

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

**APPLICATION: CAV A/072/2024**

**RELATED FILE: N/A**

### **DATE OF MEETING:**

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.**

Owner/Applicant	Agent	Location of Land
MC Oakvillage GP Inc c/o Andrew McLeod	N/A	PLAN M1211 PT BLK 7 & 8 3065, 3071, 3075, 3079 Trafalgar Road Town of Oakville

**OFFICIAL PLAN DESIGNATION: Trafalgar Road Urban Core Area**  
**WARD: 6**

**ZONING: TUC sp:65**  
**DISTRICT: East**

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### **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 apartment buildings on the subject property proposing the following variance to Zoning By-law 2009-189:

No.	Current	Proposed
1	<i>Section 8.65.2 a)</i> The minimum number of parking spaces required for residential uses shall be 1 parking space per dwelling unit.	To reduce the minimum number of parking spaces required for residential uses to 0.90 parking spaces per dwelling unit.

## **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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

**CAV A/072/2024 - 3065 Trafalgar Road (East District)** (OP Designation: Trafalgar Road Urban Core Area)

The applicant proposes to modify the residential parking rates related to high-rise residential buildings, subject to the variance listed above.

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(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Trafalgar Road Urban Core Area within the North Oakville East Secondary Plan. Development is required to be evaluated using the criteria established in Sections 7.5.14, 7.6.4 and 7.7.2.3 to meet the purpose, vision, and objectives of the plan. The proposal complies with the NOESP.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The intent of regulating the parking ratio for any development is to ensure there is adequate parking spaces for residents and visitors of the building. Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, noting that the rate will span across a number of buildings and does not include visitor parking, which is to remain.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the proposal represents appropriate development the subject properties, as the lands about Trafalgar Road and Dundas Street, being primary public transit corridors with future bus rapid transit. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties, as this cumulative count between all of the developments results in a 0.9 residential rate, not including the 0.1 visitor rate, resulting in a 1.0 overall rate (i.e. 0.9 residential + 0.1 visitor = 1.0 overall).

**Recommendation:**

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the reduced residential parking rate be permitted in general accordance with the final approved Site Plan applications, to the satisfaction of the Director of Planning Services.
2. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that there is very limited public on-street parking in the area and they should not rely on obtaining on-street parking permits to accommodate their parking needs.
3. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

**Fire:** No Concerns for Fire.

**Municipal Enforcement Services:** The following provides our comments for 3065, 3071, 3075, 3079 Trafalgar Rd.

The reduction in parking standard may create an increased demand on the limited on-street parking in the area. Should this minor variance request be approved by the Committee, the following condition is recommended:

1. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that there is very limited public on-street parking in the area and they should not rely on obtaining on-street parking permits to accommodate their parking needs

Please let us know if you require any additional information.

**Oakville Hydro:** We do not have any comments for this minor variance application.

**Transit:** No Comments received.

**Finance:** No Comments received

**Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- 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 number of parking spaces required for residential uses, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of apartment buildings on the Subject Property.

**Conservation Halton:** CH has no concerns with the proposed variance at 3065; 3071; 3075; 3079 Trafalgar Road. Please continue to keep CH apprised should anything change.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** Two

**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.

Requested conditions from circulated agencies:

1. That the reduced residential parking rate be permitted in general accordance with the final approved Site Plan applications, 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.
3. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that there is very limited public on-street parking in the area and they should not rely on obtaining on-street parking permits to accommodate their parking needs.



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Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letter/Emails of Opposition – 2

**From:**

**Sent:** Wednesday, April 24, 2024 10:58 AM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** Response to Public Hearing File #CAV A/072/2024

Dear M. Mccraem,

Thank you for the notice of public hearing committee of Adjustment Application File #CAV A/072/2024.

Here comes my response for your proceed.

Name: Hai Shen

Address: Unit 22, 348 wheat boom Dr. Oakville Ontario L6H 3V6

Application number: File #CAV A/072/2024

Address of the property in which I am providing comments: 3065, 3071, 3075, 3079 Trafalgar Rd Plan M1211 BLK 7&8

My response is "NO", which means I DO NOT SUPPORT this Variance request because it is unfair to the local residence. If you need my further explanation regarding this response, pls. let me know.

In additional, I wish to be notified of the decision for this application.  
Pls. kindly reply to confirm your receipt of this email.

Thank you and have a nice day

Hai Shen

**From:**

**Sent:** Wednesday, April 24, 2024 11:01 AM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** Response to Public Hearing File #CAV A/072/2024

Dear M. Mccraem,

Thank you for the notice of the public hearing committee of Adjustment Application File #CAV A/072/2024.

Here comes my response for your progress.

Name: Jing Shen

Address: Unit 22, 348 wheat boom Dr. Oakville Ontario L6H 3V6

Application number: File #CAV A/072/2024

Address of the property in which I am providing comments: 3065, 3071, 3075, 3079 Trafalgar Rd Plan M1211 BLK 7&8

My response is "NO", which means I DO NOT SUPPORT this Variance request because it is unfair to the local residence. If you need my further explanation regarding this response, pls. let me know.

In addition, I wish to be notified of the decision for this application.

Pls. kindly reply to confirm your receipt of this email.

Thank you and have a nice day

Jing Shen