

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/196/2022

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 29, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MOHAMMED AHMED 68 BOWBEER RD OAKVILLE ON, L6H 0Y5	BHASKAR JOSHI OUT OF THE BOX ENG 7 ARCHWAY TRAIL BRAMPTON ON, L6P 4E3	68 BOWBEER RD PLAN M1214 LOT 180

OFFICIAL PLAN DESIGNATION: N/A

ZONING: GU SP:42

WARD: 7

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 uncovered stairs below grade on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Table 4.21 i) The maximum projection into the <i>required rear yard</i> for uncovered stairs below grade located shall be 1.5m; (minimum distance of 5.5m from the rear lot line).	To permit the maximum projection into the <i>required rear yard</i> for uncovered stairs below grade to be 1.88m; (minimum distance of 5.12m from the rear lot line).

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)

CAV A/196/2022 - 68 Bowbeer Rd (East District) (OP Designation: General Urban Area)

The applicant proposes to permit the construction of uncovered stairs below grade to the variance listed above.

The increase in the maximum rear yard projection of the uncovered stairs below grade does not have any negative impacts as it provides adequate rear yard amenity space with no overlook concerns as it is 5.12 m away from the rear lot line.

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law the variance is minor in nature and appropriate for the development of the site as there is no negative impact to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, Staff are of the opinion that the application satisfies the applicable tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following conditions are requested:

1. That the uncovered stair projection be built in general accordance with the submitted site plan drawing dated July 21, 2022; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. Building in general accordance with the submitted site plan 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.
2. 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.

Fire: No concerns for Fire.

Transit : Comments not received.

Halton Region: CAV A/196/2022 – M. Ahmed, 68 Bowbeer Road, Oakville

- As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately.
- 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 projection into the required rear yard for uncovered stairs below grade, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing uncovered stairs below grade on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – None.

No comments letter: 1

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 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.

Requested conditions from circulated agencies:

1. That the uncovered stair projection be built in general accordance with the submitted site plan drawing dated July 21, 2022; 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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Sent: Wednesday, November 23, 2022 11:09 AM
To: Jasmina Radomirovic <jasmina.radomirovic@oakville.ca>
Subject: CAV A/196/2022

Hello Jasmina,
Thanks for sending this letter for our comments.
We do not have any objections if town of oakville approve this request as thus is not much difference.
At the same time, We would like to comment that town of Oalville should reconsider by laws as lot sizes has been changed as compare to before when these by laws created.
Once again we appreciate your highly credible process of approving these requests.
Best Regards,
Abdul HAYEE
Zahida Naseem