

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/062/2025

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 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
D. Gleason L. Gleason	William Hicks William Hicks Holdings Inc. 905 Sangster Ave Mississauga ON, L5H 2Y3	PLAN 1008 LOT 47 137 Dornie Rd 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 a two storey detached dwelling on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
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 31.77%.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

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

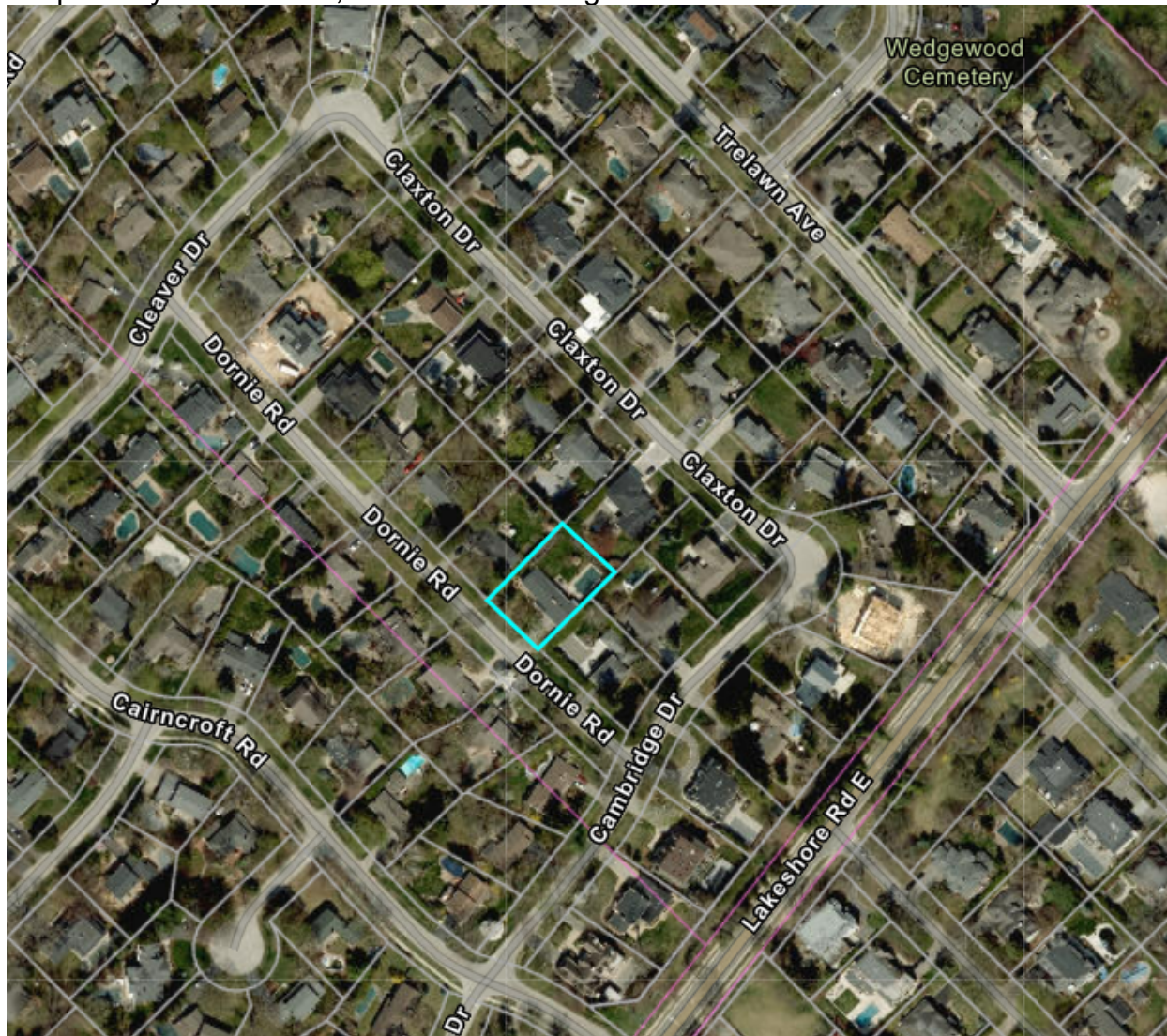
A/062/2025 - 137 Dornie Road (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a new 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's comments concerning the application of the four tests to this minor variance request are as follows:

Site Area and Context

The subject lands are located north of Lakeshore Road East, along Dornie Road, 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is characterized as having a mix of one- and two-storey dwellings with many homes original to the subdivision having been replaced by newer two-storey dwellings. The neighborhood falls within the Special Policy exception area of the Official Plan, which reflects the area's large lot character. These large lots typically feature mature vegetation and homes designed with significant space between dwellings and deep front yard setbacks, as shown in the figure below.



Aerial Photo – 137 Dornie Road

Staff note this development will need a Site Alteration Permit (DEPA) following this application, prior to proceeding with works. The Site Alteration Permit review will require development to provide for stormwater management on site to control post development flows to pre-development conditions.

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.”*

Planning staff are of the opinion that the proposed variance to permit an increase in residential floor area ratio does not implement the Design Guidelines for Stable Residential Communities. The subject property is abutting a one-storey dwelling to the north, and a two-storey dwelling to the south. The proposed dwelling introduces a mass and scale on the left side of the dwelling that does not provide a transition to the abutting one-storey dwelling to the north.



Streetview – 137 Dornie Road

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 Ratio (Objection) – 29% increased to 31.77%

The intent of regulating the residential floor area is to prevent a dwelling from having a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The applicant is requesting relief from By-law 2014-014, as amended, to permit an increase in residential floor area ratio from 29% (407.9 square meters) to 31.77% (446.95 square meters), for a total increase of 39.05 square meters.

Staff note that the property directly abutting 137 Dornie Road to the north contains a one-storey detached dwelling, while the south property line is bordered with trees, followed by a two-storey detached dwelling. It is staff's opinion that the proposed dwelling has not incorporated a transition in height toward the dwelling to the north to further mitigate the negative impacts of massing and scale on the public realm. On this basis, staff are of the opinion that the request 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?

Staff are of the opinion that the proposal does not represent appropriate development of the subject property. The requested variance is not appropriate for the development of the subject property and is not minor in nature as the proposed dwelling creates negative impacts on the streetscape in terms of massing and scale, which does not maintain or protect the character of the existing neighbourhood.

Recommendation:

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.

Oakville Hydro:

- Oakville Hydro is a tenant on the Bell poleline located at the rear of 137 Dornie Rd. In addition, underground secondary cable may be present along the southeastern side yard of 137 Dorine Rd. The appropriate Hydro locates must be obtained to confirm the possibility of any underground plant prior to the commencement of construction.

Transit: No comments.

Metrolinx: No comments/concerns.

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 increase the maximum residential floor area ratio to 31.77%, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting a two-storey detached dwelling on the Subject Property.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

J. Ulcar

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment