

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/039/2025

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 March 19, 2025 at 7 p.m.

Owner (s)	Agent	Location of Land
RRL Burloak Inc. /2121049 Ontario Ltd.	Darryl Bird WSP 150 Commerce Valle Dr W Thornhill ON L3T 0A1	PLAN M1005 BLK 2 3515, 3525 Wyecroft Rd Town of Oakville

OFFICIAL PLAN DESIGNATION: Core Commercial
WARD: 1

ZONING: C3 sp:259, Core Commercial
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 the construction of a one-storey retail store on the subject property proposing the following variance(s) to Zoning By-law 2014-014:

	Current zoning by-law requirements	Variance request
1	<i>Table 9.3 (Row 7, Column C3), footnote 1</i> The maximum flankage yard for a new building shall be 10.0 metres for the first 33% of the length of the flankage lot line measured from the point of intersection of the lot lines or the point of intersection of the projection of the lot lines where the two do not intersect.	To increase the maximum flankage yard to 68.32 metres.
2	<i>Section 9.4 b)</i> A minimum of 35% of the length of all main walls oriented toward the flankage lot line shall be located within the area on the lot defined by the minimum and maximum flankage yards.	To reduce the main wall proportionality to a minimum of 0%.

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)

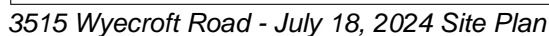
A/039/2025 – 3515, 3525 Wyecroft Rd (West District) (OP Designation: Core Commercial)

The applicant proposes to construct a one-storey retail store on the subject property, 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:

The subject property is located northeast of Wyecroft Road and South Service Road West, south of the QEW / Highway 403. The site is currently a part of the Burloak RioCan Centre, which accommodates a node of retail uses. The subject application seeks to facilitate the redevelopment a portion of the Burloak RioCan Centre to accommodate a Costco.

To that end, a site plan application is under review to permit this development. The proposed development includes 15,662.6 square meters of gross floor area with 1,000 parking spaces, combining both surface and underground parking. A gas bar is also part of the development, located at the northwest corner of the site with a 1.4 square meter warming hut for a service attendant.





3515 Wyecroft Road - July 22, 2024 Rendering

Conditional site plan approval was granted for the above noted site plan application on April 4, 2024. Final approval remains outstanding.

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

The subject property is designated as Core Commercial with a site-specific exception under Schedule F – South West Land Use in the Livable Oakville Official Plan. Development in this area is required to be assessed based on the criteria outlined in Section 13.3, which aims to provide major concentrations of commercial facilities serving the broader regional community.

Section 27.1.1 of the Official Plan identifies an exception for the subject property, which states that “on the lands designated Core Commercial north of Wyecroft Road, east of Burloak Drive, general merchandise stores or any department store exceeding 9,290 square metres, shall not be permitted”. However, under Zoning By-law 2014-014, as amended, the subject property is zoned Core Commercial, with special provision 259. This provision allows for one retail store to exceed the maximum net floor area, with no upper limit applied to that store. While the proposed retail store exceeds the size limit set out in the Official Plan, the special provision in the Zoning By-law permits a larger stand-alone retail store, thus allowing the proposed building size of 15,662.6 square meters. Notwithstanding the foregoing, it is noted that the proposed variance relates to the location of the new building on the lot. Based on staff’s review of the site plan application, including the urban design policies of Livable Oakville, it is staff’s opinion that the proposed one-storey retail store 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 the Zoning By-law 2014-014, as amended, as follows:

Variance #1 – Maximum Flankage Yard (No Objection) – 10.0 m increased to 68.32 m

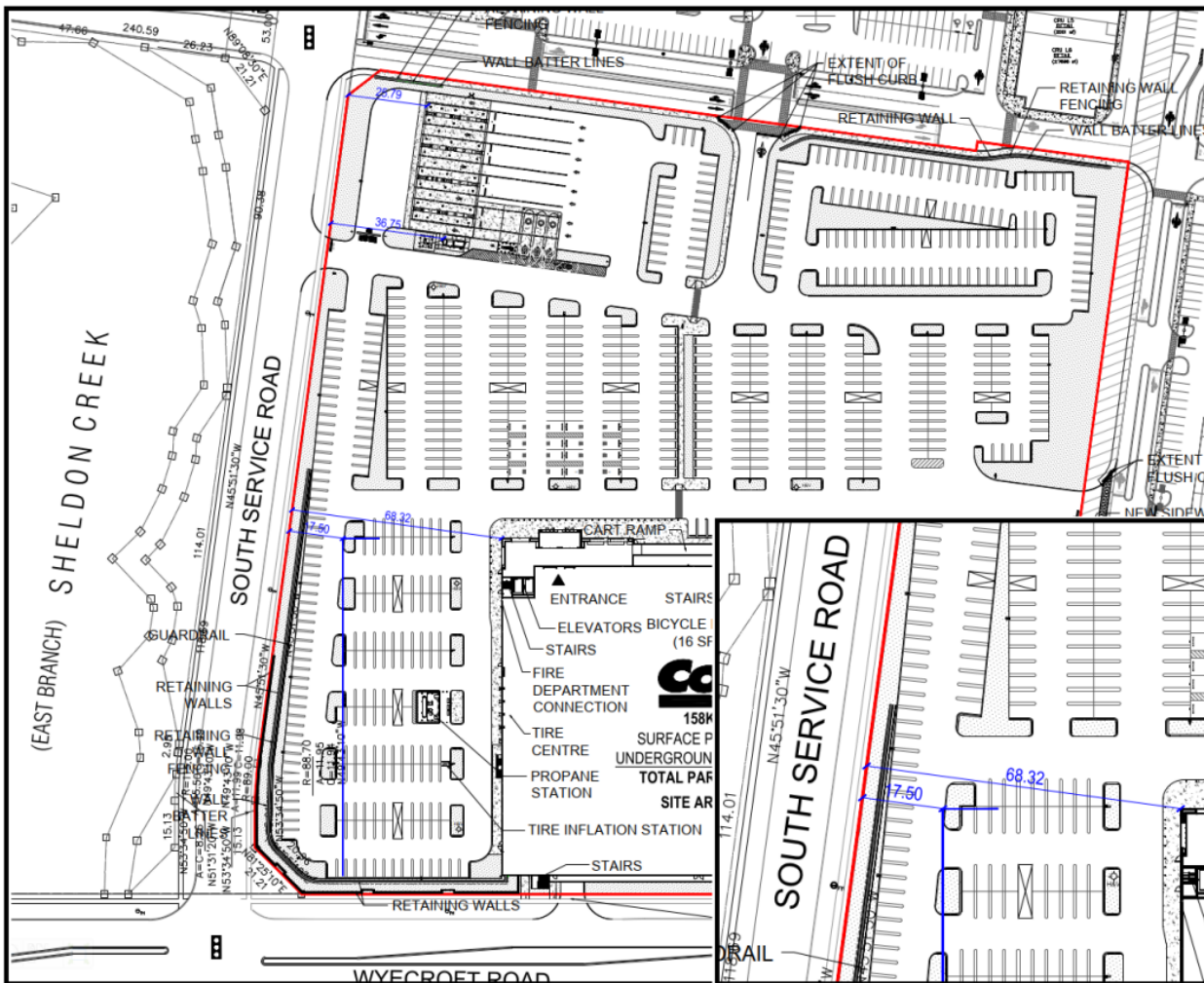
The maximum flankage yard for a new building is 10.0 meters for the first 33% of the length of the flankage lot line, measured from where the lot lines intersect or from the point where the lot lines would intersect if extended. The intent of regulating flankage yard setback is to ensure proper separation distances from the public right-of-way, and maintain relatively consistent setbacks along

the street. The flankage lot line for the subject site is South Service Road. It is noted that the main Costco building is proposed to have a maximum flankage yard of 68.32 m, the proposed gas bar canopy provides a flankage yard of 25.79 metres, and the gas station kiosk proposes a flankage yard of 36.75 metres.

It is noted that this regulation was intended to implement the existing development which provides a horseshoe shaped retail centre which frames the street frontage. While the proposed Costco development, inclusive of the gas station and related kiosk would represent a departure from the relatively smaller scale retail originally constructed, it is noted that the Costco land use is permitted as-of-right by the Zoning By-law and that staff have worked with the applicant to comply with other Zoning regulations and in this case to address the street frontages to meet the intent of the By-law albeit through other means. In particular, enhanced landscaping along South Service Road is being proposed, and will be secured through the related site plan application to address the presence of the retaining wall, screen parking, provide shade and contribute to the Town's canopy cover targets. As such, it is staff's opinion that the request maintains the general intent and purpose of the Zoning By-law.

Variance #2 - Minimum Wall Proportionality (No Objection) - 35% reduced to 0%

The Zoning By-law requires a minimum of 35% of the length of all main walls facing the flankage lot line must be positioned within the area defined by the minimum and maximum flankage yards. The intent of regulating wall proportionality is to achieve a uniform streetscape. While numerically, a variance from 35% to 0% is very substantial, it is noted that this variance is required as a result of the maximum flankage yard setback (the above variance) being measured from the closest corner of the building. As a result of the foregoing, no part of the building is within the minimum and maximum flankage yard. The effect of the variance however is in staff's opinion minor and meets the general intent and purpose of the By-law for the reasons outlined above which will be implemented through the related site plan application.



3515 Wyecroft Road – Extract from Site Plan Detailing Variances Proposed

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the variances desirable for the appropriate development of the subject lands, are 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 the variances be permitted in general accordance with the final approved Site Plan application, to the satisfaction of the Director of Planning Services.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

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 understand that concerns relating to Development Engineering and Transportation Development are being addressed through the corresponding Site Plan application for this property (SP. 1635.031/01).
- 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 increase in the maximum flankage yard to 68.32 m and a decrease in the main wall proportionality to 0%, under the requirements of the Town of Oakville Zoning By-law for the purpose of permitting the construction of a one-storey retail store on the Subject Property.

Oakville Hydro: No comments.

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 the variances be permitted in general accordance with the final approved Site Plan application, to the satisfaction of the Director of Planning Services.
2. That the approval expires two (2) years from the date of the decision if a Building Permit has not been issued.

Sharon Coyne

Sharon Coyne
Asst. Secretary-Treasurer
Committee of Adjustment