

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/124/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, AUGUST 30, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
THE CORPORATION OF THE TOWN OF OAKVILLE 1225 TRAFALGAR RD OAKVILLE ON, L6H 0H3	CHRISTOPHER HUGHES DIAMOND SCHMITT ARCHITECTS 384 ADELAIDE ST W SUITE 100 TORONTO ON, M5V 1R7	3070 NEYAGAWA BLVD CON 1 NDS PT LOTS 21 TO 23 RP 20R18371 PARTS 3 AND 4 RP 20R18379 PARTS 2 AND 6 PT PARTS 1 3 TO 5 RP 20R18698 PARTS 2 AND 3

OFFICIAL PLAN DESIGNATION: NORTH EAST  
WARD: 7

ZONING: P, PARK ZONE  
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 Community Centre / Library addition on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 7.12.2 (column P, row 4)</b> The <i>maximum front yard setback</i> shall be 6.0 metres.	To permit a <i>maximum front yard setback</i> of 11.16 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/124/2022 - 3070 Neyagawa Blvd (West District)** (OP Designation: Community Park Area)

The applicant is proposing to construct a two-storey Community Centre/Library which is an addition to the existing arena on the subject to the variances above.

The subject property is designated Community Park Area (CP). They apply to parkland which is intended to accommodate the highest intensity of recreational use and level of facility development. Community Parks typically include parkland with illuminated and irrigated sports fields, and other major public facilities such as community centres and other municipal facilities.

The main permitted uses shall be the full range of active and passive recreation uses ranging from nature viewing and garden plots to public cultural/entertainment areas and major sports

facilities such as arenas and sports fields, as well as major indoor facilities such as community centres. Limited small scale ancillary retail uses that enhance visitor experience associated with the park function may also be permitted within the Community Park Area designation.

The subject property is subject to a site plan application (SP.1322.003/01). The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

#### **Variance #1 – Maximum Front Yard (Supported)**

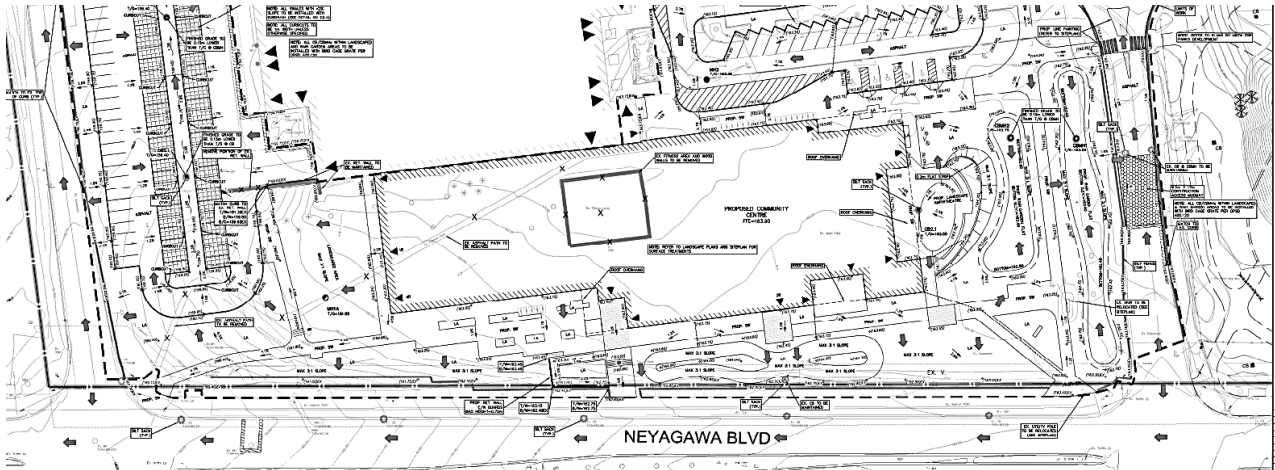
The applicant is seeking relief from the Zoning By-law 2014-04, as amended, to permit an increase in the maximum front yard setback from 6.0 m to 11.16 m. The front yard is measured from the front property line to front covered entry. The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street and enhance the connection to the public realm. The front of the building is designed with sufficient landscape buffer and pedestrian connection maintaining proper relationship with the street. The proposed building is an addition to the existing arena reducing the current setback from the Neyagawa Blvd. to the existing building from 57 metres to 11.16 metres which brings the building closer to the street and thus improving the relationship to the public realm. 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.

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 they result in a dwelling that is in keeping with the character of the neighbourhood. 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.

#### **Site Photo – Along Neyagawa Blvd.**



#### **Excerpt 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 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. increase maximum front yard setback from 6m to 11.16m.  
No issues noted for Fire. DL

**Transit :** Comments not received.

**Halton Region:** CAV A/124/2022 – The Corporation of the Town, 3070 Neyagawa Boulevard

- Regional staff note that concerns related to archaeological potential, site servicing and transportation are being addressed through the corresponding Site Plan application for this property (SP.1322.003/01).
- As an advisory, the subject site has 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.
- Conservation Halton (CH) staff provides environmental advisory and technical review services to the Region in relation to the protection of certain natural heritage features and areas and natural hazard management. As such, we will defer to CH for comments as part of our Memorandum of Understanding (MOU) for North Oakville.
- 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.
- 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 Community Centre on the subject property.

**Halton Conservation:** July 29, 2022  
 Jasmina Radomirovic, Assistant Secretary-Treasurer  
 Committee of Adjustment, Town of Oakville  
 1225 Trafalgar Road  
 Oakville, ON L6J 5A6



To Jasmina Radomirovic,

**Re: Minor Variance Application**  
**File Number: CAV A/124/2022**  
**3070 Neyagawa Blvd, Oakville**  
**Diamond Schmitt Architects, c/o Christopher Hughes (Agent)**  
**Town of Oakville (Owner)**

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Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; provincially delegated responsibilities under Ontario Regulation 686/21 (i.e., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)); the Memorandums of Understanding (MOU, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) with Halton Region and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU and IESA may also apply to areas regulated under Ontario Regulation 162/06. Comments under the Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

### **Proposal**

The applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the construction of a two-storey Community Centre/Library Addition on the subject property proposing the following variance:

1. To permit a maximum front yard setback of 11.16 metres, rather than the 6.0m required.

### **Ontario Regulation 162/06**

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property is regulated as it is traversed by Sixteen Mile Creek and the associated valley. CH regulates a distance of 15 m from the limit of the erosion hazard (stable top of bank) at this location. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06* (<https://conservationhalton.ca/policies-and-guidelines>).

#### *Proposed development*

CH staff are currently reviewing a site plan application associated with this property. The proposed works are located outside of the portion of the property regulated by CH. As such, we do not have a concern with the proposed variance. A no objections letter will be required from CH prior to the commencement of development.

#### **One Window Delegated Authority under PPS**

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7 inclusive). Policy 3.1.1 of the PPS states that "development shall generally be directed to areas outside of... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards."

Given the above, from a PPS perspective CH raises no concerns with this Minor Variance application.

#### **Recommendation**

Given the above, CH staff has **no objection** to the requested minor variance.

Should any changes to the proposed development arise through the Minor Variance process, please keep CH apprised.

**Please note that CH has not circulated these comments to the agent, and we trust that you will provide them as part of your report.**

We trust the above is of assistance. If you have any questions, please contact the undersigned.

**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.




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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment