

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/018/2025 (deferred Feb. 19/25)

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 May 14, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
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

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	Table 6.3.1 (Row 9, Column RL1) The maximum dwelling depth shall be 20.0 m.	To increase the maximum dwelling depth to 22.29 m.
2	Table 6.4.1 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%.

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 (deferred February 19, 2025) (East District) (OP Designation: Low Density Residential – Special Policy Area)

The applicant proposes to construct a two-storey detached dwelling, subject to the variances 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:

Background

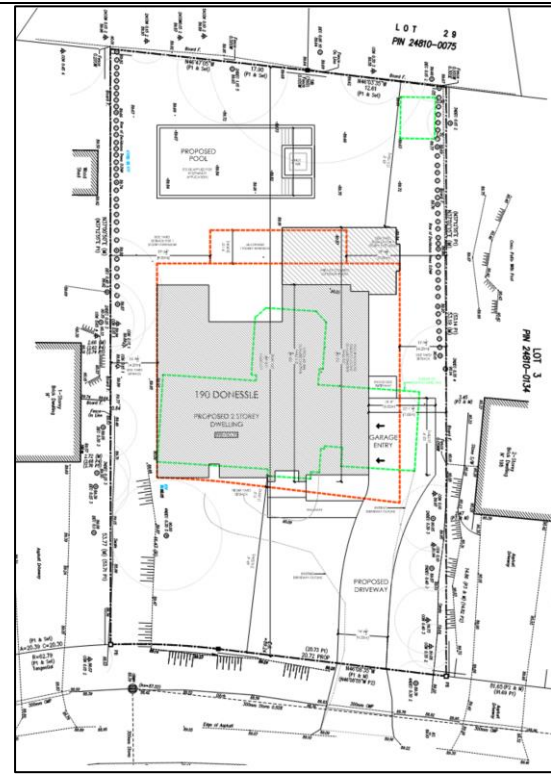
A Minor Variance application was previously submitted and considered by the Committee on February 19, 2025. This application was deferred, at the request of the applicant, to provide the opportunity to address staff concerns with the proposed application. A revised application was submitted and considered by the Committee on April 2, 2025, but it was also deferred, at the request of the applicant, to continue to work with staff to address outstanding concerns.

The revised application results in a reduced variance request for residential floor area ratio and updates to the dwelling design. Table 1 below depicts the variances proposed on February 19, 2025, and April 2, 2025, in comparison to the variances brought forward today.

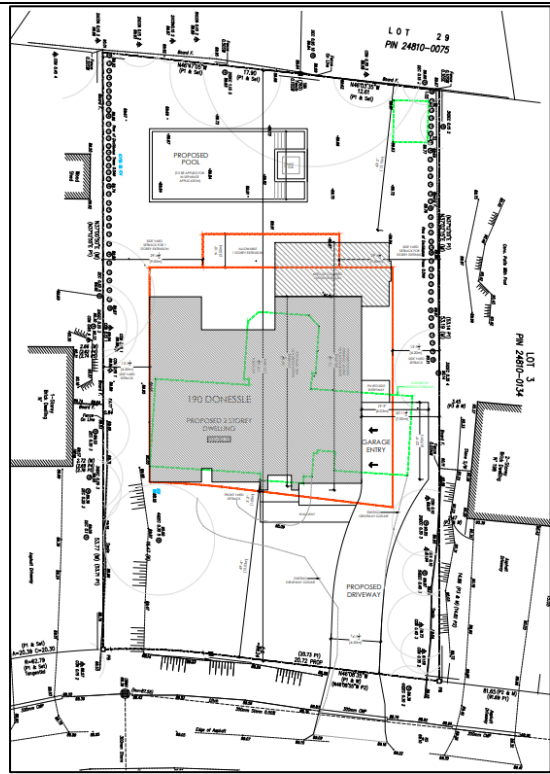
Table 1 – Comparison Chart

Town of Oakville Zoning By-law 2014-014		Agenda		
Regulation	Requirement	February 19, 2025	April 2, 2025	May 14, 2025
Maximum Dwelling Depth	20.0m	22.95m	22.29m	22.29m
Maximum Residential Floor Area Ratio	29%	31.76%	30.58%	30.58%
Maximum Building Height	9.0m	9.45m	9.45m	N/A

The applicant has amended their proposed dwelling design since the original application, specifically to decrease the dwelling depth and residential floor area ratio, as well as eliminate the need for a height variance. 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

Figure 1 – Site Plan Comparison

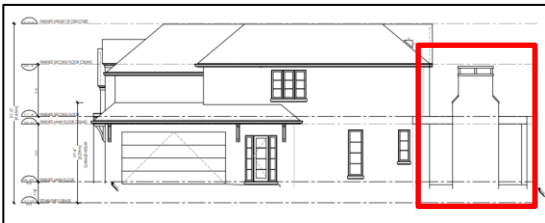
The excerpts of the elevation drawings, below, provide a comparison of the changes that have been proposed to address concerns around massing of the dwelling.



Proposed Rear Elevation – December 6/24



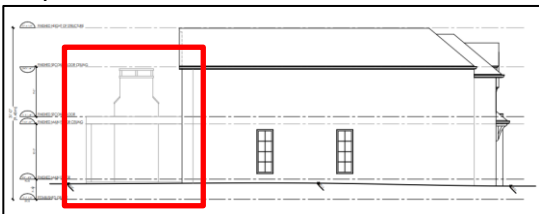
Proposed Rear Elevation – April 3/25



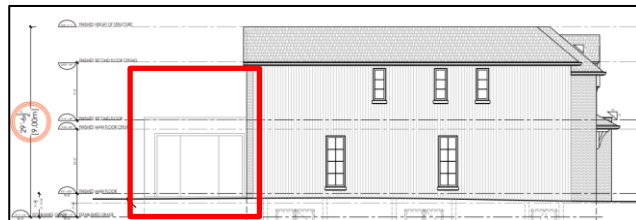
Proposed East Elevation – December 6/24



Proposed East Elevation – April 3/25



Proposed West Elevation – December 6/24



Proposed West Elevation – April 3/25

Figure 2 – Elevation Comparison

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. The proposed development is currently undergoing a review through the Development Engineering Permit Application process to address on-site stormwater management.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Low Density Residential by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The elimination of the height variance, as well as the reduced maximum dwelling depth and residential floor area, and modifications to the dwelling's design break up the massing of the dwelling and mitigating impacts on the surrounding neighbourhood. It is staff's opinion that the revised proposal maintains 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 (No Objection) – 20 m increased to 22.29 m

Variance #2 – Residential Floor Area (No Objection) – 29% increased to 30.58%

The intent of regulating the dwelling depth and residential floor area 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 proposed increase in 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); whereas the previously requested increase in residential floor area was 46.62 sq m (501.8 sq ft). Previous concerns regarding the open to below above the family room situated in the rear of the dwelling, which contributed to the massing of the proposed dwelling have been satisfied with the submission of a revised rear elevation, as the dormers have been replaced with higher windows, reducing the impact of massing.

Staff are of the opinion that the requested variances 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 represents appropriate development of the subject property. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

Recommendation:

Staff do not object to the proposed development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the dwelling be constructed in general accordance with the submitted site plan drawing dated February 18, 2025, and elevation drawings dated April 3, 2025, 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.

Transit : No comments received.

Finance: No comments received.

Halton Region:

A/018/2025 – deferred from February 19, 2025 – K. Heeney and A. Dhanji, 190 Donessle Drive, Oakville

- 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 to the maximum dwelling depth to 22.29 m and an increase to the maximum residential floor area ratio to 30.58%, 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.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0


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.
- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Funeral, Burial and Cremation Services Act—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.
- 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. That the dwelling be constructed in general accordance with the submitted site plan drawing dated February 18, 2025, and elevation drawings dated April 3, 2025, 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
 Asst. Secretary Treasurer
 Committee of Adjustment