

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/019/2025

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
J. KALRA M. KINDRA	Kruti Shah RJ CAD SOLUTIONS INC 4 ABACUS Rd Unit BRAMPTON ON L6T 5J6	PLAN M1255 LOT 127 1358 Marblehead Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: General Urban Area  
WARD: 7

ZONING: GU sp:80, Residential  
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 uncovered access stairs below grade on the subject property proposing the following variance to Zoning By-law 2009-189:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
1	<i>Table 4.21 (row (h))</i> The maximum projection into a minimum rear yard for uncovered stairs below grade accessing a main building shall be 1.5m.	To increase the maximum projection into a minimum rear yard for uncovered stairs below grade accessing a main building to 2.52m.

### 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/019/2025 - 1358 Marblehead Road (West District)** (OP Designation: General Urban Area)

The applicant proposes to construct an uncovered stair below grade of the existing dwelling, subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this minor variance request are as follows:

#### **Site Area and Context**

The subject property is located in a newer subdivision within North Oakville. The neighbourhood consists of two-storey detached dwellings. Dwellings in the surrounding area share similar

architectural characteristics and styles, while all contributing to the establishment of the neighbourhood character.



*Aerial Photo of 1358 Marblehead Road*

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

The subject lands are designated Neighbourhood Area in the North Oakville East (NOE) Secondary Plan Figure NOE 2 Land Use Plan. The lands are further identified as General Urban Area in the Master Plan Appendix 7.3. Policy 7.6.7.2 applies to the General Urban Area and is intended to accommodate a range of low and medium density residential development. Furthermore, Section 7.5.12 indicates that each neighbourhood will have distinctive characteristics and shall be primarily residential in character, but will include mixed use development including commercial, institutional, live-work and civic facilities. The proposed access stair does not negatively impact the character and supports the planned residential use. Therefore, the proposal complies with the North Oakville East Secondary Plan.

**Variance #1 – Stair projection (No Objection)- Increase from 1.5m to 2.52m.  
(No Objection).**

The intent of regulating projections/encroachments of below grade access stairs is to allow for adequate drainage and passage through a yard so that access is not impeded and to allow for adequate open space and landscaping. In this case the below grade access stairs are located within the rear yard will not impede access and all for adequate open space and landscaping. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character. Therefore, staff is of the opinion that the request 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 development. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the stair be constructed in general accordance with the submitted site plan and elevation drawings dated December 10/ 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.

**Fire:** No concerns for fire.

**Halton Region:**

- 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 projection into a minimum rear yard for uncovered stairs below grade accessing a main building to 2.52m, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting an uncovered access stairs below grade on the Subject Property.

**Metrolinx:** Upon review, we note no properties fall within our review zones.

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

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – None**

**Letter(s) in opposition – None**

**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, 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 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 stair be constructed in general accordance with the submitted site plan and elevation drawings dated December 10/ 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.

Sharon Coyne

Sharon Coyne  
Assistant Secretary-Treasurer  
Committee of Adjustment