

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

**APPLICATION: A/060/2025**

**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](http://oakville.ca) on Wednesday May 14, 2025 at 7 p.m.

| <u>Owner (s)</u>     | <u>Agent</u>   | <u>Location of Land</u>                                     |
|----------------------|--|---|
| MC OAKVILLAGE GP INC | Catherine McEwan<br>Korsiak Urban Planning<br>277 Lakeshore Road East Rd #206<br>Oakville ON L6J 1H9 | PLAN 20M1211 BLK 8<br>3071 Trafalgar Rd<br>Town of Oakville |

**OFFICIAL PLAN DESIGNATION: Trafalgar Rd Urban Core Area  
WARD: 7**

**ZONING: TUC sp:65  
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 the reduction of the parking space and aisle dimensions located in the underground parking for the condominium apartment development on the subject property proposing the following variances to Zoning By-law 2009-189:

|   | <b>Current zoning by-law requirements</b>  | <b>Variance request</b>   |
|---|--|---|
| 1 | <p><i>Section 5.4.1.3</i><br/>Each required parking space in a parking garage shall have a width of not less than 2.6 metres and a length of not less than 5.2 metres.</p> <p>Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall end do not require an increase in the stall width.</p> <p>In this instance the minimum width of the parking stall is 2.9m.</p> | To reduce the minimum width of the parking stall to 2.58m for parking space unit 116 Level C.   |
| 2 | <p><i>Section 5.4.1.3</i><br/>Each required parking space in a parking garage shall have a width of not less than 2.6 metres and a length of not less than 5.2 metres.</p> <p>Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall end do not require an increase in the stall width.</p> <p>In this instance the minimum width of the parking stall is 2.9m.</p> | To reduce the minimum width of the parking stall to 2.60m for the following parking spaces:<br><br>V16 Level A<br>V24 Level A<br>Unit 114 Level B |
| 3 | <p><i>Section 5.4.1.3</i><br/>Each required parking space in a parking garage shall have a width of not less than 2.6 metres and a length of not less than 5.2 metres.</p>   | To reduce the minimum width of the parking stall to 2.80m for the following parking spaces:   |

|   |  |   |
|---|--|---|
|   | Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall end do not require an increase in the stall width.<br><br>In this instance the minimum width of the parking stall is 2.9m. | Unit 14 Level A<br>Unit 14 Level B<br>Unit 14 Level C   |
| 4 | <i>Section 5.4.1.3</i><br>Where a wall, column or other obstruction is located immediately adjacent to a stall, the width of the stall shall be increased by 0.3 metres for each side that is obstructed. Obstructions within 1.15 metres of either stall end do not require an increase in the stall width.   | To increase the obstructions to within 1.7 metres of either stall end to not require an increase in the stall width on level A for parking spaces inclusive of units 21 to 52, 88 to 90 and V1 to V15 and V17 to V23. |
| 5 | <i>Section 5.4.1.3</i><br>Parking spaces shall be accessed with a minimum parking aisle width of 7 metres for 90 degree angle parking.   | To reduce the minimum parking aisle width to 6.3 metres on level A for parking spaces inclusive of units 17 to 73.  |
| 6 | <i>Section 5.4.1.3</i><br>Parking spaces shall be accessed with a minimum parking aisle width of 7 metres for 90 degree angle parking.   | To reduce the minimum parking aisle width to 6.4 metres on level A for parking spaces inclusive of units 89 to 90 and V1 to V22 and V25 to V38.   |

## **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/060/2025 - 3071 Trafalgar Road (East District) (OP Designation: Trafalgar Road Urban Core Area)**

The applicant is proposing a minor variance related to drive aisle width and minimum parking stalls width associated with the existing under construction multiple dwelling.

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 Area and Context**

The subject site is within North Oakville East Secondary Plan (NOESP) area and is located on the east side of Trafalgar Road and north of Dundas Street East. The development is currently under construction, and staff are concurrently reviewing a Draft Plan of Condominium application (24CDM-24009/1312) to facilitate the development of 378 residential units.

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

The subject site is designated 'Trafalgar Urban Core Area' on figure North Oakville East (NOE2)- Land Use Plan and further identified as 'Trafalgar Road Urban Core Area' on Appendix 7.3 Master Plan in North Oakville East Secondary Plan ('NOESP'). Section 7.6.4.1 of the NOESP indicates that the:

*"Trafalgar Urban Core Area designation on Figure NOE2 is designed to ultimately provide for the creation of a major Node - a dense, mixed development concentration that is pedestrian*

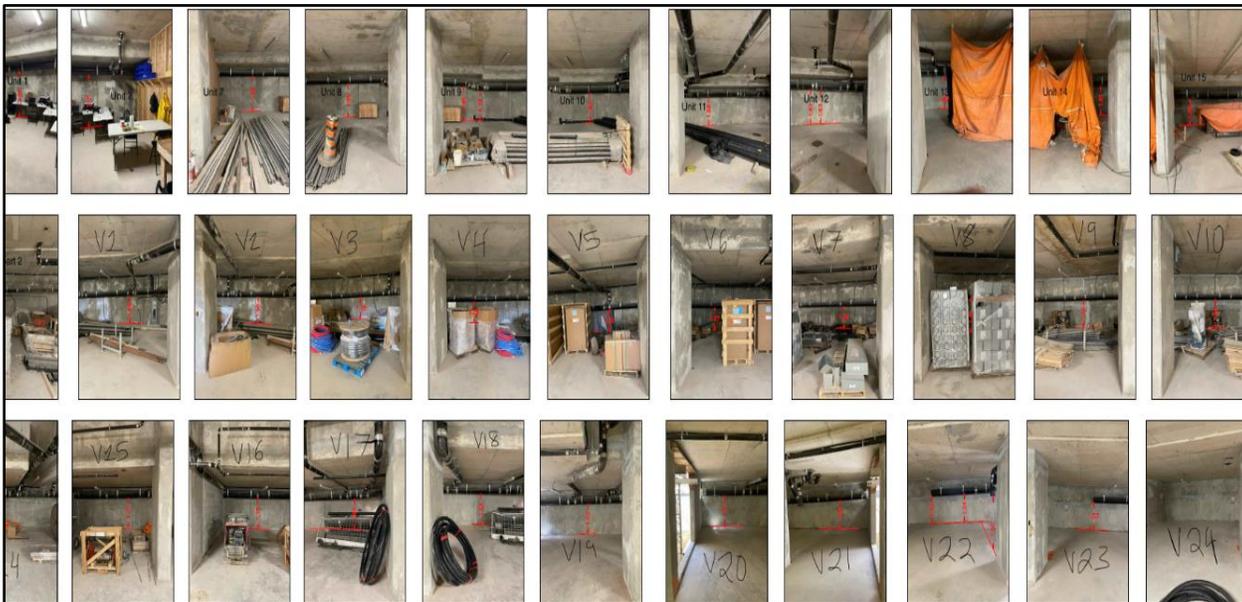
*and transit oriented. This area will link to and complement the Uptown Core to the south of Dundas Street.”*

Furthermore, section 6.12.1 of the Official Plan states that:

*“Developments should incorporate safe and direct vehicular access and circulation routes with defined internal driving aisles to direct traffic, establish on-site circulation, and frame parking areas.”*

As indicated above the applicant is proposing the development of 378 residential units with underground at grade parking, for which detailed survey plans were submitted that identified the as-built non-compliant parking space dimensions, and parking aisle dimension. The variances are being sought due to the location of the servicing pipework which is encroaching into the required 2.1m headroom, more clearly demonstrated in the images provided below. Staff believe that the proposed variances compromise the functionality and safety of the parking spaces.

While the applicant submitted photos to show that the vehicle can physically fit, it does not equate to practical functionality and unlike previous variances we have dealt with involving dimensional reduction the quantitative reduction proposed result in qualitative impacts.



*Figure 1 – Various photos of affected spaces*



Figure 2 – Servicing Pipes plan submitted through Condominium application

Although the applicant referenced in their application that there will be safety items to mitigate the damage, the applicant failed to provide examples of what the safety measures will look like. There is insufficient information on how potential damage to servicing pipes caused by vehicular movement will be addressed, specifically in regard to potential increases to condo fees due to maintenance and repairs, or how potential buyers will be informed of such damage due to the encroachment. As such, the proposal does not maintain 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 2009-189, as amended, as shown in Table 1 below:

Table 1 – Consolidated Variance Requests

| Town Oakville Zoning By-law 2014-014  |             |          |
|---|-------------|----------|
| Regulation  | Requirement | Proposed |
| parking space width for unit 116 <b>(Objection)</b>                                       | 2.9m        | 2.58m    |
| Parking space width for V16 and V24 and unit 114 <b>(Objection)</b>                       | 2.9m        | 2.6m     |
| Parking space width for unit 14 <b>(Objection)</b>  | 2.9m        | 2.8m     |
| Obstruction within 1.7m for units 21-52, 88-90 and V1 – V5 and V17-V23 <b>(Objection)</b> | 1.15m       | 1.7m     |
| Parking aisle width <b>(Objection)</b>  | 7m          | 6.3m     |
| Parking aisle width V1-V22 and V25-V38 <b>(Objection)</b>                                 | 7m          | 6.4m     |

There are 123 parking spaces including residents and visitor parking that will be impacted from width reduction, drive aisle reduction and obstruction located within 1.7m located from the end of parking stall. The intent of regulating parking space dimension and drive aisles is to provide adequate areas for parking, access and maneuvering of various vehicle types.

Obstructions are only permitted within the 1.15m of either end of a parking stall. Due to the proposed shift in the parking stall location away from the pipe, the existing columns will be encroaching into the length of the space by 1.7m which means the proposed obstruction extends 0.55m. With an obstruction greater than 1.15m in length the parking stall size would be required to be 3.0m in width. The applicant is proposing further reductions in stall width as provided in Table 1 above. Additionally, the applicant is proposing a reduction in aisle width which will increase the functional inconvenience with vehicles extending into the drive aisle. potential concerns could be:

- Limit turning radius for vehicles to enter and exit parking stalls
- Vehicles may require multiple-point turns to move around the parking area
- Increase risk of vehicle accidents
- Disturb the flow of vehicles traffic

These risks can occur during daily parking and maneuvering routines, and especially when done by unfamiliar drivers to the site such as visitors. It is also important to note that the location of the low-hanging servicing pipes poses a physical hazard to pedestrians.

It is evident from the images above that the service pipes are in close proximity to the front end of parking vehicles. The positioning of the pipes and proposed variance increase safety risk to the servicing infrastructure and functionality, which could increase the likelihood of vehicle accidents. Such potential impacts could be:

- Structural damage
- Water leak
- Costly repair
- Accessibility limitation for larger vehicles

Additionally, it appears that there are EV charging outlets placed in the impacted parking stalls. It is staff's opinion that the reduced space will make it more difficult for drivers to properly position their vehicles and could cause drivers to overhang their vehicles further into the drive aisle.

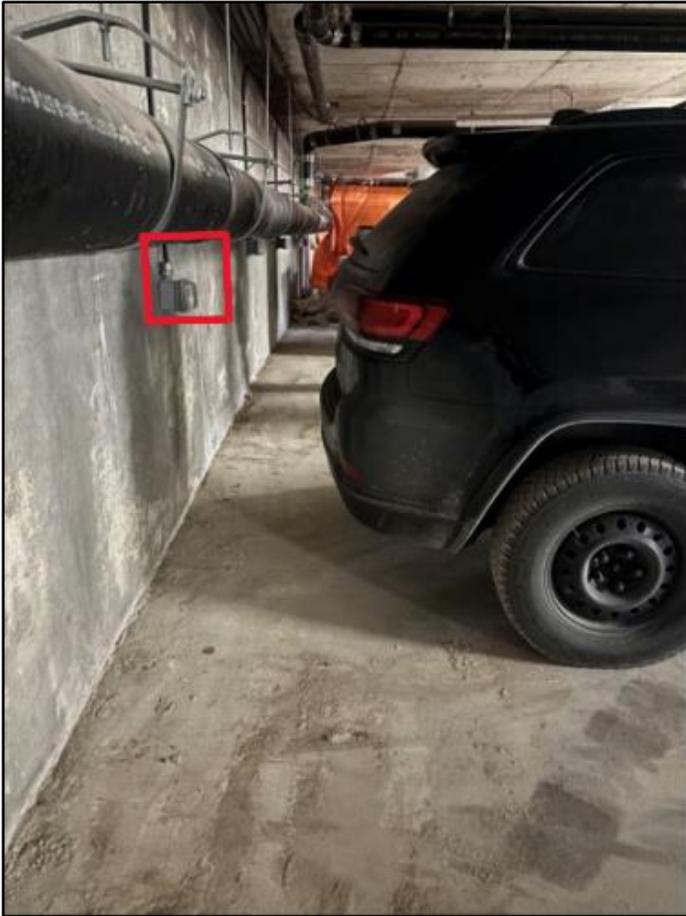


Figure 3 - EV Charging Outlets

It is staff's opinion that the proposed variances do not address the underlying safety and functional concerns associated with the existing site conditions. On this basis, it is staff's opinion that the proposal does not maintain 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?**

It is staff's opinion that the proposal does not represent an appropriate development of the subject property as a fundamental redesign to relocate the pipes out of the affected parking area would be required to mitigate the impacts on the existing parking spaces and drive aisles.

It should be noted that the current location of the overhead servicing pipes was not reviewed or approved by town staff prior to installation. The encroachment of the pipes compromises the functionality of the parking space and it is staff's opinion that to permit the requested variances would establish an undesirable precedent for reduced functionality and increase the risk of infrastructure and vehicle safety.

**Recommendation:**

Given the foregoing, it is staff's opinion that the application does not maintain the general intent and purpose of the Official Plan and Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the subject lands. Accordingly, the application does not meet the four tests under the *Planning Act* and staff recommend that the application be denied.

Should the Committee's evaluation of the application differ from staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

**Fire:** No concerns for fire.

**Transit :** No comments received.

**Finance:** No comments received.

**Halton Region:**

A/060/2025 – MC Oakvillage GP Inc. (Minto Group), 3071, 3079 Trafalgar Road, Oakville

- 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 a decrease to the minimum width of the parking stall to 2.58 m for parking space unit 116 Level C, a decrease to the minimum width of the parking stall to 2.60 m for parking spaces V16 Level A, V24 Level A and Unit 114 Level B, a decrease to the minimum width of the parking stall to 2.80 m for the parking spaces Unit 14 Level A, Unit 14 Level B and Unit 14 Level C, an increase to the obstructions within 1.7 m of either stall end to not require an increase in the stall width on Level A for parking spaces inclusive of units 21 to 52, 88 to 90, V1 to V15 and V17 to V23, a decrease to the minimum parking aisle width to 6.3 m on Level A for parking spaces inclusive of units 17 to 73 and a decrease to the minimum parking aisle width to 6.4 m on Level A for parking spaces inclusive of units 89 to 90, V1 to V22 and V25 to V38, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the reduction of parking space and aisle dimensions located in the underground parking for the condominium apartment development on the Subject Property.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 0**



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Sharon Coyne  
Asst. Secretary Treasurer  
Committee of Adjustment