

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/166/2024 (def. Nov 27/24)

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 May 14, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. ISMAILI	EDUART BEGAJ uenar inc	PLAN 553 LOT 33 150 Richmond Rd
D. ISMAILI	14 B LEASIDE PARK Dr TORONTO ON, CANADA M4H 1R2	Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 5

ZONING: RL3-0
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 a one-storey addition to the existing dwelling and a new attached private garage on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 6.3.1 (Row 5, Column RL3)</i> The minimum interior side yard shall be 1.2 metres.	To reduce the minimum interior side yard to 0.6 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/166/2024 - 150 Richmond Road (deferred November 27, 2024) (West District) (OP Designation: Low Density Residential)

The applicant is proposing to reduce the minimum interior side yard set back from 1.2 metres to 0.6 metres in order to facilitate the construction of an attached garage in place of the existing carport, and requests the variance listed above

The application was previously heard for consideration by the Committee on November 27, 2024. The application was deferred at the request of the applicant to provide the applicant an opportunity to submit a grading plan in order to assess the drainage concerns. The applicant has submitted a grading plan which was reviewed by staff.

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.

Site Area and Context

The subject property is located within in a neighbourhood consisting of two-storey detached dwellings with both detached and attached garages. The proposed development is subject to site alteration permit.

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

The subject property is designated Low Density Residential within the Official Plan. Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character. The proposal was evaluated against the criteria established under 11.1.9, and the following criteria applies:

Policies 11.1.9 a), and h) state:

“a) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.”

The applicant submitted a grading plan to address staff's previous concerns. The submitted grading plan shows inconsistency with the cross-detail and setbacks on the grading plan. More specifically the drawing shows the following:

Point A Top of Slap (TOS): 219.64 (shown in yellow)

Point A Bottom of Slap (BOS): 219.64 (shown in yellow)

Point B TOS: 219.69 (shown in green)

Point B BOS 219.54 (shown in green)

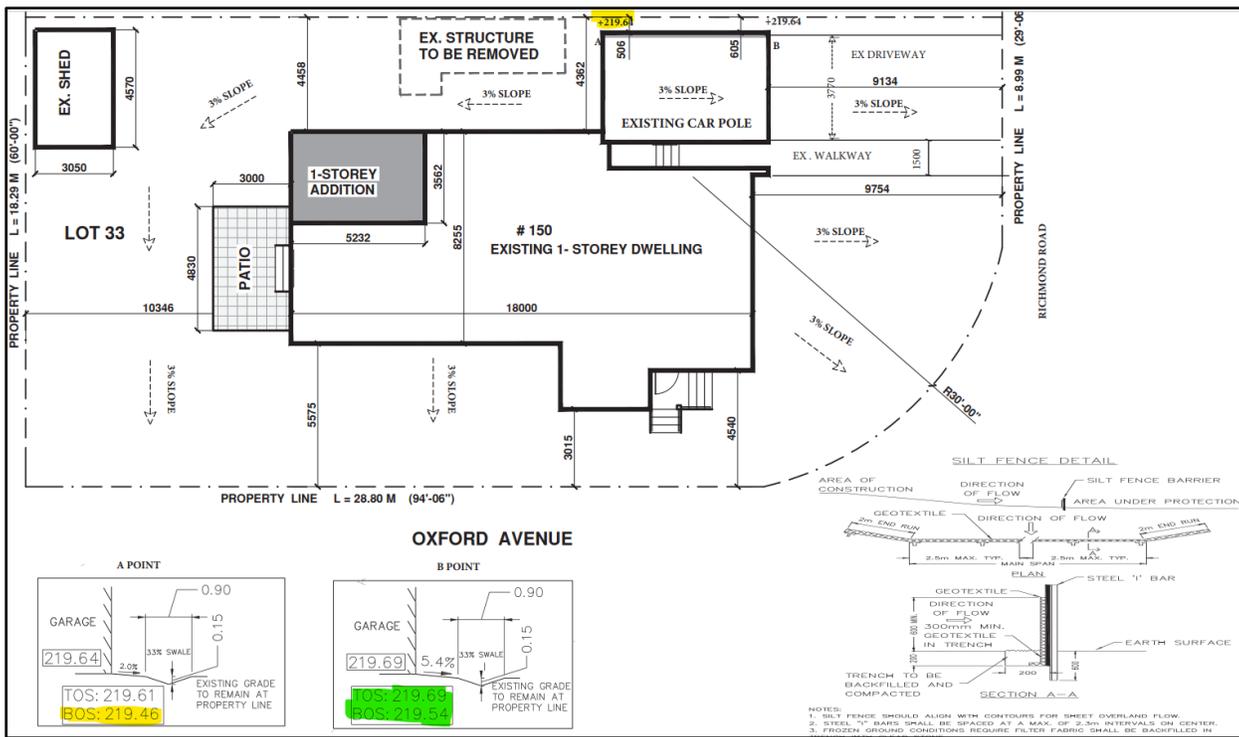


Figure 1- Submitted Grading Plan- inconsistency is highlighted in yellow & green

Elevations provided in cross section details indicate opposite drainage pattern compared to the neighboring lot. There are different elevations and slopes between point A and point B, which does not show a clear drainage direction. Cross-sectional details do not provide clear indication of the setback between garage foundation wall and lot line. Existing and proposed elevation details in the side yards are required to better determine the grading.

In order for the applicant to adequately demonstrate conformity to the Official Plan the submitted grading plan must be revised to show consistency in cross-sectional details and setback measurements. As such, the proposal, as submitted, does not meet the intent of the Official Plan more specifically section 11.1.9 (h).

In addition, the submitted section plan shows the eaves encroaching on the adjacent property (overhang + eaves of 0.66 m whereas building is setback 0.6 m from lot line). The plans should be revised to eliminate this encroachment and provide adequate space to maintain the proposed garage from the subject property.

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

Variance #1 – Reduce the minimum interior side yard (Objection)

The intent of regulating side yard setbacks is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. The proposed reduction amounts to the equivalent of 0.6 metres in increased building width and reduced separation from the property line, which raises concerns from a grading/drainage perspective. In order to demonstrate the general intent and purpose of this regulation has been met the submitted grading plan is required to be revised and reviewed by staff. On this basis, staff are of the opinion that the requested variance does not maintain 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 is not desirable or appropriate as it is unclear there are adverse impacts on drainage by converting the open carport into an attached garage. The grading plan must be revised to show consistency in cross-sectional details and setback measurements.

Recommendation:

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan, Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommends that the application be denied.

Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

Fire: No concerns for fire.

Transit : No comments received.

Finance: No comments received.

Halton Region:

A/166/2024 – deferred from November 27, 2024 - D. Ismaili and A. Ismaili, 150 Richmond Road, Oakville

- It is understood that this application was deferred from November 27, 2024. Regional comments provided on November 22, 2024, still apply.
- 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 a decrease to the minimum interior side yard to 0.6 m, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a one-storey addition to the existing detached dwelling and a new garage on the Subject Property.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0



Sharon Coyne
Asst. Secretary Treasurer
Committee of Adjustment