

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAVA/129/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, SEPTEMBER 4, 2024 AT 7:00 P.M.

Applicant / Owner	Authorized Agent	Subject Property
BC Trafalgar Inc.	BC Trafalgar Limited Partnership (Samantha Marjanovic) 720 Oval Crt Burlington ON, CANADA L7L 6A9 Kikor Architects & Planners (Varun-Preet Singh) 20 De Boers Dr., Suite 400 Toronto ON, CANADA M3J 0H1	3240 William Coltson Ave PLAN M1211 BLK 14 RP 20R22346 PARTS 1 AND 2 RP 20R21765 PARTS 1 TO 4

OFFICIAL PLAN DESIGNATION: Trafalgar Urban Core Area

ZONING: TUC SP 65

WARD: 7

DISTRICT: East

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 and aisle dimensions located in the underground parking for the condominium apartment development on the subject property proposing the following variances to Zoning By-law 2009-189:

No.	Current	Proposed
1	<i>Section 5.4.1.3 (paragraph 2)</i> Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall	To permit the columns located within 1.20 metres of the stall end to not require an increase in parking stall width for parking stalls R95, R96, R99 and R100.
2	<i>Section 5.4.1.3 (paragraph 3)</i> Parking spaces shall be accessed with a minimum parking aisle width of 7 metres for 90 degree angle parking.	To reduce the aisle width to 6.8m adjacent to parking stalls R21, R22, R23, R95, R96, R97, R101, R110 and R111.

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 September 4, 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.

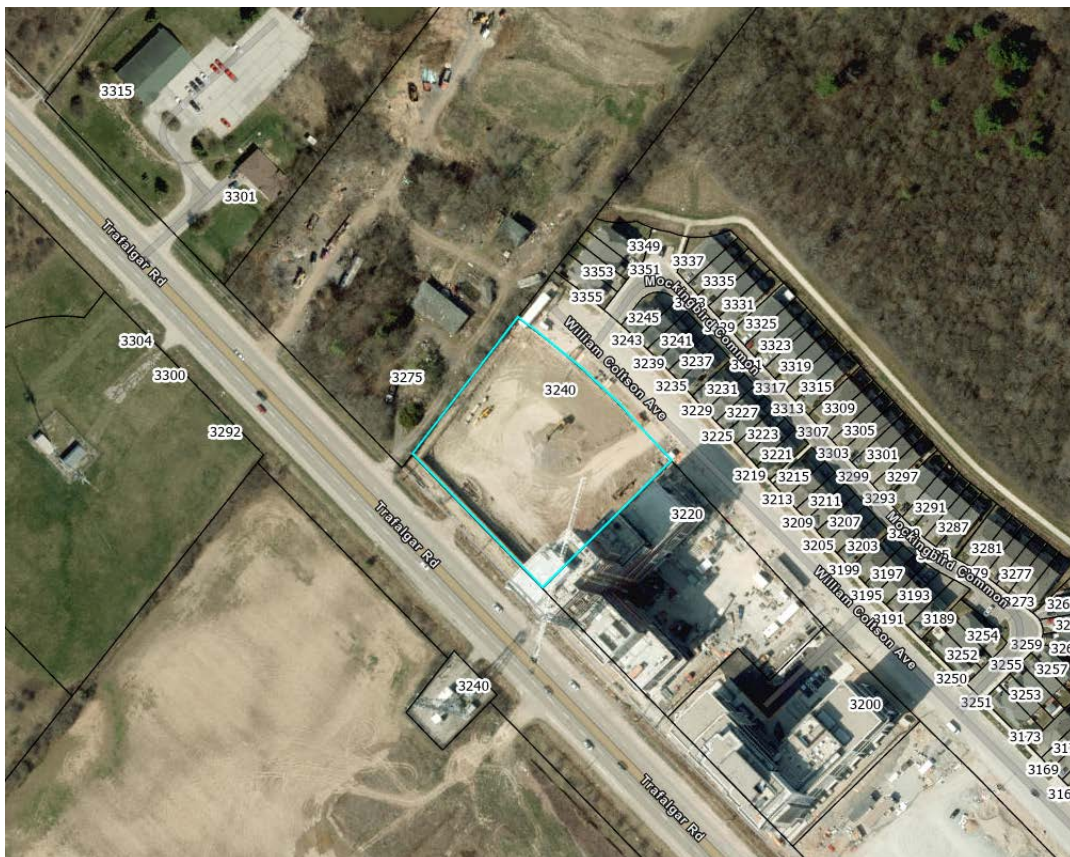
CAV A/129/2024- 3240 William Coltson Avenue (East District) (OP Designation: Trafalgar Urban Core Area)

The applicant proposes to permit a reduction of the parking space and aisle dimensions located in the underground parking for the condominium apartment dwelling currently under construction, 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 Trafalgar Urban Core Area on the east side of Trafalgar Road, north of Threshing Mill Boulevard, and west of William Coltson Avenue. The subject property has newly constructed townhomes and Natural Heritage System Area to the east across William Coltson Avenue, an under-construction condo development immediately to the south, Trafalgar Road and vacant land with a telecommunications tower to the west, and properties with commercial and institutional uses and Natural Heritage System Area to the north.

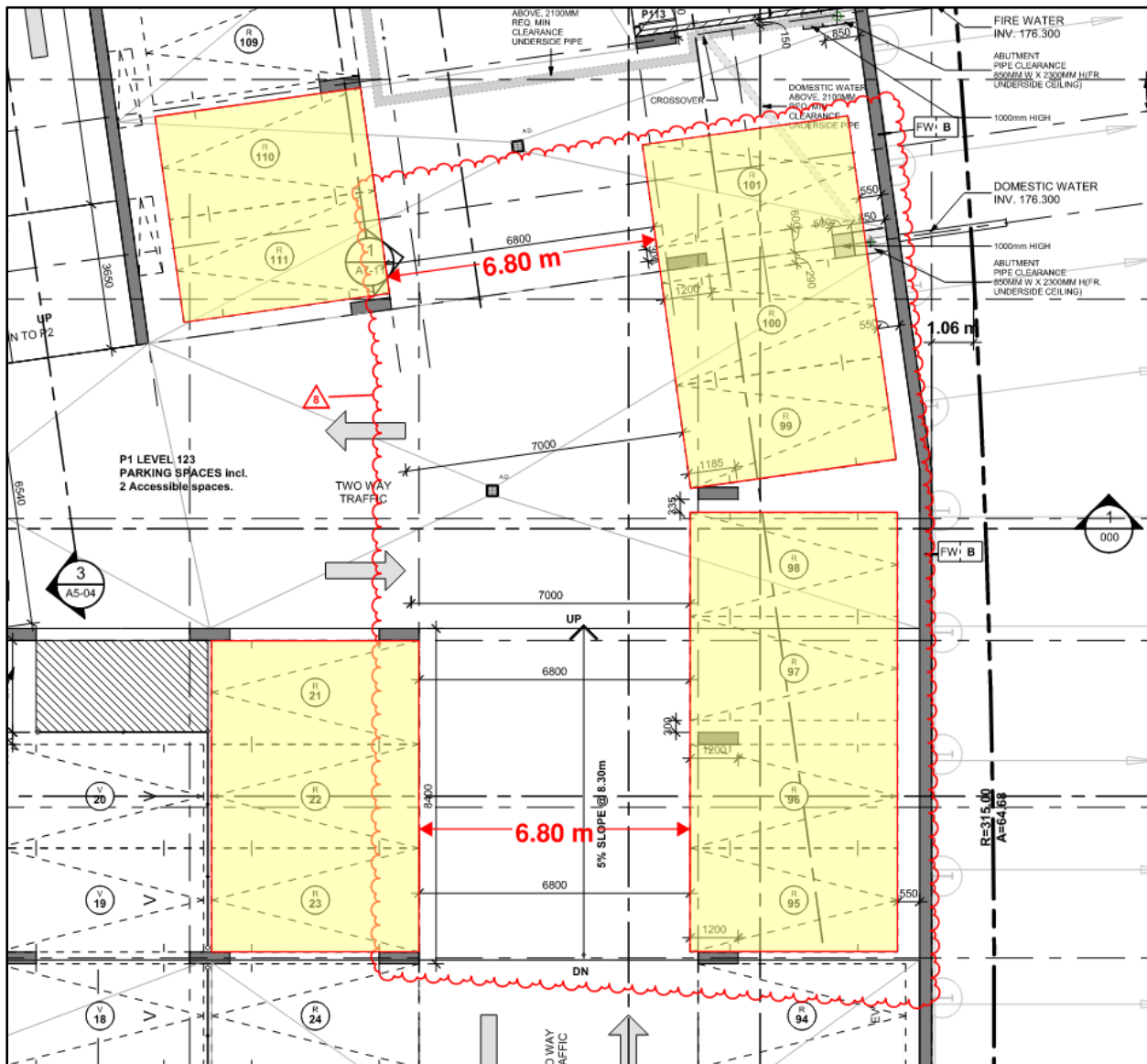


Aerial Photo of 3240 William Colston Avenue

The subject lands consist of an under-construction 20-storey apartment building comprising of 349 residential units and including three levels of underground parking. The applicant has submitted a Draft Plan of Condominium application which is currently under review.

Staff note a storm sewer pipe has been installed on the wall behind the parking stalls R95 to R101 on Parking Level P1. Due to this storm sewer pipe, the affected parking spaces have been modified resulting in a reduced width for the drive aisle from the required 7.0m to 6.8m. Additionally, as a result of the modified parking spaces the columns adjacent to parking spaces R95, R96, R99, and R100 have increased in size from 1.15m to 1.20m. Pursuant to the Zoning By-law parking spaces adjacent to impediments such as a wall or column require an increase to the width of the parking space by 0.3m

The variance request proposes to eliminate the need for the additional 0.3m width for parking spaces for the effected spaces and to decrease the width of the parking aisle from 7.0 m to 6.8 m adjacent to the foregoing parking spaces, as shown below:



P1 Level – Affected Parking Stalls (highlighted in yellow)

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

The subject property is designated Trafalgar Urban Core Area in the North Oakville East Secondary Plan (NOESP) Figure NOE 2 Land Use Plan. Development is required to be evaluated using the criteria established in Section 7.5.14 and 7.6.4 to maintain and protect the emerging character of the area. The modification to the parking area supports the development of a multi storey residential building, consistent with the policies for the Trafalgar Urban Core Area. On this basis, 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 – Width of a parking stall to not increase by 0.3m adjacent to a column or other obstruction within 1.15m of the stall end (No Objection) – obstruction increased from 1.15m to 1.20m

Variance #2 – Minimum parking aisle width (No Objection) – 7.0m decreased to 6.8m

The intent of the Zoning By-law provision for parking stall width is to provide an increase in parking stall width where an obstruction causes impacts on the function of the parking stall. The intent of the Zoning By-law provision for minimum parking aisle width is to allow adequate space for two vehicles to pass each other and allow for adequate turning movements to and from parking spaces. It is staff's opinion that the size of the obstruction/column due to the shifting of parking spaces towards the parking aisle for R95, R96, R99 and R100, increased by 5 centimeters (0.05m), is minor and does not cause any undue impacts on the affected parking spaces. It is also staff's opinion that the reduction in parking aisle width in front of nine parking spaces (R21, R22, R23, R95, R96, R97, R101, R110 and R111) does not cause any negative impacts on the function of the parking lot. Staff is of the opinion that the proposed variances meet 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 variances represent appropriate development of the Parking Level P1. The variances, both individually and cumulatively, are minor in nature and will not create any negative adverse impacts.

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. That parking stalls R95, R96, R99 and R100, as well as parking aisle between parking stalls R21, R22, R23, R96, R96, R97, R101, R110 and R111, be constructed in general accordance with the Floor Plan Level P1 dated June 26, 2024.

Requested conditions from circulated agencies:

Fire: No concerns for Fire. Passed.

Oakville Hydro: We do not have any comments.

Transit: No Comments received.

Finance: No Comments received

Metrolinx: No Comments received

Heritage: No heritage concerns.

Halton Region:

- **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
- 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 the columns located within 1.20 metres of the stall end to not require an increase in parking stall width for parking stalls R95, R96, R99 and R100 and a decrease to the aisle width to 6.8m adjacent to parking stalls R21, R22, R23, R95, R96, R97, R101, R110 and R111, under the requirements of the Town of Oakville Zoning By-law, for the purposes of permitting the development of condominium apartments 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 states, 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 parking stalls R95, R96, R99 and R100, as well as parking aisle between parking stalls R21, R22, R23, R96, R96, R97, R101, R110 and R111, be constructed in general accordance with the Floor Plan Level P1 dated June 26, 2024.



Jennifer Ulcar
Secretary-Treasurer