

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/058/2025

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 16, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
H. GABA	Paul Demczak Batory Management 4-1550 Kingston Rd Pickering ON L1V 6W9	PLAN 718 LOT 21 150 Dianne Ave 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 a new two-storey detached dwelling proposing the following variance(s) to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<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 31.6%.
2	<i>Section 6.4.6 c)</i> The maximum height shall be 9.0 metres.	To increase the maximum height to 9.32 metres.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

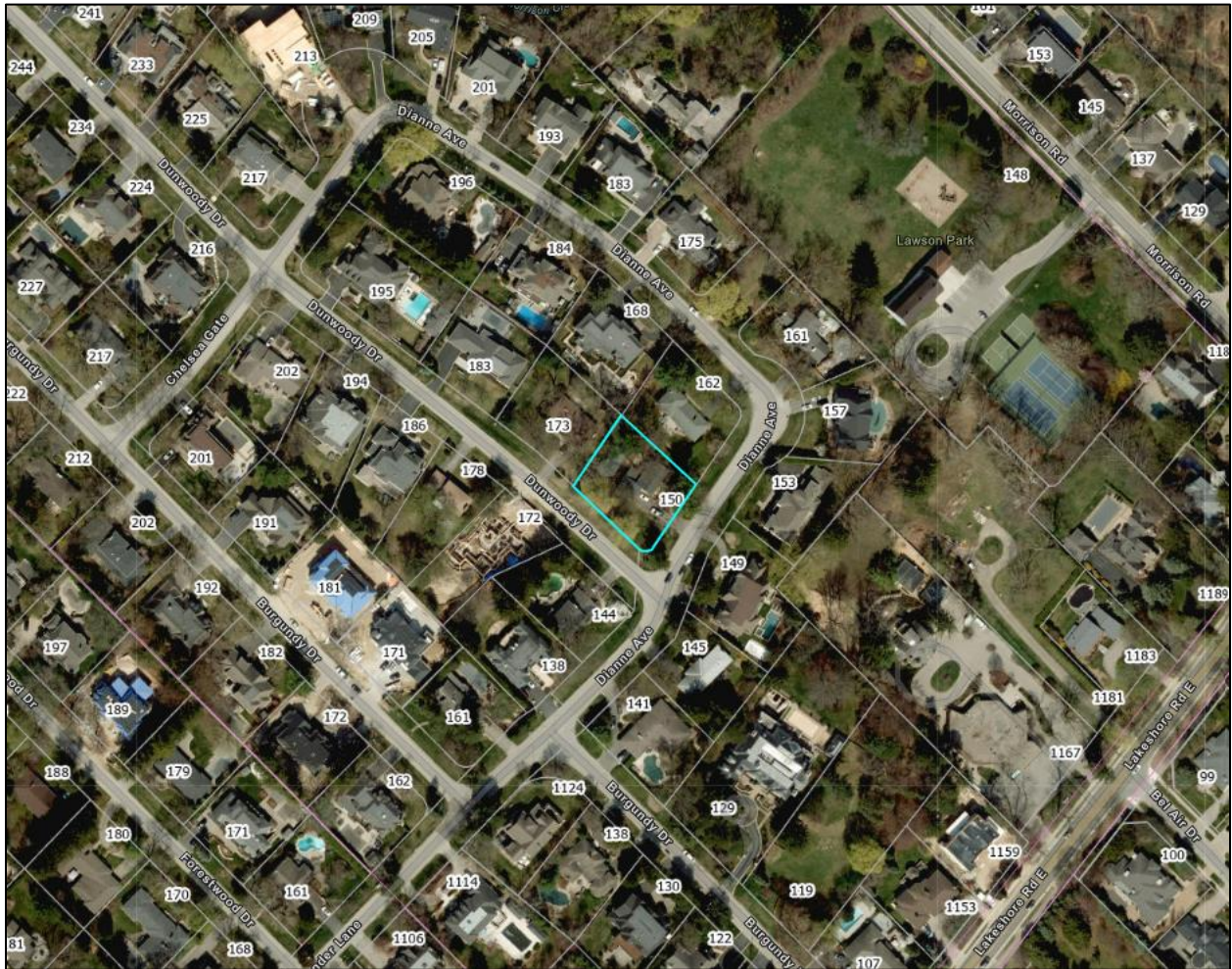
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

A/058/2025 – 150 Dianne Avenue (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a new two-storey detached dwelling, subject to the variances listed above.

Site Area and Context

The subject lands are located at the northeast corner of Dianne Avenue and Dunwoody Drive, within a neighbourhood that is characterized as having a mix of one- and two-storey dwellings with many homes original to the subdivision having been replaced by newer two-storey dwellings.



Aerial Photo – 150 Dianne Avenue

The following images are of dwellings along Dianne Avenue and Dunwoody Drive adjacent to the subject lands.



Lands to the South – 149 Dianne Avenue



153 Dianne Avenue (CAV A/089/2017)



Lands to the East – 162 Dianne Avenue



Lands to the North – 173 Dunwoody Drive



172 Dunwoody Drive (CAV A/038/2022)



Lands to the West – 138 Dianne Avenue (Left) & 144 Dianne Avenue (Right)

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



150 Dianne Avenue



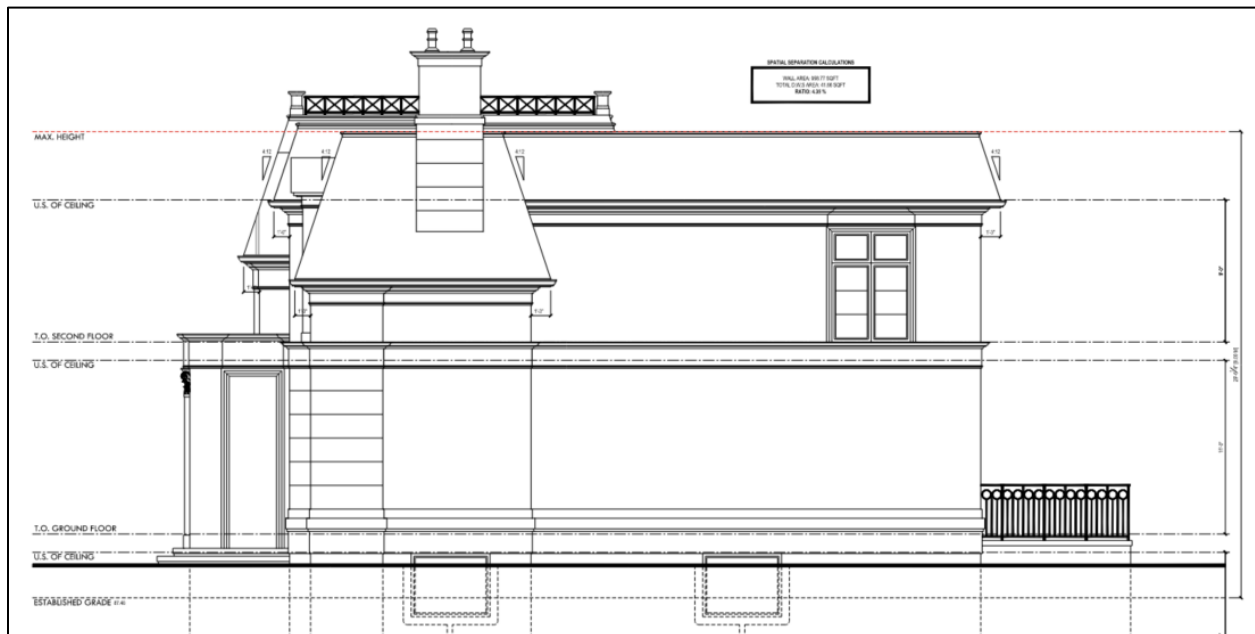
150 Dianne Avenue looking north from the corner of Dianne Avenue and Dunwoody Drive



173 Dunwoody Drive (left) and rear yard of 150 Dianne Avenue (right)



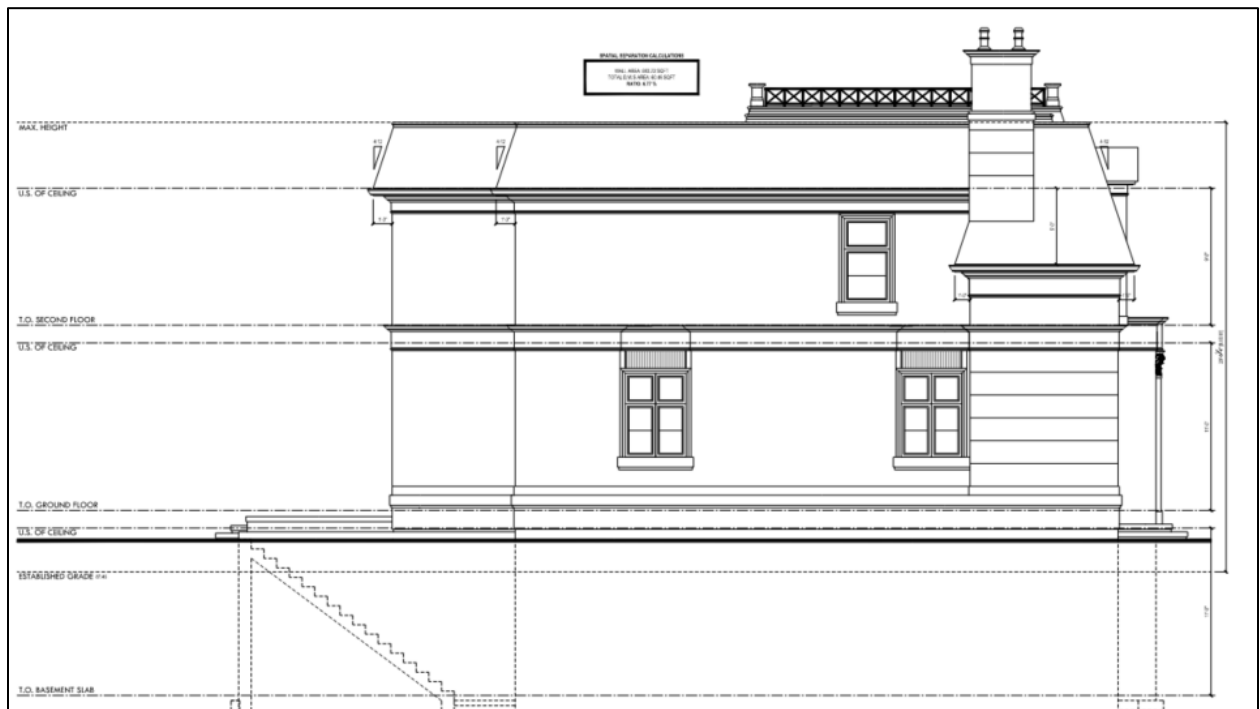
Proposed Front Elevation – 150 Dianne Avenue



Proposed Left (East) Elevation – 150 Dianne Avenue

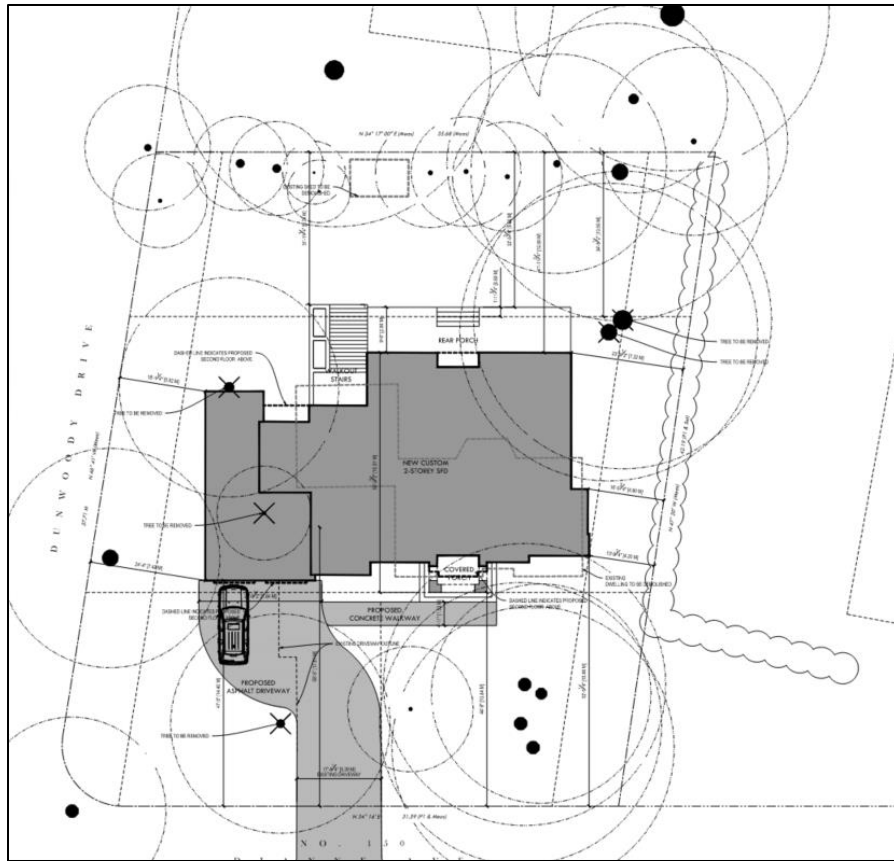


Proposed Rear Elevation – 150 Dianne Avenue



Proposed Right (West) Elevation – 150 Dianne Avenue

The proposed site plan is shown below:



Excerpt of Proposed Site Plan – 150 Dianne Avenue

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 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:

- “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...*

The proposed dwelling does not maintain nor protect the existing neighbourhood character, nor does the proposal sufficiently mitigate the impact of the massing and scale on abutting properties. Although the principle front wall of the proposed dwelling maintains the required setback from the street frontage, the chimney pieces and second storey elements above the entrance accentuate the massing and increased height of the dwelling. The requested variances are interrelated as they all contribute to facilitating the proposed development and would result in negative cumulative impacts on the existing neighbourhood. 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 – Residential Floor Area (Objection) – 29% increased to 31.6%

Variance #2 – Height (Objection) – 9.0 m increased to 9.32 m

The intent of regulating the residential floor area and height is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant is proposing an increase in residential floor area of 38.82 sq m (417.85 sq ft). However, the proposed dwelling includes open to below elements in the grand foyer, formal living room, and grand dining room that equal an additional 43.79 sq m (471.39 sq ft), which pushes the second floor footprint to the perimeter of the dwelling negatively impacting the adjacent and surrounding properties. These open to below elements increase the perceived residential floor area to 82.61 sq m (889.21 sq ft), resulting in a perceived residential floor area ratio of 34.6%; whereas 29% is permitted.

With respect to the requested increase in building height, the roofline of the proposed dwelling has not been lowered or integrated into the second storey to help mitigate massing and scale from the public realm, which has been incorporated in the designs of some newer dwellings along Dianne Avenue and Dunwoody Drive. In fact, some of the architectural elements emphasize the increased building height.

Staff note that, while other variances have been granted in the vicinity of the subject lands, in particular 153 Dianne Avenue (CAV A/089/2017) and 172 Dunwoody Drive (CAV A/038/2022), the subject application represents an overbuild of the site. The lack of other mitigation measures, such as the second storey not being stepped back from the front main wall of the first storey, variation in roof forms, and massing that is broken up into smaller elements, exacerbates the negative impacts of

mass and scale of the proposed dwelling on the adjacent properties and the surrounding streetscape. Therefore, staff are of the opinion that proposed variances do 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. Furthermore, the dwelling design does not appropriately mitigate the potential massing and scale impacts on the public realm.

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.

Notes:

The proposed development is subject to the issuance of a Site Alteration Permit (DEPA), which will require the incorporation of on-site stormwater management techniques to ensure that post development flows do not exceed pre-development conditions.

Fire: No concerns for fire.

Finance: No comments received.

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 residential floor area ratio to 31.6%, and to increase the maximum height to 9.32 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling on the Subject Property.

Halton Conservation: No comments for this address.

Bell Canada: No comments received.

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

Union Gas: No comments received.

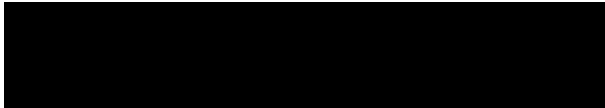
Letter(s) in support – 4

To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3

Subject: 150 Dianne Avenue, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE, Susannah and Steve Staios the owner(s) of



_, Oakville, ON, have reviewed the minor

variance application located at 150 Dianne Avenue, Oakville, ON, and would like to express our full support of the subject application.

Sincerely,

Steve Staios

Print Name:

Susannah Staios Alice Chi

Signature:

[Handwritten Signature]

Date:

March 29 2025

Date: March 30 2025

To: Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON, L6H 0H3

Subject: 150 Dianne Avenue, Oakville, ON – Letter of Support

Dear Sir/ Madam,

I / WE, ZHIHAI ZHANG the owner(s) of

 _____, Oakville, ON, have reviewed the minor
variance application located at 150 Dianne Avenue, Oakville, ON, and would like to express our
full support of the subject application.

Sincerely,

Print Name: ZHIHAI ZHANG

Signature: 

Date: Mar. 30, 2025

Letter(s) in opposition – 0



Sharon Coyne
Asst. Secretary Treasurer
Committee of Adjustment