

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/135/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 16, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Daljeet Dhillon 310 Old Orchard Circle Oakville ON L6H 4N3	RJ Cad Solutions Inc c/o Kruti Shah 4 Abacus Road Brampton ON L6T 5J6	PLAN M374 LOT 107 310 Old Orchard Circle Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 6

ZONING: RL5
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 existing below grade access stairs in the private garage to remain proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.2.3 b) ii) The minimum dimensions of a parking space located in a <i>private garage</i> shall be 5.7 metres in length and: Where two <i>parking spaces</i> are provided side-by-side, 2.8 m in width per <i>parking space</i> , or 5.6 m in total combined width.	To permit the minimum dimensions of a parking space located in a <i>private garage</i> to be 4.8 metres in length and: Where two <i>parking spaces</i> are provided side-by-side, 2.7 m in width per <i>parking space</i> , or 5.4 m in total combined width;

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

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

CAV A/135/2022 - 310 Old Orchard Cir (East District) (OP Designation: Low Density Residential)

The applicant is proposing to permit the existing below grade access stairs in the private garage.

The neighbourhood is characterized by mostly two storeyed houses along the street.

The subject lands are 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 Section 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.”

Variance #1- Parking Space Dimensions (Unsupported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit the minimum dimensions of a parking space located in the private garage from 5.7 metres to 4.8 metres in length and 2.7 metres in width per parking space (5.4 metres for two parking space). The intent of regulating parking space dimensions is to provide sufficient space for vehicles to be parked on the property. In this instance, the dimensions do not comply, and staff requires additional information to demonstrate that the proposed dimensions will adequately allow two vehicles to be parked in the existing garage. For example, the applicant could provide pictures of two vehicles fitting in the existing garage to demonstrate that there is sufficient space.

On this basis, it is staff's opinion that the requested variances does not maintain the general intent and purpose of the Official Plan and Zoning By-law as they do not comply with minimum regulations of parking.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the requested variance does not maintain the general intent of the Official Plan and is not appropriate for the development of the lands. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: No concerns. SFD. Adequate FD access

Oakville Hydro: We have no objections or comments for any of the items on the agenda

Transit: No Comments

Finance: None

Halton Region:

- 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 a decrease in the minimum dimensions of a parking garage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of keeping below grade access stairs in the garage.

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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 Services, 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.

A handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

Heather McCrae, ACST
Secretary-Treasurer