

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the *Planning Act*, 1990

APPLICATION: CAV A/052/2021

RELATED FILE: N/A

### DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON TUESDAY, APRIL 20, 2021 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Murray Sanders & Heather Sanders 188 Gloucester Avenue Oakville ON L6J 3W6	HDS Dwell Inc c/o Cynthia Gibson 20 Gilmour Road Puslinch ON N0B 2J0	PLAN 113 PT LOTS 362,363 188 Gloucester Avenue Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential  
WARD: 3

ZONING: RL3-0 sp: 10  
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 construction of a two-storey detached dwelling on the subject property proposing the following variance(s):

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 15.10.1 c)</b> The maximum <i>lot coverage</i> for a <i>dwelling</i> having two <i>storeys</i> shall be 19% (194.11m <sup>2</sup> ); (Area of the lot is 1021.64m <sup>2</sup> ).	To permit the maximum <i>lot coverage</i> for the <i>dwelling</i> having two <i>storeys</i> to be 24.90% (254.41 m <sup>2</sup> ).
2	<b>Section 15.10.1 e)</b> The maximum total <i>floor area</i> for a <i>private garage</i> shall be 38.0 sq.m.	To permit the total <i>floor area</i> for the <i>private garage</i> to be 38.98 sq.m.

### CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

#### Planning Services:

**(Note:** Planning Services includes a consolidated comment from the relevant district teams including, Current, Policy and Heritage Planning, Urban Design and Development Engineering)

**CAV A/052/2021 - 188 Gloucester Avenue (East District)** (OP Designation: Low Density Residential)

The applicant proposes to demolish the existing dwelling and construct a new two-storey dwelling. The applicant requests the variances listed above.

The neighbourhood consists of both one and two-storey dwellings that are original to the area and two-storey dwellings that are newly constructed. The well established residential area has no sidewalks on either side of the road and large mature trees provide a significant amount of shade which form a distinct character to the area.

The subject lands are designated Low Density Residential in the Official Plan. Section 11.1.9 provides that development which occurs in stable residential neighbourhoods shall be evaluated

using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria apply: Policies 11.1.9 a), b), and h) state:

*“a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.*

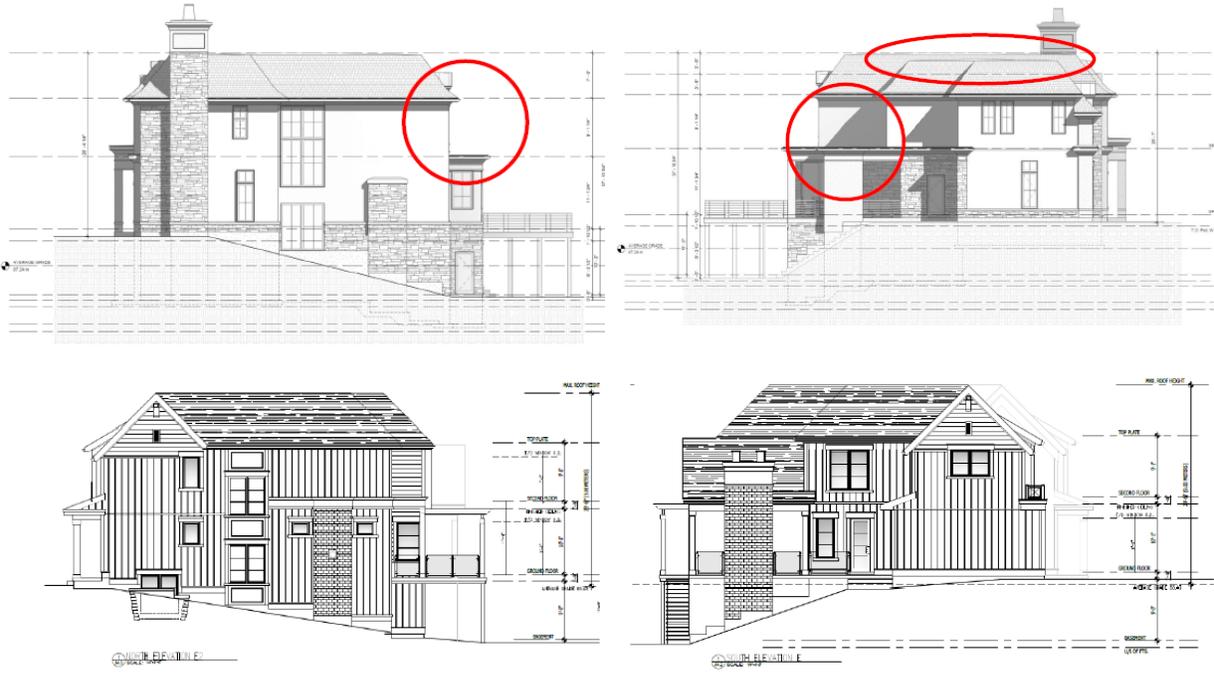
*b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.*

*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*

### Variance #1 – Lot Coverage (Supported)

The request for additional lot coverage from 19% to 24.9% adds an additional 60.3 square metres (649.06 square feet) of floor area. This includes front and rear covered porches, which equates to approximately 31.84 square metres (342.72 square feet) in covered area, therefore resulting in an increased lot coverage of 3.11% while the dwelling contributes 21.79%. The intent of regulating lot coverage is to prevent the construction of a dwelling that has a mass and scale that appears larger than the dwellings in the surrounding neighbourhood. The proposed additional coverage is compatible with the character of the neighbourhood as it relates to the existing built form of the surrounding properties. It should be noted that portions of the built form massing of the previously approved 25.04% dwelling via CAV A/156/2018 have been reduced as seen below (red lines shown on current proposed dwelling):





**Variance #2 – Garage Area (Supported)**

The requested increase in floor area of the proposed private garage from 38.0 square metres to 38.98 square metres is internal to the building due to the double car garage configuration and is therefore not a visually dominant feature of the dwelling, which meets the intent of the by-law.

Illustrated on the submitted site plan, there are a number of trees that are proposed to be removed as a result of this development. It is suggested that in order to further maintain the character of the area, any opportunity to keep as many trees as possible should be considered. Further review will be evaluated through the Development Engineering Site Plan Review process and compliance with the Tree Protection By-law.

Overall the design of the proposed dwelling maintains and protects the existing character of the neighbourhood by incorporating elements that are sympathetic to new and existing dwellings in the area. The building is setback to be in-line with the dwellings on adjacent properties and complies with the height requirement of the Zoning By-law.

On this basis, it is staff’s opinion that the requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as it maintains the character of the neighbourhood. Further, the variances are minor in nature and appropriate for the development of the site as there are no negative impacts to abutting properties or the streetscape.

**Conclusion:**

In summary, based on the application as submitted, staff are of the opinion that the application satisfies all four tests under the *Planning Act*. Should the Committee concur with staff’s opinion, the following conditions are requested:

1. That the dwelling be built in general accordance with the submitted site plan dated 3.17.2021 and elevation drawings dated 02/02/21; and
2. 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.

The planning basis for the conditions are as follows, in keeping with the numbering of the conditions above:

1. 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.
2. A two (2) year timeframe allows the owner to construct what is ultimately approved within a reasonable timeframe of the application being processed to 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 the construction does not take place within this timeframe, a new application would be required and subject to notice to the neighbourhood and the applicable policies, regulations and public comments at that time.

**Fire:** SFD. No concerns to submit

**Transit:** No Comment

**Finance:** None

**Halton Region:**

- Regional Staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order increase the maximum lot coverage requirement and alter the total floor area requirement of the Town of Oakville Zoning By-law, for the purpose of permitting the construction of a new two-storey detached dwelling on the subject property.

**Bell Canada:** No Comments Received

**Letter(s)/Emails in support:** None

**Letter(s)/Emails in opposition:** Two

**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 Services, 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.

Requested conditions from circulated agencies:

1. That the dwelling be built in general accordance with the submitted site plan dated 3.17.2021 and elevation drawings dated 02/02/21.
2. 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.



---

Heather McCrae, ACST  
Secretary-Treasurer

Attachment:  
Letters/Emails of Opposition - 2

**Hugh and Linda Pauwels**

178 Gloucester Avenue, Oakville, ON L6J 3W6

To: Committee of Adjustment  
Date: April 15, 2021  
Re: Application for Variance CAV A/052/2021  
188 Gloucester Avenue  
Registered Plan 113 PT LOTS 362,363

My husband and I reside at 178 Gloucester, two properties south of 188 Gloucester. We consider this proposal a **major concern** because of the proposed change in the grade of the land when creating a lower level walkout that presently does not exist. This action could cause additional surface water damage in our BLOCK.

We live in a very established neighbourhood. Historically, at certain times of the year, surface water runs south through our Block to the lake. This water is substantial and runs diagonal from 188 Gloucester, through our neighbours backyard (182 Gloucester) and pools in the south, west corner of their property. So far, we have been fortunate, as the water does not flow onto our property due to our very large Dawn Redwood tree that was planted by the original owner of our home in 1989.

If the owners of the proposed new build at 188 Gloucester lower the present grade of their backyard to allow for a new walkout level, additional surface water will collect and eventually flow onto our property and many of the homes in the BLOCK.

**We are asking the *Committee of Adjustment* and the *Engineering Department* to look into this issue BEFORE final approval is given to build this new house.**

We need assurance that the alteration of the land will not increase the natural flow of water onto adjacent properties. We would like to be informed as to what precautions will be taken to ensure that this does not occur.

Respectfully submitted,  
Linda Wilson-Pauwels and Hugh Pauwels

April 15, 2021

Heather McCrae  
Secretary Treasurer, Committee of Adjustment  
1225 Trafalgar Road  
Oakville, ON L6H 0H3  
Email: heather.mccrae@oakville.ca

File No: CAV A/052/2021

Dear Heather,

Firstly, we generally support both of the minor variance requests that have been submitted for 188 Gloucester Avenue.

Our concern is with the water drainage situation in the backyards of 188 Gloucester Ave and 182 Gloucester Ave. During wet periods, primarily in the spring and fall, there is substantial water pooling in both backyards. The situation has gotten significantly worse over the last few years, which we think is a result of the various new-builds on the block approved by the Town of Oakville that have had an adverse effect on the natural path of drainage.

We have researched putting in a french drain, but have been told the water still has no place to go. A sump pump has been suggested, but there is no ditch on the west side of Gloucester Ave to pump the excess water to. At one point, a previous owner of 188 Gloucester Ave did pump water from the backyard up to the storm drain on Gloucester Ave using a sump pump, but the Town ordered them to cease that.

We are very concerned that the development proposed at 188 Gloucester Ave could worsen the situation in our backyard. We are requesting that the Town come and review the situation, propose some options for better drainage, and ensure that an acceptable solution is imposed as a part of the approval of the minor variances submitted for 188 Gloucester Ave.

We have indicated our concerns to Jason Huether at HDS Dwell and he has assured us that the applicant is aware of the water situation and will work with us to come to a satisfactory solution.

Yours truly,



Douglas & Debra Kee  
182 Gloucester Ave  
Oakville ON L6J 3W6