

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/120/2024

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
Town of Oakville	Brandon Bortoluzzi Salter Pilon Architecture Inc. 151 Ferris Lane Unit 400 Barrie ON, CANADA L4M 6C1	4075 Sixth Line PLAN M1221 PT BLK 154 RP 20R21707 PARTS 1 4 AND 5

OFFICIAL PLAN DESIGNATION: Employment Area

ZONING: SA, Service Area-Employment

WARD: 3

DISTRICT: East

Variance Request:

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 new two storey emergency services facility (fire hall) on subject property proposing the following variance to Zoning By-law 2009-189:

No.	Current	Proposed
1	<i>Table 5.1B (row 31)</i> The parking requirements for any non-residential use not specified in Table 5.1B shall be a maximum of 1 parking space per 30 square metres of leasable floor area for a maximum of 28 parking spaces.	To increase the maximum number of parking spaces to 46.
2	<i>Section 4.3.2 v. b. & Table 7.12.2 (row 4, column 1)</i> The maximum front yard shall be 6.0m.	To increase the maximum front yard to 17.0m.
3	<i>Section 4.3.2 v. b. & Table 7.12.2 (row 6, column 1)</i> The maximum flankage yard shall be 6.0m.	To increase the maximum flankage yard to 29.0m.

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/120/2024 – 4075 Sixth Line (East District) (OP Designation: Employment Area)

The applicant proposes to construct a two-storey emergency service facility (fire hall Station No. 9) on subject property, 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 site is located in the Employment Area District at the northeast corner of Sixth Line and Loyalist Trail. The subject site has vacant land designated Employment Area and Natural Heritage System to the east, and Employment Area and Natural Heritage System to the west. The lands to the north of the subject site consists of Region of Halton water treatment/pumping station and is designated Employment Area and Natural Heritage System. The lands south of the subject site consists of low-density residential uses and is designated Transitional Area. A site plan application (SP.1215.005/01) is currently under review.



Aerial Photo of 4075 Sixth Line

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

The subject property is designated Employment Area in the North Oakville East Secondary Plan (NOESP). Development is required to be evaluated using the criteria established in Section 7.5.17 and 7.6.8 to maintain and protect the emerging character of the area. The proposal complies with the North Oakville East Secondary Plan.

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

Variance #1 – Maximum Number of Parking Spaces (No Objection) – 28 increased to 46

The intent of the Zoning By-law provision for maximum number of parking spaces is to promote a walkable and transit-oriented community as well as limit the amount of pavement on site and establishing underutilized parking areas on site. The proposed Fire Hall will accommodate both emergency operations and fire prevention and education services for the Town of Oakville. In order for the subject fire hall facility to operate optimally, the following number of parking spaces are needed – 20 spaces for active-duty fire fighters, 15 spaces for fire prevention officers and staff, 9 spaces of fire prevention fleet vehicles, and 2

spaces for visitor parking. Staff are of the opinion that the proposed variance does not cause any adverse impacts on adjacent and surrounding properties and meets the intent of the Zoning By-law.

Variance #2 – Maximum Front Yard (No Objection) – 6m increased to 17m

Variance #3 – Maximum Flankage Yard (No Objection) – 6m increased to 29m

The intent of the Zoning By-law provision for maximum front yard setback and maximum flankage yard setback is to create an animated street wall to support a walkable and transit oriented community. The purpose of the deviation from the required front and flankage yard setbacks is to allow for adequate maneuvering space on-site for the fire trucks and fleet vehicles as well as increased distance from the intersection improving the visibility around the corners. Staff is of the opinion that the proposed maximum front yard and maximum flankage yard setbacks does not cause any 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 and provides needed community services for North Oakville. 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 fire hall be constructed in general accordance with the final approved site plan 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: 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 number of parking spaces, an increase to the maximum front yard and an increase to the maximum flankage yard, under the requirements of the Town of Oakville Zoning By-law for the purpose of constructing a new two storey emergency services facility (fire hall) 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.
- 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.

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 fire hall be constructed in general accordance with the final approved site plan 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.



Jennifer Ulcar
Secretary-Treasurer