

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/018/2025 (Deferred from February 19, 2025)

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on Wednesday, April 02, 2025 at 7 p.m.

<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 – Special Policy Area

ZONING: RL1-0, Residential

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 following variances to Zoning By-law 2014-014:

No.	Current	Proposed
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 22.29 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 30.58%.
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.

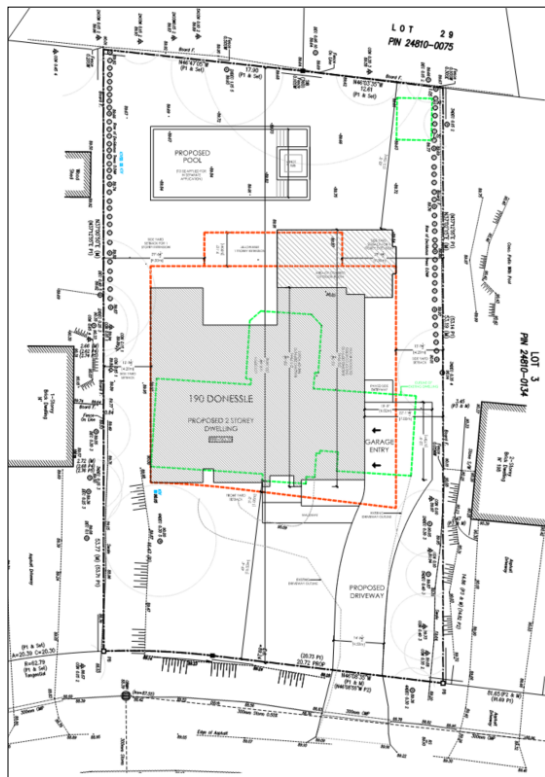
Background

A Minor Variance application was previously submitted for consideration by the Committee on February 19, 2025. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application.

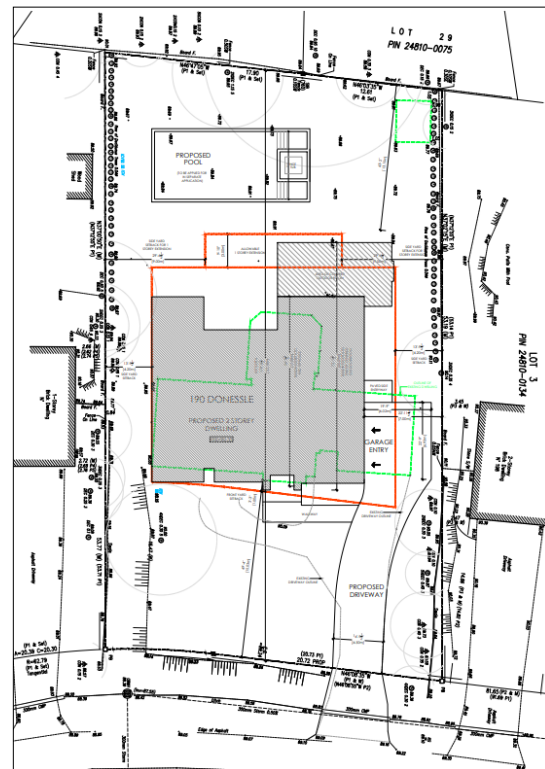
The revised application results in a reduced variance request for residential floor area ratio and updates to the dwelling design. Please see the table below for the variance proposed on February 19, 2025, and the variance brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda	
Regulation	Requirement	February 19, 2025	April 2, 2025
Maximum Dwelling Depth	20.0m	22.95m	22.29m
Maximum Residential Floor Area Ratio	29%	31.76%	30.58%
Maximum Building Height	9.0m	9.45m	9.45m

The applicant has amended their proposed dwelling design since the original application, specifically to decrease the dwelling depth and residential floor area ratio. A comparison of the original and revised site plan and elevation plans are provided below.



Proposed Site Plan – dated December 6/24



Proposed Site Plan – dated February 18/25

The excerpts of the elevation drawings, below, provide a comparison of the changes that have been proposed to address concerns around massing of the dwelling.



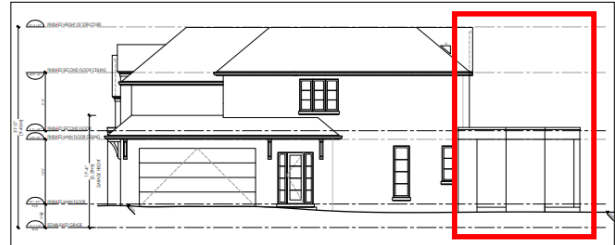
Proposed Rear Elevation – December 6/24



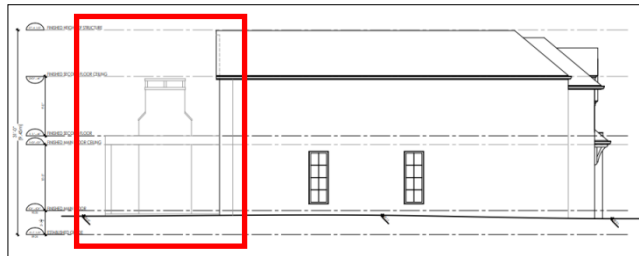
Proposed Rear Elevation – February 18/25



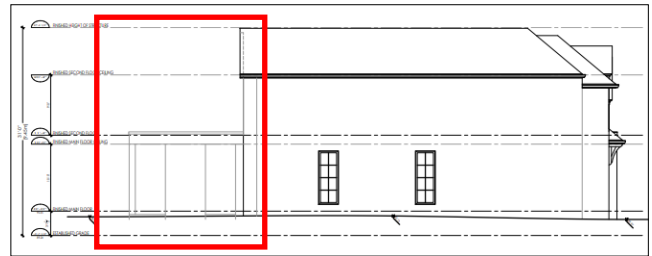
Proposed East Elevation – December 6/24



Proposed East Elevation – February 18/25



Proposed West Elevation – December 6/24

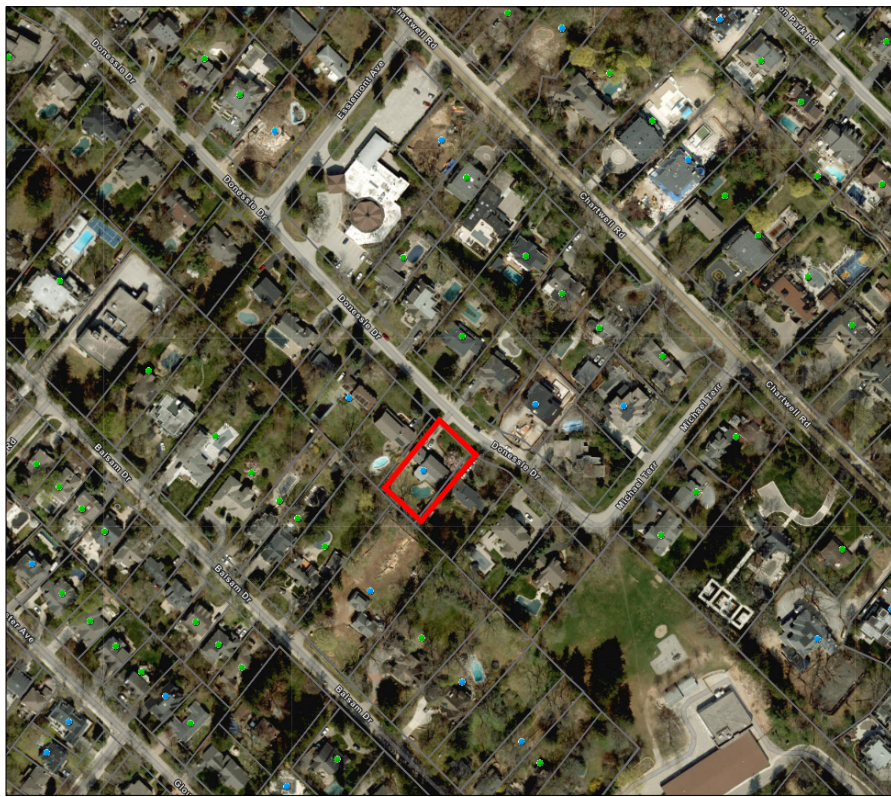


Proposed West Elevation – February 18/25

No substantive changes were made to the front elevation.

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 (Photo taken February 11, 2025)



Lands to the East – 191 Donessle Drive (Photo taken February 11, 2025)



Lands to the North – 198 Donessle Drive (Photo taken February 11, 2025)



208 Donessle Drive (CAV A/139/2024, OLT-24-001247) (Photo taken February 11, 2025)



Lands to the East – 199 Donessle Drive (Photo taken February 11, 2025)



183 Donessle Drive (CAV A/037/2022) (Photo taken February 11, 2025)



241 Donessle Drive (CAV A/101/2021) (Photo taken February 11, 2025)

The existing dwelling is shown below:



Existing Dwelling – 190 Donessle Drive (Photo taken February 11, 2025)

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. Although there have been revisions to the previous concept reviewed by staff through the Pre-Consultation process and since the initial submission, 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...*

While the proposed dwelling incorporates some 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) – 20 m increased to 22.29 m

Variance #2 – Residential Floor Area (Objection) – 29% increased to 30.58%

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

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 16.68 metres in depth. This is a reduction from the original proposal, which proposed a dwelling depth of 17.79 metres for the principal dwelling. Furthermore, the second storey aspect of the proposed chimney feature associated with the covered rear porch has been removed from the current proposal, reducing the impact of massing and respecting the rear yard privacy of the adjacent dwelling.

The residential floor area has been reduced from 31.76% to 30.58%, which is equivalent to an increase of 27.52 sq m (296.2 sq ft) over and above the maximum By-law regulation. The previously requested increase in residential floor area was 46.62 sq m (501.8 sq ft). In addition to the requested residential floor area, the submitted floor plans indicate there is an open to below above the family room that equals 45 sq m (486 sq ft), which is equivalent to 2.8% 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.

Staff are of the opinion that the requested variances do 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 existing 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 currently undergoing a review through the Development Engineering Permit Application process to address on-site stormwater management.

Fire: No concerns for Fire.

Oakville Hydro: We do not have any comments to add.

Transit: No comments received.

Finance: No comments received.

Halton Region:

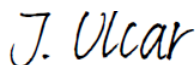
- It is understood that this application was deferred from February 19, 2025. Regional comments provided on February 13, 2025, still apply.
- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional 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 in the maximum dwelling depth to 22.29 m, an increase in the maximum residential floor area ratio to 30.58%, and an increase in the maximum height to 9.45 m, 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.

Union Gas: No comments received.

Bell Canada: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0



Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment