

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAV A/116/2024

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
Angela Katunas	Sebastian Arasanz Oakville Senior Citizens Residence 2222 LAKESHORE Rd W Oakville ON, Canada L6L 5G5	2220 Lakeshore Rd W CON 4 SDS PT LOTS 27,28

**OFFICIAL PLAN DESIGNATION: High Density Residential  
WARD: 1**

**ZONING: RH sp: 82  
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 installation of new rooftop mechanical equipment on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Section 4.6.4 b)</i> The height and storey provision of the Bylaw shall not apply to a rooftop mechanical equipment, including any appurtenances thereto that do not exceed 2.0 metres above the maximum height.	To increase the height of the rooftop mechanical equipment to 2.2 metres above the roof.
2	<i>Section 4.28 a)</i> Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse.	To permit the rooftop mechanical equipment to be set back less than 5.0 metres from all edges of the roof where it is not fully enclosed within a mechanical penthouse.

## 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/116/2024 - 2220 Lakeshore Rd W (West District) (OP Designation: High Density Residential)**

The applicant is proposing variances to permit rooftop mechanical equipment that is 2.2 m in height and within 5.0 m of the perimeter of the roof edge. The subject property is located east of Bronte Village which is predominantly comprised of apartment buildings exceeding 10 storeys in height.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met.

Staff's 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 by Livable Oakville. Development is required to be evaluated using the criteria established in Section 11.1.9 to maintain and protect the existing neighbourhood character. The proposal complies with Livable Oakville.

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

**Variance #1** – Rooftop mechanical equipment height (No Objection) – increased from 2.0 m to 2.2 m

**Variance #2** – Rooftop mechanical equipment setback (No Objection) – decreased from 5.0 m to 4.0 m

The intent of the Zoning By-law provisions proposed to be varied are to ensure any potential impacts from rooftop mechanical equipment on the public realm are mitigated. In this case, the proposed location of the rooftop mechanical equipment will not have a negative impact on neighbouring high-density residential properties and will not impact the public realm, given the height of the building (angular plane) and those of the surrounding developments. Staff are of the opinion that the proposed variances maintain 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 variances, cumulatively, are 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 variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The rooftop mechanical equipment be constructed in general accordance with the submitted Roof Electrical Plan (E-101) dated 2024/03/28; 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:** No Concerns for Fire.

**Municipal Enforcement:** The property must comply with noise limits as set out in the noise by-law.

**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 an increase to the height of the rooftop mechanical equipment and permit the rooftop mechanical equipment to be set back less than 5.0 metres from all edges of the roof where it is not fully enclosed within a mechanical penthouse, under the requirements of the Town of Oakville Zoning By-Law, for the purpose of installing new rooftop mechanical equipment 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.

- Archeological Historic Towns

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 historic towns 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](mailto: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

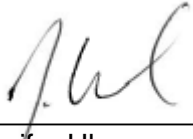
**Letter(s)/Emails in opposition:** One

*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 rooftop mechanical equipment be constructed in general accordance with the submitted Roof Electrical Plan (E-101) dated 2024/03/28; 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.



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Jennifer Ucar  
Secretary-Treasurer

Attachment:  
Letter/Email in Opposition – 1

**From:** [REDACTED]  
**To:** coarequests  
**Subject:** [EXTERNAL] File # CAV A/116/2024  
**Date:** July 25, 2024 9:16:52 PM

With regard to the variance request pertaining to Section 4.28 a, I believe there is a need to advise precisely what the variance request is to enable us to make an informed decision. To merely state the request is to permit rooftop mechanical equipment to be set back less than 5.0 metres from all edges of the roof where it is not fully enclosed within a mechanical penthouse does not provide sufficient information I.e. is the applicant looking to place mechanical equipment 1 metre, 2 metres, 3 metres or 4 metres from all edges of the roof?

Sent from my iPad