

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/083/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 29, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Caivan Communities (Bronte) Limited c/o Troy Dosman	Korsiak Urban Planning c/o Catherine McEwan 206-277 Lakeshore Road East Oakville ON L6J 1H9	PLAN M1223 BLK 451 2501 Saw Whet Blvd Town of Oakville

OFFICIAL PLAN DESIGNATION: High Density Residential
WARD: 4

ZONING: RM4 sp:376
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 six-storey apartment building on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 5.2.1 – Footnote 1</i> Of the total number of parking spaces required, 0.25 of the parking spaces required per dwelling shall be designated as visitors parking spaces.	To reduce the visitor parking ratio to 0.18 of the required parking spaces per dwelling.

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 29, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/083/2024 – 2501 Saw Whet Blvd (West District) (OP Designation: High Density Residential)

The applicant proposes to construct a six-storey apartment building with an underground parking structure, 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 High Density Residential within the Official Plan. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. Staff are of the opinion that the request for a reduction in the minimum required number of visitor parking spaces maintains conformity with Livable Oakville

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

The intent of the Zoning By-law provision for the required parking count is to ensure that there is an appropriate number of parking spaces available for residents and visitors of the proposed building. Staff recognize that the total number of parking spaces proposed to accommodate the apartment building maintains the minimum total requirements as per Zoning By-law No, 2014-014, as amended. It is noted that the applicant has advised staff that the tenure of the building has changed, and will be a purpose-built rental building. Furthermore, the building is located adjacent to a planned frequent transit route (Bronte). The applicant has proposed to allocate additional parking for residents, resulting in a reduction of visitor parking stalls. A parking justification study was submitted as part of the minor variance application and has been reviewed to the satisfaction of Town staff. Please see below for a breakdown of the parking calculation proposed:

Parking Calculation Breakdown		
Regulation	Min. Requirement	Proposed
Total Number of Parking Spaces	398	398
Residential Parking	311	338
Visitor Parking	87	60

Staff are of the opinion that the request maintains the general intent and purpose of the Zoning By-law.

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 of the subject property. The variance is minor in nature and will not create any undue adverse impacts to adjoining properties or the existing neighbourhood character.

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. The apartment building be constructed in general accordance with the submitted site plan and elevation drawings dated April 13, 2023; 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.

Fire: Multi-Res - No impact to Fire Department Access or Fire-fighting Operations. (JRO)

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 visitor parking ratio, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a six-storey apartment building on the Subject Property.

Union Gas: No Comments received

Bell Canada: No Comments received

Letter(s)/Emails in support: None

Letter(s)/Emails in opposition: One

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. The apartment building be constructed in general accordance with the submitted site plan and elevation drawings dated April 13, 2023.
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

Attachment:
Letter/Email of Opposition – 1

From:
Sent: Monday, May 20, 2024 1:35 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Cc:
Subject: 2501 Saw whet Blvd - public hearing

Dear Heather McCrae,

I am writing to inquire about the property under construction at 2501 Saw Whet Blvd, plan M1223 BBL 451, located in front of our house. I have observed that the building appears to be roughly 10 feet above grade, which deviates from the original plans and design cues. Additionally, I noticed that no public hearing was held for this significant change in the property's design. Could you please explain why this did not occur?

As a concerned neighbor at 1377 Yellow Rose Circle, Oakville, Ontario, I also wish to address a recent application to reduce visitor parking for the same building. We strongly urge the town to reject this application, as it poses a danger to pedestrians, many of whom are children, due to the potential increase in street parking. Ideally, the ratio of visitor parking spots should be increased to prevent excessive street parking.

Thank you for your attention to these matters.

Sincerely,
Akhil Katarya