

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/052/2025

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 16, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. OKOLI	BHASKAR JOSHI OUT OF THE BOX ENGINEERING INC 7 ARCHWAY Trail BRAMPTON ON L6P 4E3	PLAN M1270 LOT 192 1347 Wheat Boom Dr Town of Oakville

OFFICIAL PLAN DESIGNATION: General Urban Area
WARD: 6

ZONING: GU
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:

	Current zoning by-law requirements	Variance request
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 1.63 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/052/2025 – 1347 Wheat Boom Drive (East District) (OP Designation: Neighbourhood Area)

The applicant proposes to permit the construction of uncovered below grade access stairs in the rear yard subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance 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?

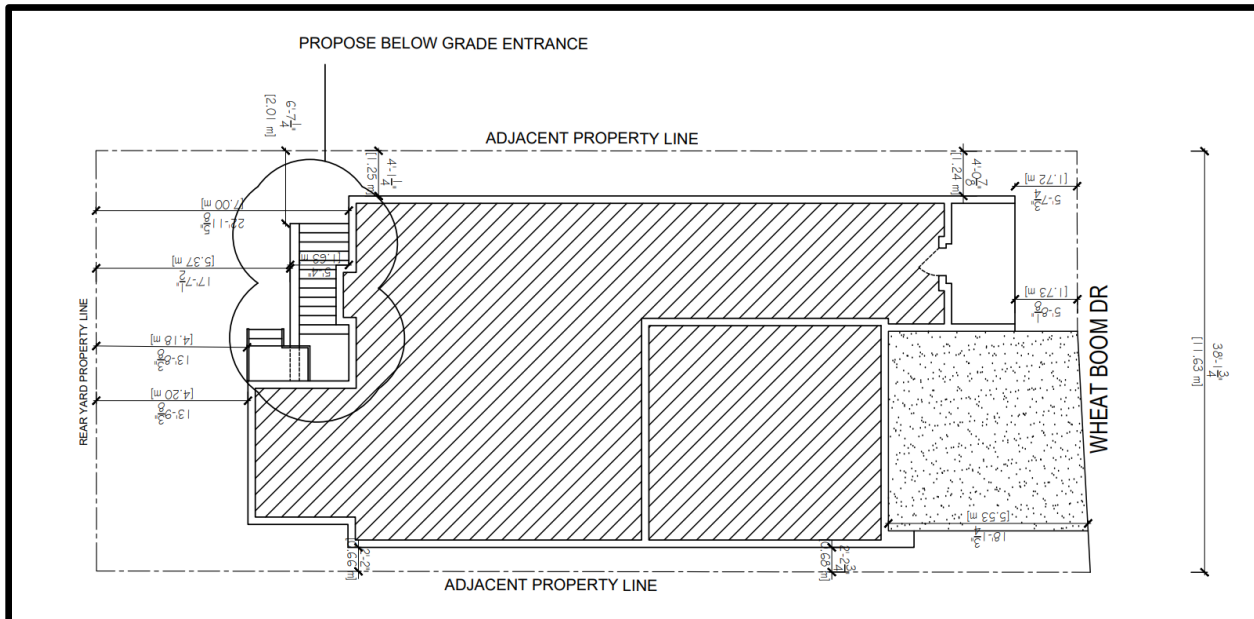
The subject lands are designated Neighbourhood Area in the North Oakville East Secondary Plan Figure NOE 2 Land Use Plan. The lands are further identified as General Urban Area in the Master Plan Appendix 7.3. Policy 7.6.7.2 applies to the General Urban Area and is intended to accommodate a range of 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 proposal complies with the North Oakville East Secondary Plan. Based on staff's review, the proposal would maintain the general intent and purpose of the Official Plan.

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

The applicant is seeking relief from the Zoning By-law 2009-189, as amended, as follows:

Variance #1 – Maximum Encroachment into a Minimum Rear Yard for Below Grade Access Stairs (No Objection) – Increase from 1.5 metres to 1.63 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 located in the rear yard only project a further 0.13 metres than the maximum requirement under the By-law. In this case, the below grade access stairs in the rear yard allows for adequate drainage, open space, and landscaping to be maintained on site.



On this basis, it is staff's opinion that variance maintains the intent and purpose of the Zoning By-law, as the increase in the projection of the below grade access stairs into the rear yard still provides for adequate room for open space/landscaping and does not impede access.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposed variance request to permit an increase in the maximum encroachment into a minimum rear yard for below grade access stairs is minor in nature and do not object. It is Staff's opinion that the variance satisfies all four tests under the *Planning Act* and recommend approval.

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 stairs in the rear yard be constructed in general accordance with the submitted site plan drawing dated February 18, 2025; 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.

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 note that concerns related to site servicing are being addressed through the corresponding subdivision development application for this property (24T-20002/1308).
- 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 encroachment into the minimum rear yard for uncovered below grade access stairs to 1.63 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.

Halton Conservation: No comments for this address.

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 – 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.
- 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 access stairs in the rear yard be constructed in general accordance with the submitted site plan drawing dated February 18, 2025; 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
Asst. Secretary Treasurer, Committee of Adjustment