

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/190/2024 1260 Marlborough Crt.

RELATED FILES: B24/06 (1513) & B24/07 (1513) 1260 & 1254 Marlborough Crt.
CAV A/191/2024 1254 Marlborough Crt.

DATE OF MEETING: By videoconference and live-streaming on the Town of Oakville's Live Stream webpage at www.oakville.ca on November 27, 2024 at 7 p.m.

Owner (s)	Agent	Location of Land
1260 MARLBOROUGH COURT LIMITED 12 Lawton Blvd Toronto ON M4V 1Z4	Casey Kulchycki Zelinka Priamo Ltd 20 MAUD ST UNIT 305 Toronto ON M5V 2M5	PLAN M69 BLK A 1254 Marlborough Crt Town of Oakville

OFFICIAL PLAN DESIGNATION: High Density Residential
WARD: 5

ZONING: RH
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 proposed consent application for the severed parcel of the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current zoning by-law requirements	Variance request
1	<i>Table 5.2.1 (Row 5, Apartment Dwelling)</i> The minimum number of parking spaces shall be 1.0 per dwelling where the unit has less than 75.0 square metres and 1.5 per dwelling for all other units for a total minimum of 297 parking spaces for 228 dwelling units.	To reduce the minimum number of parking spaces to 0.5 per dwelling where the unit has less than 75.0 square metres and 0.65 per dwelling for all other units for a total minimum of 159 parking spaces.
2	<i>Table 5.2.1 (Footnote 1)</i> The minimum number of parking spaces designated as visitors parking spaces shall be 0.25 per dwelling for a total of 57.	To reduce the minimum number of parking spaces designated as visitor parking spaces to 0.09 per dwelling for a total of 21.
3	<i>Section 5.4.1 b)</i> The minimum number of bicycle parking spaces shall be 30.	To reduce the minimum number of bicycle parking spaces to 0.
4	<i>Section 6.9 b) i)</i> The minimum setback for an underground parking structure from the lot line abutting the residential zone shall be 1.0 metre.	To reduce the minimum setback for the underground parking structure from the lot line abutting the residential zone to 0.0 metre.

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)

CAV A/090/2024 – 1260 Marlborough Court (East District) (OP Designation: High Density Residential and Trafalgar Road Corridor Special Policy Area)

The applicant proposes to sever the subject lands which contains two rental apartment buildings and shared underground parking, subject to the variances listed above.

Site Area & Context

The owner has submitted Consent Applications B24/06 (1513) and B24/07 (1513) to sever the subject lands which contains an existing 14-storey residential building with underground parking, and a retained parcel containing an existing six-storey residential building. The consent is also intended to establish reciprocal easements between the existing 14-storey and six-storey residential buildings for the purposes of utilities, servicing, access, and parking. A minor variance application for both the retained (CAV A/091/2024) and severed lots (CAV A/090/2024) is necessary to address zoning deficiencies.

Background information on the development of the subject lands and a full description of the Consent applications is included within the Consent Report dated November 22, 2024.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances 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 lands are designated “High Density Residential” and are located within the “Trafalgar Road Corridor Special Policy Area” in the Official Plan. The proposal is to recognize the existing conditions of the subject lands in relation to the location of the proposed consent line. Aside from the proposed land division, no development is proposed. The requested variances are to recognize the shared vehicle and bicycle parking conditions, and to establish a new setback for the existing underground parking garage. The parking and building locations are not changing. It is staff’s opinion that the proposal maintains the general intent and purpose of the Official Plan.

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

The applicant is seeking relief from Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Parking Spaces (No objection) – 297 reduced to 159 parking spaces

Variance #2 – Visitor Parking Spaces (No objection) – 57 reduced to 21 parking spaces

The intent of regulating the minimum parking spaces is to ensure that an adequate and appropriate level of parking is allocated for residents and their visitors. The requested variances recognize the existing number of parking spaces that were approved through a previous Minor Variance Application CAV A/016/2020, which applied to both buildings on the subject lands (1260 and 1254 Marlborough Court). Now that the owner wishes to sever the property into two parcels, individual minor variance applications are required for both the lands to be retained and the lands to be severed. Consent Application B24/07 (1513) includes the establishment of easements for vehicular parking and access over the lands located at 1254 Marlborough Court in favour of the lands located at 1260 Marlborough Court. Since the provision of visitor and resident parking spaces are to remain unchanged, function as intended pursuant to the easement, and the subject lands are adjacent to Trafalgar Road, which is serviced by frequent local and regional transit, staff are satisfied that sufficient parking is provided on site.

Variance #3 – Number of Bicycle Parking Spaces (No objection) – 30 reduced to 0

The intent of regulating the minimum parking spaces is to ensure that an adequate and appropriate amount of bicycle parking is provided for residents and visitors. The severed lands were developed at a time when bicycle parking was not required under the zoning by-law. The requested variance is to recognize the existing conditions. As the requested variance has been triggered by the proposed severance of the lot and that no other development is proposed for this site, staff are satisfied that the existing situation may continue. Furthermore, residents may utilize the frequent local and regional transit services that are available on Trafalgar Road, as an alternative mode of transportation. Staff would encourage the owner to consider the installation bicycle racks to encourage active transportation among residents and visitors.

Variance #4 – Minimum Setback for an Underground Parking Structure (No objection) – 1.0 metre reduced to 0.0 metre

The intent of regulating the side yard setback for an underground parking structure is to provide sufficient space for construction and maintenance. The proposed reduction is related to the distance between the location of the proposed consent line and the existing underground parking garage on the subject lands. The consent application includes easements for the parking and access which would include the maintenance of the parking structure. Staff is satisfied that maintenance of the underground garage can be accommodated.

It is staff's opinion that the requested variances 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 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 variances. Should this minor variance request be approved by the Committee, the following conditions are recommended:

1. That the owner/applicant receive approval of Consent Applications B24/06 (1513) and B24/07 (1513) and Minor Variance Application CAV A/091/2024.

Fire: No concerns for fire.

Finance: No comments received.

Halton Region:

- Regional staff note the proposed Minor Variance application was reviewed by staff within the Regional comment letter (dated August 15, 2024) for the associated Consent application B26/06 (1513).

- Regional staff noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

Halton Conservation:

Trans Canada Pipeline : We can confirm that TNPI has NO infrastructure in the mentioned area

Letter(s) in support – None

Letter(s) in opposition – None

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. That the owner/applicant receive approval of Consent Applications B24/06 (1513) and B24/07 (1513) and Minor Variance Application CAV A/091/2024.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment