

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

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

APPLICATION: CAV A/174/2024

RELATED FILE: N/A

DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca on December 11, 2024 at 7 p.m.

| <u>Owner (s)</u> | <u>Agent</u> | <u>Location of Land</u> |
|---------------------------|--------------|--|
| SILK WESTERNS CORPORATION | N/A | PLAN M1183 PT BLK 382 RP 20R21569 PART 1 AND RP 20R22324 PART 1 412 Silver Maple Rd Town of Oakville |

OFFICIAL PLAN DESIGNATION: Urban Core Area

ZONING: DUC sp34, Dundas Urban Core

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 dimensions located in the underground parking for the condominium apartment development on the subject property proposing the following variance(s) to Zoning By-law 2009-189:

| No. | Current | Proposed |
|-----|---|---|
| 1 | <p>Section 5.4.1.3 Each required parking space in a parking garage or parking lot shall have a width of not less than 2.6 metres and a length of not less than 5.2 metres.</p> <p>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 end do not require an increase in stall width.</p> | <p>To reduce the minimum width of the following parking spaces:</p> <p><u>P1(level A)</u></p> <p>Unit 54 - 2.52m Unit 55 - 2.55m Unit 58 - 2.57m</p> <p><u>P2(Level B)</u></p> <p>Unit 58 - 2.53m Unit 59 - 2.56m</p> |
| 2 | <p>Section 5.4.1.3 Each required parking space in a parking garage or parking lot shall have a width of not less than 2.6</p> | <p>To reduce the minimum width of the following parking spaces abutting a wall or obstruction:</p> |

| | |
|---|---|
| metres and a length of not less than 5.2 metres. | <u>P1(level A)</u> |
| 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. | Unit 9 - 2.78m Unit 51 - 2.88m |
| Obstructions within 1.15 metres of either stall end do not require an increase in stall width. In this instance, the minimum width is 2.9m. | <u>P2(Level B)</u> Unit 13 - 2.78m |

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/174/2024 - 412 Silver Maple Rd (East District) (Urban Core Area)

The applicant proposes to permit reduction of the parking space dimensions located within the underground parking for the condominium apartment development, subject to the variances listed above.

Site and Area Context

The subject site is located on the northeast corner of Dundas Street West and Postridge Drive within the North Oakville East Secondary Plan.

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 property is designated Urban Core Area within the Official Plan. It should be noted that the development was approved through a Site Plan application (SP.13111.001/01) on November 26, 2019, and was granted Draft Plan approval of Condominium application (24CDM-23011/1311) on November 15, 2024 in order to facilitate the development of 168 dwelling units with underground and at grade parking, for which detailed survey plans were submitted that identified the as-built non-compliant parking space dimensions. The proposed parking reduction does not impact the functionality of the parking space; as such, the proposal does meet the general intent of the Official Plan.

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

The intent of regulating parking space dimensions is to provide for adequate area for the parking, access and maneuvering of various vehicle types. The applicant is

proposing to reduce the parking space dimensions to the below mentioned units due to a wall shaft obstruction from 2.9 m to the following:

| P1 (Level A) | P2 (Level B) |
|------------------------------|------------------------------|
| Unit 9- 2.78m - Obstruction | Unit 13- 2.78m - Obstruction |
| Unit 51- 2.88m - Obstruction | |

Staff are of the opinion that the requested variance maintains the general intent and purpose of the Zoning By-law, subject to the proposed conditions.

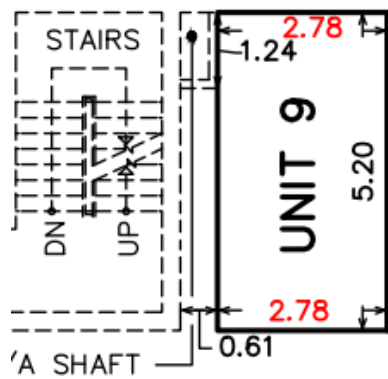
Reduction due to Obstruction:

In accordance with Zoning by-law section 5.4.1.3; 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 m for each side that is obstructed. Obstruction within 1.15 m of either stall end does not require an increase in stall width, as such the minimum width required is 2.9m.

Examples of proposed reduction:



Unit 51- Reduction due to wall



Unit 9- Reduction due to A=a shaft

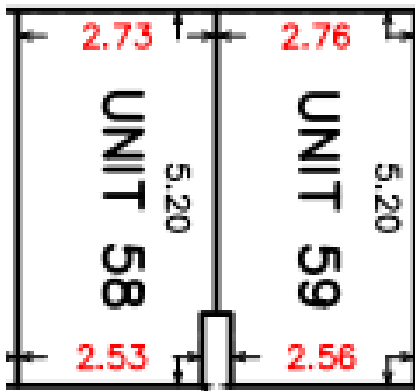
The proposed reduction in size does not create any undue adverse impact to the functionality, however; the potential buyer might need to adjust how they approach the parking spot, such as reverse parking for optimal use.

Reduction due to Column:

The applicant is proposing a reduction in dimension from 2.6 the following due to column obstruction:

| P1 (Level A) | P2 (Level B) |
|---------------|---------------|
| Unit 54- 2.52 | Unit 58- 2.53 |
| Unit 55- 2.55 | Unit 59-2.56 |
| Unit 58- 2.57 | |

Example of the proposed reduction:



Unit 58 and 59 – Reduction due to column

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 parking spaces or owners.

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. That the parking spaces be permitted in general accordance with the site plan and draft plan of condominium plans submitted with the application;
2. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that parking spaces are deficient in size and may not be suitable for certain vehicles;
3. That the owner provide confirmation that the condominium declaration has been updated to specifically identify all substandard parking spaces to the satisfaction of the Town; and
4. That the approval expires two (2) years from the date of the decision.

Bell Canada: No comments received.

Fire: No concerns for fire. Passed.

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 the following variances, under the requirements of the Town of Oakville Zoning By-law:

- To reduce the minimum width of the following parking spaces:
 - P1(Level A): Unit 54 (2.52 m), Unit 55 (2.55 m) and Unit 58 (2.57 m)
 - P2(Level B): Unit 58 (2.53 m) and Unit 59 (2.56 m)
- To reduce the minimum width of the following parking spaces abutting a wall or obstruction:
 - P1(Level A): Unit 9 (2.78 m) and Unit 51 (2.88 m)
 - P2(Level B): Unit 13 (2.78 m)

- 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.

- Archeological Potential:

The ROP also contains policies concerning archaeological potential and the preservation mitigation, and documentation of artifacts. It should be noted the site is identified as having archaeological potential overlay. However, the subject lands have been disturbed with the existing development, as such, an archaeological assessment would not have been required.

As a caution, however, please note that during any development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism must be notified immediately (archaeology@ontario.ca). If human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate and the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, to be consulted.

Metrolinx:



BY EMAIL ONLY

TO: Town of Oakville – Committee of Adjustment
1225 Trafalgar Road Oakville, ON L6H 0H3
coarequests@oakville.ca

DATE: December 6, 2024

RE: Adjacent Development Review: CAV A/174/2024
412 Silver Maple Road, Oakville, ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 412 Silver Maple Road to permit the reduction of the parking space dimensions located in the underground parking for the condominium apartment development on the subject property as circulated on November 22nd, 2024, and to be heard at the Public Hearing on December 11th, 2024, at 7:00PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within proximity of the proposed Dundas BRT (Bus Rapid Transit) line.

DUNDAS BRT – ADVISORY COMMENTS

- The subject property is located adjacent to the future Dundas Bus Rapid Transit ("BRT") alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>
- It is advised to coordinate with City of Mississauga and Metrolinx should there be any variance during construction that impacts the proposed ROW of the Dundas BRT.
- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest has or will have transit infrastructure within 75 metres of the subject land. There may or will be alterations to the transit facilities, including the transit infrastructure and the possibility that Metrolinx or any transit operator entering into an agreement with Metrolinx to use the transit infrastructure or their assigns or successors as aforesaid may expand or alter their operations. Said operations may result in the discharge, emitting, releasing or venting at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind from the transit infrastructure which may affect the environment of the occupants in the vicinity notwithstanding the inclusion of control features in the design of the development and individual lot, blocks, or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Best Regards,

Jenna Auger
Third Party Projects Review
Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3
T: (416)-881-0579

Oakville Hydro: We do not have any comments.

Union Gas: No comments received.

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, 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 parking spaces be permitted in general accordance with the site plan and draft plan of condominium plans submitted with the application;
2. That the Owner agrees to place a notification in all offers of purchase and sale (or an equivalent) advising prospective purchasers that parking spaces are deficient in size and may not be suitable for certain vehicles;
3. That the owner provide confirmation that the condominium declaration has been updated to specifically identify all substandard parking spaces to the satisfaction of the Town; and
4. That the approval expires two (2) years from the date of the decision.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment