

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/037/2025

RELATED FILE: N/A

DATE OF MEETING: March 19, 2025 at 7 p.m.

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
R. MAHESWARI P. MAHESHWARI	Christian Kehinde Kenny Labs Designs 90 Queens Wharf Rd Unit 903 Toronto ON M5V 0J4	PLAN 1008 LOT 42 177 Dornie Rd Town of Oakville

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

ZONING: RL1-0
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 an accessory structure on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.4.2 (Row 1, Column 3)</i> The maximum lot coverage shall be 25% where the detached dwelling is greater than 7.0 metres in height.	To increase the maximum lot coverage to 25.49%.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

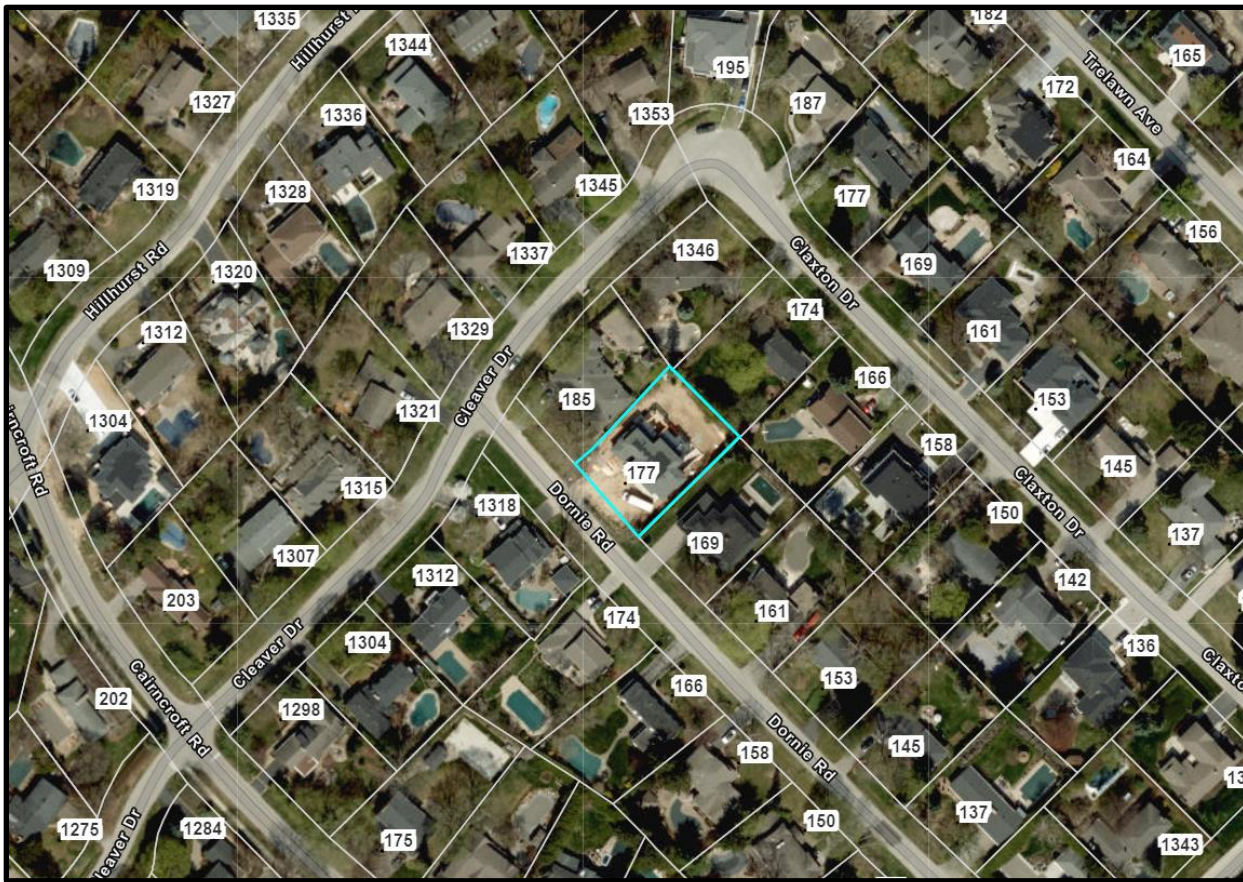
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/037/2025 – 177 Dornie Road (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes an accessory building (cabana), subject to the variance listed above.

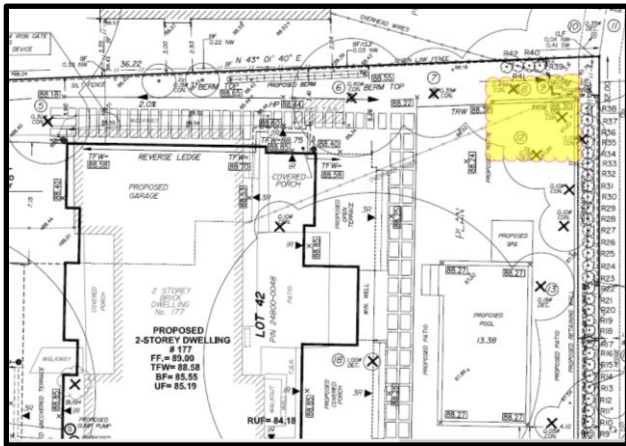
Site Area and Context

The neighbourhood has undergone redevelopment in terms of replacement dwellings and additions/alterations to existing dwellings. The neighbourhood consists of original one-storey and one-and-a-half-storey detached dwellings, as well as newer two-storey detached dwellings with diverse architectural forms.

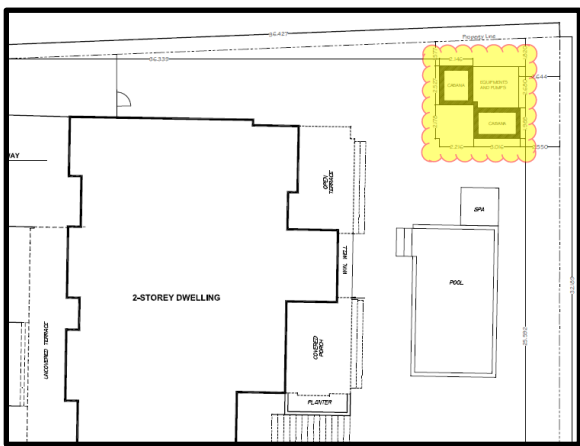


Aerial Photo of 177 Dornie Road

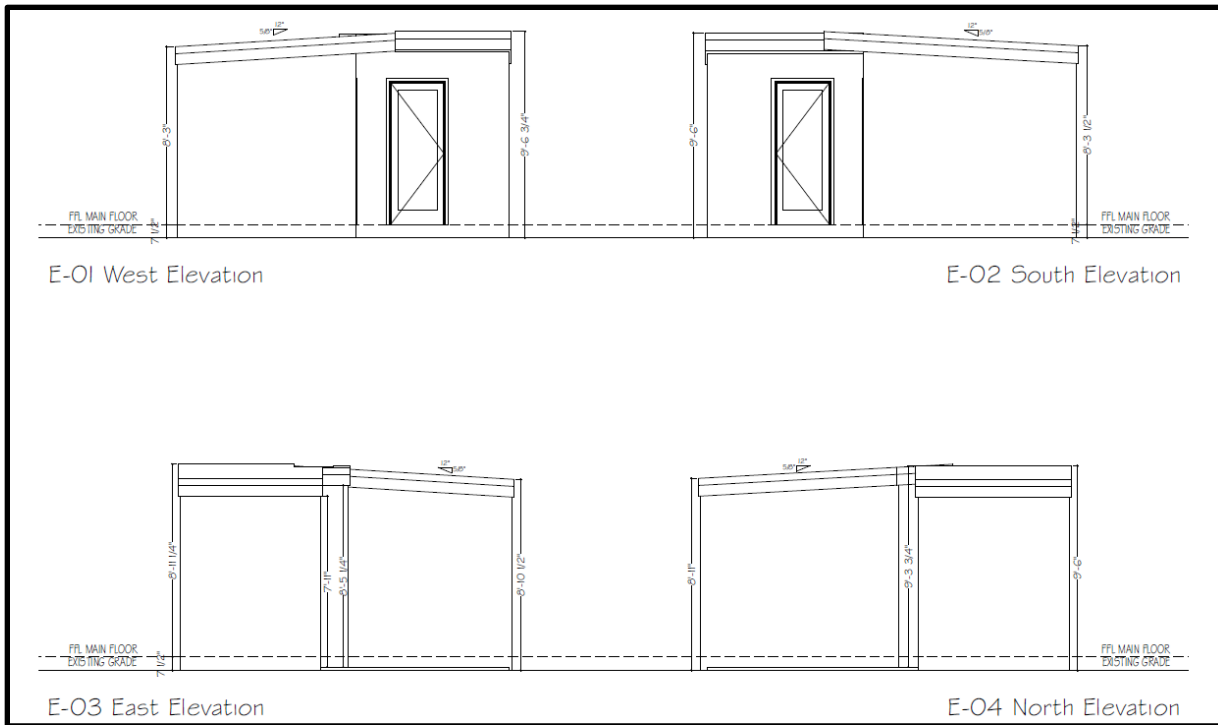
A previous minor variance application was approved for an increase to the garage floor area, a decrease in the minimum interior side yard setback, and increase in residential floor area on October 26, 2021 (CAV A/117/2021). A Development Engineering Site Alteration Permit was approved for the subject site in November 2023 (Permit # 22 103316 REV 01 DEPA). The proposed changes will require a revision of the DEPA, including revised grading and stormwater management. The increase in lot coverage is solely associated with the proposed rear yard cabana. It is noted that there is no change to the detached dwelling as approved in November 2023. A comparison of the site plan approved in November 2023 and the proposed site plan that was submitted for the minor variance application in January 2025 is shown below.



Approved Site Plan – November 2023



Proposed Site Plan – Submitted January 2025



Elevation drawings of the proposed accessory structure (cabana)

Note: Development Engineering staff note this development will require a revised DEPA application and grading plan prior to any work commencing on site.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's 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 – Special Policy Area in the Livable Oakville Official Plan. The intent of the Official Plan 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, development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. In this instance, the proposed accessory building is to be partially located on an existing stone patio and will introduce minimal new hard surfaces on the lot. Additionally, it is not visible from the public realm and will not impact the mass and scale of the existing dwelling. Staff is of the opinion that the proposal maintains the general neighbourhood character and complies with the Livable Oakville Plan.

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

Variance #1 – Maximum Lot Coverage (No Objection) – 25% increased to 25.49%

The intent of the Zoning By-law provision for lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed increase in lot coverage of 0.49% from the permitted results in approximately 6.37 m² of additional covered area on the lot which is solely attributed to the rear yard cabana. The rear cabana is not visible from the public realm and does not cause any adverse impacts of mass and scale on the

streetscape. It is noted that no modification is being proposed for the detached dwelling as approved in November 2023. As such, it is staff's opinion that the request maintains 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?

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 on 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. The accessory building be constructed in general accordance with the submitted site plan and elevation drawings; 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.

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 in the maximum lot coverage to 25.49%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of an accessory structure on the Subject Property.

Oakville Hydro: Oakville Hydro has a registered easement along the southeastern side yard of 177 Dornie Rd. There is currently underground cable installed within the easement. In addition, Oakville Hydro is a tenant on the Bell poleline located at the rear of 177 Dornie Rd within a registered Bell easement. All construction activity must comply with the conditions of the existing registered easements. The appropriate Hydro locates must be obtained to confirm the possibility of any underground plant prior to the commencement of construction.

Bell Canada: No comments.

Union Gas: No Comments.

Letter(s) in support – None.

Letter(s) in opposition (1) –

Thursday, March 13, 2025

Dear Committee of Adjustment members:

Dear Ms. Sharon Coyne, Assistant Secretary-Treasurer, Committee of Adjustment:

Please accept this letter as opposition to the variance request for 177 Dornie Road to be considered at your meeting on March 19, 2025. Our address is [REDACTED]

We live on the south side of 177 Dornie Road. We have lived in our house since 2016 and we are pleased to be raising our children in such a beautiful neighbourhood. We are in favour of building and rejuvenation of the neighbourhood and we are happy to see new well-designed homes that fit within the regulations approved for development. Given the significant lot size at 177 Dornie, we fully believe it was possible to build a large home within the current zoning By-laws.

In August 2021, Puroo and Raveena Maheshwari submitted four variance requests for the original site plans to the Committee of Adjustment. During this time, we (along with 6 other residents) submitted letters of opposition to express concerns that permitting four variances deemed minor would in totality add to the significant variance from the intended zoning laws and thus create a loss of privacy for surrounding areas. Three of the four variances were approved by the Committee of Adjustment.

Over the past 3.5 years, we have watched 2 centenarian old growth trees be removed to accommodate a very large single-family home. After the home was completed, the round-about driveway (which was not in the original plans) was built and bright landscaping lights installed. The final result is a home that appears excessively large for the property size, a decimated tree canopy and very limited green space in the front yard. We feel that the dimensions of this house and the changes in the front yard has significantly altered the street scape and the character of the neighbourhood.

In the backyard, bright multi-coloured landscape lighting has been installed along with an outdoor tv. The multi-coloured landscape lighting shines not only into our backyard but also our kitchen and primary bedroom at night forcing us to draw our window coverings and we can't sleep with our windows open at night due to the noise pollution from the outdoor tv. The changes to 177 Dornie Road have impacted our privacy and the way we enjoy our property and home.

We are very concerned with the current variance request as the owners of 177 Dornie have built an accessory structure without a permit or approval by the Committee of Adjustment. Per the Site Stats submitted by John Wilmott (on behalf of Puroo and Raveen Maheshwari) to the Committee of Adjustment on Tuesday, October 26, 2021 the lot coverage proposed (and ultimately approved) was 24.9%. The residential dwelling already maximizes the allowed lot coverage.

It was in bad faith and negligent of the owners of 177 Dornie to build an accessory structure that would clearly exceed the 25% lot coverage maximum without a permit based on the fact that the home already covered 24.9% of the lot. We are upset about the blatant disregard for the town by-law regarding lot coverage and the precedent it will set to build first and ask for permission after.

We are asking the Town of Oakville to say enough is enough. 177 Dornie has already received three variation approvals allowing them to build a large house with a very prominent front facade, remove 2 centenarian trees decimating the tree canopy, added a round-about driveway, added significant bright

property lighting in the front yard, added a pool, added significant bright multi-coloured property lighting in the backyard and added an outdoor tv. The current variation request will consume most of the small amount of green space that is left on the property. Puroo's Cabana plans (as submitted to the city) has blacked out space on the floor plan. Why is information regarding this structure being withheld from the city? It would appear that there are plans to install a sink, toilet and shower in this structure.

We anticipate that there will be 5 more builds in very close proximity of our home in the next 2-5 years. We are concerned with the future appearance of Dornie Road should we see the trend of each builder continuing to push the variance further using prior builds as precedent with each new build.

Thank you for your attention regarding this matter. Please consider this our written request to be notified of the decision for this application. We would also like to be notified of any future Local Planning Appeal Tribunal Proceedings.

Don and Andrea Newman



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.

Requested conditions from circulated agencies:

1. The accessory building be constructed in general accordance with the submitted site plan and elevation drawings; 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.

Sharon Coyne
Sharon Coyne
Asst. Secretary Treasurer
Committee of Adjustment