

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/005/2025

RELATED FILE: N/A

DATE OF MEETING: January 22, 2025

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

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
HALTON COMMUNITY HOUSING CORPORATION	Cynthia Zahoruk Cynthia Zahoruk Architect Inc. 201-3077 New St Burlington ON L7N 1M6	PLAN M62 BLK G 363 Margaret Dr E/S Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential
WARD: 2

ZONING: RM4
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 a three (3) storey apartment building on the subject property proposing the following variances to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 5.2.1 additional regulation #3</i> A minimum of 50% of the minimum parking spaces shall be provided within a private garage, carport, or parking structure.	To permit 100% of the minimum parking to be uncovered.
2	<i>15.88.1 d)</i> Maximum number of storeys shall be two (2).	To permit three (3) storeys.

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)

A/005/2025 - 363 Margaret Drive E/S (West District) (OP Designation: Medium Density Residential)

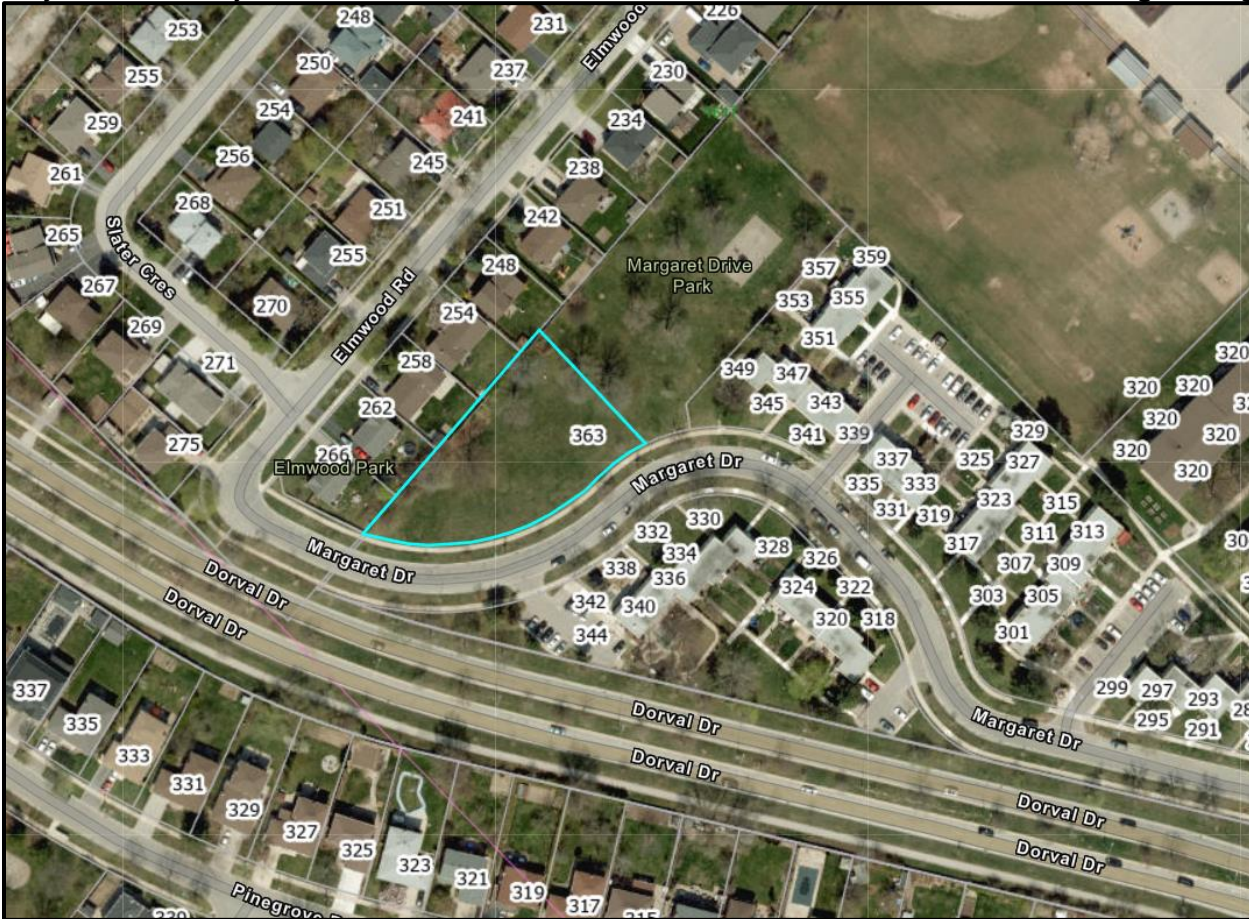
The applicant proposes to construct a three (3) storey apartment building, subject to the variances listed above.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variance from 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 a vacant property located across the street from a townhome complex, adjacent to Margaret Drive Park and abuts the backyards of 5 detached dwellings that front onto Elmwood.

The subject property is subject to a Site Plan application (SP.1617.059/01) to facilitate an affordable housing development proposed by Halton Region. The townhouses along Margaret Drive are also owned by Halton Community Housing Corporation and the intention is that housing would be expanded through the development of this property. Conditional Site Plan Approval was granted on July 5, 2023 subject to various conditions to the satisfaction of the Town including zoning compliance.



Aerial Photo of 363 Margaret Drive



363 Margaret Drive – Taken January 14, 2024



Excerpt of proposed Site Plan prepared by Applicant



Excerpt of proposed Rendering prepared by Applicant

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

The subject property is designated Medium Density Residential which allows for a range of medium density housing types including multiple-attached dwelling units, apartments, retirement homes and long-term care homes.

Section 11.1.8 of the Livable Oakville Official Plan indicates that intensification within stable residential communities, on lands designated Medium Density Residential can occur subject to the requirements of section 11.1.9 and all other applicable policies of the Plan. The applicant has submitted materials which demonstrate compatibility with the adjacent properties. For instance, the building is setback a minimum of 8 metres to the property line abutting the detached dwellings and a shadow study was submitted which indicates minimal potential impacts on adjacent properties.

Section 6.13 of the Livable Oakville Official Plan outlines the design of surface parking which includes locating surface parking in the rear or side yard or in areas appropriately screened, so they do not dominate the streetscape, but are sufficiently visible for safety and functionality. The subject property is considered a corner lot resulting in the proposed surface parking being located in the side / rear yard which assists in mitigating any impacts of the surface parking. The parking area is sufficiently set back from the property line to facilitate the preservation of existing trees which assist with screening.

Staff are of the opinion that the proposed three storey apartment building meets 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 the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – 100% uncovered parking when 50% shall be provided within a private garage, carport, or parking structure (No Objection)

The intent of regulating the location of parking is to reduce surface parking and assist with screening of parking areas. In this instance, covering the parking would have a greater impact on the public realm as it would increase the massing of the building. The proposed uncovered parking spaces at grade are located within the side / rear yard and do not dominate the streetscape. Staff are of the opinion that the design of the site meets the general intent and purpose of the Zoning By-law.

Variance #2 – maximum of three (3) storeys when two (2) are permitted (No Objection)

The intent of regulating the number of storeys of an apartment building is to regulate the massing of a building. The subject property is Zoned Residential Medium (RM4 sp: 88). The Residential Medium 4 (RM4) zone typically permits a maximum height of 15 metres and four (4) storeys; however special provision 88 (sp:88) limits the number of storeys to two (2). The Conditional Site Plan Approval reflected a proposal that complied with the maximum number of storeys by incorporating basement units. Since that time, the applicant has proposed main floor accessible units which results in the request for an additional storey. The proposed building complies with the maximum permitted height of 15 metres at it's highest point to accommodate an elevator. The roof is designed to incorporate lower roof portions and peaked elements which reduces the impact of the building on the public realm.

It is staff's opinion that the application as submitted 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 variances are minor in nature and will not create unacceptable adverse impacts to adjoining properties.

Recommendation:

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

1. That the building be built in general accordance with the final approved Site Plan (SP.1617.059/01) and elevation drawings to the satisfaction of the Director of Planning and Development; and,
2. 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.

Halton Region:

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan - as this has become the responsibility of Halton's four local municipalities.
- 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 100% of the minimum parking to be uncovered and to permit three (3) storeys, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting a three-storey apartment building on the Subject Property.

Halton Conservation: No comments received.

Bell Canada: No comments received.

Oakville Hydro: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 1

Dawn Robinson & Rod Murphy

 Elmwood Road

Oakville, ON L6K 2B1

Hello Sharon

I am submitting comments for review regarding the futile number A/005/2025.

Please take the following into consideration regarding the variance on the property at 363 Margaret Drive, Oakville, PLAN M62 BLK G

1. Traffic:

Has a traffic study been completed in this area? I am concerned as there is a school at the end of the road and the amount of traffic presently poses a risk to children and family members safety and the increase this development would cause in traffic would most certainly increase this safety risk. In addition, many cars park on both sides of the street in all seasons including in the overnight hours (this is evidenced by the number of traffic tickets on windshields each morning) making it very unsafe to drive through that area due to limited visibility. Cars drive much too fast through the Margaret Drive subdivision and around the corner to Elmwood. Again, the increase in cars parked on the street and an overall increase in traffic is extremely concerning.

2. Noise: The increase in traffic and the overall increase in noise from more residents will negatively impact the children playing in the schoolyard and the quality of life on the street. This is due to people playing loud music when driving through the area as well as when their vehicle is stationary.

3. Privacy: A two or three story building will result in no privacy in our backyard and direct visibility into our backyard and our home through our south facing windows. Would we be permitted to increase the height of our fence and by how much?

4. Light: This building will result in reduced light into our home as we have windows in only the front and back.

5. Park and Trees: How many mature trees will be removed from the park in order to make room for the building and above ground parking? The removal of established trees will have a negative impact on the park environment and the overall air and environmental quality of this area.

6. Parking - I am concerned regarding the impact of surface level parking and paving over green space.

How close can car parking be to our back fence.? Certainly this exhaust and again the noise will have a negative impact on the Elmwood Road homes.

I would like to express that when we purchased the property we were informed this space was park space. This recent information is extremely distressing.

Specifically regarding the variance I am asking for specific concentration of the above comments regarding: noise, privacy (backyard and visibility into my home), trees in the park (the additional space required for parking spaces above ground), and safety/additional traffic and the impact on our street as well as the Margaret Drive development and daycare.

Thank you for your review of these concerns. Dawn Robinson & Rod Murphy

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.
- Unless otherwise states, 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 building be built in general accordance with the final approved Site Plan (SP.1617.059/01) and elevation drawings to the satisfaction of the Director of Planning and Development; and,
2. 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.

Sharon Coyne

Sharon Coyne
Assistant Secretary-Treasurer
Committee of Adjustment