

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: **CAV A/047/2024**

RELATED FILE: N/A

**DATE OF MEETING: BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 20, 2024 AT 7:00 P.M**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
PAT SILANO PCS HOLDINGS CORPORATION	N/A	128 CHISHOLM ST PLAN 1 BLK 58 PT LOTS 1 AND 5

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 2**

**ZONING: CBD  
DISTRICT: WEST**

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### APPLICATION:

Under Section 45(2) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit a detached dwelling on the subject property which was previously used for that purpose, whereas By-law 2014-014 does not permit a detached dwelling in this instance.

### 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/047/2024 - 128 Chisholm Street (West District)** (OP Designation: Kerr Village Growth Area – Low Density Residential)

The applicant proposes to permit a detached dwelling on the subject property for use as a residential dwelling, which was previously used for that purpose prior to conversion to an office, whereas By-law 2014-014 no longer permits detached dwellings in the CBD zone that have not been continuously used as a residential dwelling unit.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(2) in the *Planning Act* are met. The applicant is seeking variances under both 45(2)(b) which will be reviewed below.

#### **Variance under section 45(2) of the *Planning Act*:**

The application submitted under Section 45(2)(b) of the *Planning Act* would allow the use of the property for a similar purpose as the previous use and the permitted uses within the CBD Zone under Table 8.3.2 to meet the intent of the By-law. Section 45(2)(b) states:

*“where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law.”*

The subject property is designated Low Density Residential and is located within the Kerr Village Growth Area, which is a secondary growth area in the Livable Oakville Official Plan. This

proposal is evaluated using the criteria established in Section 11.1.9 and 23.3.3 to maintain and protect the existing neighbourhood character and the development concept for the Lower Kerr Village District. A detached dwelling is permitted in the Low Density Residential designation. The intent of regulating uses within the Central Business District zone is to ensure the effective implementation of the Official Plan policies for the Kerr Village Growth Area. The in-effect zoning for the subject property permits legally existing uses and provides regulations for single-detached, semi-detached and townhouse dwellings, to maintain the intended land uses established through the Town's Official Plan. Under the existing Zoning By-law regulations, the use of the property as a residential dwelling unit is no longer permitted since it was discontinued. Therefore, relief from the Town's Zoning By-law is being sought to permit the use of the property again as a residential dwelling unit.

Staff are of the opinion that the proposal represents appropriate development as the property was initially converted from a residential unit into a commercial office space in 1998 and has since been reverted to a residential use in 2022.

**Note:** Staff note that the proposed dwelling may not be in compliance with the performance standards of the CBD zone (Table 8.3.2), and until such a time that a detailed zoning compliance review is undertaken, there may be additional variances that require approval. Staff also note, that the site plan provided with the submission does not reflect the existing condition of the subject property.

**Recommendation:**

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, no conditions are being recommended.

**Fire:** No concerns for Fire.

**Transit :** Comments not received.

**Halton Region: 6.3 CAV A/047/2024 – P. Silano & PCS Holdings Corporation, 128 Chisholm Street, Oakville**

- Regional staff have reviewed the following site contamination materials: Phase 1 Environmental Site Assessment(prepared by G2S Consulting Inc., dated June 2023), Letter of Reliance (prepared by G2S Consulting Inc., dated June 14, 2023), and the Ministry of the Environment Record of Site Condition (RSC) letter. Staff have no further comments.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(2) of the Planning Act in order to permit a detached dwelling on the subject property which was previously used for that purpose, whereas the Town of Oakville Zoning By-law does not permit a detached dwelling.

**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, 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.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
  - 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.
  - 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.

A rectangular box containing a handwritten signature in blue ink. The signature is cursive and appears to read 'J. Radomirovic'.

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment