

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/124/2022-Revised-Deferred from August 30, 2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, NOVEMBER 15, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
The Corporation of the Town of Oakville c/o Haitham Hana 1225 Trafalgar Road Oakville ON L6H 0H3	Diamond Schmitt Architects c/o Christopher Hughes 100-384 Adelaide Street West Toronto ON M5V 1R7	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 3070 Neyagawa Blvd Town of Oakville

**OFFICIAL PLAN DESIGNATION: Community Park Area
WARD: 7**

**ZONING: P, Park Zone
DISTRICT: West**

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	Table 7.12.2 (column P, row 2) The maximum <i>front yard</i> setback shall be 6.0 metres.	To permit a maximum <i>front yard</i> setback of 12.50 metres.
2	Table 7.12.2 (column P, row 7) The minimum <i>height</i> of 11.0 metres.	To permit a minimum <i>height</i> of 10.50 metres.

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/124/2022- 3070 Neyagawa Blvd (West District) (OP Designation: Community Park Area)

This application was deferred from the August 30, 2022 meeting at the request of the applicant due to deficiencies in the application. The applicant has updated the application and is currently under Site Plan application (SP.1322.003/01) review and any modifications to address identified issues may result in changes to the requested variances. Staff comments for the updated application are as follows:

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). The designation applies 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 a 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 which further setback and the proposed setback 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.

Variance #2: Height (Supported)

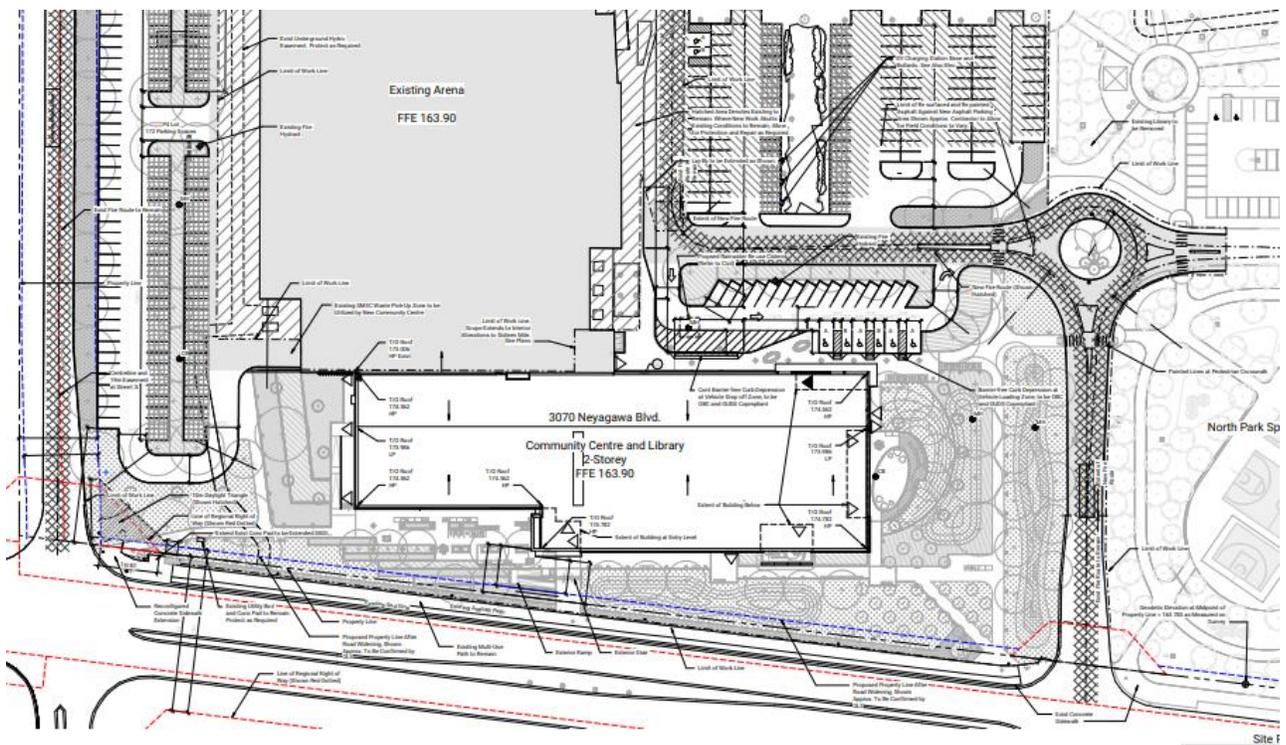
The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit a decrease in minimum permitted height from 11 metres to 10.50 metres. The height is measured from the established grade of the property at the front lot line to the peak of the roof. The intent of regulating the building height in this zone is to encourage new buildings to be designed with greater massing compatible to the area. In this instance, the proposed community centre and library is an additional building to the existing arena site. The decrease in height by 0.50 metres of the building is minor in nature and will not have any negative impact on the surroundings.

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.

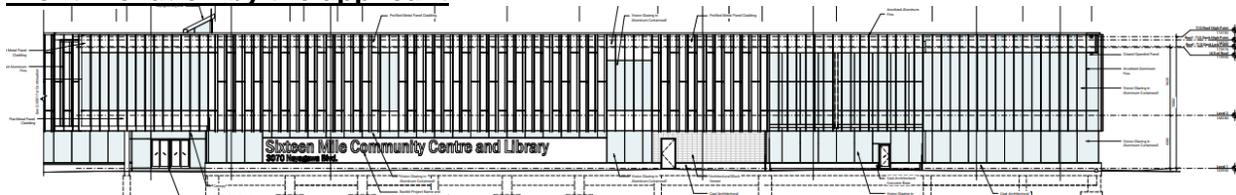
Site Photo – Along Neyagawa Blvd.



Excerpt of the site plan prepared by the applicant:



Front Elevation 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: Sports field. No impact to Fire Response.

Oakville Hydro: We do not have any objection or comments for the Minor Variance Applications on the agenda.

Transit: No Comment

Finance: None

Halton Region:

- It is understood this application was deferred from August 30, 2022. Regional comments provided on August 23, 2022 still apply.
- 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must 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 the maximum front yard setback and a decrease in the minimum height, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two-storey Community Centre / Library addition on the subject property.

Conservation Halton: Conservation Halton (CH) has reviewed the revised Minor Variance application. Further to our letter dated July 29, 2022 we continue to have no objection to the requested minor variances.

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 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