

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/076/2024**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 15th, 2024 AT 7:00 P.M

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
RYAN SIMICH	MAXIM MERCHASIN ACADIA DESIGN CONSULTANTS INC 364 SUPERTEST RD TORONTO ON, M3J 2M2	3489 STEDFORD RD PLAN M316 LOT 30

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL
WARD: 1**

**ZONING: RL5
DISTRICT: WEST**

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 rear porch on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 6, Column RL5)</i> The minimum rear yard shall be 7.5 m.	To permit a minimum rear yard of 2.80 m.

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/076/2024 – 3489 Stedford Rd (West District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a rear porch on the subject property, 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 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 within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

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 – Minimum Rear Yard Setback (No Objection)

The intent of regulating the rear yard setback is to ensure appropriate separation of dwellings and provide rear yard amenity space. In this case, the minimum rear yard setback reduction is being proposed to accommodate a deck to enhance the use of the rear yard amenity space. Furthermore, there is an existing fence on the subject property of which acts to screen the existing amenity space and proposed deck from abutting properties, and the public realm. Staff are of the opinion that the requested variance maintains 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 variance is 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 variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the rear porch be permitted in general accordance with the submitted site plan and elevation drawings dated March 11, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

Fire: No concerns for fire.

Transit : Comments not received.

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

Halton Region: CAV A/076/2024 – R. Simich, 3489 Stedford Road, Oakville

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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 rear yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a rear porch on the Subject Property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – 1

Letter(s) in opposition – 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 rear porch be permitted in general accordance with the submitted site plan and elevation drawings dated March 11, 2024.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

1 Letter of supports:

We are writing in regard to the minor variance application submitted by Mr. Ryan SIMICH, 3489 Stedford Rd., Oakville. We wish to advise you that we do not have any objections or concerns with the noted application.

Kind regards,
Gerard Markie and Karen Chan
72 Stevenson Rd, Oakville

1 Letter of Objections:

Dear Ms. Radomirovic:

Thank you for the Notice of Public Hearing letter for the above mentioned property. We are the closest neighbour and share a back fence. Mr. Simich has shared the plans with us. While we have no specific objections to the proposed structure itself, we have concerns about a large, healthy walnut tree on our property. The tree is just inside our side of the fence that divides our backyards.

The tree's canopy, and presumably the root system extends into the backyard of 3489 Stedford. If there is significant excavation required to complete Mr. Simich's project, we are concerned the tree's health could be compromised. Should removal of the tree become necessary, it would be extremely difficult and costly given its proximity to our pool and established gardens. The tree also provides much needed shade and privacy for our backyard. It is our strong desire that the health of the tree is not compromised by this project.

Sincerely,
Janet and Chris Stephens
82 Stevenson Road
Oakville, ON, L6L 6H3