

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: *Section 45 of the Planning Act, 1990*

APPLICATION: A/078/2025

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, June 11, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
M. OGUZSIMSAROUGLU A. OGUZSIMSAROUGLU	Kusay Rafo 2465 Cawthra Rd Unit 204 Mississauga ON L5A 3P2	PLAN M257 LOT 37 3208 Victoria St Town of Oakville

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

**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 the construction of an uncovered below grade access stair on the subject property proposing the following variance to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 6.3.3 (Row 5, Column RL8)</i> The minimum interior side yard shall be 0.60 m.	To reduce the minimum southerly side yard for the uncovered access stairs below grade to 0.422m.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

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

A/078/2025 – 3208 Victoria Street (West District) (OP Designation: Low Density Residential)

The applicant is proposing to construct uncovered access stairwell below grade within the westerly interior side yard subject to the variance listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from 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 neighbourhood consists of two-storey detached dwellings that are original to the subdivision. Rear yards are typically accessed from one side yard with the other side yard either vegetated or left in an open space arrangement.

Figure 1 below, illustrates the front yard and westerly interior side yard of the subject lands.



Figure 1: Front Yard and Westerly Interior Side Yard – 3208 Victoria Street

The front yard of the subject lands appears to be approximately one foot higher in elevation than the abutting lands to the west, and the location of the proposed unenclosed access stair is relatively level. A mature street tree in front of the property may require hoarding during construction activities to protect it from access route and material storage/delivery.

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 may result in impacts on adjacent properties related to grading and drainage, location of service areas, and access and circulation. Thus, the proposal does not satisfy all policy requirements as set out in Section 11.1.9 to protect the established neighbourhood character and will result in impacts on the adjacent property.

It is staff's opinion that the proposal does not maintain the intent of the Official Plan and will result in impacts on the adjacent property to the west.

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

The intent of regulating interior side yard setbacks is to allow for adequate drainage, passage to a rear yard, and open space and landscaping. The proposed below-grade access stairwell is located 0.422 metres from the westerly interior side yard and will impede access to the existing air conditioning unit and rear yard. Staff are satisfied that sufficient access to the rear yard will continue to be provided via the easterly side yard, and that fencing may be relocated to provide access to the existing air conditioning unit via the rear yard. However, the proposal will impact the existing downspout, and a grading plan has not been submitted to confirm that the resulting development will allow for stormwater to be adequately managed on-site.

On this basis, it is staff's opinion that the variance does not maintain the general intent and purpose of the Zoning By-law, as the introduction of the below grade access stair in the interior side yard may result in negative impacts on drainage.

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

As noted above, the proposed below grade access stairway may create a negative condition on the subject property and the adjacent property should the proposal be approved. Staff are of the opinion that the variance proposed for a decrease in the interior side yard setback is not desirable for the appropriate development of the subject property and the variance is not minor in nature.

Recommendation:

Based on the foregoing, it is staff's opinion that the application does not meet the four tests and staff recommend that the application be denied. Should the Committee approve the application, they must be satisfied that the application meets the four tests of the *Planning Act*.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns for fire.

Metrolinx: No comments/concerns.

Oakville Hydro: 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 a decrease to the minimum southerly side yard for the uncovered access stairs below grade to 0.422 metres, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of an uncovered below grade access stair on the Subject Property.

Halton Conservation: No comments received.

Transit: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

A handwritten signature in cursive script that reads "Sharon Coyne".

Sharon Coyne
Asst. Secretary-Treasurer
Committee of Adjustment