

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 15, 2025

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-783-8913

PREPARED BY: Tim Seyler, Senior Planner, 519-783-8920

WARD(S) INVOLVED: Ward 5

DATE OF REPORT: April 2, 2025

REPORT NO.: DSD-2025-161

SUBJECT: Minor Variance Application A2025-041 – 249 West Oak Trail

RECOMMENDATION:

That Minor Variance Application A2025-041 for 249 West Oak Trail requesting relief from the following sections of Zoning By-law 85-1:

- i) Section 6.1.1.2 d) to permit 18 parking spaces to have a width of 2.4 metres and a length of 4.8 metres, instead of the minimum required width of 2.6 metres and minimum required length of 5.5 metres; and
- ii) Section 6.1.2 b) vi) B) to permit a visitor parking requirement of 17 spaces (10% of the required parking) instead of the minimum visitor parking requirement of 35 spaces (20% of the required parking);

to facilitate the development of a multiple dwelling consisting of 172 dwelling units in accordance with Site Plan Application SPF25/005/W/TS, dated March 4, 2025, BE APPROVED.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a minor variance application to facilitate the construction of a multiple dwelling consisting of 172 dwelling units.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

BACKGROUND:

The subject property is located at the Northwest corner of West Oak Trail and Fischer Hallman Road and is currently vacant.



Figure 1: Location Map: 249 West Oak Trail

The subject property is identified as 'Community Node' on Map 2 – Urban Structure and is designated 'Mixed Use One' and 'Mixed Use Two' on Map 22e – Rosenberg Secondary Land Use Plan in the City's 1994 Official Plan.

The property is zoned 'Medium Intensity Mixed Use Corridor Zone (MU-2)' with Special Use Provision 435U, Special Regulation Provision 648R, and Holding Provision 70H, in Zoning By-law 85-1.

The purpose of the application is to review a minor variance application to permit a 172 unit residential multiple dwelling. The applicant is proposing an 8 storey, 172 residential unit building. The property is within Zoning By-law 85-1, and the applicant is requesting a parking reduction which meets the regulations within Zoning By-law 2019-051. If the new zoning was in effect, none of the variances would be required. Given the uncertainty of when the secondary plans will be reviewed and brought within Zoning By-law 2019-051 the applicant would like to move forward with the development with parking requirements that meet and comply with Zoning By-law 2019-051.

REPORT:

Planning Comments:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

General Intent of the Official Plan

The subject lands are designated 'Mixed Use One and Mixed Use Two'. Both the 'Mixed Use One' and 'Mixed Use Two' land use designations are generally intended to provide commercial uses as well as permitted multiple dwelling units to achieve a residential density range generally between 100 to 400 units per hectare. Building heights are also encouraged to be between 3 and 10 storeys and have appropriate massing and be compatible with the adjacent land. The proposed development has been reviewed by staff and are satisfied the proposed variances support an appropriate form of development. Staff is of the opinion that the variances meet the general intent of the Official Plan.

General Intent of the Zoning By-law

Parking

The intent of the minimum visitor parking regulations is to ensure that there is enough visitor parking within the property for residents and their visitors. The reduction of parking results in 17 less visitor parking spaces provided on site. However, the 10% of the required parking rate is the preferred parking calculation in Zoning By-law 2019-051. Staff are satisfied that the visitor parking provided will be sufficient for the development. Further, the property has provided Class A and Class B bicycle parking rates, and future EV parking rates that are required in 2019-051.

Parking space dimensions (Compact vehicle spaces)

The intent of the minimum parking dimension regulation is to ensure that parking spaces can adequately accommodate a variety of vehicle sizes. Through the creation of Zoning By-law 2019-051 it was recommended that the By-law be updated to include compact vehicle spaces. New developments are permitted to have compact vehicle spaces where 10 or more parking spaces are required at a rate of 10% of the total parking spaces. The proposal is providing 189 parking spaces, and the 18 requested compact spaces is below the 10% that By-law 2019-051 permits.

Both parking variances meet the future Zoning By-law regulations that will be enforced at the time of the By-law update for the property. Staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

Staff is of the opinion that the requested variances are minor as the variances that are requested are to support a new residential development. The proposed variances would not be required if the property was within Zoning By-law 2019-051 and will not present any significant impacts to adjacent properties or the overall streetscape and neighbourhood.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The proposed variances are desirable and appropriate for the development and use of the land as their approval will facilitate the construction of a new residential development within a mixed-use neighbourhood.

Environmental Planning Comments:

No Natural Heritage concerns. There are no trees on this block, and any Tree Management Plan compliance would be addressed by Urban Design as part of the Site Plan Approval.

Heritage Planning Comments:

No heritage comments or concerns.

Building Division Comments:

The Building Division has no objections to the proposed variance.

Engineering Division Comments:

Engineering division has no comments.

Parks and Cemeteries/Forestry Division Comments:

All Parks requirements will be addressed through SPF25/004/W/TS.

Transportation Planning Comments:

As part of the Site Plan Approval process in February 2025, Transportation Services supported the proposed visitor and compact car parking variances being sought.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City’s website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*

- *Provincial Planning Statement (PPS 2024)*
- *Regional Official Plan*
- *Official Plan (1994 and 2014)*
- *Zoning By-law 85-1*