

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/135/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, SEPTEMBER 18, 2024 AT 7:00 P.M.

| Owner (s) | Agent | Location of Land |
|------------------------|--|---|
| RUZMARIN HOLDINGS INC. | Tristin Mills Ti Studios Architecture Inc 1902 11 St SE Unit 201 Calgary AB, Canada T2G 3G2 | CON 3 SDS PT LOTS 23,24 RP 20R8242 PARTS 4,5,6 891 Progress Crt Town of Oakville |

OFFICIAL PLAN DESIGNATION: Industrial

ZONING: E3 sp: 395, Employment

WARD: 2

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 width of landscaping required for a motor vehicle storage compound on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

| Current zoning by-law requirements | Variance request |
|--|--|
| <i>Table 4.11.2 (row 7)</i> The minimum width of landscaping required along the edge of a motor vehicle storage compound abutting the interior side lot line shall be 7.5 m in this instance. | To reduce the minimum width of landscaping required along the edge of the motor vehicle storage compound abutting the southerly interior side lot line to be 1.53 m. |

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range 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 18, 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. The following comments are provided:

CAV A/135/2020 – 891 Progress Court (West District)
(OP Designation: Industrial)

The applicant proposes to permit the reduction of the width of landscaping required for a motor vehicle storage compound, subject to the variance listed above.

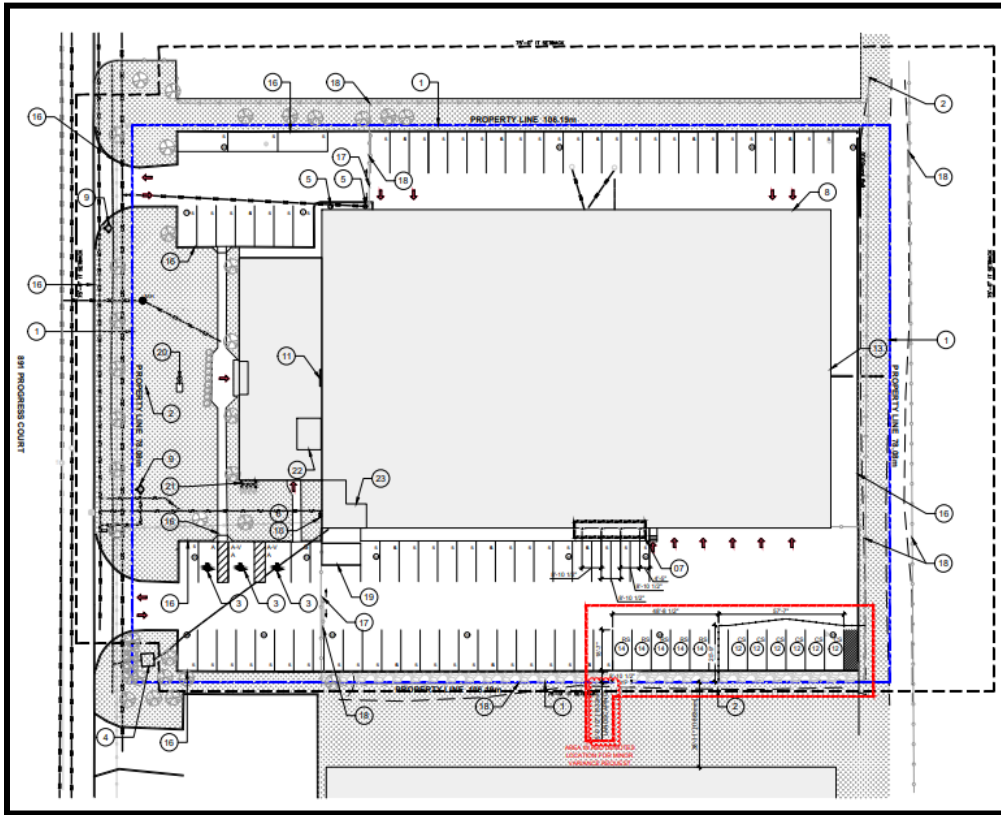
Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from the provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff's comments concerning the application of the four tests to this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

Site Area and Context

The subject property is located in an employment area surrounded by industrial uses.



Aerial of Subject Property from Town of Oakville Mapping



Excerpt of Site Plan indicating proposed location of motor vehicle storage compound prepared by Applicant



Location of Proposed Motor Vehicle Storage Compound, taken on September 5, 2024



Location of Proposed Motor Vehicle Storage Compound, taken on September 5, 2024



View of the Motor Vehicle Storage Compound from the edge of the subject property, taken on September 5, 2024

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

The subject property is designated Industrial in the Livable Oakville Official Plan. Development is required to be evaluated using the criteria established in Sections 14.1 and 14.5 to ensure there are no negative adverse impacts on adjacent and surrounding properties and to ensure appropriate development on the subject site. Motor Vehicle storage compounds are permitted within the Industrial designation, and landscaping

requirements are beneficial to the screening of such uses. Staff note that the parking conditions and landscaping are existing and are not proposed to be reduced to accommodate the motor vehicle storage compound use. On this basis, the proposal complies with the Official Plan.

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

Variance #1 – Minimum Landscape Width (No Objection) – reduced from 7.5 metres to 1.53 metres

The applicant is proposing to locate a motor vehicle storage compound in a location that currently accommodates parking spaces. As a result, an increased requirement in landscaping has been triggered. Below are the definitions of parking space and motor vehicle storage compound.

Under the Zoning By-law, a “parking space” is defined as:

... an unobstructed rectangular space that is designed to be used for the temporary parking of a motor vehicle.

Under the Zoning By-law, a “motor vehicle storage compound” is defined as:

...an area of land with or without buildings or structures used for the temporary outside storage of motor vehicles.

Under the Zoning By-law, “outside storage” is defined as:

...an outdoor area that may contain a building or structure used for the accessory keeping of goods, inventory, materials, machinery, or equipment outside including shipping containers in association with the primary use of the lot.

Section 10.6, of the Zoning By-law outlines additional permissions for outside processing, outside storage and heavy vehicle parking areas. Section 10.6(e) indicates that the storage of damaged, impounded, or inoperable motor vehicles is prohibited as part of outside storage except in conjunction with a motor vehicle storage compound or salvage yard. This indicates that the vehicles in this area may not be operable while parked and may require repairs which is consistent with the subject property being occupied by a Tesla Collision Centre. The intent for requiring a 7.5 metre landscape buffer is to provide separation and screening to this type of use to adjacent properties.

Based on a site visit on September 5, 2024, and the proposed site plan indicating the location and scale of the proposed motor vehicle storage compound, it appears that the motor vehicle compound will have a similar visual impact as the existing parking area on the subject property. It will be partially screened from the street / public realm by a dark fence as seen in the photos. Additionally, the area reserved for the motor vehicle compound is adjacent to a building wall without any windows on the adjacent site that also has an existing landscape strip that is greater than 7.5 metres. Based on the specific context of this site and the intensity of the proposed use, staff are of the opinion that the request 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. The variance is 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 variance. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. The motor vehicle storage compound be located in general accordance with the submitted site plan dated 2024-08-14; and,
2. That the approval expires two (2) years from the date of the decision if a Zoning Certificate of Occupancy has not been issued for the proposed motor vehicle storage compound.

Oakville Hydro: We do not have any comments.

Fire: No concerns for Fire.

Transit : No comments received.

Finance: 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 in the minimum width of landscaping required along the edge of the motor vehicle storage compound abutting the southerly interior side lot line to be 1.53 m, under the requirements of the Town of Oakville Zoning By-law, for the purpose of reducing the width of landscaping required for a motor vehicle storage compound 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.

Bell Canada: No comments received.

Metrolinx:

Metrolinx is in receipt of the Minor Variance application for 891 Progress Crt to permit the reduction of the width of the landscaping required for a motor vehicle storage compound on the subject property as circulated on August 30, 2024, and to be heard at Public Hearing on September 18th, 2024, at 7:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located partially within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

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 is advised of the following:

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.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

General notes for all applications:

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 Services, 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.

Requested conditions from circulated agencies:

1. The motor vehicle storage compound be located in general accordance with the submitted site plan dated 2024-08-14; and,
2. That the approval expires two (2) years from the date of the decision if a Zoning Certificate of Occupancy has not been issued for the proposed motor vehicle storage compound.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment