

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/005/2025 (Deferred from January 22, 2025)

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 Wednesday April 02, 2025 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. 3077 New St, Unit 201 Burlington ON, L7N 1M6	PLAN M62 BLK G 363 Margaret Dr E/S Town of Oakville

OFFICIAL PLAN DESIGNATION: Medium Density Residential

ZONING: RM4 sp88, Residential

WARD: 2

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:

No.	Current	Proposed
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:

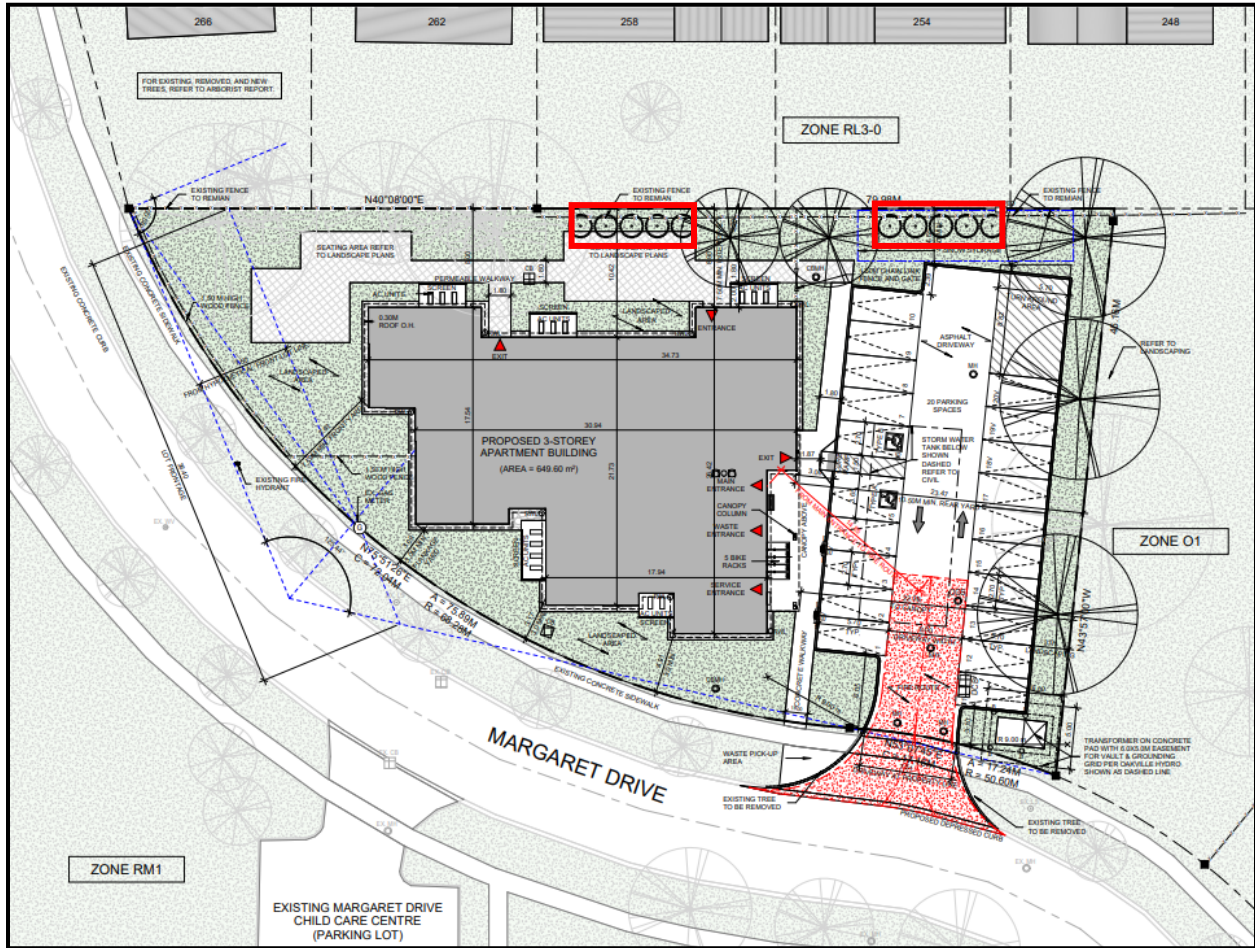
(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

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

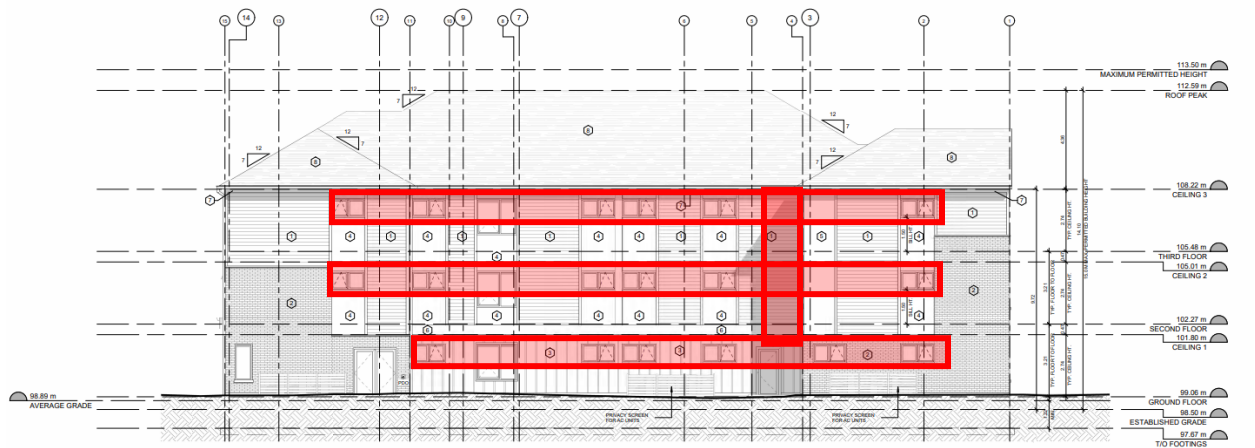
The applicant proposes to construct a three (3) storey apartment building, subject to the variances listed above.

A minor variance application was previously considered by the Committee on January 22, 2025. The application was deferred at the request of the applicant to provide an opportunity to consult

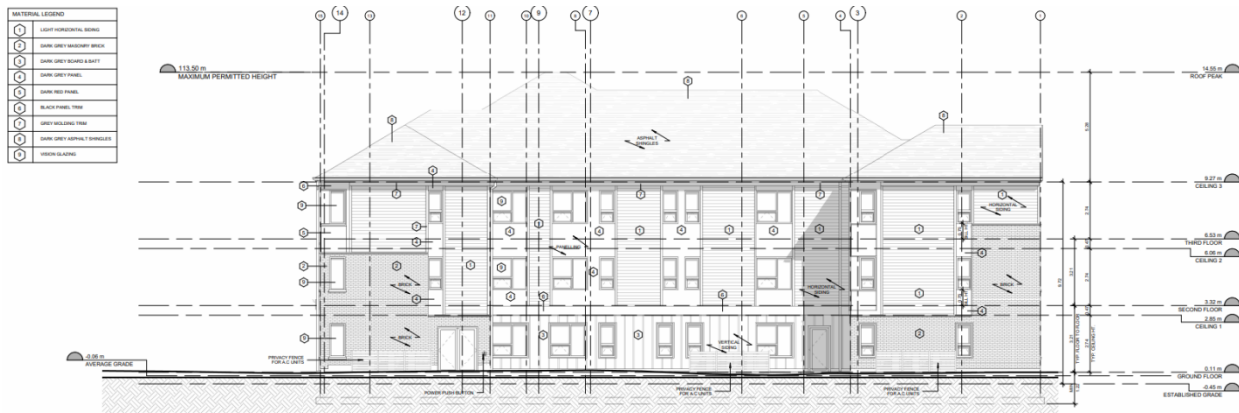
with neighbours of the property who had questions and concerns about what was proposed. The applicant held a public meeting on February 20, 2025 where six residents attended to express their concerns and learn more about the proposed development. Since that meeting, the applicant has proposed to address privacy concerns by modifying the windows by raising the sills facing the detached dwellings and adding additional evergreen hedges along the shared property line.



Excerpt of proposed Site Plan including additional plantings prepared by Applicant, dated March 3, 2025



Excerpt of proposed North Elevation prepared by Applicant, dated March 3, 2025 with windows modified and removed



Excerpt of previously proposed North Elevation prepared by Applicant, dated October 30, 2024

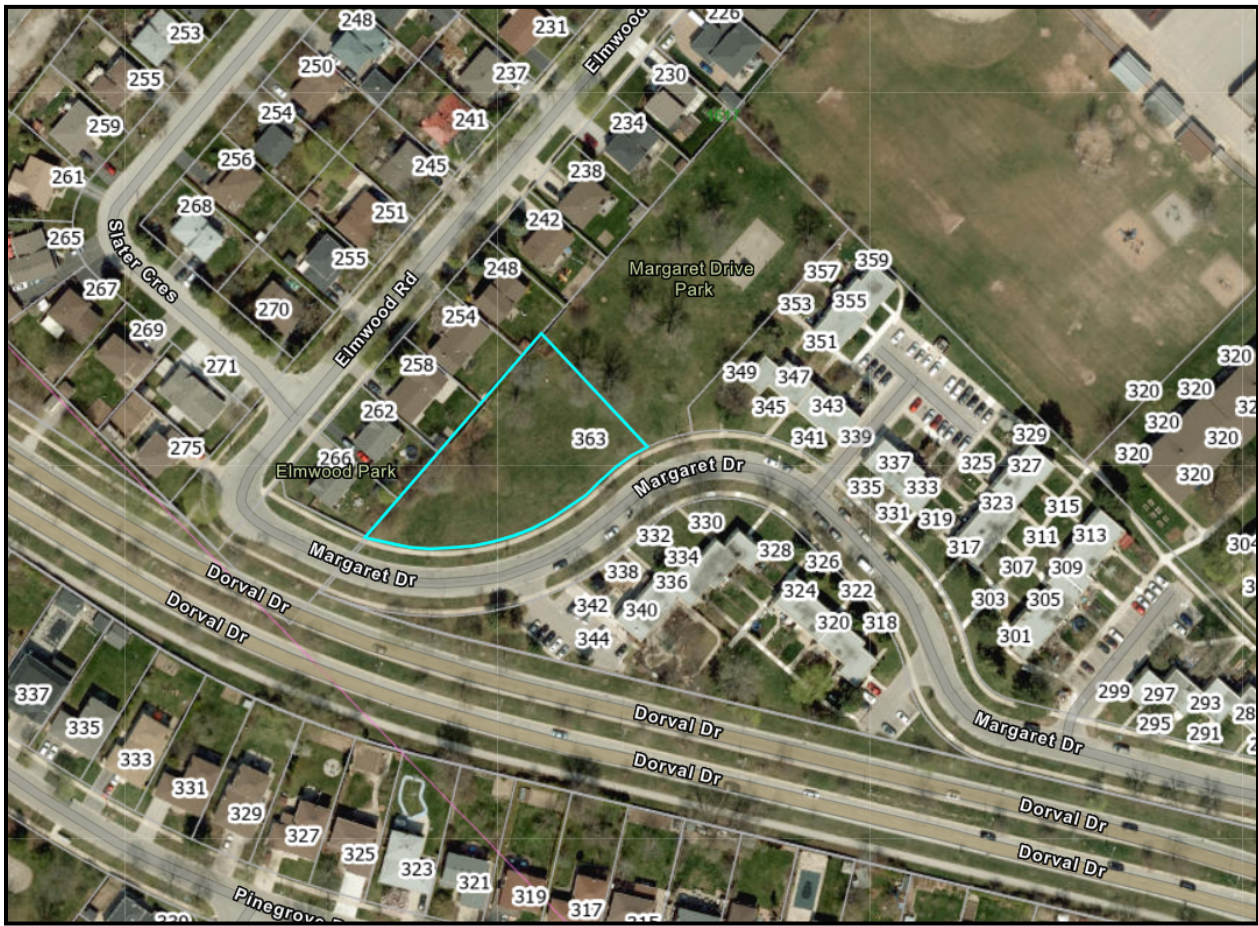
Staff continue to have no objections with the application. The following comments have been modified to reflect the proposed modifications to the application.

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 Maragaret 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 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. Impacts are further mitigated through extensive planting and reduced window size to minimize privacy concerns.

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 and additional planting 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. The setback of 8 metres from the shared property line and the proposed plantings assist with mitigating impacts on the existing detached dwellings.

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) 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.

Oakville Hydro: We do not have any comments to add.

Transit: No comments received.

Finance: No comments received.

Halton Region:

- It is understood that this application was deferred from January 22, 2025. Regional comments provided on January 16, 2025, still apply.
- 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 note that concerns related to Development Engineering are being addressed through the corresponding Site Plan application for this property (SP.1617.059/01).

- 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 Town of Oakville Zoning By-law, for the purpose of constructing a three (3) storey apartment building on the Subject Property.

Union Gas: No comments received.

Bell Canada: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.
- The applicant is cautioned that during development activities, should archaeological materials be found on the property, the provincial Ministry of Citizenship and Multiculturalism (MCM) must be notified immediately (archaeology@ontario.ca), as well as the Town of Oakville and, if Indigenous in origin, relevant First Nations communities. If human remains are encountered during construction, the proponent must immediately contact the appropriate authorities (police or coroner) and all soil disturbances must stop to allow the authorities to investigate, as well as the Registrar, Ontario Ministry of Public and Business Service Delivery—who administers provisions of the *Funeral, Burial and Cremation Services Act*—to be consulted, as well as the MCM and the Town of Oakville, and, if considered archaeological, the relevant First Nations communities. All construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.
- 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) 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.

J. Ulcar

Jennifer Ulcar
Secretary-Treasurer
Committee of Adjustment