

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: A/060/2025 – Deferred from May 14, 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, October 15, 2025 at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
MC Oakvillage GP Inc. (Minto Group)	Catherine McEwan Korsiak Urban Planning 206 - 277 Lakeshore Road E. Oakville ON L6J 1H9	3071 and 3079 Trafalgar Rd PLAN 20M1211 BLK 8

OFFICIAL PLAN DESIGNATION: Trafalgar Urban Core Area

ZONING: TUC sp; 65; Trafalgar Urban Core

WARD: 7

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 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:

No.	Current	Proposed
1	<p>Section 5.4.1.3</p> <p>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>	<p>To reduce the minimum width of the parking stall to 2.60m for the following parking spaces:</p> <p>Unit 48 Level A V16 Level A V24 Level A Unit 114 Level B Unit 116 Level C</p>

2	<p><i>Section 5.4.1.3</i> 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>	<p>To reduce the minimum width of the parking stall to 2.80m for the following parking spaces:</p> <p>Unit 14 Level A Unit 14 Level B Unit 14 Level C</p>
3	<p><i>Section 3.0</i> “parking space” means an unobstructed rectangular space that is designed to be used for the parking of a vehicle.</p>	<p>To permit a 0.3m pipe obstruction along the perimeter of the parking garage, positioned between 1.0m to 2.0m above the floor level for parking space units 21 to 49, 88, 89 and V1 to V20 on level A.</p>

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning & Development:

(Note: Planning & Development includes comments from the relevant District teams, including Heritage, Urban Design, Policy and Development Engineering)

A/060/2025 - 3071 and 3079 Trafalgar Road (East District) (OP Designation: Trafalgar Urban Core Area)

The applicant proposes to permit a reduction in parking space dimensions located in the underground parking area for a condominium building, subject to the variances listed above.

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 parking spaces be permitted in general accordance with the Planning Rationale submitted by Korsiak Urban Planning dated September 12, 2025, Transportation Letter submitted by GHD dated September 12, 2025 and registered Plan of Condominium 24CDM-24009/1312;
2. That parking space #48 be designated for compact vehicle parking only; and
3. 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.

Background

The application was previously reviewed by staff and presented to the Committee on May 14, 2025 for a reduction in parking space dimensions and reduced drive aisle width, which staff objected to. The application was deferred, to allow the applicant to revise their plans and provide staff with further planning and transportation related justification, on-site photos, mapping, a reduction in the number of effected spaces, elimination of the request for a reduced drive aisle width, warning signage, guards, confirmation that EV vehicle rough-ins will not be impacted and additional safety measures. On September 22, 2025, Planning and Development Council endorsed approval of Draft Plan of Condominium application 24CDM-24009/1312, which contained the following conditions related to the request for a reduction in parking space dimensions:

- The owner/ applicant shall prepare a neighbourhood information map for the condominium, to the satisfaction of the Town's Director of Planning and Development. The Map shall include the location and type of parks, open space / valley land and walkways, a general description of their proposed facilities, surrounding development, public transit, and active transportation network. An update to the Neighbourhood Information Map prepared for the subdivision can also be provided for consideration.
- The owner/applicant shall also include the following warning clauses in the Neighborhood Information Map:
 - Not all vehicle types can be accommodated within the underground parking garage. Check with your builder regarding the particular situation for the unit and parking space you intend to purchase.
 - The purchaser acknowledges that some parking spaces may include structural or mechanical components such as bulkheads, electrical wiring, piping, ventilation systems, fans, utility services, and/or structural columns which may impede on the usability and function of the parking space compared to those spaces without such encumbrances. The obstruction may limit spatial movement and may not be suitable for all vehicle types or sizes. Affected parking spaces will be identified at the time of purchase.
 - In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements
- Visitor parking spaces will be clearly delineated on the condominium plan to be registered and the Declaration shall contain wording to provide and maintain the visitor parking spaces for the exclusive use of visitors and specifying that visitor parking shall form part of the common elements and neither to be used or sold to unit owners or be considered part of the exclusive use portions of the common elements.

- The Owner shall include a warning clause in the condominium declaration that advises future owners that not all vehicle types may fit within identified atypical spaces as identified on the registered plan, before the sale of the parking space unit.
- Example of notification prior to sale:
 - “The purchaser acknowledges that the parking stall number ## allocated to the unit number ## located on level P## includes structural or mechanical components such as bulkheads, electrical wiring, piping, ventilation systems, fans, utility services, and/or structural columns which may impede on the usability and function of the parking space compared to those spaces without such encumbrances. The obstruction may limit spatial movement and may not be suitable for all vehicle types or sizes.”
 - The owner/applicant shall also include the following warning clauses in the declaration:
 - Purchasers/tenants are advised that the following parking spaces for Units 21 to 49, 88, 89, V1 to V20 on Level A include a 0.3 m pipe obstruction along the perimeter of the parking garage, positioned 1.2 metres to 2.02 metres above the slab grade.

Analysis:

Staff have evaluated the revised application and found that it is minor in nature, is in keeping with the general intent and purpose of the Official Plan and Zoning By-law and is desirable for the appropriate development of the land. The requested variances have been evaluated with respect to good planning and due to the submitted justification, vehicular conflict resolution measures and Condo Declaration warning clauses, the proposed development will operate as intended and be compatible with the build out of the Trafalgar Road corridor. On this basis, the application meets the four tests of the *Planning Act*.

Bell Canada: No comments received.

Finance: No comments received.

Fire: No concerns.

Oakville Hydro: No comments.

Conservation Halton:

coarequests

From: Adam Heizer <aheizer@hrca.on.ca>
Sent: Friday, October 3, 2025 11:22 AM
To: coarequests
Subject: [EXTERNAL] A/060/2025 - 3071 & 3079 Trafalgar Rd

Categories: JEN

Hello Jen,

Thank you for circulating Conservation Halton (CH) on the above noted minor variance application. We have reviewed the submitted materials and can provide the following:

CH staff have reviewed the application as per our regulatory responsibilities under the *Conservation Authorities Act (CA Act)* and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Policy Statement [PPS, Sections 3.1.1-3.1.7] and/or provincial plans).

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. Based on CH's Approximate Regulation Limit (ARL) mapping, the subject property is adjacent to a tributary of Sixteen Mile Creek and contains the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres from the greater of the flooding and erosion hazards associated with Sixteen Mile Creek. Permits are required from CH prior to undertaking development activities within CH's regulated areas and applications for development are reviewed under the CA Act, Ontario Regulation 41/24 and CH's Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document (last amended, April 17, 2025) (<https://conservationhalton.ca/policies-and-guidelines>).

A variance is requested to allow altered parking spaces within the underground parking garage. The works subject to this minor variance are minor in nature, are not considered development activities under the CA Act and Ontario Regulation 41/24, and are internal. As such, CH has no objection to the approval of this minor variance.

Should any changes to the proposed development arise through the Minor Variance process, or for future development, please circulate CH for further review and comment to identify any regulatory and permitting requirements.

We trust the above is of assistance. Please contact the undersigned with any questions.

Regards,



Adam Heizer

Planning & Regulations Analyst

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conservationhalton.ca



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Halton Region:

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

- It is understood that this application was deferred from May 14, 2025. Regional comments provided on May 8, 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 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 of the parking stall to 2.60 m for parking spaces Unit 48 Level A, V16 Level A, V24 Level A, Unit 116 Level C 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, and to permit a 0.3m pipe obstruction along the perimeter of the parking garage, positioned between 1.0m to 2.0m above the floor level for parking space units 21 to 49, 88, 89 and V1 to V20 on level A., 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.

Transit: No comments received.

Union Gas: No comments received.

Email(s) / Letter(s) in support – None

Email(s) / Letter(s) in opposition – None

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 parking spaces be permitted in general accordance with the Planning Rationale submitted by Korsiak Urban Planning dated September 12, 2025, Transportation Letter submitted by GHD dated September 12, 2025 and registered Plan of Condominium 24CDM-24009/1312;
2. That parking space #48 be designated for compact vehicle parking only; and
3. 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