

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: A/086/2025

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 June 25, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
W. Lee S. Lee	Jaime Shedletsky CofA Urban Planning 521 Atlas Ave Toronto ON, M6C 3R5	PLAN 20M1218 LOT 16 RP 20R21538 PART 5 1075 John Laird Cir Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential

ZONING: RL8 sp: 388, Residential

WARD: 6

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 an uncovered platform (deck) in the rear yard on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.3 (Row 16)</i> Uncovered platforms having a floor height equal to or greater than 0.6 metres measured from grade shall encroach a maximum of 1.5 metres into the minimum rear yard.	To increase the maximum encroachment to 3.76 metres into the minimum rear yard.

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/086/2025 - 1075 John Laird Circle (East District) (OP Designation: Low Density Residential)

The applicant is proposing to construct an uncovered platform (deck) 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 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 subject lands are located in a relatively new neighbourhood containing two-storey dwellings. Abutting the rear of the subject property is a one-storey dwelling located along Eighth Line.



Figure 1 – Aerial Imagery

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

The subject property is designated Low Density Residential in 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 Section 11.1.9, and the following criteria apply:

Policies 11.1.9 a), b), and h) state:

“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.

b) 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 proposed development has also been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and preservation of the existing neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Section 6.1.2 c) of Livable Oakville provides that the urban design policies of Livable Oakville will be implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and the Zoning By-law. Staff are of the opinion that the proposal would not implement the Design Guidelines for Stable Residential Communities, in particular, the following section:

“3.1.5 Rear Yard Privacy

- 1. New development, which projects beyond the established rear setback of adjacent dwellings should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.*
- 2. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook adjacent rear and side yards.*
- 3. New development should not include second storey decks and balconies, which may create an undesirable overlook condition onto adjacent properties.”*

This application proposes the construction of an uncovered platform (deck) extending from the ground floor of the existing dwelling. With that said, it is noted that the basement is fully above grade at the rear of the property, and therefore, the deck is proposed 2.8 m above grade, as illustrated in Figure 2 below.

Abutting the rear of the subject property is a one-storey dwelling that fronts onto Eighth Line. The properties along Eighth Line maintain similar grades to that of the 1075 John Laird Circle. As a result, the proposed uncovered deck will be significantly elevated above the rear yard amenity space of the abutting property. Staff are of the opinion that this elevation will create undesirable overlook conditions onto the adjacent rear property. Accordingly, the proposal does not conform to the Design Guidelines for Stable Residential Communities and does not uphold the general intent and purpose of the Official Plan.



Figure 2 – Rear Elevation

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

Variance #1 – Rear Yard Encroachment (Objection) – Increased from 1.5 m to 3.76 m

The intent of regulating the encroachment of an uncovered platform into a rear yard that is 0.6 m above grade or greater is to ensure there is still sufficient rear yard amenity space being provided for on-site and to limit any potential privacy or overlook conditions on abutting properties. The proposed platform is elevated 2.8 metres above grade and is setback 3.74 metres at its closest point and 4.60 metres at its farthest point from the rear property line. The platform spans 9.14 metres in length, nearly the full width of the existing two-storey dwelling.

Given the platform's height, size, and proximity to the rear property line, staff are of the opinion that the proposed development will result in privacy and overlook impacts on the abutting rear property. On this basis, staff are of the opinion that the requested variance does not maintain the general and intent and purpose of the Zoning By-law.

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

Staff are of the opinion that the proposal does not represent the appropriate development of the subject property. The requested variance is not appropriate for the development of the subject lands and is not minor in nature.

Recommendation:

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.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns.

Metrolinx: No comments.

Oakville Hydro: No comments.

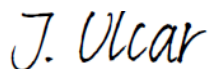
Halton Region:

- 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 to the maximum encroachment to 3.76 metres into the minimum rear yard, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing an uncovered platform (deck) in the rear yard on the Subject Property.

Union Gas: No comments received.

Letter(s)/Emails in support: 5

Letter(s)/Emails in opposition: 2



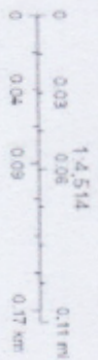
Jen Ulcar
Secretary-Treasurer
Committee of Adjustment

Attachment:

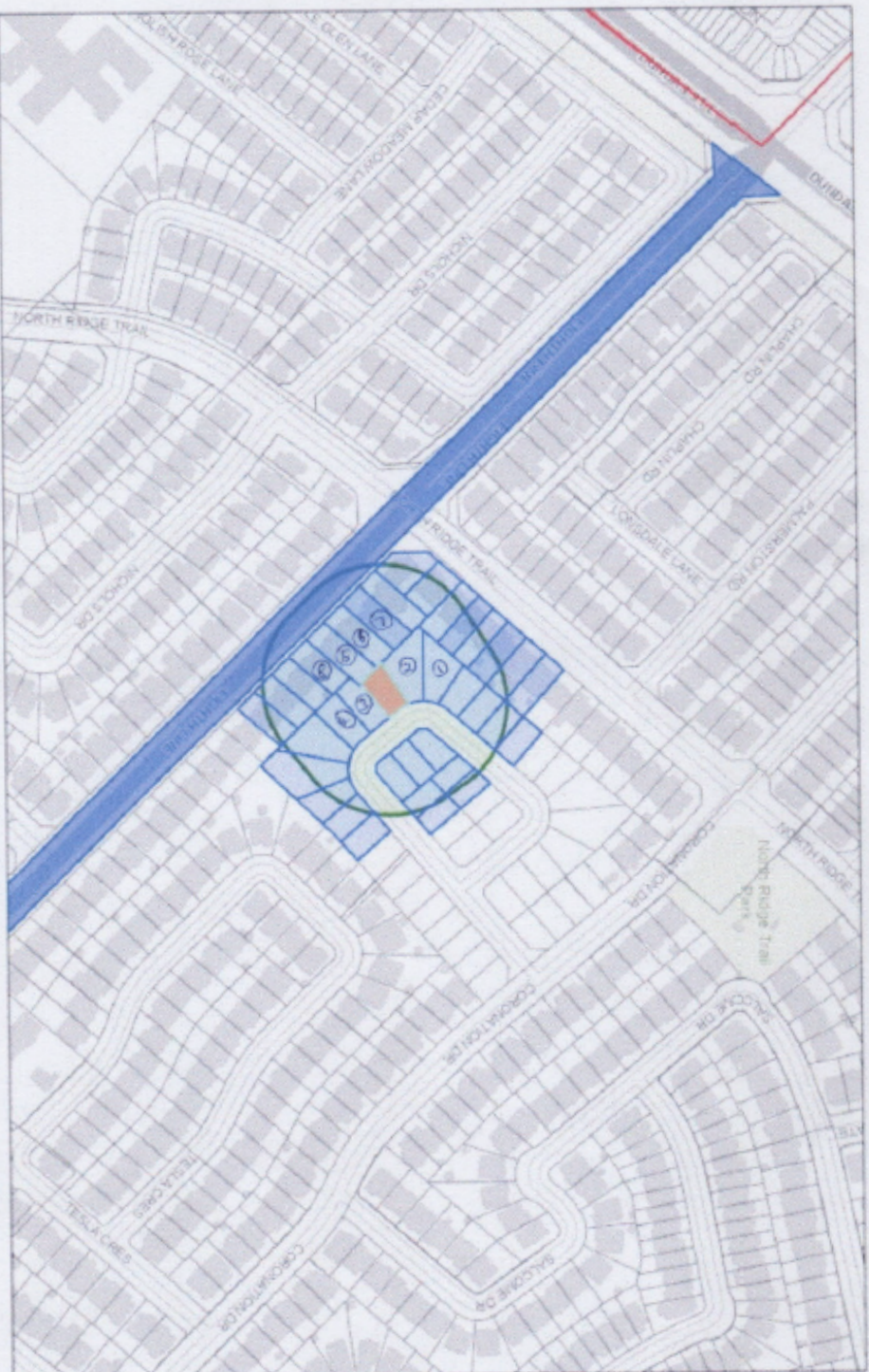
Letters/Emails in Support - 5

A/086/2025 - 1075 John Laird Circle

6/6/2025, 11:34:30 AM
 Applicant Name Address
 Ownership



Town of Oakville
 2023 Vector Data



Minor Variance request
 proposal shared &
 Support letter signed

- ① [Redacted] John Laird Circle
- ② [Redacted] John Laird Circle
- ③ [Redacted] John Laird Circle
- ④ [Redacted] John Laird Circle
- ⑤ [Redacted] Eighth Line

Minor Variance request
 shared & no objection
 from the property owner

- ⑥ [Redacted] Eighth Line
- ⑦ [Redacted] Eighth Line
- ⑧ [Redacted] Eighth Line

①

To whom it may concern,

Please consider this letter as confirmation of my support of the proposal at:

Property Address: 1075 John Laird Circle Oakville ON

File #: A/086/2025

Name: Christine Chang

Address: [REDACTED] John Laird Circle Oakville

Signature: Christine Chang

②

To whom it may concern,

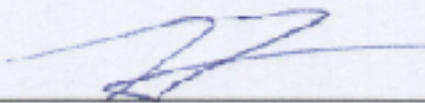
Please consider this letter as confirmation of my support of the proposal at:

Property Address: 1075 John Laird Circle Oakville ON

File #: A/086/2025

Name: Anthony Falcone

Address: [REDACTED] John Laird Circle Oakville

Signature: 

3

To whom it may concern,

Please consider this letter as confirmation of my support of the proposal at:

Property Address: 1075 John Laird Circle Oakville ON

File #: A/086/2025

Name: Koraynov LADO

Address: [REDACTED] John Laird Circle Oakville

Signature: [Signature]



To whom it may concern,

Please consider this letter as confirmation of my support of the proposal at:

Property Address: 1075 John Laird Circle Oakville ON

File #: A/086/2025

Name: Melissa Lefort

Address: [REDACTED] John Laird Circle Oakville

Signature: Melissa Lefort

5

To whom it may concern,

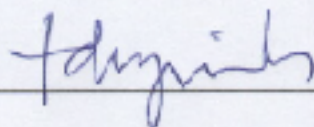
Please consider this letter as confirmation of my support of the proposal at:

Property Address: 1075 John Laird Circle Oakville ON

File #: A/086/2025

Name: INDER PAL SINGH

Address: [REDACTED] Eighth Line Oakville

Signature: 

coarequests

From: Harriet Liu [REDACTED]
Sent: Thursday, June 19, 2025 10:35 AM
To: coarequests
Subject: [EXTERNAL] Re: Written comments re: application File #A/086/2025

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello,

My name is Hui Liu, address [REDACTED] eighth line, Oakville L6H 7L7.
This is regarding the application property: 1075 John Laird Cir.

I forgot to mention in previous email that I will be out of Canada on the date of hearing, so i will not able to attend the meeting.

Let me state my final position on this: I am formally objecting deck extension of the above property as its not respectful to all the neighbors privacy.

Regards
Hui Liu

On Wednesday, June 18, 2025 at 11:59:45 a.m. EDT, Harriet Liu [REDACTED] wrote:

Hello,

My name is Hui Liu, address [REDACTED] eighth line, Oakville L6H 7L7.

This is regarding the application property: 1075 John Laird Cir.

I have concerns of the privacy. As the proposed plan will build a deck of 3.76 meters into the rear yard. The kitchen of the property is about 9 feet above the ground. The existing deck from the kitchen is already 1.5 meter high over the fences. (See Attached Photo) People who standing on the deck will overlook all the neighbors backyard from high point.

This will also set an bad example for other neighbors to build huge deck.

I would prefer to see the deck not to be extended that far from the house.

Thank you for consider my written comments.

Best Regards
Hui Liu



Picture received from Hui Liu

coarequests

From: Inder Pal Singh [REDACTED]
Sent: Thursday, June 19, 2025 10:13 AM
To: coarequests
Cc: [REDACTED]
Subject: [EXTERNAL] Objections to application # A/086/2025
Attachments: rearyard-pic.jpeg

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Sir/Madam,

My name is Inder Pal Singh, and I am owner of [REDACTED] Eighth Line, Oakville L6H 6Y5. I am writing to formally object the application # A/086/2025 for property 1075 John Laird Circle regarding extension of uncovered platform (deck) in its rear yard. This property is right behind my house, and we share a common fence. As per the letter I received from Town of Oakville (dated 10/Jun/2025), my understanding is that the proposal is to increase the encroachment by the deck to 3.76 meters from maximum allowed 1.5 meters.

My primary objections are as follows:

1. **Privacy concerns:** The property (1075 John Laird Circle) is situated at a higher elevation than my house and has a walkout basement. So, the main floor of this property is already quite high compared to my property. I am attaching a photo I took from my backyard to highlight the same. As you can see the current deck is already quite high and overlooks my rear yard and into my house. Increasing the encroachment of the proposed deck would cover half of the other property's rear yard bringing it much closer to the common fence that separates our properties. Given the closeness to the common fence and the fact that it will be at a higher elevation would mean **total loss of already limited privacy that we have today**. Residents and guests on the deck can easily see everything in my rear yard and into my house.
2. **Impact on my property's value:** The closeness of the extended deck to the shared fence could negatively affect my property's value and our ability to enjoy our rear yard with family and friends. The proposed deck would create a looming presence, further diminishing the aesthetic and functional value of my rear yard.

I thus request you to carefully consider my concerns and only allow construction of the deck as per existing By-laws.

Also:

- I would like to participate in the hearing as a delegate. Please provide me with access codes and instructions for the hearing.
- I would also like to be informed of the decision regarding this application.

I thank you for your kind attention to this matter. I sincerely hope my concerns will be taken into serious consideration. Please do not hesitate to contact me for any information.

Sincerely,

Inder Pal Singh

[REDACTED] Eighth Line

Oakville L6H 6Y5

[REDACTED]



Picture received from Inder Pal Singh