

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/045/2025

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 on Wednesday April 02, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
J. Wu	Gurdeep Singh Canam Engineering Inc. 98 Russell Creek Dr Brampton ON, L6R 4A1	PLAN M1214 LOT 312 3280 Post Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Neighbourhood Area, General Urban

ZONING: GU sp:40, Residential

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 below grade access stairs on the subject property proposing the following variance to Zoning By-law 2009-189:

No.	Current	Proposed
1	<i>Table 4.21 (h)</i> Uncovered stairs below grade accessing a main building shall encroach a maximum of 1.5 metres into a minimum rear yard.	To increase the maximum encroachment into the minimum rear yard for uncovered below grade access stairs to 1.78 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/045/2025 - 3280 Post Road (East District) (OP Designation: Neighbourhood Area, General Urban)

The applicant proposes to construct a basement access stair in the rear yard, subject to the variance listed above.

Site Area and Context:

The subject lands are located in North Oakville, and are a corner lot at Post Road and Hallaran Road. The surrounding area is comprised of detached dwellings with two car garages. This area of Oakville is relatively new, and there are only minor alterations in the rear yards of some

dwellings which include elevated porches and access stairs. Based on existing aerial photography, some properties have not yet installed privacy fencing.

Staff note that the rear yard setback for the subject lands is 7.0m. The rear yard for the subject lands is noted as 7.07m to the main wall and 6.48m to the bay window, which is a permitted encroachment.

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) and/or 45(2) (a) or (b) 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 subject property is designated Neighbourhood Area and identified as General Urban in Figure NOE1 by the North Oakville East Secondary Plan. The General Urban Areas is predominately made up of detached residential units. The proposed basement access stair is located within the rear yard, and not visible from the street. On this basis, the application maintains the general intent and purpose of the Official Plan.

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

The subject lands are Zoned GU SP42 in the North Oakville Zoning By-law 2009-189. The applicant is requesting relief from the by-law to permit a basement access stair in the rear yard having an encroachment of 1.78m whereas 1.5m is the maximum encroachment permitted. The intent of regulating the encroachment is to ensure that there are no negative impacts to drainage, access and the public realm. The proposed access stair is located in the rear yard and not visible from the street due to existing wooden fencing of the rear yard. On this basis, it is staff's opinion that the requested increase in encroachment for the basement 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. Staff note that a site plan application is required to be submitted for the proposed addition.

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. The proposed access stair be constructed in general accordance with the site plan and elevations dates Nov 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.

Oakville Hydro: We do not have any comments to add.

Transit: No comments received.

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 minimum rear yard for uncovered below grade access stairs to 1.78 metres, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of uncovered below grade access stairs on the Subject Property.

Union Gas: No comments received.

Bell Canada: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.
- The applicant is cautioned that during development activities, should archaeological materials be found on the property, the provincial 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 disturbances 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 *Funeral, Burial and Cremation Services Act*—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. The proposed access stair be constructed in general accordance with the site plan and elevations dates Nov 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.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment