

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/061/2025

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 30, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
Astra Property Group GP Inc.	William Hicks William Hicks Holdings Inc. 905 Sangster Ave Mississauga ON, L5H 2Y3	PLAN 1 BLK 5 PT LOT F 149 Lakeshore Rd E Town of Oakville

OFFICIAL PLAN DESIGNATION: Growth Area – Downtown Oakville – Main Street 1

ZONING: CBD sp:9, Mixed Use

WARD: 3

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 three (3) apartment dwelling units to be located on the second floor within the existing building on the subject property proposing the following variance to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 5.2.2 (Row 1)</i> Minimum parking for an apartment dwelling shall be 1.0 per dwelling where the unit has less than 75.0 square metres net floor area.	To require no additional parking spaces for the proposed apartment dwelling units.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

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

A/061/2025 - 149 Lakeshore Road East (East District) (OP Designation: Growth Area – Downtown Oakville – Main Street 1)

The applicant proposes to re-establish the two existing residential rental units located on the second floor of the building and is also proposing to construct an additional

residential unit, for a total of three residential units on the second floor, subject to the variance listed above.

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's comments concerning the application of the four tests to this minor variance request are as follows:

Site and Context

The subject site is located within the Downtown Oakville. The area is characterized by a mix use building including retail, restaurants, offices and residential. The residential units are situated above a restaurant. The subject site is also designated as part of the Downtown Oakville Heritage Conservation District. It is staff's opinion that the proposed changes to the building do not have a negative impact on the heritage conservation district. However, any changes to the exterior of the building will require a heritage permit.

It is the Town's understanding that historically the third and fourth floors of the building included four residential units without any proposed parking which was approved under CAV A/121/19.

The second floor also included residential units but was converted into office use sometime after 1995. The office use has since ceased and the current owner is seeking to re-establish the residential units as well as construct an additional unit on the second floor, for a total of three residential units.

As mentioned above the site is within Downtown Oakville, where it prioritizes walkability and transit-oriented development. The town also offers overnight parking permits and temporary on-street parking permits for designated municipal lots within the downtown.

Additionally, the site's proximity to Oakville transit routes and Oakville GO station supports the use of sustainable transportation options and aligns with the town's transit-oriented objectives.

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

The subject site is within the Downtown Oakville Growth Area and is designated Main Street 1 within Schedule Q1 Downtown Oakville.

The Main Street 1 designation represents small-scale, mixed-use development along main streets and is intended to reflect a pedestrian-oriented, historic main street character. Permitted uses include commercial use as well as residential.

In accordance with Policy 4.1 of the Official Plan Growth Areas, which will accommodate the highest level of intensification. They are intended to be developed as mixed-use centres with transit-supportive development focused around major transit station areas and along corridors.

Further, Policy 25.3 states:

"Downtown Oakville is...intended to accommodate new commercial, office, residential, community and cultural uses through intensification."

Additionally, Policy 25.4.1 a) states:

“Parking will primarily be provided in centralized or shared parking areas. It is intended that such facilities be integrated with buildings and provide convenient pedestrian connections to Downtown Oakville’s commercial, office, community and cultural uses.”

The existing structure is a two-storey mix-use building and the proposed units will support the intensification objectives of the Growth Area as such, it is staff’s opinion that the proposed variance 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 – Apartment Dwelling Unit Parking (No Objection) – To reduce the parking requirement from three to zero parking units.

The applicant requests relief from Zoning By-law 2014-014, as amended, to waive the requirement for an additional parking space for an apartment dwelling unit to zero. The intent of regulating the number of parking spaces for an apartment dwelling unit to ensure that there is an adequate and appropriate level of parking allocated for residents/tenants of the unit.

As mentioned above the historically the subject site did not include any parking. Additionally, the subject site is located with the Downtown Oakville Growth Area. The proposal helps to support the town’s goals and objectives in the downtown core area by proposing three residential dwelling units above a commercial building. It also promotes housing diversity and housing options within the downtown. The site is also located within numerous transit options. As such, it is staff’s opinion that the proposed minor variance 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 variance is minor in nature and aligns with the objectives of section 4.1 and section 25 of the Livable Oakville Plan which support compact, pedestrian oriented development.

Recommendation:

Staff do not object to the proposed variance. Should this minor variance request be approved by the Committee, the following condition is recommended:

1. 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.

Transit: No comments.

Metrolinx: No comments/concerns.

Finance: No comments received.

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 require no additional parking spaces for the proposed apartment dwelling units, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting three (3) apartment dwelling units to be located on the second floor within the existing building on the Subject Property.

Bell Canada: No comments received.

Union Gas: No comments received.

Letter(s) in support – 0

Letter(s) in opposition – 0

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.

- The proponent is cautioned that during development activities, should archaeological materials be found on the property, the 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 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

Jen Ulcar
Secretary-Treasurer
Committee of Adjustment