

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/112/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 07, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
Caivan Communities (Bronte) Limited	Bailey Russell Caivan Communities (Bronte) Limited 209 Oak Park Blvd Oakville ON, Canada L6H 7S8	2501 Saw Whet Blvd PLAN M1223 BLK 451

**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 reduction of the parking space dimension located in the underground parking for the condominium apartment development on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 5.2.3 d)</i> Where a wall, column, or other obstruction is located abutting or within any parking space, the minimum width of the parking space shall be increased by 0.3 metres for each side that is obstructed. The minimum width is 3.0m in this instance.	To reduce the minimum width of parking space unit #66 to 2.92 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 August 07, 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.

CAV A/112/2024 – 2501 Saw Whet Blvd (West District) (OP Designation: High Density Residential)

The applicant proposes to recognize a parking space (Parking Space Unit #66 on Level A) that is deficient in width within the underground parking area of the apartment building currently under construction and proposed for condominium tenure (24CDM-24007/1530) on the subject property, subject to the variance listed above.

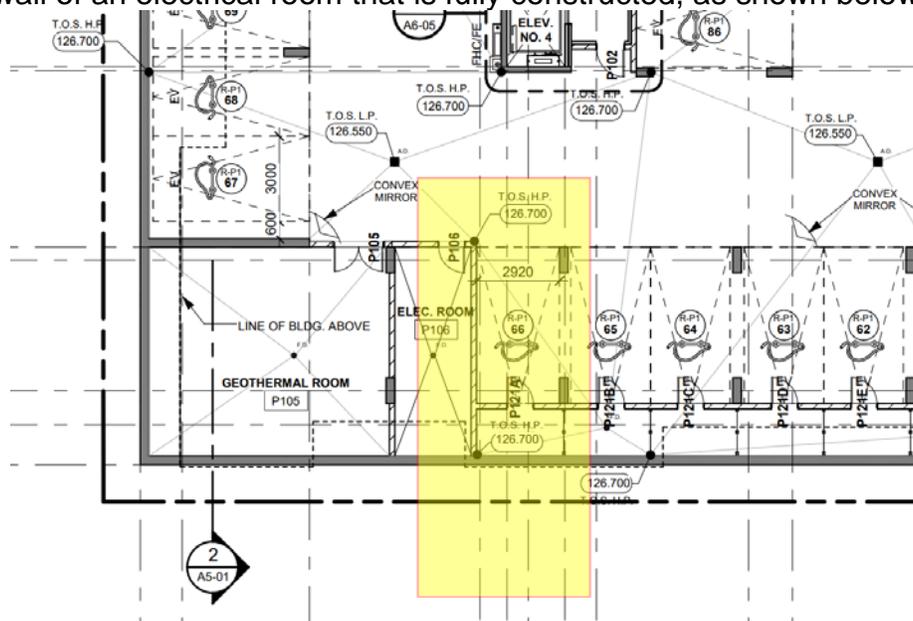
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

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

The subject lands are designated “High Density Residential” designation in the Livable Oakville Plan, which permits a range of high-density housing types including multiple-attached dwelling units, apartments, retirement homes and long-term care homes. The proposal is to allow one (1) parking space to have a reduced width because it is adjacent to a wall within the underground parking garage that has already been constructed. It is staff’s opinion that the proposal maintains the general intent and purpose of the Official Plan.

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

The zoning by-law requires an underground parking space obstructed by a wall to be wider than a typical parking space. The intent of regulating the width of an obstructed parking space is to ensure that such a parking space is appropriately designed to allow for the maneuvering of and entry into personal vehicles. The proposal concerns a reduced width as a result of a wall of an electrical room that is fully constructed, as shown below.



Overall Floor Plan Level P1 – April 13, 2023

Staff recognize that relocating the wall would require significant structural modifications and would disrupt the existing electrical infrastructure. Staff acknowledge that the parking space is sufficient to accommodate a smaller personal vehicle and recommend that all offers of purchase and sale of Parking Unit #66 indicate as such. Staff are of the opinion that the requested variance 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, and that the variance is minor in nature.

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 proposed development be built in general accordance with the submitted Overall Floor Plan Level P1 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.

Fire: No Concerns for Fire.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received

Metrolinx: 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 to the minimum width of parking space unit #66 to 2.92 metres, under the requirements of the Town of Oakville Zoning By-law for the purpose of permit the reduction of the parking space dimension located in the underground parking for the condominium apartment development on the Subject Property.
- General ROP Policy: The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. All proposed Minor Variances are

located on lands that are designated as 'Urban Area' and are located within the Built Boundary overlay in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be per Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

- RNHS

Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the proposed development would trigger the Environmental Impact Assessment (EIA) requirements in accordance with Sections 118 (3) & (3.1)c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development will not likely result in any impacts on the features or ecological functions of the Regional Natural Heritage System.

- Archeological Potential

The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. However, the subject lands have been disturbed with the existing development, as such, an archaeological assessment would not have been required.

As a caution, however, please note that during any development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must be notified immediately (archaeology@ontario.ca). If human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, to be consulted.

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 proposed development be built in general accordance with the submitted Overall Floor Plan Level P1 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.



Jennifer Ulcar
Secretary-Treasurer