

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/151/2022**

RELATED FILE: N/A

DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 04, 2022 AT 7:00 P.M.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
STEVEN COHEN AMICA BRONTE VILLAGE 75 DUFFLAW RD SUITE 203 TORONTO ON, M6A 2W4	STEPHEN CLOSS GLEN SCHNARR & ASSOCIATES INC 10 KINGSBRIDGE GARDEN CIR 700 MISSISSAUGA ON, L5R 3K6	2370 LAKESHORE RD W PLAN M8 LOT 27, 28, 29 AND 30

OFFICIAL PLAN DESIGNATION: MAIN STREET 1 – BONUSING

ZONING: MU1

WARD: 1

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 six storey retirement home on the subject property proposing the following variances:

No.	Zoning By-law Regulation	Variance Request
1	Table 8.3.1 (Row 10 Column MU1) The maximum number of <i>storeys</i> shall be 4.	To permit a maximum number of <i>storeys</i> of 6.
2	Table 8.3.1 (Row 13 Column MU1) The maximum <i>height</i> shall be 15.0 metres.	To permit a maximum <i>height</i> of 21.85 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/151/2022 - 2370 Lakeshore Rd W (West District) (OP Designation: Main Street 1)

No.	Zoning By-law Regulation	Variance Request
1	Table 8.3.1 (Row 10 Column MU1) The maximum number of <i>storeys</i> shall be 4.	To permit a maximum number of <i>storeys</i> of 6.
2	Table 8.3.1 (Row 13 Column MU1) The maximum <i>height</i> shall be 15.0 metres.	To permit a maximum <i>height</i> of 21.85 metres.

The applicant proposes to construct a six storey retirement home subject to the variances listed above.

Variance # 1 & 2 - Increase Number of Storeys and Increase in Height

The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit an increase in the number of storeys from four storeys to six storeys and increase the height from 15.0 metres to 21.85 metres.

The subject property is designated Main Street 1 and located within the Bronte Village Growth Area and Bronte Village Main Street District under the Livable Oakville Official Plan. The Main

Street 1 designation represents small-scale, mixed-use development along main streets and is intended to reflect a pedestrian-oriented, historic main street character. Buildings within the Main Street 1 designation shall be a minimum of two storeys in height and a maximum of four storeys in height.

In the Livable Oakville Plan, Schedule P1 - Bronte Village Land Use provides that the subject lands are eligible for bonusing. Pursuant to Section 24.8.2 of Livable Oakville, the Town may allow for two storeys of increased of building height (total of 6 storeys), without amendment to the Plan, in exchange for the provision of public benefits.

However, the bonusing provisions of Livable Oakville were recently rendered inoperable by Provincial amendments to Section 37 of the *Planning Act* (Bill 108 and Bill 197). An amendment to the Plan is now required to permit increased building height.

On this basis, the proposed variance fundamentally does not conform nor meet the intent of Livable Oakville. Furthermore, the proposed minor variance would also fail to conform to all of the criteria which would normally be considered in evaluating whether bonusing is appropriate or not (if the bonusing policies were operable). The following summarizes the key bonusing policies of Livable Oakville:

1. Bonus by-laws shall only be considered where such increases are compatible with the surrounding area (Section 28.8.5).
2. Bonus by-laws should only be considered where such increases can be accommodated by the existing or improved infrastructure. Studies supporting the increased height and/or density proposed may be required to address infrastructure capacity for the subject development as well as the impacts on the surrounding area (Section 28.8.4);
3. Increased height and/or density provisions enacted in the Zoning By-law as outlined above shall specify the development standards that would apply where increases are to be permitted in accordance with this Plan (Section 28.8.6); and,
4. the Town shall require the execution of agreements for development, which include increased height and/or density in exchange for public benefits (Section 28.8.7).

Pursuant to no. 1 above, the proposed variance does not provide any meaningful analysis of compatibility with surrounding land uses.

Pursuant to no. 2 above, the proposal provides no review of the ability for area infrastructure to support the increased density.

Pursuant to no. 3 above, bonusing is implemented through a Zoning By-law amendment application. This provides an opportunity to complete a full review of supporting studies to inform the proposed building design, which provides a basis to inform appropriate zoning performance standards such as building setbacks and step backs, to be implemented in a site-specific Zoning By-law amendment. This process also provides opportunity for statutory public consultation, pursuant to the *Planning Act*. A Zoning By-law Amendment application to permit increased building height has not been applied for, reviewed or approved.

Pursuant to number 4 above, the applicant also failed to enter into a bonusing agreement with the Town, and is unable to do so given the Provincial amendments to Section 37 of the *Planning Act*, as a result of Bill 108 and Bill 197.

The proposed minor variance represents a disregard for the bonusing policies of Livable Oakville Plan, and the amendments to the *Planning Act*, as implemented by the Province. It does not meet the intent of Zoning By-law, hence the need to apply for a Zoning By-law Amendment. Overall, in staff's opinion, the proposed minor variance does not meet the intent of the Livable Oakville Plan and Zoning By-law and is not minor nor desirable for the development of the subject lands.

Staff note that while site plan approval was granted on April 1, 2021 to permit a four storey, 15-metre-high mixed use retirement home with 113 units and ground floor commercial (SP. 1729.041/02), a new site plan application would be required to permit the proposed 6 storey retirement home. A site plan application to permit a 6 storey retirement home has not been submitted, reviewed or approved.

It is further noted that the submitted site plan incorrectly calculates parking for proposal, and does not allocate any additional new parking spaces for the new units proposed in floor 5 and 6. This would result in a parking deficiency, and would not comply with the Zoning By-law.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the variances should not be supported as they do not satisfy the four tests under the Planning Act. Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variance would result in a development that is appropriate for the site.

Fire: To permit a maximum number of storeys of 6.

To permit a maximum height of 21.85 metres.

No concerns noted for Fire. DL

Transit : No comments

Halton Region: 6.1 CAV A/151/2022 –Amica Bronte Village, 2370 Lakeshore Road West, Oakville

- As an advisory, the subject site has archaeological potential and Historic Towns overlay. 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 an increase in the maximum number of storeys and an increase in the maximum height, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a six storey retirement home on the subject property.

Bell Canada: Comments not received.

Union Gas: Comments not received.

Letter(s) in support – None.

Letter(s) in opposition – 3.

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.



Jasmina Radomirovic
Assistant Secretary-Treasurer
Committee of Adjustment

Letter of objections-1:

I would like to formally object to plan M8 Lot 27,28,29,30. When I bought my property at 96 Nelson's St., Unit 21 in 2015 I called the Oakville planning department to enquire into Bylaw rules and planned activities. I was assured that there were no projects being contemplated over the 4 story by-law limit.

This is a concern to me as well as all the other owners in this complex- we have 4th floor rooftop patios which provide the only outdoor space for our townhomes. The proposed 6 story build would create an invasive environment for us with 2 full stories above our units within mere metres of our property - blocking out afternoon sun and violating our privacy.

The value of our properties will suffer as a result of this and the responsibility for that loss will be the Committee acting for the town.

I can be reached atXXXXXI plan on raising this with the Mayors office and Ward councillors but given there is an election in a few weeks it is totally inappropriate for the Committee to be hearing this variance request now.

Kevin Harshaw

Letter of objections-2:

Iona Hine
96 Nelson Street, Unit 20
Oakville On L6L 3H8

Good afternoon Jasmina,

Regarding, File No : CAV A/151/2020 - 2370 Lakeshore Rd

We disagree with the variance request and it should not be permitted.

The zoning By-law regulation states,

1. The maximum number of storeys shall be 4.
2. The maximum height shall be 15.0 meters.

The request to add additional storeys, raising the maximum height to 21.85 metres, (nearly a 7.0 meter difference), is NOT a minor variance. This proposed change will have a massive effect upon the neighbourhood, streetscape and infrastructure. Why has the developer

requested such huge changes so late in the process? If they have miscalculated the building's requirements, a new planning application should be initiated.

The current revised elevations do not display/include any comparisons to surrounding structures. This is misleading as it provides no scale or point of reference for people to understand the impact of the requested changes.

Regarding the townhomes located at the junction of Nelson Street, and Lakeshore Road. The proposed increase of 7 meters to the roofline will effectively block the majority of available sunlight in summer and winter. The elevation that faces these townhomes has balconies and windows which, if allowed, overlook current residences and roof terraces, infringing on the occupants privacy and negatively affecting property values.

Bronte is an historic village whose charm comes from its "small-town" feel. All current buildings between Jones Street and Nelson Street facing Lakeshore Road do not exceed three stories, the maximum building height should be protected and enforced, not overruled. Excessively large/tall structures destroy the sensibilities of the area and negatively affect tourism. The Oakville.ca website declares "the Bronte Village and Harbour area is one of Ontario's oldest and most scenic lakeside communities". We should be protecting that aesthetic as opposed to eroding it. You can guarantee bonusing like this would not be allowed in downtown Oakville so why should the exception be made here? Oakville needs to wholeheartedly protect both of its picturesque waterfront communities rather than sacrificing one for the other.

The proposed variance must be denied. Why are large developments such as these encouraged and permitted when they ruin the very fabric of the area they are supposed to enhance?

In summary:

- Destroys the "historic village" feel of the area
- Severely impacts the light and privacy of the adjacent townhouses
- Sets precedence for future building applications
- Bronte needs to be protected with the same vigour as downtown Oakville.

Letter of objections-3:

Good afternoon Jasmina,

Re. File CAV A/151/2020 - 2370 Lakeshore Rd

As a Bronte resident, I wholeheartedly disagree with the variance request for the new Amica building on Lakeshore in Bronte. It should not, under any circumstance, be permitted.

The zoning By-law regulation states:

- 1. The maximum number of storeys shall be 4.**
- 2. The maximum height shall be 15.0 meters.**

The request to add an additional 2 storeys, raising the maximum height to 21.85 metres, (nearly a 7.0 meter difference), is NOT a minor variance, and clearly disregards the by-laws. This proposed change will have a massive effect upon the neighbourhood, streetscape and

infrastructure. I am infuriated by the developer's request for such huge changes so late in the process. It feels like subterfuge.

The proposed increase of 7 meters to the roofline will effectively block the majority of available sunlight in summer and winter to the townhomes located at the junction of Nelson Street and Lakeshore Road. The elevation facing these townhomes has balconies and windows which, if allowed, overlook current residences and roof terraces, infringing on the occupants privacy and negatively affecting property values.

Not to mention, it sets a precedent for future developments to continue building Bronte into a highrise hellscape.

Bronte is a historic village whose charm comes from its "small-town" feel. All current buildings between Jones Street and Nelson Street facing Lakeshore Road do not exceed three stories, and the maximum building height should be protected and enforced, not overruled. Excessively large/tall structures destroy the sensibilities of the area and negatively affect tourism. The Oakville.ca website declares "the Bronte Village and Harbour area is one of Ontario's oldest and most scenic lakeside communities". We should be protecting that aesthetic as opposed to eroding it. Exceptions like this would not be allowed in downtown Oakville, and should not be allowed here. Oakville needs to wholeheartedly protect both of its picturesque waterfront communities rather than sacrificing one for the other.

The proposed variance must be denied. Large developments such as these should never be encouraged or permitted - they ruin the very fabric of the existing community.

In summary, this proposal:

- Destroys the "historic village" feel of the area
- Severely impacts the light and privacy of the adjacent townhouses
- Sets precedent for future building applications
- Bronte needs to be protected with the same vigour as downtown Oakville.

Do the right thing - do not permit this variance.

Thank you.

Marjorie L Mackenzie (she/her)