

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/029/2025

RELATED FILES: B25/01, A030/2025

DATE OF MEETING: March 19, 2025 at 7 p.m.

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [on oakville.ca](http://on.oakville.ca)

Owner (s)	Agent	Location of Land
2164 BUCKINGHAM ROAD HOLDINGS ULC	Jillian Sparrow MHBC Planning 301-12 James St North Hamilton ON L8R 2J9	PLAN M491 PT BLK 2 RP 20R12392 PARTS 1&2 2164 Buckingham Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Employment Area  
WARD: 6

ZONING: E3 sp; 43, Employment  
DISTRICT: East

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### 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 B25/01 for the severed parcel (Parts 5 to 7) as shown on the attached severance sketch of the subject property proposing the following variance to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 4.11 (Row 7)</i> The minimum width of landscaping required for heavy vehicle parking area along the rear lot line shall be 7.5 m.	To reduce the minimum width of landscaping for the heavy vehicle parking area along the rear lot line to 6.0m.

### 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/029/2025 – 2164 Buckingham Road (East District) (OP Designation: Industrial)**

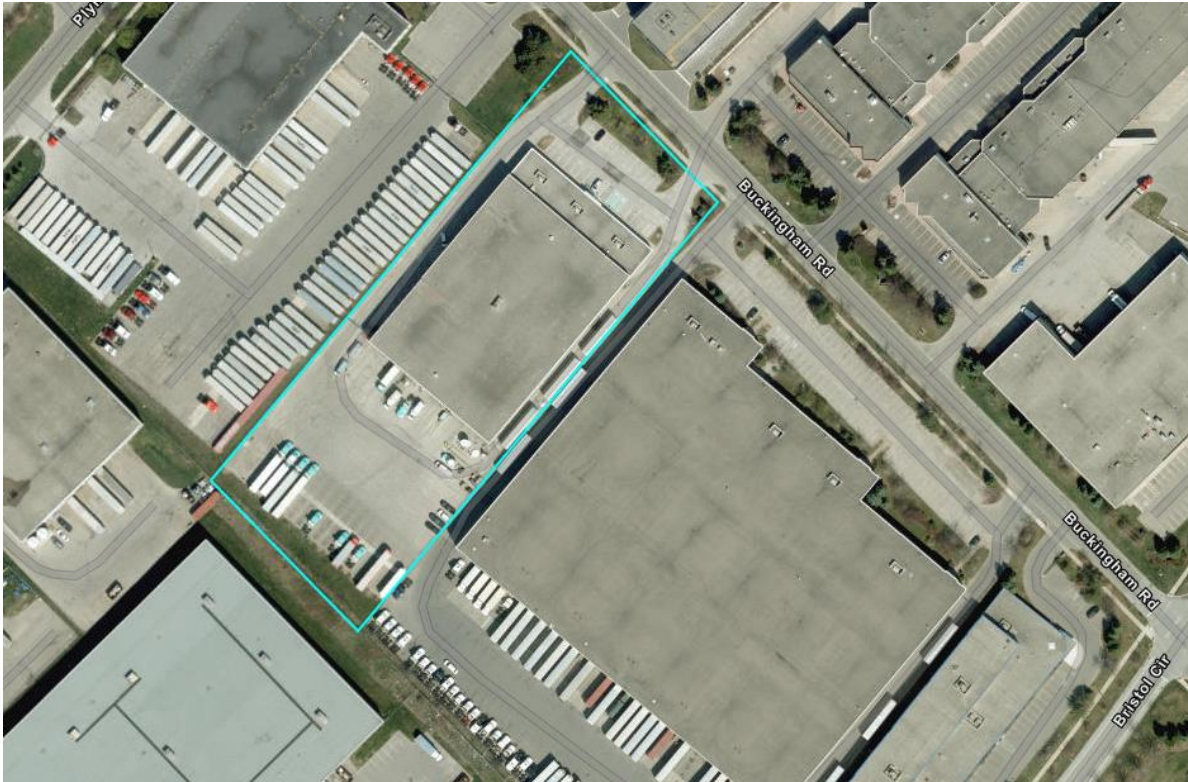
The applicant is proposing to reduce minimum width of landscaping for the heavy vehicle parking area along the rear lot line.

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:

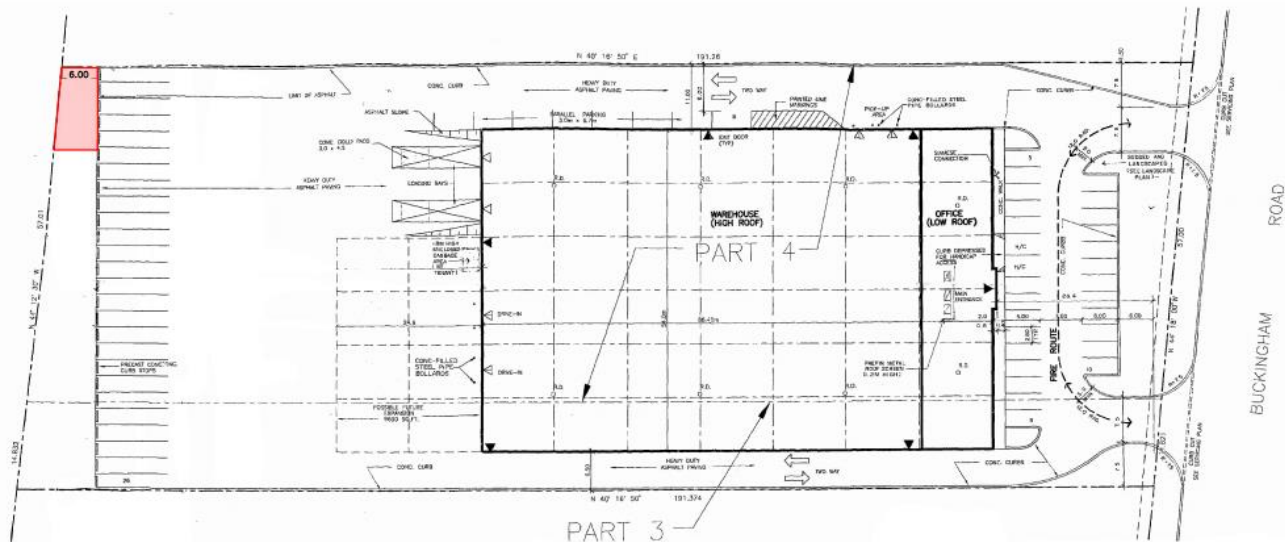
## Site Area and Context

The subject land is within the employment area and is located on the west side of Buckingham Road, south of Plymouth Drive. The subject land is legally described as Plan 20M-491 Part of Block 2 Registered Plan 20R-12392.

This Minor Variance application should be considered with the consent application B25/01. The proposed consent would have the effect of re-establishing the lot line dividing subject lands the subject lands currently function as independent industrial buildings with their own parking, driveways, and access. There are no changes to the two industrial buildings or site layouts are proposed as part of this consent application.



*Aerial photo of 2164 Buckingham Road*



### Proposed Minor Variance in Red

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

The subject site is designated as 'Employment Area' within Schedule A1 – Urban Structure and further designated as 'Industrial' on Schedule J East Land Use Plan of the of the Livable Oakville Official Plan (the "OP"). In accordance with policy 14. of the OP:

*Employment Areas are intended to provide industrial, business and office activities, which will be the major source of employment opportunities in the Town. The Employment Areas permit a wide range of business and economic activities and are defined by four specific Employment land use designations: Office Employment, Business Employment, Industrial and Business Commercial. The Employment land use designations provide for compatible uses in appropriate locations with a variety of form, scale, and intensity of development. The Business Commercial designation is primarily to provide service commercial uses for the surrounding Employment Areas or for the travelling public.*

Additionally, policy 14.5.1 of the OP indicates that industrial areas are intended to provide for heavy industrial operations and are limited to well screened, highly accessible locations. Permitted uses include light industrial, heavy industrial operations such as manufacturing, assembling, processing, fabricating, refining, repairing, warehousing, and wholesaling. Outdoor storage may be permitted. Training facilities and commercial schools, where they are related to and supportive of an Industrial use may be permitted.

Section 6.13.4 of the OP provides that the intent of planted landscaped areas in surface parking areas is to: effectively screen parked vehicles from view from the public realm; provide shade, wind break, and visual relief from hard surfaces; clearly define the vehicular circulation route(s); and, be sufficiently sized to support the growth of trees and other vegetation. It is noted that: the reduction sought to the minimum landscape strip is an existing condition; is located behind the building away from the public realm; and, that that on balance other portions of the landscape strip are greater than the minimum width of 7.5 m which would provide sufficient planting area. Accordingly, it is staff's opinion that the proposal meets the general intent and purpose of the official plan.

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

Variance #1- Minimum width of landscaping along the rear lot line **(No Objection)** - reduce 7.5 m to 6.0m.

The intent of the landscape width regulation is to provide a buffer between the lots, space to meet tree canopy cover targets and screening. As indicated in this report the applicant in conjunction with the consent application proposes to re-establish the lots. No change to the existing condition is proposed.

The 1.5 m reduction is located at the rear of the property for a relatively small portion of the landscape strip. It is noted that given the orientation of the rear lot line, other parts of the landscape strip are wider than the minimum requirement which on balance provides sufficient area for plantings and to maintain the intended buffer function. Accordingly, it is staff's opinion that the minor variance meets 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 variance is desirable for the appropriate development of the subject lands, is minor in nature, and will not create any undue adverse impacts to adjoining properties.

### **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 owner/applicant receive final approval of Consent Application B25/01 and Minor Variance Application A/30/2025.

**Fire:** No concerns for fire.

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

**Oakville Hydro:** No comments for this file.

**Bell Canada:** No comments.

**Union Gas:** No Comments.

**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.
- 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 owner/applicant receive final approval of Consent Application B25/01 and Minor Variance Application A/30/2025.

Sharon Coyne  
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 Asst. Secretary Treasurer