

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION:** A/034/2025

**RELATED FILE:** N/A

### **DATE OF MEETING:**

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) on Wednesday, March 05, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Cynthia Holloway	N/A	PLAN M316 LOT 72 3519 Stedford Rd Town of Oakville

**OFFICIAL PLAN DESIGNATION:** Low Density Residential  
**WARD:** 1

**ZONING:** RL5, Residential  
**DISTRICT:** West

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### **APPLICATION:**

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit an uncovered access stairs below grade on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 18)</i> The maximum encroachment into the minimum interior side yard for uncovered access stairs below grade shall be 0.0 metres.	To increase the maximum encroachment into the westerly minimum interior side yard for uncovered access stairs below grade to 0.40 metres.

## CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

### **Planning Services:**

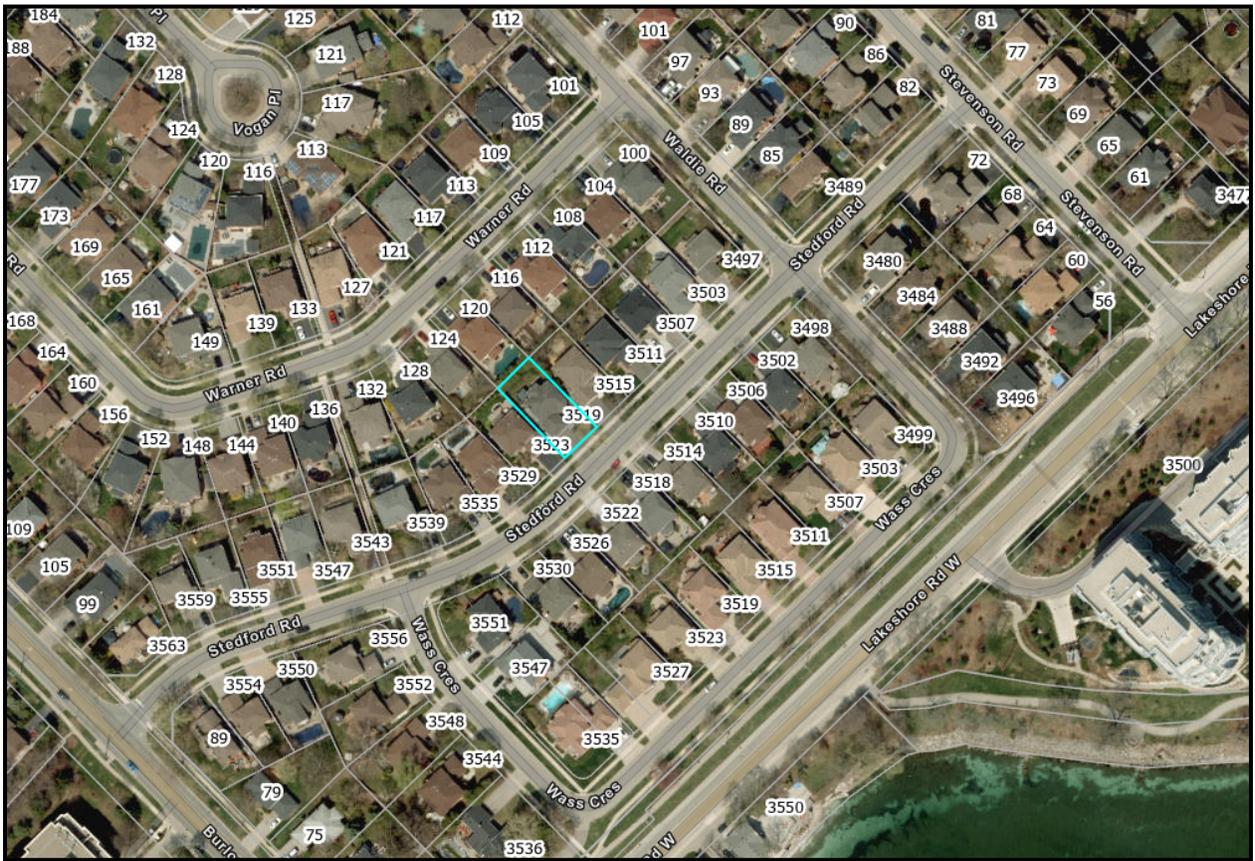
**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

**A/034/2025 - 3519 Stedford Road (West District)** (OP Designation: Low Density Residential)

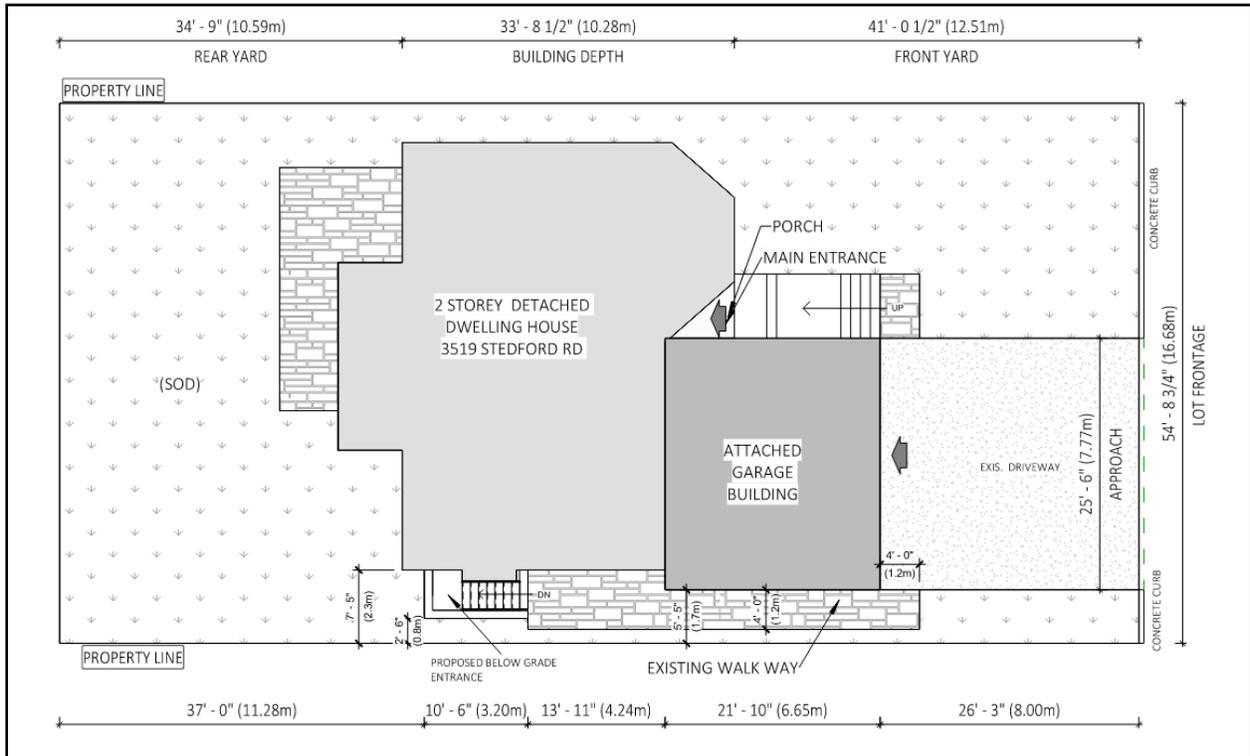
The applicant proposes to construct an uncovered access stairs below grade subject to the variance listed above.

### **Site Area and Context**

The neighbourhood consists of predominately two-storey dwellings that are original to the area.



*Aerial Photo – 3519 Stedford Road*



*Excerpt of Proposed Site Plan – 3519 Stedford Road*

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:

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

The lands are designated "Low Density Residential" in 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 proposed uncovered access stairs will facilitate access to the basement of the dwelling and will not have an adverse impact on adjacent and surrounding properties. It is staff's opinion that the proposal maintains the intent of the Official Plan and is compatible with the neighbourhood character.

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

**Variance #1** – Maximum projection into a required side yard (No Objection) – Increase from 0.0 m to 0.40 m

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 proposed below-grade access stair is located in the side yard and will not impede access, and adequate landscaping will be accommodated on-site. Furthermore, drainage will continue to be reviewed as part of the building permit submission of detailed engineering plans. It is staff's opinion that the application as submitted maintains the general intent and purpose of the Zoning By-law and is compatible with the neighbourhood character.

**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 variances are 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 below grade entrance be built in general accordance with the submitted site plan dated 2024-06-22; 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.

**Oakville Transit:** No comments for the March 5<sup>th</sup> COA package.

**Finance:** No comments received.

**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 in the maximum encroachment into the westerly minimum interior side yard for uncovered access stairs below grade to 0.40 m, 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.

**Bell Canada:** No comments received.

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

**Union Gas:** No comments received.

**Letter(s) in support – 7**

**Letter(s) in opposition – 0**

Support for Below-Grade Side Entrance

We, the undersigned neighbours of 3519 Stedford Road, acknowledge the installation of the below-grade side entrance at the above address and express our support for this modification.

Name: GORDON TAYLOR Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON [Redacted]

Name: FRANCESCO COZZI Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON [Redacted]

Name: Dale Boyd Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON L6L 6H3

Name: B. Aston Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON L6L 6G1

Name: P. de Bernardo Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON L6L 6H2

Name: PARAG MODI Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON L6L 6G1

Name: Elaine Austin Signature: [Signature]

Address: [Redacted] Stedford Road, Oakville, ON L6L 6G1

**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.
- Should archaeological remains or resources be found on the property during construction activities, the proponent is cautioned that during development activities, should archaeological materials be found, the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the Act related to burial sites—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.
- 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 below grade entrance be built in general accordance with the submitted site plan dated 2024-06-22; 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.

*J. Ulcar*

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Jen Ulcar  
Secretary-Treasurer  
Committee of Adjustment