

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: **CAV A/031/2021** *Deferred from March 23, 2021*

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 04, 2021 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
WILLOWBAY DEVELOPMENTS 20 CACHET WOODS CRT SUITE 6 MARKHAM ON, CANADA L6C 3G1	OZ KEMAL MHBC PLANNING 442 BRANT ST SUITE 204 BURLINGTON ON, L7R 2G4	2330 KHALSA GATE PLAN M930 PT BLK 134 RP 20R19541 PART 4

OFFICIAL PLAN DESIGNATION: URBAN CENTRE
WARD: 4

ZONING: MU3 SP358
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 a Retirement Home proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 4.6.3 b) A parapet is permitted to project above the top of a roof to a maximum of 2.0 metres.	To permit a parapet to project above the top of a roof to a maximum of 3.5 metres.
2	Section 15.358.3 b) The maximum <i>height</i> shall be 30.0 m.	To permit the maximum <i>height</i> to be 34.5 m.

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)

CAV A/031/2021 - 2330 Khalsa Gate (West District) (OP Designation: Urban Centre)
(*Deferred from March 23, 2021*)

This application is being presented to the Committee for the second time after being deferred at the March 23, 2021 meeting by the applicant for further discussion to be held with Staff in relation to the requested variances and concurrent Site Plan application. The Staff comments previously provided are revised as follows:

The applicant proposes to construct a new retirement home. The applicant requests the variances listed above.

The neighbourhood contains a range of mixed-use and residential buildings. There will be sidewalks along Bronte Road and Khalsa Gate as part of fully urbanized cross sections as part of Palermo Village. The property is subject to a Site Plan application (SP. 1431.023/01) which is currently awaiting its second submission.

Variance #1 – Parapet Projection (Supported)

The request to increase the projection of the parapet from 2 m to 3.5 m is measured from the top of the roof, to the peak of the “high parapet” for the mechanical penthouse located as part of the centre accent element of the proposed building. The intent of regulating the parapet projection is to minimize any additional height or massing created by the architectural features. In this instance, the additional projection is central to the building which provides and symmetrical focal point in relation to the front entrance, without causing a significant visual impact from the public realm.

Variance #2 – Building Height (Supported)

The request to permit additional building height from 30 m to 34.5 m, is measured from the ground floor to the top of the roof, which does not include the parapet. The intent of regulating the building height is to prevent a building from being taller in mass and scale than ones in the surrounding area while minimizing impacts such as shadowing. In this instance, the additional 4.5 m of building height equates to the tenth floor in order to achieve the permitted number of units approved through the previous Zoning By-law Amendment application. Noting the location of the site within the Palermo Village, new buildings with similar heights will be developed in the fullness of time. However, the height of this building and its location will result in a landmark gateway structure, highly visible when entering Palermo Village from the south. Through the Site Plan Application process, Staff identified several areas of concern, particularly related to the overall massing of the building. The proposed increase in height will not create a major issue if the design of the structure is further revised to ensure that the massing is divided into smaller elements to de-emphasize building's very extensive length and that enhanced architectural treatment is provided through the Site Plan revision process.

On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a building that is in keeping with the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff's opinion, the following condition is requested:

1. That the building be constructed in accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services; 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. Building in general accordance with the submitted final approved Site Plan 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.
2. 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.

Fire: Comments not received.

Transit : No comments.

Halton Region: CAV A/31/2021 – Willowbay Development Inc, 2330 Khalsa Gate, Oakville

- It is understood that this application is a deferral from the March 23, 2021 Committee of Adjustment meeting.
- Regional Staff still has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to increase the maximum height requirement, and to reduce the minimum dwelling units requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a Retirement Home on the subject property.

Bell Canada: Comments not received.

Trans Canada Pipeline : Comments not received

Union Gas: Comments not received

Letter(s) in support – None.

Letter(s) in opposition – None.

General notes for all applications:

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 Services, 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.

Requested conditions from circulated agencies:

1. That the building be constructed in accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services; 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.

A handwritten signature in cursive script, reading "J. Radomirovic", enclosed within a rectangular border.

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment