

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/120/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, JULY 19, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Melrose Investments Inc c/o Silvio Guglietti 400-145 Reynolds Street Oakville ON L6J 0A7	David Faye & Associates Inc c/o David Faye 338 Lakeshore Road East Oakville ON L6J 7N5	PLAN M1005 BLK 6 3518 Wyecroft Road Town of Oakville

OFFICIAL PLAN DESIGNATION: Industrial
WARD: 1

ZONING: E3
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 an industrial *building* proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 4.11.2 (Row 7) The minimum width of <i>landscaping</i> along any <i>interior side lot line</i> and <i>rear lot line</i> shall be 7.5 m where the use is <i>Outside Storage</i> .	To permit the minimum width of <i>landscaping</i> along the (westerly) <i>interior side lot line</i> to be 6.5 m and the <i>rear lot line</i> to be 3.5 m where the use is <i>Outside Storage</i> .

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

CAV A/120/2022 - 3518 Wyecroft Rd (West District) (OP Designation: Industrial)

The applicant proposes to construct an industrial building subject to the variance listed above.

The surrounding area predominantly consists of commercial, employment uses and vacant land. The subject property is located within 100 metres of the rail line to the south. The subject lands are designated Industrial and are zoned Industrial.

At the July 27, 2021 Committee of Adjustment meeting, a variance to allow for temporary outside storage as a stand alone use (until February 28, 2023) was approved on the subject property. Once the proposed industrial building is constructed, the outside storage would comply with the Zoning By-law. A site plan application (SP. 1635.026/01) for the development was appealed to the OLT for non-decision. A settlement between the applicant and the town was reached, and subsequently conditional site plan approval was granted by the Director of Planning. One of the conditions is the approval of the subject minor variance application.

Variance #1 – Minimum Landscape Strips (Supported)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit the minimum width of landscaping along any interior side lot line and rear lot line where the use is Outside Storage to be 6.5 metres along the westerly interior side lot line and 3.5 metres along the rear lot line when a minimum of 7.5 metres is required in both instances. The intent of regulating the landscape requirements abutting an outside storage use is to provide separation to uses on adjacent properties and mitigate any negative impacts resulting from the Outside Storage operations.

The rear lot line of the subject property is shared with a landscaped stormwater management facility and to the south of the stormwater management facility is a rail line. An excerpt of the Town of Oakville Zoning By-law 2014-014, as amended, mapping is included below which demonstrates the separation. Staff are of the opinion that adequate separation is provided to the rear of the property and the variance will not have an unacceptable adverse impact. The westerly interior side lot line is adjacent to property zoned and designated Natural Area (Sheldon Creek). Again, this area provides for additional separation to adjacent uses. The proposed landscaped strips are proposed to be landscaped with trees and naturalized vegetation.

It is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

Excerpt of Town of Oakville Zoning By-law 2014-014 Mapping:



Subject property:



Conclusion:

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 development be constructed in general accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services.
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: Industrial. No concerns

Oakville Hydro: We do not have any objection or comments for this Minor Variance Application

Transit: No Comments

Finance: None

Halton Region:

- Regional staff note that concerns related to archaeological potential, site contamination, site servicing and transportation are being addressed through the corresponding Site Plan application for this property (SP.1635.026/01).
- A portion of the subject property falls within Conservation Halton (CH) regulated area, floodplains and watersheds. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval of the variance.
- As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, should deeply buried archaeological artifacts or remains be found on the subject lands during construction activities, the Heritage Operations Unit of the Ontario Ministry of Heritage, Sports, Tourism, and Culture Industries (MHSTCI) should be notified immediately.
- 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 a decrease in the minimum width of landscaping along the interior side for Outdoor Storage, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing an industrial building on the subject property.

Conservation Halton: The subject property at 3518 Wyecroft Road appears to be outside of CH's Regulatory Allowance, CH does not have any concerns with the requested variances.

CN: No Comments received

Trans Northern Pipeline: We can confirm that TNPI has NO infrastructure in the mentioned area.

Enbridge: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: None

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 development be constructed in general accordance with the final approved Site Plan to the satisfaction of the Director of Planning Services.
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 blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

Heather McCrae, ACST
Secretary-Treasurer