

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/164/2022

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, OCTOBER 18, 2022 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Perano Residences Ltd 8700 Dufferin Street Vaughan ON L4K 4S6	Glen Schnarr and Associates Inc c/o Jim Levac 700-10 Kingsbridge Garden Circle Mississauga ON L5R 3K6	PLAN M1085 PT BLK 393 RP 20R21933 PARTS 1 4 6 8 10 AND 11 509 Dundas Street West Town of Oakville

**OFFICIAL PLAN DESIGNATION: Dundas Street Urban Core Area
WARD: 7**

**ZONING: DUC-8
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 9 storey apartment building on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	Section 5.4.1.3 Each required <i>parking space</i> in a <i>parking garage</i> or <i>parking lot</i> shall have a width of not less than 2.6 metres and a length of not less than 5.2 metres.	To permit the width of the visitor <i>parking space</i> to be 2.58 metres.
2	Section 5.4.1.3 Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3m for each side that is obstructed; (minimum width 2.90m).	To permit <i>parking space</i> for unit 73 to have a width of 2.88 metres.
3	Section 5.4.1.3 Obstructions within 1.15m of either stall end do not require an increase in stall width.	To permit <i>parking space</i> for unit 2 to have an obstruction length of 1.86 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/164/2022 - 509 Dundas St W (West District) (OP Designation: Dundas Street Urban Core Area)

The applicant proposes to construct a 9-storey apartment building subject to the variances listed above.

A previous Committee of Adjustment Decision from May 21, 2019 (CAV A/068/2019) to permit a maximum height of 9-storeys from 8-storeys was approved.

The subject property is subject to a site plan application (SP.1320.005/01). The site plan application has been approved on August 31, 2021.

The neighbourhood contains a range of existing commercial buildings in proximity to residential areas and the Town's Municipal Sixteen Mile Sports Complex. There are sidewalks along Dundas Street West and Neyagawa Boulevard as part of fully urbanized cross sections.

Variance# 1, 2 & 3: Parking Spaces

1. The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit the width of visitor parking space from 2.6 m to 2.5 m with a reduction of 0.02 m.
2. The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit the width of parking space for unit 73 from 2.90 m to 2.88 m with a reduction of 0.02 m.
3. The applicant is seeking relief from Zoning By-law 2014-014, as amended, to permit the parking space to have the obstruction length for unit 2 from 1.15 m to 1.86 m with a reduction of 0.02 m.

Staff have no concerns with the reduced parking space width for visitor space and Unit 73 noting a minor decrease of 0.02 m.

Staff have no concerns with the variation in obstructions that projects into the parking space widths. However, Staff do recommend that the prospective purchasers of units be made aware of said obstructions and deviations from the parking space requirements in relation to the parking of their particular vehicle.

Staff are satisfied that all three deficient parking spaces would continue to function as intended. This includes space to maneuver a vehicle to enter and exit each parking space, and the ability to open a car door to enter and exist the parked vehicle.

On this basis, it is staff's opinion that the requested variance maintains the general intent and purpose of the Official Plan and Zoning By-law as it results in a building 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.

Excerpt of the Parking plan by the applicant



Visitor Parking Space



Unit 2 Parking Space

Unit 73 Parking Space

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 parking spaces be built in general accordance with the submitted site plans and photos submitted with the application dated June 20, 2022; and
2. In cases where an agreement of purchase and sale has been entered into, that the Owner agree to notify the beneficial owner of unit 2 & 73 of the substandard parking spaces, and of the minor variance approval, to the satisfaction of the Director of Planning Services.
3. That the Owner apply for a note to file and update the approved parking plans in relation to the approved site plan (SP.1320.005/01), and that plan submitted in support of plan of condominium application 24CDM-21006/1320 be amended to identify the revised dimensions of the visitor parking space, unit 2 and unit 73, subject to this minor variance approval, to the satisfaction of the Director of Planning Services.
4. 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 and in cases where a building permit is not required, that the proposed scope of work has not been fully completed.

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: No concerns for Fire

Oakville Hydro: We do not have any objection or comments for this Minor Variance Application.

Transit: No Comment

Finance: None

Halton Region:

- Regional staff notes that matters related to Regional interests were addressed in the associated Site Plan (S.P.1311.001/02) and Condominium (24CDM-21006/1320) applications.
- 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.
- 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 a decrease in the minimum width required for visitor parking space, a decrease in the minimum width required for obstructed parking stall, and an increase in the obstruction length of parking stall, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a 9 storey apartment building on the subject property.

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 parking spaces be built in general accordance with the submitted site plans and photos submitted with the application dated June 20, 2022.
2. In cases where an agreement of purchase and sale has been entered into, that the Owner agree to notify the beneficial owner of unit 2 & 73 of the substandard parking spaces, and of the minor variance approval, to the satisfaction of the Director of Planning Services.
3. That the Owner apply for a note to file and update the approved parking plans in relation to the approved site plan (SP.1320.005/01), and that plan submitted in support of plan of condominium application 24CDM-21006/1320 be amended to identify the revised dimensions of the visitor parking space, unit 2 and unit 73, subject to this minor variance approval, to the satisfaction of the Director of Planning Services.
4. 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