

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/070/2022

RELATED FILE: N/A

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
2714721 ONTARIO INC. 4644 SANDFORD FARM DR MISSISSAUGA ON, L5V 0C1	SABA AL MATHNO QBS ARCHITECTS INC 1670 BAYVIEW AVE 401 TORONTO ON, M4G 3C2	71 SPEERS RD 1 HSCP 677 LEVEL 1 UNIT 7

OFFICIAL PLAN DESIGNATION: URBAN CORE – BONUSING
WARD: 2

ZONING: MU4 SP20
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 expansion of a medical office on the first storey of the existing Mixed Use Building proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 8.2 Footnote 6 On a lot having lot frontage greater than 20.0 metres uses subject to this footnote are limited to a cumulative maximum width of 50% of the building in the first 9.0 metres of depth of the building on the first storey only, measured in from the main wall oriented toward the front lot line. (48.0 metres X 50% = 24.0 m)	To permit the uses subject to Footnote 6 (<i>Business and Medical Offices</i>) to occupy a maximum of 88.8 % (42.62 metres) of the cumulative width of the building in the first 9.0 metres of depth of the building on the first storey only, measured in from the main wall oriented toward the front lot line.

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/070/2022 - 71 Speers Rd 1 (West District) (OP Designation: Urban Core - Bonusing)

The applicant is proposing to permit the expansion of a medical office on the first storey of the existing mixed-use building subject to the variance above.

The subject property is located at the northeast corner of Kerr Street and Speers Road. The neighbourhood consists predominately of commercial retail and high-density residential buildings within the Kerr Village Growth Area. There are sidewalks surrounding the subject lands as part of fully urbanized cross-sections.

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 shall be provided on the ground floor of mixed use buildings that directly front a public street. The subject property is also subject to an exception which allows for a maximum height of 19 and 21 storeys. The design of the site is intended to create a gateway development marking the entrance to Kerr Village. The design is encouraged to incorporate urban design elements such as grade related commercial uses along Speers Road and, to the extent practical, along Kerr Street.

There is specific urban design direction for the Kerr Village Growth Area under the Livable by Design Urban Design Manual, The corner of Speers and Kerr is identified as a Gateway and Speers and Kerr are identified as Primary Streets which are intended to be well-connected and inviting gathering places with sitting areas in strategic locations with a balance of multi-purpose paved and soft planting areas. It is intended as a safe and comfortable environment for pedestrians.

Variance #1 – Business and Medical Office Occupancy (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit business and medical offices to occupy a maximum of 88.8% (42.62 metres) of the cumulative width of the building in the first 9.0 metres of depth of the building on the first storey only, measured from the main wall oriented toward the front lot line when a maximum of 50% is permitted. A previous variance from December 17, 2019 allowed for a maximum of 60% which was triggered by the pharmacy being connected internally to a medical office.

The intent of regulating the cumulative amount of business offices and medical offices oriented towards the front lot line is to prevent the streetscape and use of the units from being dominated by one particular type of business. Furthermore, it is intended to provide a visually appealing streetscape interface between the main building and road allowance in terms of signage, an efficient mix of uses and achieve an active main street environment.

Given the site context, staff are of the opinion that there will be no adverse impacts created by allowing an additional medical office use. The parking will still comply with the zoning by-law and the variance will bring more animation to the street by allowing for the occupancy of a vacant commercial unit. Accordingly, this will meet the intent for an active primary street as outlined in the Urban Design Manual and the goals of the Kerr Village Growth Area in the Official Plan. There are a variety of medical uses located within the building and the intent of the zoning by-law will still be achieved.

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law. Further, the variance is 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 conditions are requested:

1. That the medical office be expanded in general accordance with the submitted site plan dated 2021-07-22; 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, and in cases where a building permit is not required, that the proposed scope of work has not been fully completed

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 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/070/2022 – 2714721 Ontario Inc., 71 Speers Road, Oakville

- 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 the uses subject to Footnote 6 to occupy with an increase in the cumulative maximum width of the building in the first 9.0 metres of depth of the building on the first storey only, measured in from the main wall oriented toward the front lot line, under the requirements of the Town of Oakville Zoning By-law, for the purpose of expanding a medical office on the first storey of the existing mixed-use building on the subject property.

Bell Canada: Comments not received.

CNR: Hello,

Thank you for circulating CN on the subject application. We have reviewed the proposed minor variance for the subject site and have no comments.

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. site plan dated 2021-07-22; 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, and in cases where a building permit is not required, that the proposed scope of work has not been fully completed



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment