

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/069/2022**

RELATED FILE: N/A

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
SILWELL DEVELOPMENTS LIMITED 1 YORKDALE RD SUITE 601 NORTH YORK ON, M6A 3A1	OZ KEMAL MHBC PLANNING 442 BRANT ST SUITE 204 BURLINGTON ON, L7R 2G4	90 OAK PARK BLVD PLAN M1032 BLK 15

OFFICIAL PLAN DESIGNATION: URBAN CORE  
WARD: 5

ZONING: MU4 SP38  
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 a twelve-storey mixed use building proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.38.4 m)</b> The minimum percentage of glazing of the <i>first storey building wall</i> for non-residential <i>uses</i> oriented toward any <i>front lot line</i> and <i>flankage lot line</i> for each individual <i>building</i> shall be 75%.	To permit the minimum percentage of glazing for the first 4.5 m of the <i>first storey building wall</i> for non-residential <i>uses</i> oriented toward any <i>front lot line</i> and <i>flankage lot line</i> for each individual <i>building</i> to be 75%.

### 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/069/2022 - 90 Oak Park Blvd (East District)** (OP Designation: Urban Core)

The applicant is proposing the construction of a 12-storey mixed use building subject to the variance above.

The subject property is located on the west side of Oak Park Boulevard (retail and surface parking to the east) and extends between Oak Walk Drive to the north (future development) and Hays Boulevard to the south (Trafalgar Memorial Park). Further west is a large parcel of vacant land for future residential development. The subject property is subject to site plan application (SP.1414.030/01) which is currently under review.

The subject property is designated Urban Core under the Livable Oakville Official Plan. The Urban Core designation is envisioned to have a strong urban focus and incorporate retail and service commercial, major office, office and residential uses. Development should be oriented to the street and shall contribute to a high quality pedestrian-oriented and transit-supportive environment. A wide range of retail and service commercial uses, including restaurants, commercial schools, major office, offices and residential uses may be permitted in the Urban

Core designation. Retail and service commercial uses are permitted on the ground floor of mixed use buildings that directly front a public street. Buildings within the Urban Core designation shall be a minimum of eight-storeys in height and a maximum of 12 storeys in height.

**Variance #1 – First Storey Glazing (Supportive)**

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit the minimum percentage of glazing for the first 4.5 metres of the first storey building wall for non-residential uses to be 75% when the Zoning By-law requirement is for the full height of the first storey to have a minimum of 75% glazing. The current design of the ground floor incorporates various materiality and greater first-storey floor to ceiling heights that accommodate a mezzanine and mechanical equipment which results in a first storey height of approximately 8.3 meters. Under the Zoning By-law, the minimum first storey height in a mixed use zone is 4.5 metres. The variance meets the intent of the Zoning By-law as the provision of glazing is consistent with the minimum first storey height under the Zoning By-law.

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

1. That the building be built in general accordance with the submitted site plan and elevation drawings to the satisfaction of the Director of Planning; 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 site plan and elevation 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/069/2022 – Silwell Developments Limited, 90 Oak Park Boulevard, Oakville**

- The subject lands are located within an area of Archaeological Potential. Archaeological concerns have been addressed through a previous Draft Plan of Subdivision application (24T-92005/O - 20M-1032). As such, there are no further Regional requirements in this regard.

- However, the Proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the Proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.
- Regional staff have no objection to the proposed minor variance application seeking relief under Section 45(1) of the *Planning Act* in order to permit a decrease in the minimum percentage of glazing of the first storey building wall for non-residential uses oriented toward any front lot line and flankage lot line for each individual building, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a twelve-storey mixed use building on the subject property.

**Bell Canada:** 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 built in general accordance with the submitted site plan and elevation drawings to the satisfaction of the Director of Planning; 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.




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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment