

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

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

APPLICATION: CAVA/121/2024

RELATED FILE: N/A

DATE OF MEETING:

**BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, AUGUST 21, 2024 AT 7:00 P.M.**

Applicant / Owner	Authorized Agent	Subject Property
Nicola Wealth	Joseph Guzzi Dillon Consulting Limited 235 Yorkland Blvd., Suite 700 Toronto, ON M2J 4Y8	2515 Royal Windsor Dr CON 2 SDS PT LOT 1 RP 20R21673 PARTS 3, 4, 6 AND 7

**OFFICIAL PLAN DESIGNATION: Industrial and Business Commercial**

**ZONING: E3 SP:3 & E4, Employment**

**WARD: 3**

**DISTRICT: East**

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### 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 construction of a six storey commercial self-storage building on the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 4.11.2 (Row 4, Column 4)</i> Required width of landscaping in any Employment zone along any road shall be a minimum width of 3.00 metres.	To reduce the minimum landscaping width to 2.38m along the flankage lot line and 0.44 along the lot line abutting the daylight triangle.
2	<i>Table 4.11.2 (Row 9, Column 4)</i> Required width of landscaping in any surface parking area along any road shall be a minimum width of 3.00 metres.	To reduce the minimum landscaping width to 0.44m along the lot line abutting the daylight triangle.
3	<i>Table 10.3. (Row 5, Columns E3 and E4)</i> The minimum flankage yard shall be 3.0 m.	To reduce the minimum flankage yard to 2.05m and 1.84m along the lot line abutting the daylight triangle.
4	<i>Table 10.3. (Row 7, Columns E3 and E4)</i> The minimum interior side yard shall be 3.0 m.	To reduce the minimum westerly interior side yard to 1.0 m.
5	<i>Table 10.3. (Row 13, Column E4)</i> The maximum height shall be 18.5 metres.	To increase the maximum height to 24.34 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 21, 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/121/2024 – 2515 Royal Windsor Drive (East District)** (OP Designation: Industrial and Business Commercial)

The applicant proposes to construct a six-storey commercial self-storage building, subject to the variances listed above.

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:

#### Site Area and Context

The subject property is located in an employment area surrounded by commercial and industrial uses. The property is located at the northwest corner of Royal Windsor Drive and Winston Churchill Boulevard and is approximately 110m south of the railway line. It is located at the eastern boundary between the Town of Oakville and the City of Mississauga. The subject property is currently vacant and has an active site plan application for the proposed self-storage facility (SP.1501.032/01).



Aerial Photo of 2515 Royal Windsor Drive

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

The subject property is designated Industrial and Business Commercial in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Sections 14.1, 14.5 and 14.6 to ensure there are no negative adverse impacts on adjacent and surrounding properties and to ensure appropriate development on the subject site. The proposal complies with Livable Oakville.

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

Variance #1 – Minimum landscaping width along any road (No Objection) – 3m reduced to 2.38m along flankage lot line and 0.44m along the lot line abutting the daylight triangle

Variances #2 – Minimum landscaping width in surface parking area along any road (No Objection) – 3m reduced to 0.44m along the lot line abutting the daylight triangle

Variance #3 – Minimum flankage yard (No Objection) – 3m reduced to 2.05m and 1.84m along the lot line abutting the daylight triangle

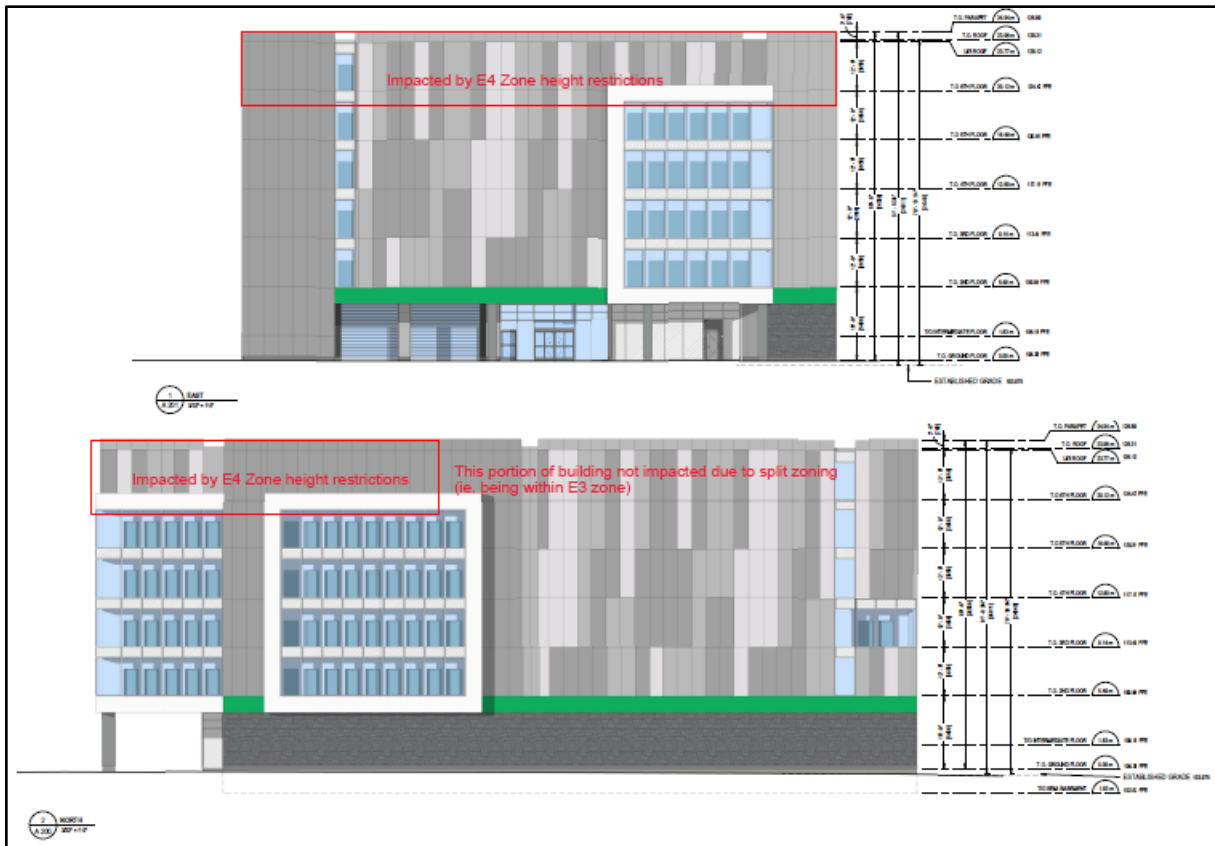
The intent of the Zoning By-law provision for minimum landscape width along the road is to provide a buffer between the road and the building or surface parking on site. The intent of the minimum flankage yard is to allow adequate separation distance and allow visibility at the corner. The reduction in the flankage yard is due to the conveyance of land for road widening along Winston Churchill Boulevard at the request of the Region of Peel, whereas the proposal originally complied with the Zoning requirements. The 2.38m landscape width along the flankage yard and the 0.44m landscape width along lot line abutting the daylight triangle does not cause any negative adverse impacts on adjacent and surrounding properties and is adequate. The drainage and grading of the site has been reviewed through the active site plan for the subject property and there are not concerns regarding the decreased landscape width. Staff are of the opinion that the minimum landscape width of 2.38m along the flankage lot line, 0.44m along the lot line abutting the daylight triangle, and the 0.44m in surface parking area long the lot line abutting the daylight triangle area meets the intent and purpose of the Zoning By-law.

Variance #4 – Minimum interior side yard (No Objection) – 3m reduced to 1m (westerly)

The intent of the Zoning By-law provision for interior side yard is to ensure adequate spatial separation between dwellings and no negative impacts on drainage. It is noted that the property to the west of the subject property is a surface parking area and there are no buildings directly abutting the proposed development. Further, to the road widening requirement noted above, this resulted in a shift to the building, whereas the proposal originally complied with the Zoning requirements. As such, the proposed interior side yard setback does not cause any negative adverse impacts on adjacent and surrounding properties. The drainage of the subject site has been reviewed through the active site plan application and there are no drainage concerns with respect to the proposed interior side yard. Staff are of the opinion that the proposed interior side yard setback meets the general intent and purpose of the Zoning By-law.

Variance #5 – Maximum height (No Objection) – 18.5m increased to 24.34m

The intent of the Zoning By-law provision for maximum height is to ensure uniformity in height of the buildings within the Employment Area and no negative impacts of height on adjacent and surrounding properties. It is noted that the subject property has split zoning with the northern portion of the property zoned as Industrial (E3) with Special Provision 3 (SP:3), and the southern portion of the property is zoned as Business Commercial (E4). The E3; SP:3 Zone does not have any height restrictions while the southern portion has a height restriction of 18.5m. Due to the split zoning, the more restrictive zoning regulation applies which in this case is a height restriction of 18.5m, which is a portion of the 5<sup>th</sup> and 6<sup>th</sup> floors at the front of the building primarily along Royal Windsor Drive as illustrated below.



It is also noted that the properties to the north and west of the subject property are zoned E3; SP3 with no height restriction. Staff are of the opinion that the proposed maximum height does not cause any negative adverse impacts on adjacent and surrounding properties and meets 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, both individually and 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 development be constructed in general accordance with the final approved Site Plan (SP.1501.032/01) to the satisfaction of the Director of Planning and Development; 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.

**Oakville Hydro:** We do not have any comments.

**Transit:** No Comments received.

**Finance:** No Comments received.

**Heritage:** No heritage concerns.

**Metrolinx:**

- We understand the proposed development will be subject to a Zoning By-Law Amendment and Site Plan Control application which is being reviewed by City Planning (application number SP.1501.032/01). Please keep Metrolinx involved as a stakeholder in the comprehensive site application as there may be further requirements/comments upon review of the Site Plan submission.
- The applicant is advised that all other conditions/requirements/agreements related to the comprehensive application (if applicable) must also be fulfilled prior to approval of the requisite 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.
- 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.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

**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 westerly interior side yard, a decrease to the minimum flankage yard, a decrease to the minimum landscaping width along the flankage lot line, a decrease to the minimum landscaping width along the lot line abutting the daylight triangle and an increase to the maximum height, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a six-storey commercial self-storage building 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' 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.

**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 development be constructed in general accordance with the final approved Site Plan (SP.1501.032/01) to the satisfaction of the Director of Planning and Development; 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 Ulcar  
Secretary-Treasurer