

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: B22/01(1623)

RELATED FILE: CAV A/031/2022 AND CAV A/032/2022

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, MAY 03RD, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
GENDRON ACIER 2270 GARNEAU RUE LONGUEUIL QC, J4G 1E7	WILLIAM OUGHTRED W.E. OUGHTRED & ASSOCIATES INC. 2140 WINSTON PARK DR UNIT 28 OAKVILLE ON, L6H 5V5	1281 SPEERS RD CON 3 SDS PT LOT 23 RP 20R6381 PART 1

OFFICIAL PLAN DESIGNATION: INDUSTRIAL
WARD: 2

ZONING: E3 SP: 250
DISTRICT: WEST

APPLICATION:

Application has been made for Consent for the creation of a New Lot. The application is asking to convey a portion of land (Part 1) approximately 5162.00 sq m in area with an approximate frontage of 43.18 m (street limit – Speers Road) and a depth of 120.81 m to be severed from CON 3 SDS PT LOT 23. The retained parcel (Part 2) is approximately 5206.00 sq m in area with an approximate frontage of 42.72 m (street limit-Speers Road) and a depth of 121.97 m. The owner of the property known as 1291 Speers Road purchased under the same name the abutting north-east property known as 1281 Speers Road, and as a results the two properties merged into one lot. This application is to rectify the merging of the two properties and create two (Part 1 =1281 Speers Road and Part 2 = 1291 Speers Road) separate lots as they previously existed.

This application is being considered with related **REVISED Minor Variance CAV A/031/2022 (for the severed parcel) and Minor Variance CAV A/032/2022 (for the retained parcel).** Notices Attached.

The said parcels being more particularly described on the attached draft Severance Sketch prepared by Cunningham McConnell Limited, Ontario Land Surveyors, Plan N 153-21-1 and dated February 16, 2022.

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)

To: Heather McCrae, Secretary-Treasurer

From: Planning Services

Date: April 28, 2022

Subject: Consent B22/01 (1623)

RECOMMENDATION

That consent application B22/01 (1623), submitted by W. E. Oughtred and Associates Inc. on behalf of Acier Gendron Ltee. (AGL) to recreate a lot for employment uses (Part 1) having approximately 5,162.00 square metres in area with an approximate frontage of 43.18 metres (street limit – Speers Road) and a depth of approximately 120.81 metres, and with a retained portion (Part 2) having an area of approximately 5,206.00 square metres in area with an approximate frontage of 42.72 metres (street limit - Speers Road) and a depth of approximately 121.97 metres, be approved, subject to the conditions attached as Appendix “A”.

Note: This consent application should be considered together with minor variance applications CAV A/031/2022 and CAV A/032/2022 to address a deficient easterly interior side yard setback (retained lands) and minimum landscaping coverage (severed and retained lands) under Zoning By-law 2014-014, as amended.

LOCATION

The subject lands are located along Speers Road, abutting the Canadian National Railway to the north, in an area characterized by industrial uses. The subject lands are legally described as Part of Lot 23, Concession 3, SDS, and outlined in red in Figure 1.



Figure 1: Air Photo of the Subject Lands

PURPOSE

The property municipally known as 1281 and 1291 Speers Road (the “**Subject Lands**”) is currently occupied by two industrial buildings. In 2012, while AGL was the owner of the lands

municipally known as 1291 Speers Road (Part 2 in Figure 2) (the “**Retained Lands**”), they purchased the adjacent lands municipally known as 1281 Speers Road (Part 1 in Figure 2) (the “**Severed Lands**”). Both the Severed and Retained Lands are occupied by one industrial building each, and function separately from each other with their own driveways and access from Speers Road. No changes to the two industrial buildings or site layouts are proposed as part of this consent application.

The proposed consent would have the effect of re-establishing the lot line dividing subject lands (shown in yellow in Figure 1) which was merged on title due to common ownership. As a result, a separate lot for 1281 Speers Road and 1291 Speers Road would be created, as it existed prior to merging on title.

As per Section 50(3)(b) of the *Planning Act*, a property owner may not transfer a parcel of land and retain the ownership of abutting land unless the land is the whole of one or more lots or blocks within a plan of subdivision. Neither property is within a plan of subdivision. As such, a consent is required to legally separate the properties so that each of the lots may be sold separately.

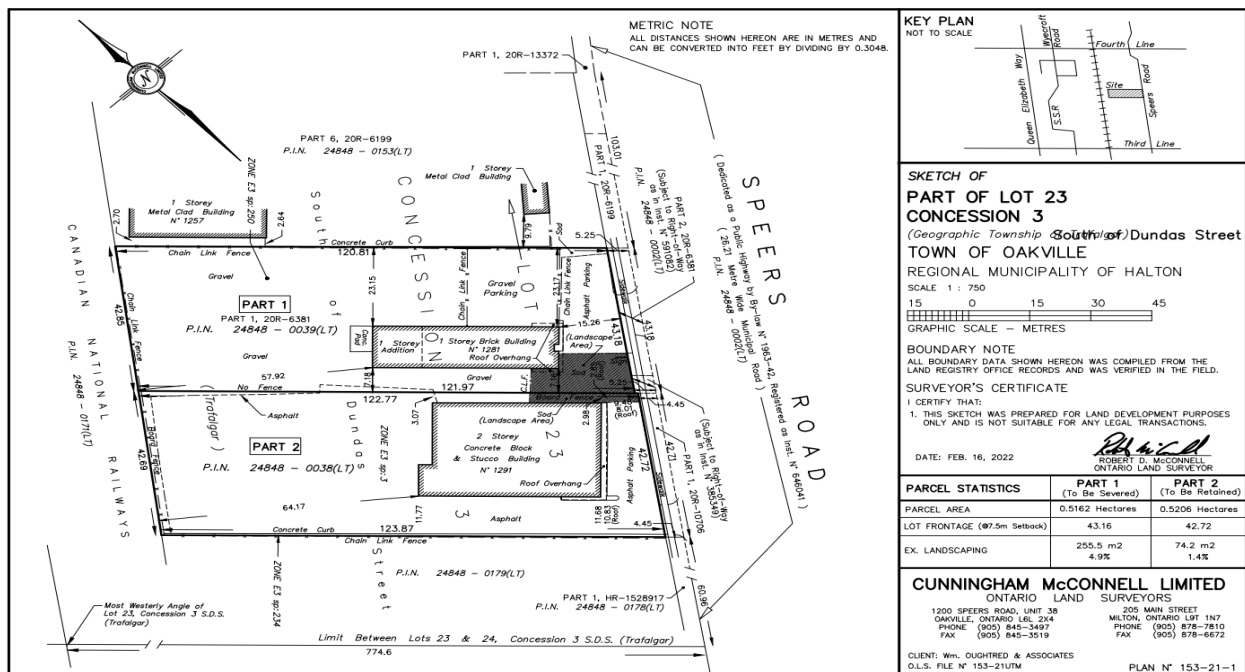


Figure 2: Severance Sketch

PROVINCIAL POLICY STATEMENT (PPS), 2020

The Provincial Policy Statement 2020 (“**PPS**”) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form. The PPS defines Intensification as development of a property at a higher density than currently exists through underutilized lots within previously developed areas. The proposed consent provides an opportunity for intensification that is consistent with policies of section 1.1 that promote efficient land use and development patterns and ensure that healthy, livable and safe communities are sustained by directing intensification to settlement areas. The policies of section 1.3.2 encourage municipalities to plan for and protect employment uses. The proposal is consistent with the PPS as it will result in the preservation of existing employment.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019

The Growth Plan for the Greater Golden Horseshoe (2019) (the “**Growth Plan**”) is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment. The Growth Plan provides a framework implementing the Province’s vision for building stronger, prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

The proposed consent is consistent with policy 2.2.5 which outlines that economic development and competitiveness in the Greater Golden Horseshoe will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.

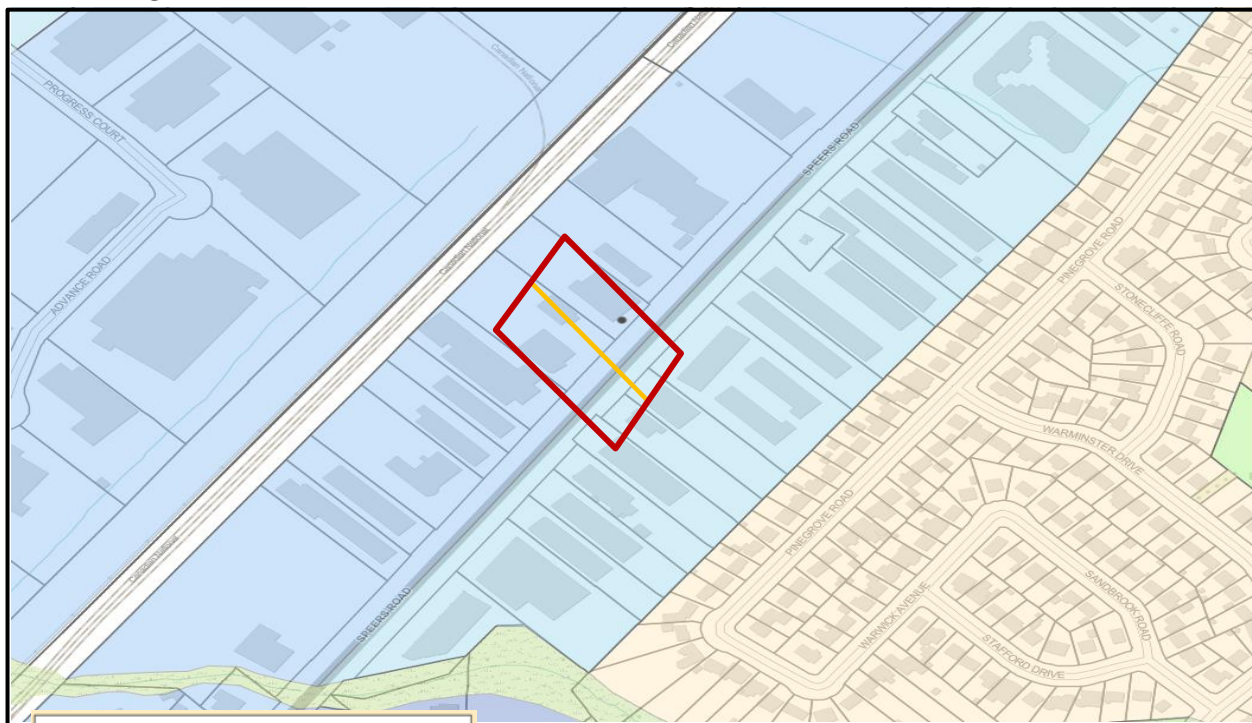
The Subject Lands are within the “Built-Up Area” of the Growth Plan where the intent is to use land efficiently, and in close proximity to transportation and servicing infrastructure. All planning decisions must conform to the Growth Plan, and it is Staff’s opinion that the proposed consent conforms to the Growth Plan.

HALTON REGION OFFICIAL PLAN

The subject lands are designated “Urban Area” are located within the Built Boundary and form part of the Employment Area overlay in the 2009 Halton Region Official Plan (the “**ROP**”). Lands within the “Urban Area” are intended for residential and employment growth. Section 83 of the ROP further identifies that Employment Areas are to accommodate forecasted growth to support Halton. A full range of employment uses may also be permitted. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the ROP.

Halton Region staff have reviewed the application, and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to this consent application subject to conditions related to servicing being satisfied which are outlined in Appendix “A”.

LIVABLE OAKVILLE PLAN



F

Land Uses - Livable Oakville

- OFFICE EMPLOYMENT
- BUSINESS EMPLOYMENT
- INDUSTRIAL
- LOW DENSITY RESIDENTIAL

The Subject Lands are designated 'Industrial' on Schedule F, South West Land Use Plan of the Livable Oakville Official Plan (the "OP"). Per policy 14.5 of the OP, industrial areas are intended to provide for heavy industrial operations and are limited to well screened, highly accessible locations. Permitted uses include light industrial, heavy industrial operations such as manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling. Outdoor storage is also permitted.

The Subject Lands are also part of the Speers Road Corridor Special Policy Area which is defined by land along Speers Road, located south of the railway tracks and north of the Residential Areas between Bronte Creek and the Kerr Village Growth Area. According to OP Policy 16.4.1, the goal of the Speers Road Corridor is to "support the Town's urban structure as an intensification corridor and Regional transit priority corridor which will be a multimodal, transit-supportive, Employment Area where a wide range and mix of business and economic activities can thrive."

Within the Speers Road Corridor, the Subject Lands are located in the East of Third Line to Fourth Line District. Further to OP policy 26.4.3, this district is planned to contain a mix of employment uses, including service and arterial commercial uses, and is expected to maintain a larger industrial presence on the north side of Speers Road. The area will provide for modest intensification opportunities, with an increased focus on pedestrian facilities.

According to OP Policy 26.4.6(a)(i), within the Speers Road Corridor, "in addition to the criteria to grant a consent in section 28.14.2, applications for consent for a new lot may only be granted where the severance does not fragment the lotting fabric which would preclude comprehensive site design, development and intensification from taking place in accordance with the policies for the Speers Road Corridor Special Policy Area on the retained and new lot."

The OP states in subsection 28.14.2 that applications for consent to create new lots may only be granted where:

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) no extension, improvement or assumption of municipal services is required;*
- e) the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) the consent conforms to all relevant policies of this Plan."*

The proposed lot has frontage on a public street. Servicing is available from Speers Road. As a condition of approval, the applicant is required to provide detailed servicing information to confirm that services do not cross property lines, as requested by Halton Region. Both the Retained Lands and the Severed Lands comply with the applicable Zoning By-law with respect to minimum lot frontage, lot area and have a shape and size that is compatible with lots in the surrounding area and could accommodate future development. It is staff's opinion that the proposed consent would not fragment the lotting fabric or preclude comprehensive site design, development and intensification in accordance with the Speers Road Corridor policies of the OP.

ZONING

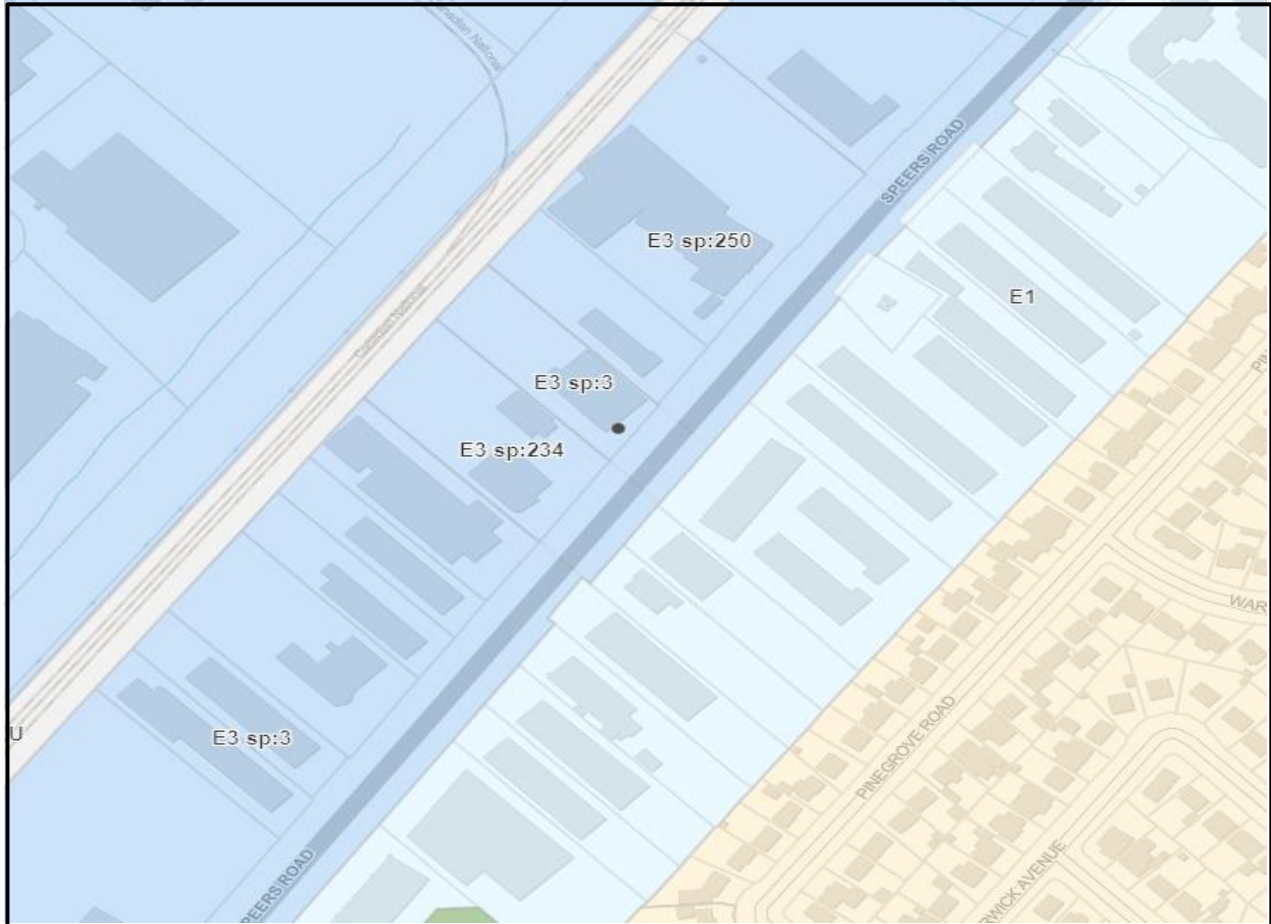


Figure 4: Zoning Map

The Retained Lands are zoned Industrial (E3 sp: 3) and the Severed Lands are zoned Industrial (E3 sp: 250). Special provision 3 allows for additional motor vehicle uses. Special Provision 250 allows for the provisions of sp: 3, allows for all lands subject to the Special Provision to be considered to be one lot for the purposes of applying the standards of the By-law and allows for reduced rear and side yard requirements.

Both the Retained Lands and Severed Lands comply with area and frontage requirements; however, both contain existing buildings and paved surfaces that result in relief under Section 45(1) of the *Planning Act* being required to allow for the existing condition.

The following is a break-down of the Minor Variance applications subject to the proposed Severed and Retained Lands:

CAV A/031/2022 - 1281 Speers Road (Severed Lands)

No.	Zoning By-law Regulation	Variance Request
1	<p>Section 15.250.2 b) All lands subject to this Special Provision shall be considered one lot for the purpose of applying the standards of this By-law.</p> <p>Table 10.3 (Row 14) The minimum landscaping coverage shall be 10% (2093.8 sqm.); (Total lot area for all lands within sp: 250 is 2.0938 ha).</p>	To permit the minimum landscaping coverage for the severed lands only to be 4.9% (255.5 sqm.); (Lot area of severed lands is 0.5162ha).

CAV A/032/2022 - 1291 Speers Road (Retained Lands)

No.	Zoning By-law Regulation	Variance Request
1	Table 10.3 (Row 7) The minimum interior side yard shall be 3.00m.	To permit the minimum easterly interior side yard to be 2.85m.
2	Table 10.3 (Row 14) The minimum landscaping coverage shall be 10% (520.6 sqm); (Lot area is 0.5206 ha).	To permit the minimum landscaping coverage to be 1.4% (74.2 sqm.).

As discussed in a separate report, staff are of the opinion that the minor variance applications satisfy the applicable tests under the *Planning Act*. The proposed consent will be subject to the approval of the variances listed above.

Staff note that any future redevelopment of the site will be subject to Site Plan Control, which will evaluate the placement of any proposed buildings and parking areas, as well as grading, drainage, landscaping, tree protection, urban design, etc.

COMMENT

The proposed consent would have the effect of reestablishing the lot line dividing Subject Lands which was merged on title due to common ownership. The Subject Lands are an appropriate location for intensification, in accordance with the provincial direction, and is in keeping with the OP policies and the Zoning By-law. No feedback was received as a result of the public circulation of this application. Standard conditions were identified through staff and agency review in response to the notice and circulation. Recommended conditions of approval have been included in Appendix “A” of this report. Staff and agency comments are included in Appendix “B” of this report.

CONCLUSION

Consent application B22/01 (1623) is an appropriate form of intensification, conforms to the Livable Oakville Plan and complies with the Zoning By-law (subject to approval of CAV A/031/2022 & CAV A/032/2022). On this basis, Staff recommends approval of Consent application B22/01 (1623), subject to the conditions attached as Appendix “A”.

Submitted by:



Catherine Buckerfield,
MCIP, RPP
Planner, Current
Planning

Reviewed by:



Paul Barrette,
MCIP, RPP
Acting Manager, Current
Planning – West District

Approved by:



Gabe Charles,
MCIP, RPP
Director of Planning
Services

APPENDIX “A” - CONDITIONS OF APPROVAL B22/01 (1623)

1. That the owner/applicant submit a digital copy of the reference plan showing the lands to be conveyed together with a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
2. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
3. Taxes as levied on the property are to be paid in full.
4. That the owner/applicant submit confirmation that the development is on full municipal water and sanitary sewer services, to the satisfaction of Halton Region.
5. That the owner/applicant determine the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lots on a drawing which also shows the relationship of these services to the new proposed lot lines, to the satisfaction of Halton Region.
6. That the owner/applicant agree that no sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines, to the satisfaction of Halton Region.
7. Any existing water service or sanitary service lateral to be disconnected from the system and abandoned must be decommissioned per the standards and specifications of the Region of Halton. The Proponent is required to obtain a Regional Service Permit for the disconnection of existing services. The Proponent is advised to contact Halton's Planning and Public Works Department Service Permit Section for details on abandoning water and sanitary services should this be necessary. The Proponent shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.
8. That the owner/applicant submit Committee of Adjustment Decisions for approval of minor variance applications to address a deficient easterly interior side yard setback (retained lands) and minimum landscaping coverage (severed and retained lands) under Zoning By-law 2014-014, as amended (CAV A/031/2022 and CAV A/032/2022).

Notes

1. The owners, his successors and assign, are hereby notified that the Development Charges of the Town of Oakville are payable upon issuance of Building Permit at the rate in effect on the date issued.
2. The owners, his successors and assign, are hereby notified that Site Plan approval is required for both the retained and severed lots.
3. Should the proposed severance impact services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, please ensure that an application for gas service is submitted through the Union Gas on line application tool 'Get Connected'.

APPENDIX “B” – DEPARTMENT/AGENCY COMMENTS B22/01 (1623)

With respect to B22/01 (1623), the following Departments and Agencies have indicated no comments or concerns with the proposal:

- Legal Department
- Building Services – Plan & Code Review
- Finance
- Development Engineering
- Parks & Open Space
- Fire Department

Building Services – Zoning

Subject to receiving minor variance approval.

Oakville Hydro:

We do not have any objection with Notice of Consent Application B22/01 (1623).

Halton Region

Legislative & Planning
Services
Planning Services
1151 Bronte Road
Oakville, ON L6M 3L1
Fax: 905-825-8822

March 17, 2022

Jasmina Radomirovic
Assistant Secretary-Treasurer
Planning and Development Department
Town of Oakville
1225 Trafalgar Road
Oakville, On L6H0H3

Dear Jasmina Radomirovic:

RE: Region of Halton Comments – 1st Submission
Consent Application
File: B22/01
1291 and 1281 Speers Road, Town of Oakville, Region of Halton

Regional staff are forwarding comments in response to the circulation of the 1st submission for the above-noted application circulated on February 24, 2022. The application proposes the creation of a new lot. The application is asking to convey a portion of land (Part 1) approximately 5162.00 sq m in area with an approximate frontage of 43.18 m and a depth of 120.81 m to be severed from CON 3 SDS PT LOT 23. The retained parcel (Part 2) is approximately 5206.00 sq m in area with an approximate frontage of 42.72 m and a depth of 121.97 m.

Staff understand the owner of the property known as 1291 Speers Road purchased, under the same name, the abutting north-east property known as 1281 Speers Road, and as a result the two properties merged on title. This application is to rectify the merging of the two properties and create two (Part 1 = 1281 Speers Road and Part 2 = 1291 Speers Road) separate lots as they previously existed.

In addition, should the consent application be approved, the Proponent will require various minor variance applications for the severed (CAV A/031/2022) and retained (CAV A/032/2022) parcel. The proposed variances are seeking relief under Section 45(1) of the Planning Act in order to permit decreases in the landscape coverage and a decrease in the minimum interior side yard setback, under the requirements of the Town of Oakville Zoning By-law. Regional staff have no objections to the above noted Minor Variance applications.

Staff have considered the proposed consent application within the context of Provincial planning documents and the Regional Official Plan, and have **no objection** subject to the comments and conditions herein.

Planning Analysis

The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. The proposed development are located on the lands that are designated as 'Urban Area', are located within the Built Boundary and form part of the Employment Area overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support range of uses and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Section 83 of the ROP further identifies that Employment Areas are to accommodate forecasted growth to support Halton. A full range of employment uses may also be permitted. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Regional staff are satisfied that the submitted Site Plan Application conforms to the Urban Area and Employment Area policies of the ROP, subject to the inclusion of the conditions outlined in Schedule 'A'.

Regional Natural Heritage System:

Given the location of the proposed development in relation to the Regional Natural Heritage System, the Region's Environmental Impact Assessment (EIA) requirements are triggered in accordance with Section 118(3.1)c). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently from any sensitive natural features or areas and will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.

Other Regional Comments:

Water and Wastewater Servicing:

Section 89(3) of the ROP requires that all new development within the Urban Areas be on the basis of connection to Halton's municipal water and wastewater service.

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments and conditions as they relate to the proposed development:

Watermain:

- A 300mm dia. watermain is located on Speers Road adjacent to the property.

- A 750mm dia. watermain is located on Speers Road adjacent to the property.

Sanitary Sewer:

- A 300mm dia. sanitary sewer is located on Speers Road adjacent to the property.

The property does not abut a Regional Road.

No documentation or drawings were submitted with the applications showing the locations of the existing services for the two lots. Regional records indicate that the impacted properties are serviced for municipal sanitary sewer by existing connections to the existing sewer on Speers Road.

Regional records indicate that there is no individual water service connection to the property located at 1291 Speers Road. A separate water service connection will be required for this property.

Regional staff note, that the owner must demonstrate, that the existing water and wastewater services to the severed lot and the retained lot, do not cross the proposed lot lines. Any services that are found to cross the proposed lot lines must be relocated at the owner's expense prior to final approval. A condition speaks to this in Schedule 'A'.

Finance:

The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

Conclusion

Regional staff have no objection to the proposed application, subject to the following conditions attached as Schedule "A" being satisfied. Staff note that it must be determined that the locations of the existing services do not cross property lines.

We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned. **Please send a copy of the Town's decision on this application.**

Sincerely,

Michaela Campbell

Michaela Campbell

Intermediate Planner

michaela.campbell@halton.ca

**Schedule 'A' – Region of Halton Conditions of Consent Application Approval
1291 and 1281 Speers Road (B22/01)**

1. The development shall be subject to full municipal water and sanitary sewer services, to the satisfaction of Halton Region.
2. Prior to approval, the Proponent determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lots and submits a drawing showing the relationship of these services to the new proposed lot lines, to the satisfaction of Halton Region.

3. No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines, to the satisfaction of Halton Region.
4. Any existing water service or sanitary service lateral to be disconnected from the system and abandoned must be decommissioned per the standards and specifications of the Region of Halton. The Proponent is required to obtain a Regional Service Permit for the disconnection of existing services. The Proponent is advised to contact Halton's Planning and Public Works Department Service Permit Section for details on abandoning water and sanitary services should this be necessary. The Proponent shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary servicing, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.

APPENDIX "C" PUBLIC COMMENTS B21/04 (1501)

None.

A rectangular box containing a handwritten signature in dark ink. The signature is written in a cursive style and appears to read "J. Radomirovic".

Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment