

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/018/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
K. HEENEY A. DHANJI	Sandra Gava Sandra Gava Architect Inc. 669 Montego Cres Burlington ON L7N 2Y9	PLAN 1103 LOT 2 190 Donessle Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential SP.
WARD: 3

ZONING: RL1-0, Residential
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 to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 6.3.1 (Row 9, Column RL1)</i> The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 22.95 m.
2	<i>Table 6.4.1</i> The maximum residential floor area ratio for a detached dwelling on a lot with a lot area 1301.00 m ² or greater shall be 29%.	To increase the maximum residential floor area ratio to 31.76%.
3	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.45 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)

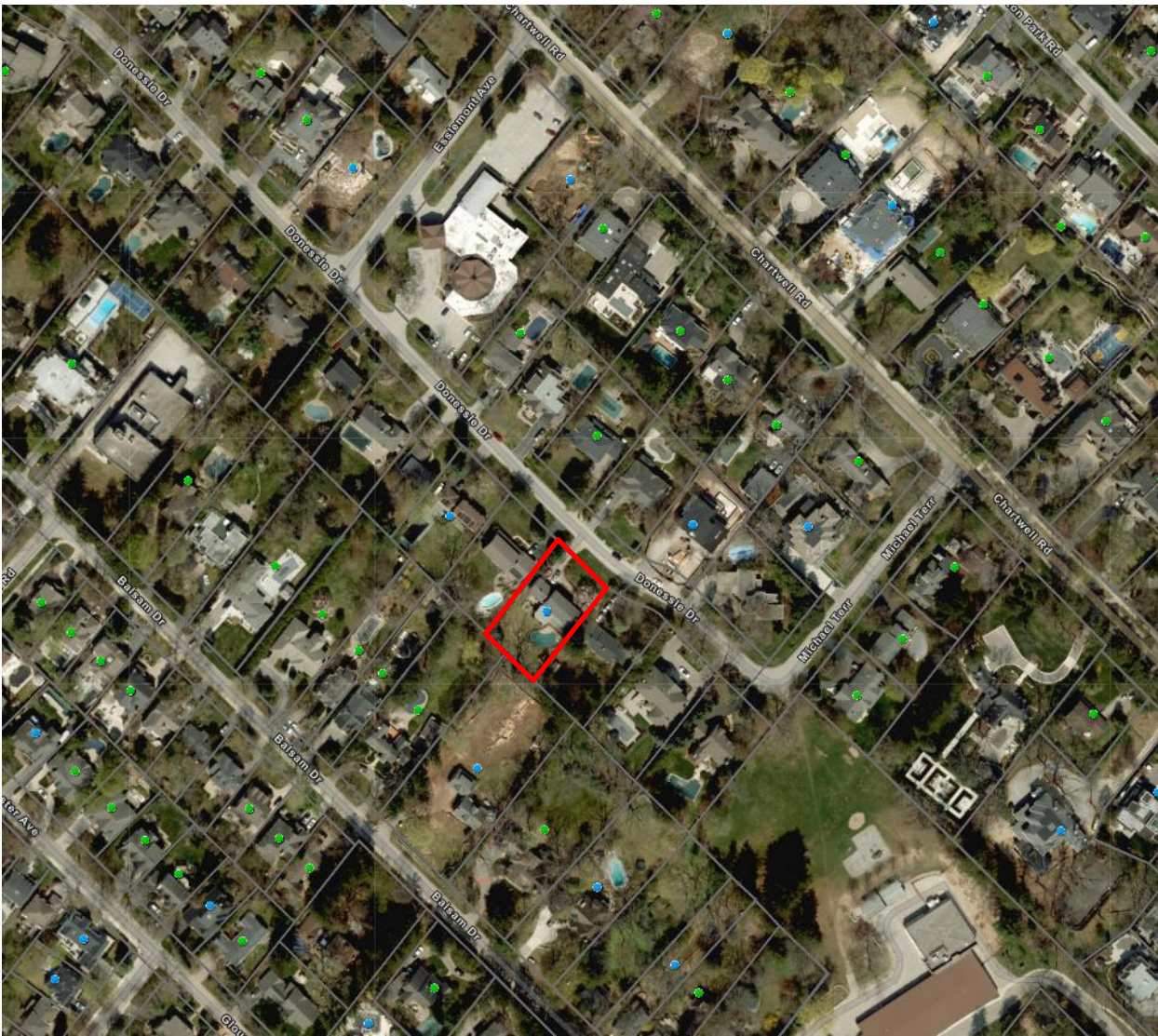
A/018/2025 – 190 Donessle Drive (East District) (OP Designation: Low Density Residential – Special Policy Area)

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 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 with some having been constructed within recent years.



Aerial Photo – 190 Donessle Drive

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



Lands to the South – 182 Donessle Drive



Lands to the East – 191 Donessle Drive



Lands to the North – 198 Donessle Drive



208 Donessle Drive (CAV A/139/2024, OLT-24-001247)



Lands to the East – 199 Donessle Drive



183 Donessle Drive (CAV A/037/2022)



241 Donessle Drive (CAV A/101/2021)

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



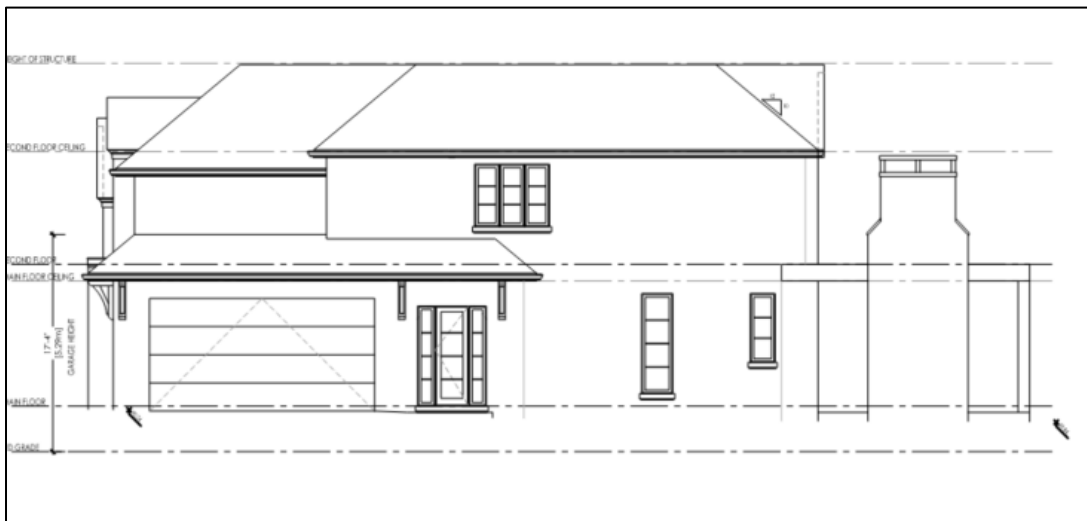
Existing Dwelling – 190 Donessle Drive



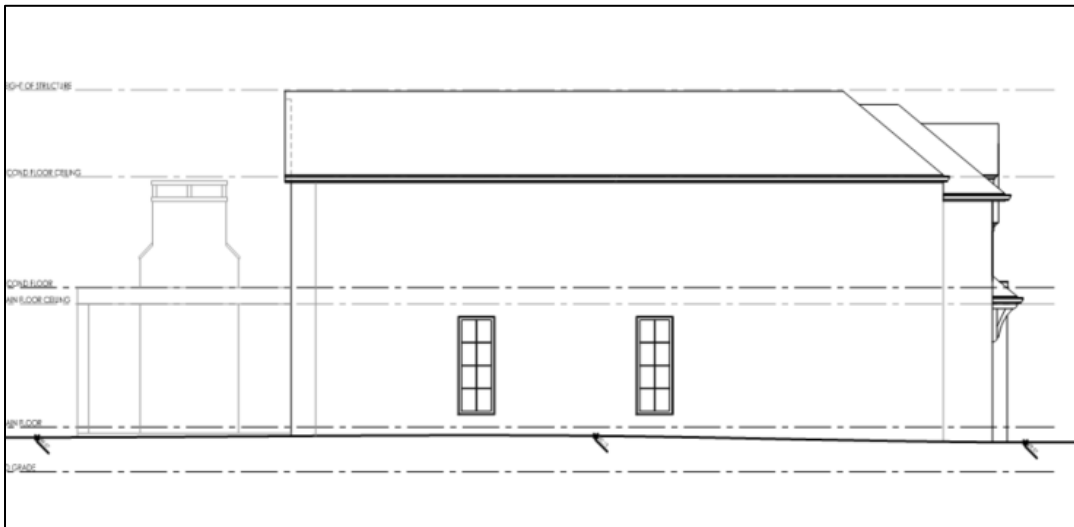
Proposed Front Elevation dated December 6, 2024 – 190 Donessle Drive



Proposed Rear Elevation dated December 6, 2024 – 190 Donessle Drive

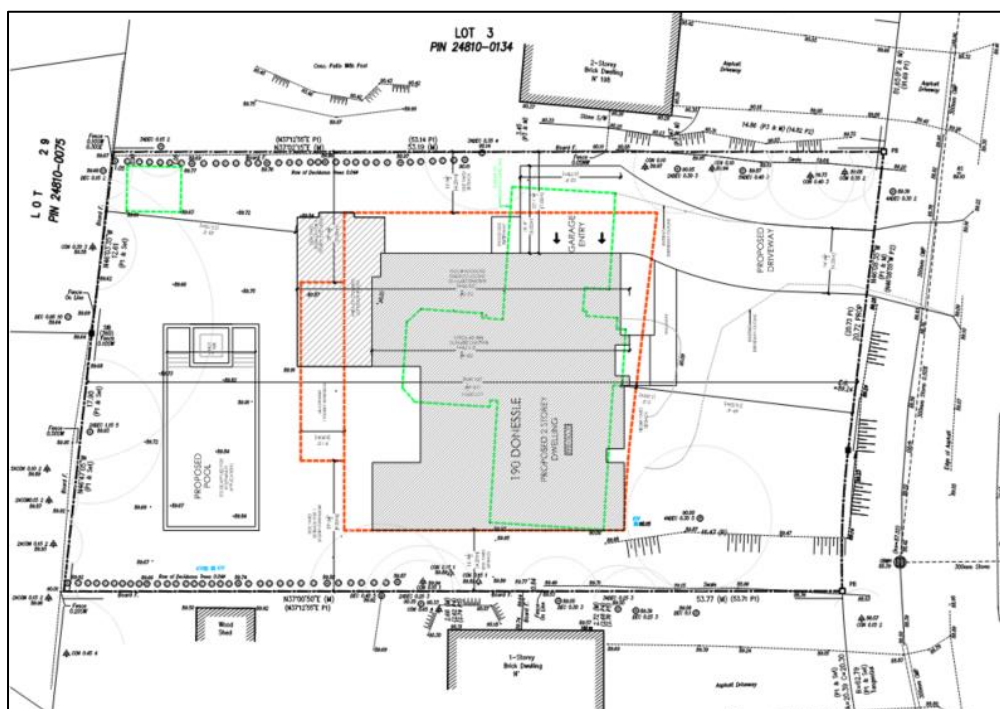


Proposed East Elevation dated December 6, 2024 – 190 Donessle Drive



Proposed West Elevation dated December 6, 2024 – 190 Donessle Drive

The proposed site plan is shown below:



Excerpt of Proposed Site Plan dated December 6, 2024 – 190 Donessle Drive

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. Although there have been significant revisions to the previous concept reviewed by staff through the Pre-Consultation process, Staff are of the opinion that the proposal still 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 compatible with the character of the existing dwellings by maintaining the established front yard setback patterns and side yard setback patterns along the street edge. There may be instances when the established front yard setback can be slightly varied due to specific site constraints.*

- 1. 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 articulate the front façade and various portions of the building, the combination of increased dwelling depth, residential floor area ratio and building height results in a design that does not maintain or preserve the scale and character of the existing neighbourhood, nor does the proposal sufficiently mitigate the impact of the massing and scale on abutting properties. Therefore, on the foregoing basis it is staff’s opinion that the requested variances do not maintain the general intent and purpose of 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 – Dwelling Depth (Objection) – 20m increased to 22.95m

Variance #2 – Residential Floor Area (Objection) – 29% increased to 31.76%

Variance #3 – Maximum Building Height (Objection) – 9m increased to 9.45m

The intent of regulating the dwelling depth, residential floor area, and building height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. Staff recognize that the requested increase in dwelling depth is attributed to a covered porch, while the principal dwelling measures 17.79 metres in depth. However, the covered porch has a two-storey chimney feature and extends the building further into the rear yard with the potential to negatively impact the rear yard of the adjacent dwelling to the north.

The proposed increase in residential floor area represents an approximate increase in residential floor area of 46.62 sq m (501.8 sq ft) and the submitted floor plans indicate that there is an open to below above the family room situated in the rear of the dwelling that contributes to the massing of the proposed dwelling. In addition to the requested residential floor area, the open to below above the family room equals 42 square metres, which is equivalent to 2.6% and contributes to the perceived massing of the proposed dwelling. Staff note that there is only one other dwelling along the street (241 Donessle Drive) that exceeds the maximum building height permitted by the Zoning By-law and that staff did not support that variance, which was granted by the Committee of Adjustment in January 2022 to permit a height of 9.42m. In addition, for context, the proposed dwelling has a height of 9.45m, which coupled with the grade of the site being slightly higher than the adjacent street, will contribute the increased massing of the proposed dwelling.

Based on the foregoing, the proposal does not maintain the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

It is staff's opinion that the cumulative impacts of the requested variances result in a proposed dwelling that is not in keeping with the surrounding neighbourhood. 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.

Note:

Development Engineering staff advise that the proposed development is subject to Minor Site Plan due to the property being located within the Bill 97 Buffer (remnant channel). Existing elevations along the property line are to be maintained and side yard swales (min. 2%) are required to assist with drainage. The site requires 25mm storm retention to ensure that downstream properties and Town infrastructure are not negatively impacted by the proposed development. The applicant should refer to additional comments provided by staff that were included in the Pre-Consultation Comments Report.

Fire: No concerns for fire.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 dwelling depth to 22.95 m, an increase to the maximum residential floor area ratio to 31.76% and an increase to the maximum height to 9.45 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.

Metrolinx: Upon review, we note no properties fall within our review zones.

Oakville Hydro: We do not have any comments to add for this group of minor variance applications.

Bell Canada: No comments received.

Union Gas: No comments 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, 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 states, 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer,
Committee of Adjustment