

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/115/2022

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
JM Lakeshore - Bronte Inc c/o Nawar Mahfooth 2100 Old Lakeshore Road Burlington ON L7R 1A3	Weston Consulting c/o Martin Quarcoopome 19-201 Millway Avenue Vaughan ON L4K 5K8	PLAN M8 LOTS 1,1A 2,7,8,9,10 AND 11 RP 20R3921 PARTS 1TO8 77 & 99 BRONTE RD 2452 Lakeshore Rd W BSMT Town of Oakville

OFFICIAL PLAN DESIGNATION: Main Street 2- Bonusing
WARD: 1

ZONING: H1-MU2
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 a 6-storey mixed use building on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Table 4.3 (Row 4, column 2) <i>Balconies</i> shall be located in a front or rear yard.	To permit <i>balconies</i> to be located in the flankage yard.
2	Table 4.3 (Row 4, column 4) The maximum total <i>balcony</i> projection beyond the <i>main wall</i> shall be 1.5 m.	To permit the maximum total <i>balcony</i> projection beyond the <i>main wall</i> to be 3.6 m.
3	Section Table 8.2 (footnote 3 b)) An <i>ancillary residential use</i> on the <i>first storey</i> is permitted to occupy a maximum of 15% of the length of the <i>main wall</i> oriented toward a front lot line.	To permit the <i>ancillary residential use</i> on the <i>first storey</i> to occupy a maximum of 17% of the length of the <i>main wall</i> 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, Policy and Heritage Planning, Urban Design and Development Engineering)

CAV A/115/2022 – 2432 - 2452 Lakeshore Rd West and 77-99 Bronte Road (West District)
(OP Designation: Main Street 2- Bonusing)

The applicant proposes to construct a 6-storey mixed use building subject to the variances listed above.

The subject property is a Gateway location in the Bronte Village Growth Area at the corner of Bronte Road and Lakeshore Road West. It is currently occupied by a two-storey mixed use building fronting onto Lakeshore Road, and two individual commercial buildings fronting onto Bronte Road, including a building (93 Bronte Road) previously listed on the Oakville Heritage Register as a property of potential cultural heritage value. The property was removed from the Heritage Register as a potential heritage property. This removal, as well as the demolition of the building, was subject to the owners entering into a heritage easement agreement with the town in order to commemorate local history on the site as part of the proposed new development. The heritage easement agreement is in place and has been registered on title and will remain in place until the commemorative work is completed to the satisfaction of the Director of Planning (or designate). Heritage Planning staff have been working with the property owners regarding the commemorative works as part of the site plan process and have no issues with the proposed variances.

The subject property is subject to a site plan application (SP.1729.073/01). The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

The subject property is designated Main Street 2- Bonusing in the Bronte Village Growth Area. Under the Livable Oakville Official Plan, the Main Street 2 designation shall provide for mixed use development up to six storeys in height (plus four storeys with bonusing) characterized by high quality design standards and appropriately scaled pedestrian environment for emerging Growth Areas such as the gateway areas within Bronte Village. A wide range of retail and service commercial uses, including restaurants, commercial schools, offices, places of entertainment, indoor sports facilities, hotels, and residential uses, may be permitted in the Main Street 2 designation. The ground floor of buildings in the Main Street 2 designation shall be primarily occupied by retail and service commercial uses. Limited office uses, and ancillary residential uses, may also be permitted on the ground floor of mixed use buildings. The requirement for and the size and location of retail, service commercial and office uses on the ground floor of buildings shall be determined through the development process and regulated by the implementing zoning.

Variance #1 – Balconies (Supported)

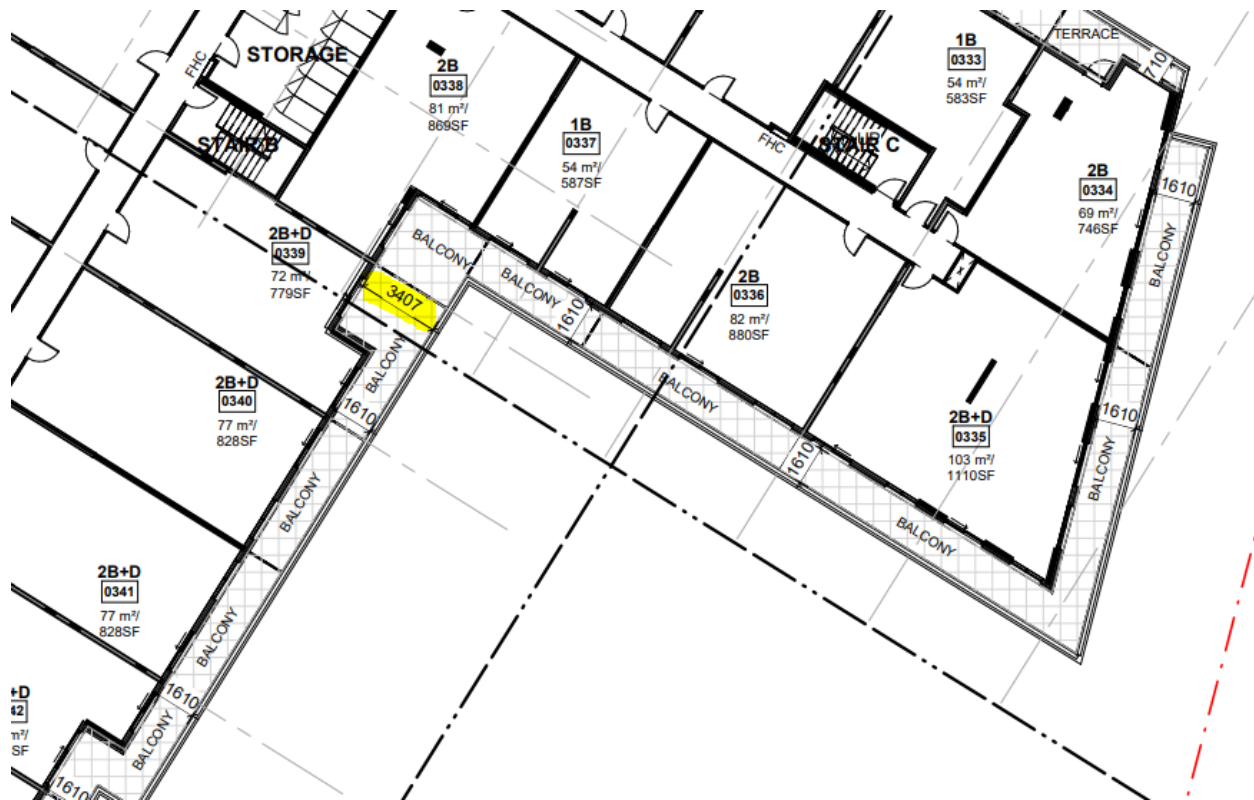
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit balconies to be located in the flankage yard (abutting Lakeshore Road West) when they are only permitted to be located in a front (abutting Bronte Road) or rear yard (eastern property line abutting a future public promenade). In this instance, the subject property is located at the corner of Lakeshore Road West and Bronte Road. As defined by the Zoning By-law, the Bronte Road frontage is the shortest lot line, and is deemed to be the front lot line, and Lakeshore Road West frontage is deemed to be the flankage lot line. The intent of regulating the location of balconies is to ensure they do not present any negative privacy or overlook conditions. The proposed balconies fronting on Lakeshore Road West start at the second storey and are set back 2.6 metres from the property line and continue to be set further away from the property line up to 6.2 metres on the sixth floor and do not result in any privacy or overlook concerns. It is Staff's opinion that allowing for balconies to be located in the flankage yard meets the intent of the Official Plan and Zoning By-law, is minor and desirable for the development of the subject property.

Variance #2 – Balcony Projection (Supported)

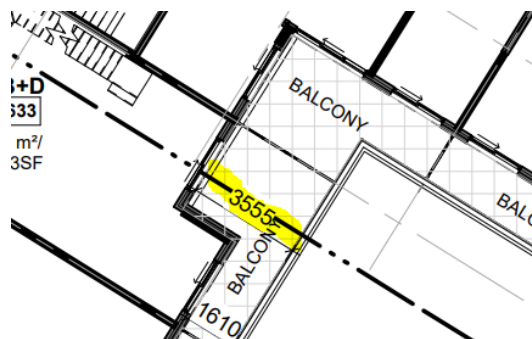
The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit the maximum total balcony projection beyond the main wall to be 3.6 metres when 1.5 metres is the maximum. The intent of regulating balcony projections is to ensure there are no negative overlook and privacy impacts onto abutting properties. The proposed projection is only for select

locations on the proposed development, specifically at an interior corner facing the internal courtyard (see excerpts of floor plans below). The majority of the balconies have projections between 1.3 metres and 2.1 metres. The surrounding area is characterized by commercial and mixed use development with no detached / low density residential. As a result, there are no perceived privacy or overlook concerns. Staff are of the opinion that this request is minor and will not have a negative impact on surrounding properties.

Excerpt of 3rd Floor Plan facing the interior courtyard prepared by the Applicant which represents the similar condition on the 4th and 5th floors:



Excerpt of 6th Floor Plan facing the interior courtyard prepared by the Applicant:



Variance #3 – Ancillary Residential Use on the First Storey (Supported)

The applicant is requesting relief from Zoning By-law 2014-014, as amended, to permit the ancillary residential use of the first storey to occupy a maximum of 17% of the length of the main wall oriented toward the front lot line when a maximum of 15% is permitted. The intent of this zoning regulation is to ensure that public uses are the primary use that face the public realm. The subject property is a corner lot with frontage on both Lakeshore Road West and Bronte Road. Under the Zoning By-law the front lot line is the shortest lot line abutting a street and in

this instance it is the lot line abutting Bronte Road. The residential entrance is proposed to come off of Bronte Road in order to facilitate continuous commercial uses along Lakeshore Road West. In order to provide adequate and safe residential access to the building, relief is being proposed. Below is an excerpt from the applicant's Planning Letter which demonstrates the uses on the ground floor abutting Bronte Road. The applicant has made efforts to maximize the retail uses abutting the street. The applicant has indicated that when taken as a whole, the three public-facing facades of the building have only 7% dedicated to ancillary residential uses which meets the intent to ensure that public uses are the primary use that face the public realm. Staff are of the opinion that the proposed variance meets the intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the development of the subject property.

Excerpt of Applicant's materials demonstrating the ground floor uses abutting Bronte Road:



On this basis, it is staff's opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it results in a building that meets the intent of the Main Street 2 designation and Mixed Use zoning of the subject property. Further, the variances are 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 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: Condo Tower. No concerns. Design 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:

- As an advisory, the subject site has archaeological potential and Historic Towns overlay. 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 balconies to be located in the flankage yard, an increase in the maximum total balcony projection, and an increase in the length an ancillary residential use can occupy of the main wall, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a 6-storey mixed use building on the subject property.

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: One

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.



Heather McCrae, ACST
Secretary-Treasurer

Attachment:
Letter/Email of Opposition – 1

From:

Sent: July 8, 2022 10:08 AM

To: Heather McCrae <heather.mccrae@oakville.ca>

Cc: Beth Robertson <beth.robertson@oakville.ca>; Sean O'Meara
<sean.o'meara@oakville.ca>

Subject: re cav a/115/2022 2452 lakeshore road west

Morning Heather,
I live at unit 408 100 bronte.

Firstly , the process is a real shutting the door after the horse has bolted exercise. It is a shame letters like this aren't sent on the original planning application. Council should consider aligning processes for Adjustments and original applications.

On this application 1 and 3 seem like easy to approve , the second concerns me for two reasons.

- 1) Privacy. – our loft units have what amounts to a floor to ceiling window, people looking into my unit was clearly not anticipated in the design of 100 bronte . I am not sure if I am overlooked on the new building as height appears staggered , but it would have been nice to know.
- 2) Our patio/balcony areas I assume comply with the bylaw. So in market terms both these issues can impact the value of our properties. Hence I believe balconies should be limited to the same rules to keep the market an even playing field as well.

If you have any questions please email or call my cell

Cheers

Lawrence