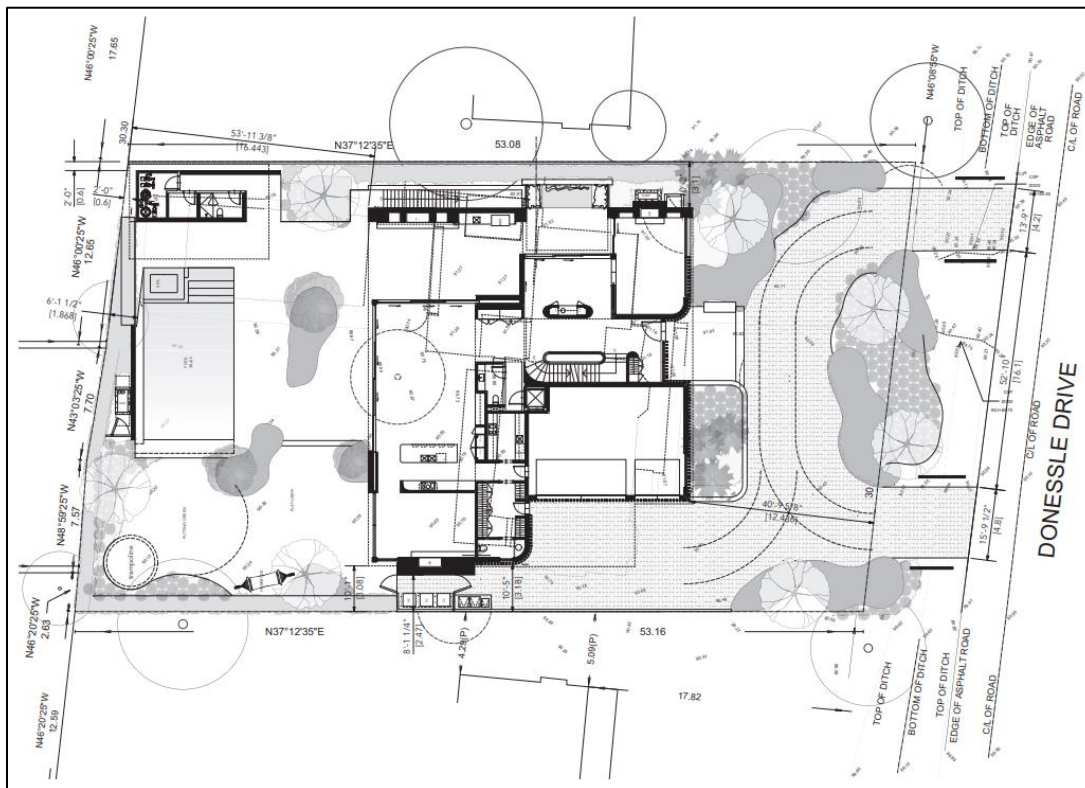


*Excerpt of Proposed Southeast (Left) Elevation – 208 Donessle Drive*



*Excerpt of Proposed Northwest (Right) Elevation – 208 Donessle Drive*

The proposed site plan is shown below:



Excerpt of Proposed Site Plan – 208 Donessle Drive

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 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 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.”*

Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. The variances have been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and

protection of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular, the following sections:

**3.1.1 Character:** *New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

**3.2.1 Massing:** *New development, which is larger in overall massing than adjacent dwellings, should be designed to reduce the building massing through the thoughtful composition of smaller elements...*

**3.2.3 Setbacks:** *New development should be oriented and positioned on the lot to be compatible with the existing pattern of dwelling placement, in terms of front, side, flankage and rear yard setbacks.*

While the proposed dwelling incorporates design elements that incorporates step backs of various portions of the building, it does not maintain or preserve the scale and character of the surrounding neighbourhood, nor does the proposal sufficiently mitigate the impact of the massing and scale on abutting properties. Additionally, the proposed dwelling does not maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area resulting in a dwelling closer to the public street and less separation distance along both side yards. Therefore, on the foregoing basis it is staff's opinion that the requested variances are not in keeping with the Official Plan.

### **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** – Garage Floor Area (No Objection) – 56m<sup>2</sup> increased to 74.5m<sup>2</sup>  
Garage Width (No Objection) – 9.0m increased to 10.7m

The intent of regulating garage floor area and garage width is to ensure that the garage is not a visually dominant feature of the dwelling. The proposed garage is accessed from the southerly side yard and the proposed design includes elements that blend the garage portion of the dwelling into the front elevation and as a result the increased size and width of garage would not be directly visible from the public realm.

**Variance #2** – Northerly Interior Side Yard (Objection) – 4.2m reduced to 3.1m  
**Variance #3** – Southerly Interior Side Yard (Objection) – 4.2m reduced to 2.4m

The intent of regulating side yard setbacks is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. When combined, the proposed reductions amount to the equivalent of 2.9 metres in increased building width and reduced separation from the property lines, which raises concerns from both a scale/massing and a grading/drainage perspective. On this basis, staff are of the opinion that the requested variances do not maintain the general intent and purpose of the Zoning By-law.



**Variance #4** – Dwelling Depth (Objection) – 20m increased to 21.9m

**Variance #5** – Residential Floor Area (Objection) – 29% increased to 39.8%

**Variance #6** – Lot Coverage (Objection) – 25% increased to 32.8%

The intent of regulating the dwelling depth, residential floor area, and lot coverage is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The requested increase in dwelling depth is not attributed to a small portion of the dwelling, such as a sunroom or a covered porch, but the proposed increased dwelling depth is required for the majority of the dwelling. The applicant is also proposing an approximate increase in residential floor area of 173.6 sq m (1,868.6 sq ft). For context, the subject property is significantly larger than two lots in the immediate area (lot to the north and the lot to the north of the lot directly across the street). This larger lot area and the requested increase in lot coverage, which is a significant increase from other dwellings in the neighbourhood, will result in a proposed dwelling that is significantly larger than others along the street and would not maintain or protect the neighbourhood character. Additionally, Forestry staff have indicated concerns with the amount of hard surface and the requirement to remove multiple trees that may cause injury to others, because of the proposed driveway, which includes a circular driveway across the front, and a wide driveway all along the side. On this basis, staff are of the opinion that the requested variances do not maintain the general intent and purpose of the Zoning By-law.

**Variance #4** – Minimum Front Yard (Objection) – 14.6m reduced to 12.4m

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street. The proposed reduction in front yard setback is due to the projection of the attached garage and second storey living space towards the street. The reduced front yard of 12.4m allows two-storey massing being projected towards the street creating an overpowering effect on the streetscape and resulting in a dwelling that is not compatible with the surrounding neighbourhood. It results in the dwelling being closer to the street than the average of the front yard setbacks of the adjacent dwellings resulting in non-uniform setback along the street. As such, staff are of the opinion that proposed minimum front yard setback does not meet the general intent and purpose of the Zoning By-law.

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

It is staff's opinion that the cumulative impacts of the requested variances result in a proposed dwelling that represents an overbuild of the site and is not in keeping with the surrounding neighbourhood. Increased imperious coverage of the property also presents drainage concerns and, without the submission of a proposed grading plan, it is unclear whether rear yard drainage may be impacted by the proposal. The requested variances are not minor in nature or appropriate for the development of the lands. The variances intend to facilitate a development that does not maintain the character of the neighbourhood.

### **Recommendation:**

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

**Fire:** No concerns for Fire.

**Transit :** No comments received.

**Finance:** No comments received.

**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 an increase to the maximum total floor area for a private garage to 74.5 square m, an increase to the maximum width of the entrance to the private garage to 10.7 m, a decrease to the minimum southerly interior side yard to 3.1 m, a decrease to the minimum southerly interior side yard to 2.4 m and an increase to the maximum dwelling depth to 21.9 m, 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:** No comments received.

**Bell Canada:** No comments received.

**Trans Canada Pipeline :** No comments received.

**CNR:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**

*Sharon Coyne*

---

Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment