

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/091/2024

RELATED FILE: B24/06 (1513) & B24/07 (1513) 1260 & 1254 Marlborough Crt.
CAV A/190/2024 1260 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 retained parcel of the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
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 75 parking spaces for 70 dwelling units.	To reduce the minimum number of parking spaces to 0.20 per dwelling where the unit has less than 75.0 square metres and 0.30 per dwelling for all other units for a total minimum of 15 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 18.	To reduce the minimum number of parking spaces designated as visitor parking spaces to 0.18 per dwelling for a total of 13.
3	<i>Table 6.3.9 (row 5)</i> The minimum interior side yard shall be 4.5 m.	To reduce the minimum northerly interior side to 2.07 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)

CAV A/091/2024 – 1254 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 parking conditions, and to establish a new interior side yard setback. 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) –75 reduced to 15 parking spaces

Variance #2 – Visitor Parking Spaces (No objection) – 18 reduced to 13 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 B24/06 (1513) includes the establishment of easements for vehicular parking and access over the lands located at 1260 Marlborough Court in favour of the lands located at 1254 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 – Minimum Interior Side Yard (No objection) –4.5m reduced to 2.07m

The intent of regulating side yard setbacks is to ensure adequate spatial separation between buildings and no negative impacts on drainage. The proposed reduction is related to the distance between the location of the proposed consent line and the existing residential building. Building services staff have advised that the Building Code requires a limiting distance of 6.0m as to not have an impact on the development potential of the severed lands, and vice versa. A condition has been included with the associated consent applications to register a Limiting Distance Agreement on title, to acknowledge the reduced setback condition. The variance facilitates the requested consent application for the retained lands.

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/090/2024.

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 B26/07(1513).
- Regional staff noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

Halton Conservation: No comments received.

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/090/2024.

Sharon Coyne

Sharon Coyne

Assistant Secretary-Treasurer

Committee of Adjustment