

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/088/2024

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
Melrose Investments Inc	David Faye & Associates Inc c/o David Faye 338 Lakeshore Road East PO Box 521471 Oakville ON L6J 7N5	CON 3 SDS PT LOT 33 RP 20R14971 PT PART 1 AND RP 20R15605 PART 2 3280 South Service Rd W Town of Oakville

OFFICIAL PLAN DESIGNATION: Business Employment
WARD: 1

ZONING: E2 & E3
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 width of landscaping required for outside storage on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.11.2 (row 7)</i> The minimum width of landscaping required along the edge of outside storage abutting the interior side lot line shall be 7.5 m.	To reduce the minimum width of landscaping required along the edge of the outside storage abutting the westerly interior side lot line to be 3.5 m.
2	<i>Table 4.11.2 (row 7)</i> The minimum width of landscaping required along the edge of outside storage abutting the interior side lot line shall be 7.5 m.	To reduce the minimum width of landscaping required along the edge of the outside storage abutting the easterly interior side lot line (adjacent to the stormwater management facility) to be 5.5 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)

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/088/2024 – 3280 South Service Rd W (West District) (OP Designation: Business Employment)

The applicant proposes to establish an outdoor storage area associated with a future industrial building, 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:

Site and Area Context:

The subject lands are within Phase 3 of the Melrose Business Park, which will front onto the future extension of Wyecroft Road, and the proposed development has received conditional approval through Site Plan Application SP.1633.010/01. The surrounding area predominantly consists of commercial, employment uses, and vacant land. The subject property abuts the Canadian National Railway line in the rear (south), and an extension of Wyecroft Road, which is currently under construction.

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

The subject property is designated Business Employment within the Official Plan. The intent of this designation is to provide for a wide range of business and industrial uses, predominantly within enclosed buildings, and provide for office uses and light and service industrial operations with minimal impacts on the surrounding area. It is staff's opinion that the requested variance, maintains the general intent and purpose of the Official Plan.

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

Variance #1 – Minimum Landscape Strip – Westerly Interior Site Lot Line (No Objection)

Variance #2 – Minimum Landscape Strip – Easterly Interior Site Lot Line (No Objection)

The applicant requests relief from Zoning By-law 2014-014, as amended, to permit the minimum width of landscaping along the westerly and easterly interior side lot lines. The intent of regulating the landscape requirements abutting an outdoor storage use is to provide separation to uses on adjacent properties and to mitigate any negative impacts resulting from the outdoor storage operations.

The westerly lot line of the subject property abuts a vacant parcel and that land use has not been established, while the easterly lot line abuts a landscaped stormwater management facility, and to the south is a rail line.

It is staff's opinion that the requested variances maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature and appropriate for the development of the site as there are no negative impacts on abutting properties or the streetscape.

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

Staff are of the opinion that the requested variance represents appropriate development of the subject property.

Recommendation:

Subject to the conditions of approval, staff do not object to the proposed variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The outdoor storage area be constructed in general accordance with the submitted site plan dated March 6, 2024, and overall landscape plan dated September 1, 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 development.

Fire: Industrial - 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

Metrolinx:



To: Heather McCrae Secretary-Treasurer, Committee of Adjustment - Oakville (May 29th, 2024 Hearing)
From: *Adjacent Developments GO Expansion & LRT - Third Party Projects Review - Metrolinx*
Date: May 23rd, 2024
Re: CAV A/088/2024 - 3280 South Service Road West, Oakville

Metrolinx is in receipt of the Minor Variance application for 3280 South Service Road West, Oakville, to allow a reduced side lot landscaping width (from 7.5m to 3.5m and 5.5m respectively on both side lot lines) for the proposed outside storage area on the subject lands. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Advisory Comments:

- The following are items to address the current minor variance application. The applicant is advised that all other conditions/requirements/agreements related to the comprehensive application must also be fulfilled prior to approval of the Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.
- Metrolinx is a stakeholder that is currently engaged in, and has provided comments on, the comprehensive application of the development including the Site Plan application.
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable. Please refer to Metrolinx Comments on File 1633.01001 from May 21, 2024, for additional details.
- As the requested variances have minimal impact on Metrolinx property (i.e., Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- Please note that as part of Metrolinx's GO Expansion program, a 3.5m setback from the rail corridor has been established where tall-growing vegetation (such as trees) can not be permitted. Some low-lying vegetation, such as shrubs or ornamental grasses, may be appropriate, subject to Metrolinx review.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,
Farah Faroque
Project Analyst, Third Party Projects Review
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

CN: No comments received

MTO: Although in principle the Ministry has no objection to the variance request, the subject site described above (**3280 South Service Road West**) is located within the MTO Permit Control Area for the QEW and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the official applications for review, where we will provide more detailed comments.

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 of landscaping required along the edge of the outside storage abutting the westerly interior side lot line, and a decrease in the minimum width of landscaping required along the edge of the outside storage abutting the easterly interior side lot line, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of permitting the reduction of the width of landscaping required for outside storage 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: 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. The outdoor storage area be constructed in general accordance with the submitted site plan dated March 6, 2024, and overall landscape plan dated September 1, 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 rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer