

Memorandum

To: Heather McCrae, Secretary Treasurer

From: Planning Services

Date: April 6, 2017

**Subject: Comments on Minor Variance Applications for the
Committee of Adjustment Meeting – April 11, 2017**

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on April 11, 2017. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to and are consistent with the applicable Provincial Policies and Plans, unless otherwise stated. The following comments are provided:

CAV A/065/2017 – 227 Wyecroft Road (West District) (OP Designation: Business Employment)

The applicant proposes to establish a rooftop terrace on the existing motor vehicle dealership. The applicant requests the variances listed above.

Official Plan – Livable Oakville

The subject lands are designated Business Employment in the Official Plan. Section 14.4 states that a wide range of business and industrial are the intended use for this designation, and includes motor vehicle related uses.

Minor Variance

The following analysis and comments has been provided on the requested variances:

Variance #1

The applicant requests relief from Zoning By-law 2014-014 to permit a rooftop terrace whereas rooftop terraces are not permitted in the Business Employment (E2) Zone. The

intent of regulating rooftop terraces is to ensure their use is compatible with surrounding land uses and to not compromise the integrity of the employment land function.

Variance #2

The applicant is seeking relief from Zoning By-law 2014-014 to permit a reduction in the minimum setback for the rooftop terrace from the edge of the roof from 2 m to 0.618 m. The intent of regulating the setback of the roof top terrace is to prevent potential negative overlook or privacy impacts onto abutting properties as well as provide appropriate safety measures.

Analysis

The motor vehicle dealership on the subject site is currently under construction. The proposal was subject to a site plan application which was approved at the end of 2016. The initial proposal had included a rooftop terrace but as the Ontario Municipal Board's decision on providing regulations was still pending, the applicant opted to proceed with the site plan approval by removing the rooftop terrace from their proposal.

The written decision of the OMB has now been issued respecting balconies and rooftop terraces. The decision reflects regulations for these uses, but also where these uses are permitted. In accordance with Zoning By-law 2014-014, as amended by the OMB decision, rooftop terraces are only permitted in Residential High (RH), Residential Medium (RM), Mixed Use (MU), Neighbourhood Commercial (C1), Community Commercial (C2), Core Commercial (C3) and Office Commercial (E1) zones. Rooftop terraces are not permitted within the Business Employment (E2) Zone, as such, it is not within the intent of the Zoning By-law to provide rooftop terraces as a permitted use within this zone.

Planning staff have initiated a study to review the current roof top terrace and balcony provisions of the Zoning By-law to determine the suitability and merits of such uses in other zones.

Conclusion:

In summary, based on the application as submitted, staff are of the opinion that the application does not maintain the general intent and purpose of the Zoning By-law. 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.

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.

Prepared By:

Kate Mihaljevic, MCIP, RPP
Planner, Current Planning

Submitted by:

Heinz Hecht, MCIP, RPP
Manager, Current Planning – East District