

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/121/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 02, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
GTA OAKVILLE PROPERTY LTD 777 DUNDAS ST E TORONTO ON, M4M 0E2	JENNA THIBAUT WESTON CONSULTING GROUP INC. 201 MILLWAY AVE U 19 VAUGHAN ON, L4K 5K8	1311 NORTH SERVICE RD PLAN HVLCP 646 LEVEL 1 UNIT 2

OFFICIAL PLAN DESIGNATION: BUSINESS EMPLOYMENT  
WARD: 4

ZONING: E1 SP:29  
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 two-storey motor vehicle dealership on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 10.3</b> The <i>maximum front yard</i> setback shall be 17.5 metres.	To permit a <i>maximum front yard</i> setback of 29.0 metres.

### 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/121/2022 - 1311 North Service Rd (West District)** (OP Designation: Office Employment -Special Policy)

The applicant is proposing to construct a two-storey motor vehicle dealership subject to the variances above.

The subject property is designated Office Employment - Special Policy Area in the Official Plan. Office Employment areas are intended to provide primarily for major office uses in a transit-supportive and pedestrian-oriented environment with a range of employment-supportive amenities. The permitted uses include major offices and offices, hotels, public halls, light industrial uses and training facilities and commercial schools. Limited convenience retail, accessory retail and service commercial uses, including restaurants, may be permitted in conjunction with the permitted uses.

The subject property is subject to a site plan application (SP.1524.013/01). The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

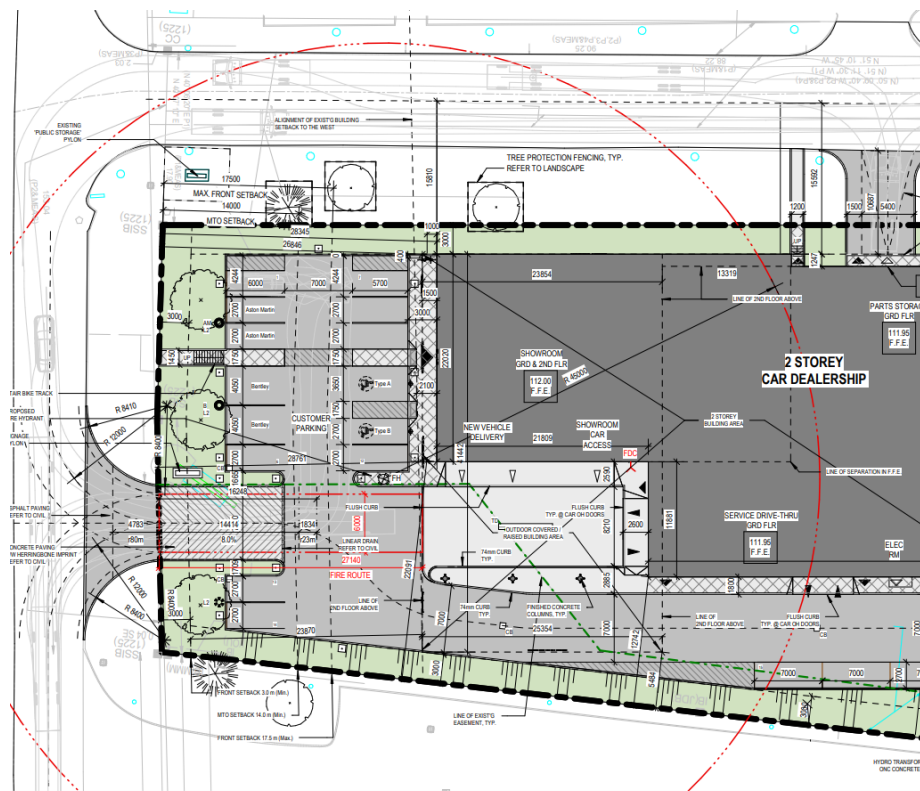
**Variance #1- Front Yard Setback (Supported)**

The applicant is seeking relief from the Zoning By-law 2014-04, as amended, to permit an increase in the maximum front yard setback from 17.5 m to 29.0 m. The front yard is measured from the front property line to the main wall of the building. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street.

The existing property is along the North Service Road and the Queen Elizabeth Way (QEW), which requires a 14 m setback within the Ministry of Transportation of Ontario (MTO) right of way which does not allow anything under the Zoning by-law within this setback. The design proposes double aisle parking along with the landscape buffer at the front which requires approximately 28.34 m setback from the service road. The adjacent buildings along the street with similar use have similar large setbacks and is consistent with the subject lands, which meets the intent of the Zoning By-law. In this instance, staff are of the opinion that the increase in front yard setback will not have a negative impact on adjacent and surrounding properties.

Staff are of the opinion that the requested variance meets the general intent of the Official Plan and Zoning By-law, is minor in nature and is desirable for the development of the property.

**Excerpt of the site plan prepared by the applicant:**



**Google View to represent the setback for the adjacent building**



### **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:** COA to increase maximum yard setback from 17.5m to 29.0m. No issues for Fire. NOTE. Fire route will be required.

**Transit :** Comments not received.

**Halton Region:** CAV A/121/2022 – Gta Oakville Property Ltd., 1311 North Service Road West

- Regional staff note that concerns related to site servicing and the natural heritage system are being addressed through the corresponding Site Plan application for this property (SP.1524.013/01).
- 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 an increase in maximum front yard setback, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey motor vehicle dealership on the subject property.

**MTO:** Comments not received.

**Oakville Hydro:** No Objections.

**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 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 rectangular box containing a handwritten signature in cursive script, which appears to read "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment