

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/041/2024

RELATED FILE: N/A

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MARCH 06, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Mattamy (Joshua Creek) Limited	Korsiak Urban Planning c/o Catherine McEwan 206-277 Lakeshore Road East Oakville ON L6J 1H9	PLAN M1268 BLK 35 Granary Street Town of Oakville

OFFICIAL PLAN DESIGNATION: General Urban Area
WARD: 6

ZONING: GU SP:68
DISTRICT: East

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 back to back townhouse dwelling units on the subject property proposing the following variances to Zoning By-Law 2009-189:

No.	Current	Proposed
1	<i>Section 4.10 i)</i> Unless otherwise specified, compliance with the standards of this Bylaw shall be achieved within the lot on which the building is constructed or the use is undertaken.	To permit the minimum landscape area of 10% to be achieved within the entirety of the block / lot on which the building is constructed.
2	<i>Section 4.25.2.1</i> Minimum landscape area requirements under this By-law may be satisfied by one or more landscape areas, each of which shall have a dimension of at least 2.4 metres by 2.4 metres unless specified by other site or area provisions of this By-law.	To decrease the minimum dimension for landscape areas to be 1.5 metres by 3.0 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 March 6, 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/041/2024 – Granary Street, 24M-1268, Block 35

**CAV A/042/2024 – Granary Street, 24M-1268, Block 36
(East District) (OP Designation: General Urban Area)**

The applicant proposes to construct back-to-back townhouses, 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 provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff 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 General Urban Area in the North Oakville East Secondary Plan. Pursuant to Section 7.6.7.2, General Urban Area is intended to accommodate a range of low and medium density residential development along with home occupation and home business uses. The proposal complies with the North Oakville East Secondary Plan.

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

The intent of the Zoning By-law provision for a minimum landscaped area to be achieved within the lot is to provide an adequate amount of landscaped area to soften the built form and to provide sufficient pervious surfaces for stormwater management purposes. The intent of the Zoning By-law provision for minimum dimensions of the landscaped area is to ensure an adequate amount of soft landscaped area is provided for the healthy growth of trees and other plantings and to allow for the infiltration of surface water.

Staff note that the proposal does not present any concerns from a stormwater management perspective, and that the proposed amount of landscaping exceeds the By-law requirement if measured on a block basis. Furthermore, sufficient space is provided for by the proposed minimum landscaped area dimension, and that the approved Tree Canopy Cover Plan for this subdivision achieves the target set by the Town.

Staff are of the opinion that the requests 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 lands. The proposed variances will have minimal impact on the streetscape of the overall community, as similar variances were granted in the Joshua Creek subdivision as are now being proposed in the Mattamy (Dunoak) subdivision. Staff have met with the developer and, moving forward, they will ensure that their townhouse design complies with the zoning by-law. The variances are minor in nature and will not create any undue adverse impacts to adjoining properties or the planned or existing character of the area.

Recommendation:

Staff do not object to the proposed variances. Should these minor variance requests be approved by the Committee, the following condition is recommended:

1. 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 for this minor variance application.

Transit: No Comments received.

Finance: None

Halton Region:

- The subject lands are located within an area of Archaeological Potential. Although the property has already been disturbed with an existing development, as an advisory note, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately. In the event that human remains are encountered during construction, the Owner shall immediately notify the police or coroner, the Registrar, the Ministry of Public and Business Service Delivery (MPBSD), who administers provisions of that Act related to burial sites, and the MCM.
- 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 minimum landscape area of 10% to be achieved within the entirety of the block / lot on which the building is constructed, and a decrease in the minimum dimension for landscape areas, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of back to back townhouse dwelling units on the Subject Property.

Conservation Halton: CH has no concerns with the variances. Please continue to keep CH appraised should anything change.

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. 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.

A rectangular box containing a handwritten signature in blue ink that reads "Heather McCrae".

Heather McCrae, ACST
Secretary-Treasurer