

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/094/2022-Deferred from June 14, 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
Michigan 2 Nominee Inc c/o Anthony Girolami 700-2275 Upper Middle Rd East Oakville ON L6H 0C3	MHBC Planning c/o Dana Anderson 204-442 Brant Street Burlington ON L7R 2G4	PLAN 20M1135 BLK 3 469 Great Lakes Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Business Employment
WARD: 1

ZONING: E2 SP:355
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 four one-storey multi-tenant buildings on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	Section 5.6 d) ii) A loading space is not permitted, between the <i>main wall</i> closest to the <i>flankage lot line</i> and the <i>flankage lot line</i> in a <i>flankage yard</i> .	To permit <i>loading spaces</i> between the <i>main wall</i> closest to the <i>flankage lot line</i> and the <i>flankage lot line</i> in a <i>flankage yard</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/094/2022 - 469, 499, 529, 549 Great Lakes Blvd (West District) (OP Designation: Business Employment) (*Deferred from June 14, 2022*)

This application was deferred at the June 14, 2022 meeting due to insufficient notice and signage not on the property. No changes have been made to the application. The Staff comments as previously provided are as follows:

The applicant proposes to construct four one-storey multi-tenant buildings subject to the variance listed above.

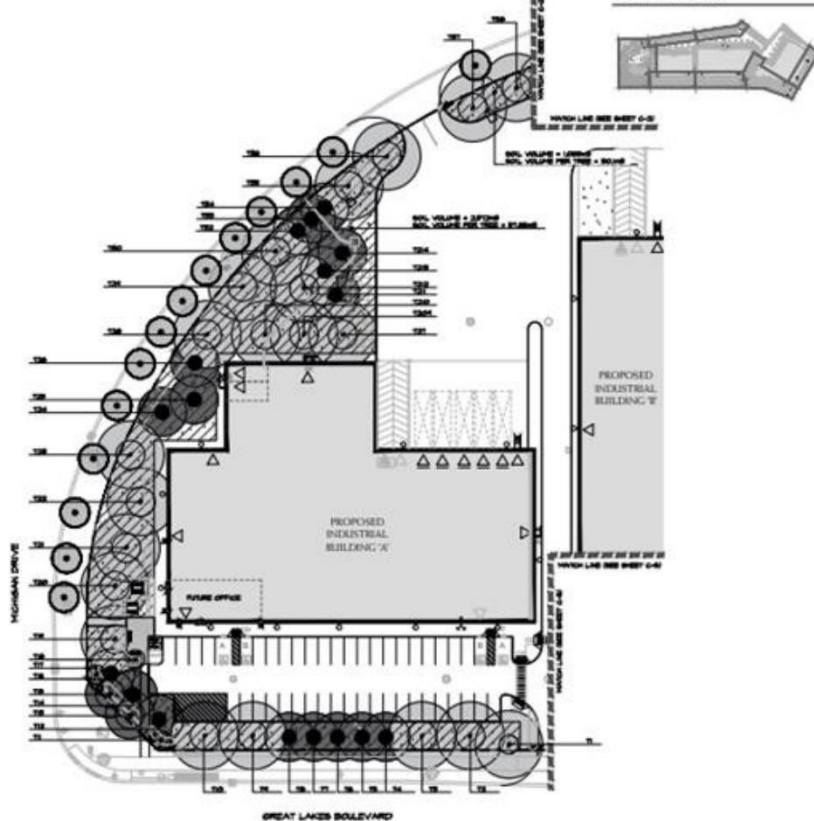
The subject property is designated Business Employment. Business Employment areas are intended to provide for a wide range of business and industrial uses such as offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls, indoor sports facilities, and training facilities and commercial schools may also be permitted.

The subject property is subject to a site plan application (SP.1635.027/01). The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

Variance #1 – Loading Space Location (Supported)

The applicant is seeking relief from Zoning By-law 2014-04, as amended, to permit loading spaces to be located in a flankage yard when a loading space is not permitted in a flankage yard. The intent of regulating the location of loading spaces is to minimize the impact of truck operations on surrounding lands, to provide for loading in the rear yards and to reduce the impact on the public realm. Based on the shape of the subject property, a large portion of the site is considered to be the flankage yard abutting Michigan Drive. The proposed loading spaces are setback from the flankage lot line and the proposed building adequately screens the loading spaces from the road and reduces the impact on the public realm. Landscaping along the flankage yard has also been upgraded with additional tree plantings and landscaping features. Staff are of the opinion that the requested variance meetings the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the development of the property.

Except of the site plan prepared by the applicant:



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 building be built 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. Design to be reviewed under Site Plan and Building Permit reviews

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

Transit: No Comments

Finance: None

Halton Region:

- It is understood this application was deferred from June 14th, 2022. Regional comments provided on June 14th, 2022 still apply.
- Regional Staff reviewed the subject lands for archaeological potential in the Regional Comment Letter dated March 16, 2022 (in response to the Site Plan application S.P.1635.027/01). As an advisory, since the subject lands have archaeological potential, 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 loading spaces between the main wall closest to the flankage lot line and the flankage lot line in a flankage yard, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing four one-storey multi-tenant buildings on the subject property

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 building be built 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 rectangular box containing a handwritten signature in blue ink. The signature appears to read "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer