



99 Residential Bicycle Spaces,

LEVEL A



April 29, 2024

Town of Oakville Building Services Department 1225 Trafalgar Road Oakville, ON L6H 0H3

Email: coarequests@oakville.ca

COMMITTEE OF ADJUSTMENT MINOR VARIANCE APPLICATION RE: 2333-2343 KHALSA GATE, OAKVILLE **OUR FILE 16191W** 

On behalf of our client, Fernbrook Crystal (UGAW) Inc. c/o Crystal Homes, we are pleased to submit this letter and attached materials for our Minor Variance Application submission for the proposed development municipally known as 2333 and 2343 Khalsa Gate (hereinafter the "Subject Lands") in the Town of Oakville. In support of this request, please find enclosed the following:

- One (1) PDF copy of the Completed Application Form;
- One (1) PDF copy of the Approved Site Plan prepared by Architecture Unfolded;
- One (1) PDF copy of the Parking Compliance Letter prepared by KRCMAR Surveyors Ltd.
- One (1) PDF copy of the Parking Plan (Updated April 24, 2024), prepared by KRCMAR Surveyors Ltd.

#### **PROPOSAL**

The owner is seeking the approval of the Committee of Adjustment, to seek relief for the minimum parking space provision for an ongoing Draft Plan of Condominium and recently approved Site Plan Application. The owner also seeks relief for the parking space width minimum to facilitate the belowgrade parking for the approved Site Plan that facilitates two eight-storey buildings with a total of 487 residential units and 641 parking spaces on the Subject Lands. It is noted that the application is being undertaken concurrently with the Draft Plan of Condominium application to respond to the zoning comments provided by Town Staff.

Specifically two parking spaces are at issue which do not comply with the Town of Oakville Zoning By-law provisions regarding the minimum width required. The parking spaces subject to the variances (Unit 188 and Unit 341) are identified on the Parking Plan prepared by KRCMAR Surveyors Ltd.



### **BACKGROUND**

The Subject Lands underwent a Site Plan Application (file number: SP.1430.038/01), which was approved on June 25, 2021. Following the aforementioned approval, a Pre-Consultation Meeting occurred on August 16, 2023, between municipal and regional staff, and the applicant team to discuss the process and application submission requirements for a Draft Plan of Condominium Application. The Draft Plan of Condominium ("DPC") Application was submitted on November 23, 2023, and comments were received on January 8, 2024 for the DPC submission (file number: 24CDM-23008/1430). Through this review it was identified by Zoning staff that the parking spaces would need to comply with the minimum length and width dimensions, under section 5.2.3 a) of the Zoning By-law.

## **REQUESTED RELIEF – VARIANCES REQUIRED**

As a result of the Draft Plan of Condominium Application comments provided on January 8, 2024 with respect to the updated parking level, the requested variance address provisions within The Town of Oakville By-law 2014-014. The Subject Lands are zoned "RM4 sp:270" (Residential Medium with Special Provision 270) and "RH sp:270" (Residential High with Special Provision 270). Special Provision 270 implements the approved Site Plan.

## **ZONING BY-LAW 2014-014**

## 1. Section 5.2.3 a) – Motor Vehicle Parking Space Dimensions

The minimum dimensions of a parking space not located in a private garage shall be 2.7 metres in width and 5.7 metres in length.

Parking space Unit 188 has a width of 2.52 metres, and the parking space Unit 341 has a width of 1.65 metres.

It is noted that Unit 188 is to be used as a regular parking space whereas Unit 341 will be used for as a motorcycle parking space.

## **MINOR VARIANCE TESTS**

We believe that the request for relief from the City-wide Zoning By-law 569-2013 meets the four tests set out under Section 45(1) of the Planning Act, as follows:

# 1. The variances maintain the general intent and purpose of the Official Plan.

The Subject Lands are designated as "Growth Area" within Schedule H – West Land Use, and "Urban Centre" with Schedule N – Palermo Village Land Use of the Town of Oakville Official Plan (Town OP). These designations provide policies to ensure and transit-supportive, pedestrian-oriented mixed-use community. The proposal has been developed in accordance with the Official Plan, which includes the provision of appropriate parking being provided. The variances affect only two of 641 spaces

proposed and only to recognize the substandard widths that have been identified after construction occurred. As is discussed further below, the spaces are still appropriate for parking purposes with one being designated for motorcycle parking and the other being able to accommodate small and medium size vehicles. In our opinion, the general intent and purpose of the Official Plan is still being maintained.

# 2. The variances maintain the general intent and purpose of the Zoning By-law.

The Subject Lands are subject to the Town of Oakville Zoning By-law 2014-014. The general intent and purpose of the provision is to ensure that an appropriate width and length are provided for vehicular use. Two spaces require relief for Units 188 and 341. As noted above Unit 341 will be assigned as motorcycle parking, and thus the width provided of 1.65 metres would be sufficient.

Unit 188 provides a 2.52-metre width that can accommodate a range of compact, small- and midsized vehicles. A few of these vehicles include:

- Honda Civic 2.08 m
- Audi A6 2.09 m
- Ford Focus 1.85 m
- Mazda CX-5 2.1 m
- Ford Focus 2.2 m
- Subaru Impreza 2.01 m
- Kia Forte 1.8 m

The two spaces provide different vehicular types to be serviced through the parking provisions. The remainder of the spaces coincides with the minimum parking space width and length, providing use for a variety of vehicle sizes.

# 3. The variances are desirable for the appropriate development of the use of the land.

The approval of the requested parking variance will maintain the continued development and construction of the Subject Lands, which Town Staff had approved through the Site Plan Application. The variance will allow the development to meet the required number of parking spaces, which will support future residents, and their access to vehicular use. No undue impact has been anticipated on adjacent properties if the variance is approved, as the variance is solely delegated to the below-grade parking spaces identified. Given the widths can accommodate a motorcycle (for Unit 341) and a range of small and medium size vehicles (Unit 188) the variances are appropriate and desirable in our opinion.

### 4. The variances are minor in nature.

In our opinion, individually and collectively, the variances are minor in nature from a qualitative and quantitative basis. The parking space width for Unit 188 has a 0.12-metre difference from the 2.7-metre requirement and still allow for a number of small and medium size vehicles to park comfortable in the space. Further, regarding Unit 341, the space will be considered as a motorcycle space, and

the 1.65-metre width is sufficient for the use. The variances are also minor in impact regarding the surrounding lands, as they solely affect the spaces below grade.

For the reasons noted above, it is our opinion that the requested variances are minor in nature.

## **CONCLUSION**

It is our opinion that the requested Minor Variance Application meet the requirements of Section 45(1) of the Planning Act. We request that this application be circulated for staff review and be scheduled for the next available Committee of Adjustment hearing.

**Planner** 

If you require any additional information, please do not hesitate to contact the undersigned.

Yours truly,

**MHBC** 

David A. McKay, MSc, MLAI, MCIP, RPP

Vice President & Partner