

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/131/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, SEPTEMBER 4, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
S. Khan	Raman Kumar MEM Engineering Inc. 2355 Derry Road East, Unit 28 Mississauga, ON L5S 1V6	2175 North Ridge Trail PLAN M720 LOT 2

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 6**

**ZONING: RL5 sp:206
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 an uncovered access stair below grade on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 18)</i> The maximum encroachment into a minimum interior side yard for uncovered access stairs below grade shall be 0.0 m.	To increase the maximum encroachment into a minimum southerly interior side yard for the uncovered access stairs below grade to 0.36m.

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.

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on September 4, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated.

CAV A/131/2024 – 2175 North Ridge Trail (East District) (OP Designation: Low Density Residential)

The applicant proposes to permit the construction of a below grade access stair in the southerly interior side yard, 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 Livable Oakville 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 below grade access stairs in the southerly interior side yard are not visible from the public realm as they are inset towards the rear of the dwelling. Thus, there are no impacts to the streetscape or any deleterious effects on the existing character of the neighbourhood. Additionally, the setbacks provided from the below grade access stairs to the abutting property line still provides adequate space for access purposes or ingress/egress from the front yard area to the rear yard. The creation of an additional residential dwelling unit in an existing low density residential area provides for increased housing options in the neighbourhood and helps to meet the housing goals and initiatives of the Town. As such, the proposal complies with Livable Oakville.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 – Maximum encroachment into a side yard for uncovered access stair (No objection) – Increase from 0.0 metres to 0.36 metres

The intent of regulating projections/encroachments of below grade access stairs is to allow for adequate drainage and passage through a yard so that they do not impede access and to allow for adequate open space and landscaping. The below grade access stairs encroach 0.36 metres into the southerly interior side yard. The stairs are still setback 0.84 metres from the abutting property line providing adequate space for access purposes or ingress/egress from the front yard area to the rear yard. Additionally, the northerly side yard setback from the existing dwelling to the property line is 1.92 metres, allowing for any potential issues related to stormwater runoff to be more comfortably managed on-site. The below grade access stairs in the southerly interior side yard still provides for adequate drainage, open space, and landscaping to be maintained on site. As such, 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 and supports the creation of additional dwelling units within low density residential areas. The variance is minor in nature and will not create any negative 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 below grade access stair in the southerly interior side yard be constructed in general accordance with the submitted site plan drawing dated June 21, 2024; 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.

Requested conditions from circulated agencies:

Fire: No Concerns for Fire

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received.

Heritage: No heritage concerns.

Metrolinx: No Comments received.

Halton Region:

- **Archeological Potential:** The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. However, the subject lands have been disturbed with the existing development, as such, an archaeological assessment would not have been required.
As a caution, however, please note that during any development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must be notified immediately (archaeology@ontario.ca). If human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, to be consulted.
- **RNHS:** Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.
- 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 an increase to the macimum encroachment into a minimum southerly interior side yard for the uncovered access stairs below grade to 0.36m, under the requirements of the Town

of Oakville Zoning By-law for the purpose of permitted the construction of an uncovered access stair below grade on the Subject Property.

- **General ROP Policy**

The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are located on lands that are designated as 'Urban Area' in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Union Gas: No Comments received

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, 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.
- Unless otherwise stated, 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 below grade access stair in the southerly interior side yard be constructed in general accordance with the submitted site plan drawing dated June 21, 2024; 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.



Jennifer Ulcar
Secretary-Treasurer