

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/086/2024

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
Fernbrook Crystal (UGAW) Inc c/o Crystal Homes	Fernbrook Crystal (UGAW) Inc c/o Crystal Homes Muaadh Solomah 2220 Highway No. 7 West Unit 5 Concord ON L4K 1W7	CON 1 SDS PT LOT 30 RP 20R13962 PT PART 1 2333 Khalsa Gate Town of Oakville

OFFICIAL PLAN DESIGNATION Medium Density Residential and Urban Centre

ZONING: RH sp:270 & RM4 sp:270 Residential

WARD: 4

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 reduction of the parking space dimensions located within the underground parking for the condominium apartment development on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.2.3 a)</i> The minimum width of a parking space not located in a private garage shall be 2.7 metres.	To reduce the minimum width for parking space unit 188 to 2.67 metres.
2	<i>Section 5.2.3 a)</i> The minimum width of a parking space not located in a private garage shall be 2.7 metres.	To reduce the minimum width for parking space unit 341 to 1.80 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)

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/086/2024 – 2333 Khalsa Gate (West District) (OP Designation: Medium Density Residential and Urban Centre)

The applicant proposes to permit a reduction of the parking space dimensions located within the underground parking for the condominium apartment development, subject to the variances 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 Medium Density Residential and Urban Centre within the Official Plan. It should be noted that the development was approved through a Site Plan application (SP.1430.038/01) on June 25, 2021, and is currently subject to a Draft Plan of Condominium application (24CDM-23008/1430), where detailed as-built plans were submitted that identified the non-compliant parking space dimensions. Staff are of the opinion that the variances requested maintains the general intent and purpose of the Official Plan, as it provides for the utilization of parking spaces that are a surplus to the parking required to serve the occupants of the building. This in turn does not impact or detract from the amount of required parking that is intended to serve occupants and visitors to the site.

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

The intent of regulating parking space dimensions is to provide adequate area for the parking, access and maneuvering of various vehicle types. It should be noted that two spaces (Units 188 and 341), which are the subject of the variance request, are surplus to the required parking requirement of the development. While both parking spaces are surplus to the By-law requirements, the reduction in size may impact the usability of the parking spaces. Accordingly, a Condition of Approval is recommended which provides notice to purchasers that the foregoing parking spaces are deficient in size and may not be suitable for certain all vehicles types. This warning would also be provided in the condo declaration.

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, subject to the proposed Conditions.

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 parking spaces or owners, as it is Staff's understanding that Unit 341 is intended to be purchased by an owner with a specific vehicle to fit in the non-compliant space (i.e. motorcycle).

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 parking spaces Unit 188 and Unit 341 be permitted in general accordance with the site plan and draft plan of condominium plans submitted with the application; and,

2. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that parking spaces Unit 188 and Unit 341 are deficient in size and may not be suitable for all vehicles types;
3. That the owner provide confirmation that the condominium declaration has been updated to specifically identify all substandard parking spaces to the satisfaction of the Town; and,
4. That the approval expires two (2) years from the date of the decision if the Draft Plan of Condominium application is not approved.

Fire: Multi-Res - No impact to Fire Department Access to 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 minimum width for parking space unit 188, and a decrease in the minimum width for parking space unit 341, under the requirements of the Town of Oakville Zoning By-law for the purposes of permitting the reduction of parking space dimensions located within the underground parking for the condominium apartment development on the Subject Property.

TransCanada Pipeline:



May 23, 2024

Heather McCrae
Secretary-Treasurer, Committee of Adjustment
Town of Oakville
1225 Trafalgar Road
Oakville, ON L6H 0H3

Sent via email: heather.mccrae@oakville.ca

Dear Heather McCrae:

RE: Minor Variance Request
2333 Khalsa Gate, Oakville
Fernbrook Crystal (UGAW) Inc. c/o Crystal Homes
Municipal File: A/086/2024
File No: PAR 50282

Ianhall Planning Ltd. is the planning consultant for TransCanada PipeLines Limited (TCPL). This letter is in response to a notification and request for comments for the Minor Variance application outlined above. We understand that the Minor Variance application seeks to permit the reduction of the parking space dimensions located within the underground parking for the lands identified as **2333 Khalsa Gate** in the Town of Oakville (the "Subject Lands"). TCPL has one (1) high-pressure natural gas pipeline contained within a right-of-way ("easement") abutting the Subject Lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

TCPL has no concerns with the proposed variance, as it is not applicable to TCPL. However, TCPL requests the following regulatory requirements are forwarded to the Applicant for information:

1. Written consent from TCPL must be obtained before any of the following:
 - a. Constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way (easement). A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;

- b. Conducting ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
- c. Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
- d. Using any explosives within 300 metres of TCPL's right-of-way; and,
- e. Use of TCPL's Prescribed Area for storage purposes.

How to apply for written consent:

- Determine the location of your work relative to TCPL's facilities.
 - When planning, and before any of the work or activities, listed above, can begin, a request for written consent must be submitted to TCPL through our online application form
 - We no longer accept applications through email
 - Location of the work is required, along with the proximity to TCPL's right-of-way
 - This information can be obtained through survey plans, or through a locate request
 - Make a locate request either online (ClickBeforeYouDig.com) or by calling your local One- Call Centre.
 - The One-Call Centre will notify the Proponent of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TCPL representative through a locate request.
 - Apply for written consent using TCPL's online application form or call 1-877-872-5177.
 - Application assessment and consent. Once your information has been assessed and potential impacts have been evaluated, TCPL may:
 - Grant consent without any conditions
 - Grant consent that requires certain conditions to be met to assure safety, or
 - Not grant consent
2. No buildings or structures shall be installed anywhere on TCPL's right-of-way. Permanent buildings and structures are to be located a minimum of 7 metres from the edge of the right-of-way. Temporary or accessory buildings are to be located a minimum of 3 metres from the edge of the right-of-way.
 3. A minimum setback of 7 metres from the nearest portion of a TCPL right-of-way shall also apply to any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces, and any associated drive aisle or driveway.
 4. During any construction activities in proximity of the right-of-way, the Proponent must install and maintain temporary fencing along the limits of TCPL's right-of-way to prevent unauthorized access onto the pipeline right-of-way with heavy equipment. The fence

must meet TCPL's specifications concerning type, height and location and must be maintained by the Proponent for the duration of construction.

5. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
6. Any landscaping of TCPL's right-of-way is to be approved in writing by TCPL and done in accordance with TCPL's Landscaping Guidelines:
 - a. TCPL's Right-of-way is to be seeded with Canada #1 seed.
 - b. Grantee shall ensure a 5 metre continuous access way is maintained over, through and within the right-of-way to facilitate access for future pipeline operation and maintenance activities.
 - c. No portion of trees or shrubs at the time of maturity shall be permitted to encroach within 5 metres of the edge of the TCPL pipeline within the right-of-way.
 - d. No trees or shrubs at the time of maturity that will reach a height greater than 4 metres shall be planted within the right-of-way.
 - e. Tree roots must not interfere with the pipeline.
 - f. A minimum of 5 metres between all groups of trees/shrubs will be established. A group is defined as 3-5 trees/shrubs.
 - g. Irrigation systems are not permitted within TCPL's right-of-way.
7. If TCPL's pipelines suffer contact damage or other damage as a result of an Proponent's operations, stop work immediately and notify TCPL at once.
8. The Proponent shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

Enclosed is a copy of TC Energy's Work Safely Handbook for additional information on constructing near TCPL's pipelines. Additional information can be found on TC Energy's [website](#).

Thank you for the opportunity to comment. Kindly forward a copy of the Decision to the undersigned by mail or by email to apalumbo@ianhallplanning.com. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Ianhall Planning Ltd.



Andrew Palumbo, MCIP, RPP
President

on behalf of TransCanada PipeLines Limited

Union Gas: No Comments received

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, 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 parking spaces Unit 188 and Unit 341 be permitted in general accordance with the site plan and draft plan of condominium plans submitted with the application
2. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that parking spaces Unit 188 and Unit 341 are deficient in size and may not be suitable for all vehicles types.
3. That the owner provide confirmation that the condominium declaration has been updated to specifically identify all substandard parking spaces to the satisfaction of the Town
4. That the approval expires two (2) years from the date of the decision if the Draft Plan of Condominium application is not approved.

A rectangular box containing a handwritten signature in black ink. The signature reads "Heather McCrae" in a cursive, flowing script.

Heather McCrae, ACST
Secretary-Treasurer