

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/171/2022

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
Halton Catholic District School Board c/o Courtney Abrahams 802 Drury Lane Burlington ON L7R 2Y2	Strategy 4 Inc c/o Jeff Kenny 100-2620 Bristol Circle Oakville ON L6H 6Z7	PLAN M1183 BLK 385 420 Threshing Mill Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: Elementary School Site

ZONING: I Institutional and Park

WARD: 7

DISTRICT: East

---

### 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 elementary school on the subject property proposing the following variance:

No.	Zoning By-law Regulation	Variance Request
1	<b>Table 7.12.2 (Row 7)</b> The minimum <i>height</i> shall be 11.0 m.	To permit a minimum <i>height</i> of 7.90 m.

## 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/171/2022 - 420 Threshing Mill Blvd (East District)** (OP Designation: Elementary School Site)

The subject property is subject to a site plan application (SP.1311.001/03). The site plan application is under review and any modifications to address identified issues may result in changes to the requested variances.

The subject property is surrounded by Residential area to the west, east and south and attached to a neighbourhood park (William Rose Park).

The subject property is designated Elementary School Site under the North Oakville East Secondary Plan which permits schools, and other public and institutional uses including day care centres, as well as community and neighbourhood parks.

**Variance #1 – Height (Supported)**

The applicant is seeking relief from Zoning By-law 2009-189, as amended, to permit a decrease in minimum permitted height from 11 metres to 7.90 metres. The height is the vertical distance between the established grade to the highest point of the structure. The intent of regulating building height in this zone is to encourage new buildings to be designed with greater massing compatible to the area. The institutional zone includes other uses such as general and medical office use, financial institution, ancillary retail / service commercial and other community uses such as art gallery, library, museum, and nursing home. Schools are also permitted in other zones such as TUC (Trafalgar Urban Core), DUC (Dundas Urban Core), NUC (Neyagawa Urban Core Area), NC (Neighbourhood Centre) and HDR (High Density Residential). In these zones there is not a minimum height requirement for schools and two storey schools are regularly constructed and are considered compatible with other uses in the area.

In this instance, the majority of the school building is a two-storey structure with some portions that extend above. The proposed school building results in a massing appropriate to the streetscape and surrounding area which is characterized by two and three storey dwellings. Staff are of the opinion that the decrease in height is minor in nature and will not have a negative impact on the streetscape or surrounding properties.

**Excerpt of North 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 dwelling be built in general accordance with the submitted site plan dated August 8, 2022 and elevation drawings dated August 4, 2022; and
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:** 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 are also being addressed in the associated Site Plan (S.P.1311.001/03) application.
- Regional staff reviewed the subject lands for archaeological potential in the Regional comment letter dated November 9, 2021 (in response to the Site Plan application S.P.1311.001/01). As an advisory, the subject site has archaeological potential. Although the property has already been disturbed with an existing development, 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 height, under the requirements of the Town of Oakville Zoning By-law, for the purpose of constructing a two storey elementary school 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 dwelling be built in general accordance with the submitted site plan dated August 8, 2022 and elevation drawings dated August 4, 2022.

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 handwritten signature in blue ink, reading "Heather McCrae", enclosed within a thin black rectangular border.

---

Heather McCrae, ACST  
Secretary-Treasurer