

# COMMITTEE OF ADJUSTMENT

## **CONSENT REPORT**

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

**APPLICATION: B22/05(1712)**

**RELATED FILE: B22/06; CAV A/131/2022 AND CAV A/132/2022**

**DATE OF MEETING: August 30, 2022**

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
CONOR MCGLYNN 64 FIRST ST OAKVILLE ON, L6J 3R3	DAVID ASHBOURNE LAKESHORE GROUP 10 MORISON ST TH #3 TORONTO ON, M5V 2T8	64 FIRST ST PLAN 19 LOT 11

**OFFICIAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL  
WARD: 3**

**ZONING: RL3 SP12  
DISTRICT: EAST**

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### **APPLICATION:**

#### **Purpose of application:**

Application has been made for Consent to permit a Lot Addition. The application is asking to convey a parcel of land (PART 2) approximately 447.71 m<sup>2</sup> in area with a depth of 46.38 m and frontage on First Street of 9.65 m from REGISTER PLAN 19 LOT 11 to be merged in title with the adjoining property to east described as REGISTER PLAN 19 LOT 12. Approximately 965.96 m<sup>2</sup> of land (PART 1) is to remain with an existing residential dwelling. The purpose of the application is to provide additional land to abutting property to east known as 52 First Street.

This application is being considered with concurrent Minor Variance CAV A/131/2022 for reduced side yard on the retained PART 1 (notice attached).

Further this application is being considered with concurrent Consent application B22/06 for the creation of a new lot upon the merging of PART 2 and property known as 52 First Street and Minor Variance CAV A/132/2022 for reduce rear and side yard, increase of height for the accessory building and an increase of the lot coverage for the accessory buildings as well as for the projection of the garage on retained lot PART 1 described on the second consent application B22/06.

The said parcels being more particularly described on the attached Severance Sketch prepared by J. H. Gelbloom Surveying Limited, Ontario Land Surveyor, Project: 19-039 and dated April 26, 2022.

### **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)

**To:** Heather McCrae, Secretary-Treasurer

**From:** Planning Services

**Date:** August 26, 2022

**Subject:** **Consents B22/05(1712) & B22/06(1712)**  
64 & 52 First Street  
(PLAN 19 LOT 11 & PLAN 19 LOT 12 PT LOT 15)

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## **RECOMMENDATION**

1. That consent application B22/05 (1712), submitted by Lakeshore Group on behalf of Conor McGlynn to convey a portion of land from 64 First Street (PART 2) having an area of 447.71 square meters, a frontage of 9.65 meters, and a depth of 46.38 meters to be merged with a property to the east known as 52 First Street and retain the remaining lands of 64 First Street (Part 1) having an area of approximately 965.96 square meters, be approved subject to the conditions attached as Appendix "A".

**Note:** This consent application should be considered together with minor variance application CAV A/131/2022 for the subject lands to address a reduced interior side yard setback (retained lands) under Zoning By-law 2014-014, as amended.

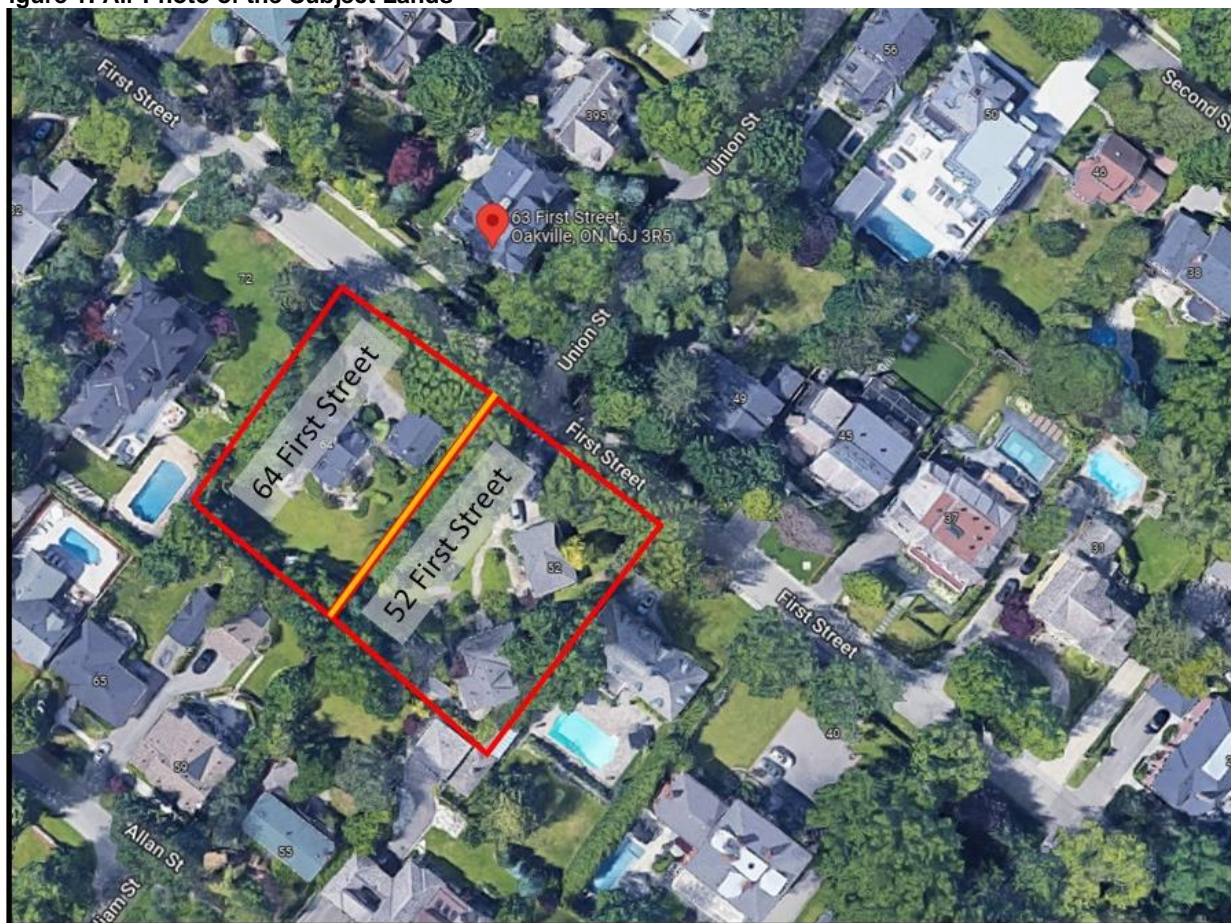
2. That consent application B22/06 (1712), submitted by Lakeshore Group on behalf of Tailormade Holdings Inc to create a new residential lot (PART 2) having an area of 965.34 square meters, a frontage of 20.827 meters (street limit), and a depth of 46.27 meters. The retained lands (52 First Street) (PART 1) having an area of approximately 965.96 square meters, a frontage of 19.307 meters (street limit) and a depth of 46.27 meters, be approved subject to the conditions attached as Appendix "B".

**Note:** This consent application should be considered together with minor variance application CAV A/132/2022 for the subject lands to address increased garage projection, reduced interior side yard, reduced rear yard, increased height of an accessory building and increased lot coverage of accessory buildings under Zoning By-law 2014-014, as amended.

## **LOCATION**

The subject lands have frontage on First Street, and are located in an area characterized by low density residential uses. The subject lands are legally described as PLAN 19 LOT 11 (64 First Street), and PLAN 19 LOT 12 Part LOT 15 (52 First Street) as outlined in red below.

**Figure 1: Air Photo of the Subject Lands**



## **PURPOSE**

When considered together, the two consent applications would have the effect of creating a third lot between the two existing properties municipally known as 52 First Street and 64 First Street (the “Subject Lands”) through lot addition and severance applications.

The property municipally known as 64 First Street has an approximate area of 1413.06 square meters, and 52 First Street has an area of approximately 1931.30 square meters (Figure 2). The Subject Lands can be described as follows:

- The subject lands 64 First Street contains a 1 ½ storey single detached dwelling and a detached garage structure. The detached garage was recently demolished.
- The subject lands 52 First Street contains a one-storey detached dwelling, a detached garage structure and a shed.

The properties at 52 and 64 First Street are designated under Part V of the *Ontario Heritage Act* as they are located within the First and Second Street Heritage Conservation District (HCD). Both properties are considered to be ‘non-contributing’, meaning that they have limited heritage value and do not significantly contribute to the heritage character of the District.

1. **Application B22/05/1712** proposes to sever a portion of 64 First Street and merge it with 52 First Street (lot addition) to create a larger which will be severed through application B22/06/1712 with the effect of creating a third lot. The area of the lands to be severed and added to 52 First Street (the severed lands) are approximately 447.10 square meters (Figure 3), and the area of the retained lands is approximately 965.96 square meters. Once the lands are merged with 52 First Street the new lot would have an area of approximately 2378.4 square metres (Figure 4)
2. **Application B22/06/1712** proposes to sever the enlarged 52 First Street property (Figure 4) into two lots. The severed portion of the enlarged 52 First Street (the “New Lot”) will have an area of 965.34 square meters and the retained portion of 52 First Street will have an area of approximately 965.96 square metres. With the approval of both consent applications, the effect is the creation of three lots where previously two existed (Figure 5).

**64 First Street**  
(Area- 1413.06 sq.m.)

**52 First Street**  
(Area- 1931.30 sq.m.)



Figure 3: PART 2 severed from 64 First Street

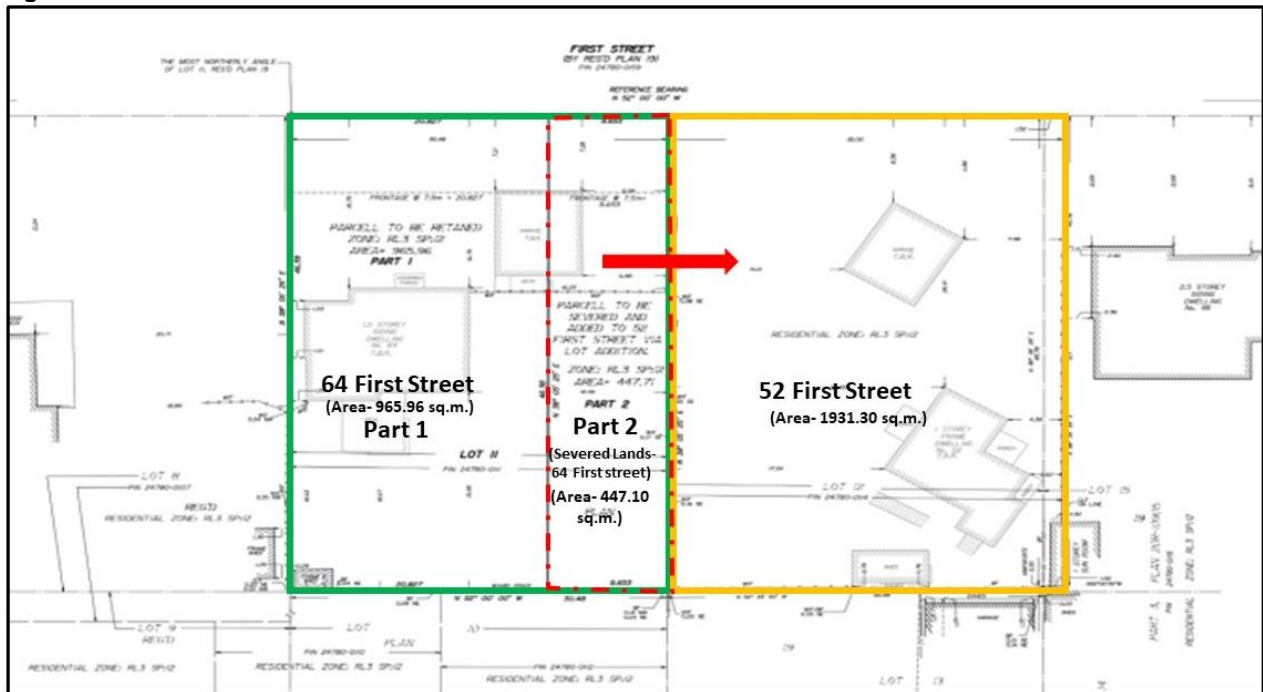
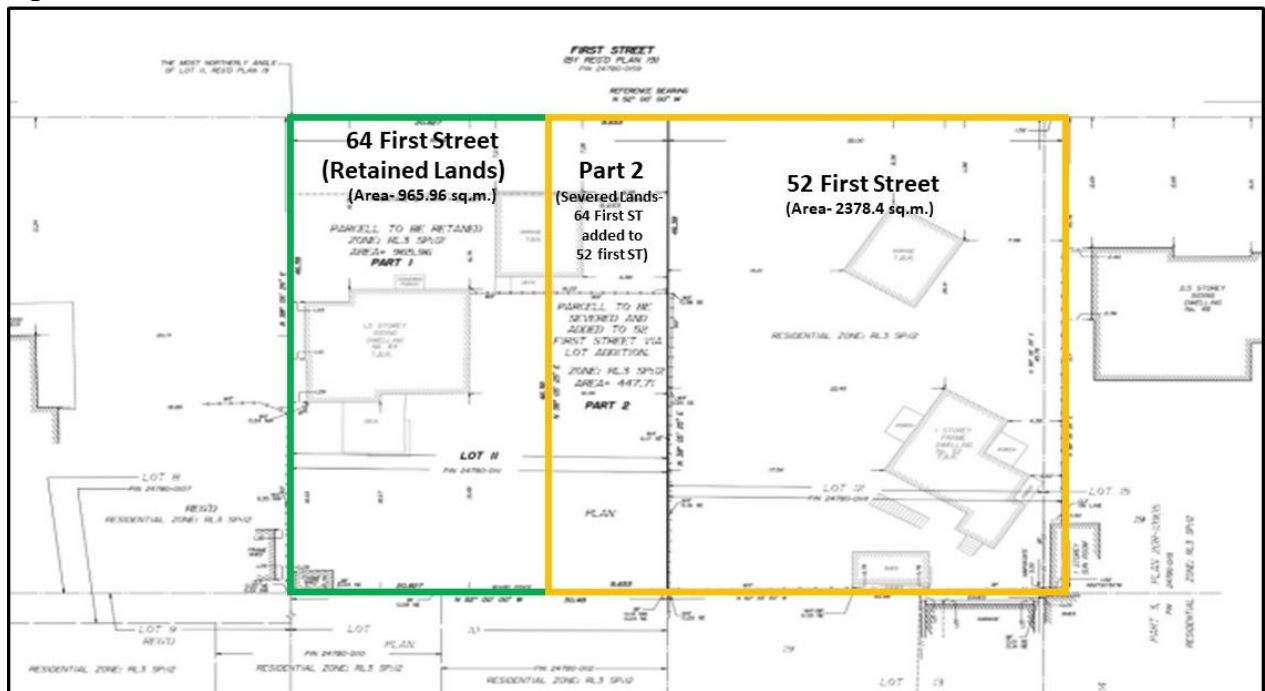


Figure 4: Lot Addition of Part 2 of 64 First Street to 52 First Street



**64 First Street  
(Retained Lands)  
(Area-965.96 sq.m.)**

**New Lot  
Parcel Severed  
(Area-965.34 sq.m.)**

**52 First Street  
(Retained Lands)  
(Area-965.96 sq.m.)**

Currently, the existing garage on 64 First Street has been demolished as the structure straddled the future lot line. A permit has been issued for the construction of a new two-storey addition including an attached garage which would conform with the zoning by-law.

As per Section 50(3)(b) of the *Planning Act*, a property owner may not transfer a parcel of land and retain the ownership of abutting land unless the land is the whole of one or more lots or blocks within a plan of subdivision. Neither property is within a plan of subdivision. As such, a consent is required to legally separate the properties so that each of the lots may be sold separately.

The Provincial Policy Statement 2020 (“**PPS**”) is intended to promote a policy led system, which recognizes that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form. The PPS defines Intensification as development of a property at a higher density than currently exists through underutilized lots within previously developed areas. The proposed consent provides an opportunity for intensification that is consistent with policies of section 1.1 that promote efficient land use and development patterns and ensure that

healthy, livable and safe communities are sustained by directing intensification to settlement areas.

## **GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019**

The Growth Plan for the Greater Golden Horseshoe (2019) (the “**Growth Plan**”) is a long-term plan that intends to manage growth, build complete communities, curb sprawl, and protect cultural heritage resources and the natural environment. The Growth Plan provides a framework implementing the Province’s vision for building stronger, prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

The Subject Lands are within the “Built-Up Area” of the Growth Plan where the intent is to use land efficiently, and in close proximity to transportation and servicing infrastructure. All planning decisions must conform to the Growth Plan, and it is Staff’s opinion that the proposed consent applications conforms to the Growth Plan.

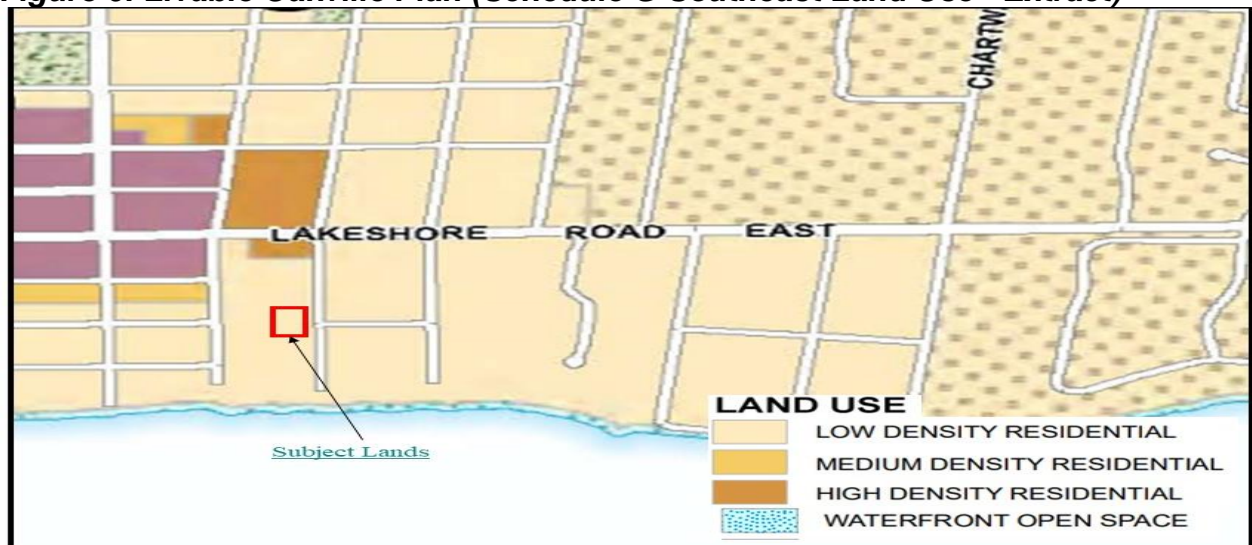
## **HALTON REGION OFFICIAL PLAN**

The Subject Lands are designated “Urban Area” in the Halton Region Official Plan (“**ROP**”). Lands within the “Urban Area” are intended for residential and employment growth. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the ROP.

Halton Region staff have reviewed the applications and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to consent application B22/06(1712). They have also reviewed consent application B22/05(1712) and have no objection subject to conditions being satisfied which are outlined in Appendix “B”.

## **LIVABLE OAKVILLE PLAN**

**Figure 6: Livable Oakville Plan (Schedule G Southeast Land Use - Extract)**



The subject lands are designated “Low Density Residential” on Schedule G and are subject to the residential policies of Part D, Section 11. The guiding principles of Livable Oakville as stated in Policy 2.2.1:

*“Preserving and creating a livable community in order to:*

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.”*

Further, to manage growth within the town, intensification is primarily directed to growth centres, however, Policy 4.3 states:

***“Residential Intensification Outside of the Growth Areas***

*It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built-up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.”*

Additionally, Section 11 of the Livable Oakville Plan establishes the policy framework for assessing intensification within residential areas. Specifically, Policy 11.1.8 a) states:

*“Intensification within the stable residential communities shall be provided as follows:*

- a) Within stable residential communities, on lands designated Low Density Residential, the construction of a new dwelling on an existing vacant lot, land division, and/or the conversion of an existing building into one or more units, may be considered where it is compatible with the lot area and lot frontages of the surrounding neighbourhood and subject to the policies of section 11.1.9 and all other applicable policies of this Plan;*

Lastly, the policies of 11.1.9 provide criteria to assess development, including the creation of new lots within stable residential communities to ensure they maintain and protect the neighbourhood character. Specifically, policy 11.1.9 d) states that the proposed lotting pattern shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.



For the purpose of these applications, servicing is existing for the retained dwellings at 52 and 64 First Street and municipal water, wastewater and sanitary services are available for the new lot. The lots which would be the result of the proposed consent applications, would all comply with the applicable Zoning By-law with respect to minimum lot frontage and lot area, providing a shape and size that is compatible with lots in the surrounding neighbourhood.

The consent policies contained within Section 28 provides direction on when the creation of a new lot can be granted. Policy 28.14.2 states:

*“Applications for consent to create new lots may only be granted where:*

- a) a plan of subdivision is not necessary;*
- b) the number of resulting lots is three or less;*
- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;*
- d) no extension, improvement or assumption of municipal services is required;*
- e) the lot will have frontage on a public street and access will not result in traffic hazards;*
- f) the lot will not restrict the ultimate development of adjacent lands;*
- g) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and,*
- h) the consent conforms to all relevant policies of this Plan.”*

The Subject Lands are designated under Part V of the *Ontario Heritage Act* as they are located within the First and Second Street Heritage Conservation District (HCD). Both the properties are ‘non-contributing’ as they have limited heritage value and do not significantly contribute to the heritage character of the District.

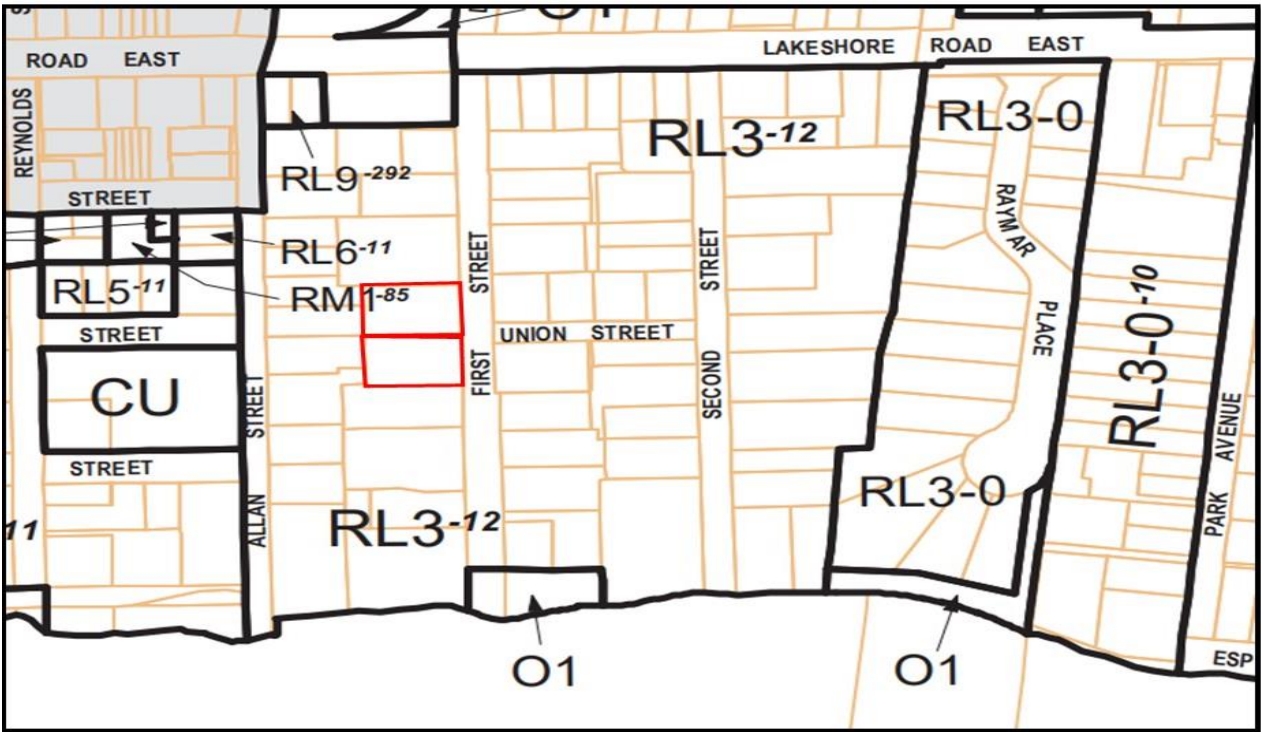
The three lots have been assessed for their impact on the cultural heritage value of the Heritage Conservation District with respect to the lotting pattern. The existing lotting pattern of the District is varied, including numerous large lots with prominent homes, as well as collections of medium and smaller sized lots with proportionately sized homes. Most lots are rectangular in shape with smaller frontages and deeper yards. Most of the smaller-sized lots are located along Allan Street, Lakeshore Road and Union Street. This eclectic mix of lot shapes and sizes adds to the character of the HCD.

The proposed alterations to these properties would result in three medium-sized lots, rather than the two existing large lots. The proposed lot configuration would continue the varied mix of lot sizes and shapes found within the District. The overall layout of the original survey would remain, as well as the original grid configuration of the local streets. The introduction of a new lot as proposed can accommodate low-density residential development that is in keeping with the character of the District and the local streetscape. No heritage properties or structures are directly impacted by the introduction of the new lot.

In accordance with 5.3.5 of the Livable Oakville Plan, when reviewing any new dwelling proposed on the new lot, or on either of the existing lots, the Town will be guided by the Plan and Guidelines for the First and Second Street Heritage Conservation District. Staff have therefore provided comments to provide clarity and guidance on the larger proposal for the area. The Heritage Impact Assessment prepared by Built Heritage Consultant, submitted with the application, includes a proposed dwelling on the new lot. Heritage Staff have concerns with the proposed dwelling as detailed in the additional comments found in Appendix C but do not object to the creation of the new lot. Any proposed dwelling on the new lot will require a Heritage Permit and Site Plan Approval and will be reviewed in detail through those processes.

## ZONING

Figure 7: Zoning Map Extract



The subject lands are currently zoned RL3 subject to Special Provision 12 by Zoning By-law 2014-014, as amended. The proposed three lots comply with the Zoning By-law with respect to minimum lot area and frontage. Within the RL3 zone, the minimum lot area is 557.5 square meters, and the minimum lot frontage is 18.0 meters.

**Table 1:Represents the lot area and Coverage Required and Proposed for the lots. The table below shows that the minimum requirement for lot frontage and Lot area complies with the requirement in the Zoning By-Law 2014-014.**

	Required	Proposed
<b>64 First Street</b>		
Lot Area	557.5 sq.m.	965.96 sq.m.
Frontage	18.0 m	20.82 m
<b>52 First Street</b>		

Lot Area	557.5 sq.m.	965.96 sq.m.
Frontage	18 m	20.82 m
<b>New Lot</b>		
Lot Area	557.5 sq.m.	965.34 sq.m.
Frontage	18 m	20.82 m

The neighbourhood consists of a variety of residential and community uses. The three lots will be consistent with the other residential lots fronting on First Street and will maintain the neighbourhood character.

As a result of the proposed lot addition and severance, the existing dwellings on 52 and 64 Front Street require relief from Zoning By-law 2014-014 to recognize the existing location of the dwellings and accessory structures. The following is a summary of the Minor Variance applications for 52 and 64 First Street:

#### **CAV A/131/2022 – 64 First Street (Retained Lands)**

No.	Zoning By-law Regulation	Variance Request
1	Table 6.3.1 (Row 5, Column RL3) The minimum interior side yard shall be 1.2 m	To permit a minimum interior side yard of 1.03 m

#### **CAV A/132/2022 – 52 First Street (Retained Lands)**

No.	Zoning By-law Regulation	Variance Request
1	<b>Section 5.8.7 c)</b> Attached private garages shall not project more than 1.5 meters from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.	To permit the attached private garage to project not more than 18.5 meters from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line.
2	<b>Table 6.3.1 (Row 5, Column RL3)</b> The minimum interior side yard shall be 2.4 m.	To permit a minimum interior side yard of 2.0 m to the detached garage.
3.	<b>Table 6.3.1 (Row 6, Column RL3)</b> The minimum rear yard shall be 7.5 m.	To permit a minimum rear yard of 4.0 m.
4.	<b>Section 6.5.2 c)</b> The maximum height for any accessory building or structure shall be 4.0 meters measured from grade.	To permit a maximum height for the accessory building to be 5.0 meters measured from grade
5.	<b>Section 6.5.2 e)</b> For an accessory building the maximum lot coverage shall be the greater of 5% of the lot area or 42 square meters of building area.	To permit the maximum lot coverage of the accessory building(s) to be 11% (105.72 m <sup>2</sup> ). (Lot Area is 961.09)

As discussed in a separate report, staff are of the opinion that the minor variance applications satisfy the applicable tests under the *Planning Act*. The proposed lot addition and severance will be subject to the approval of the variances listed above.

Staff note that any future redevelopment of the site will be subject to Site Plan Control, which will evaluate the placement of any proposed buildings and parking areas, as well as grading, drainage, landscaping, tree protection, urban design, etc.

## **COMMENT**

The proposed lot addition and severance to create a new residential lot is in keeping with the existing lot fabric and is compatible with the neighbourhood. The subject lands

are an appropriate location for intensification in accordance with the provincial direction to promote residential growth in urban areas.

The subject lands are a part of Heritage Conservation District (HCD) and the proposed new lotting pattern is compatible with the existing layout and low-density residential character of the HCD. In respect of the creation of the new lot, the proposed new development should follow the Plan and Guidelines for the First and Second Street Heritage Conservation District and will require a Heritage Permit and be subject to Site Plan Control.

As set out in this report, it is Staff's opinion that the proposed lot addition and severance is an appropriate form of land division as there are lots of a similar shape and size within the neighbourhood, the proposed lots comply with the Zoning By-law in terms of lot frontage and lot area. Further, it is Staff's opinion that the proposed lot addition and severance maintains the character of the neighbourhood as the new lots maintain the neighbourhood lotting pattern. Any future redevelopment of the new lots will be subject to Site Plan Control, which will further evaluate grading, drainage, tree protection, and urban design and will ensure any new development will continue to be consistent with the neighbourhood character. The approval of application B22/06(1712) will be conditional on the approval of application B22/05(1712).

Standard conditions were identified through the Staff review and agency comments in response to the notice and circulation. Conditions for B22/05 (1712) have been included in Appendix "A" and conditions for B22/06 (1712) have been included in Appendix "B" of this report. Staff and agency comments are included in Appendix "C" of this report.

## CONCLUSION

1. That application B22/05 (1712) is an appropriate form of intensification for the neighbourhood, conforms to the Livable Oakville Plan and the applicable Zoning By-law. On this basis, Staff recommends approval of consent application B22/05 (1712) subject to the conditions attached as Appendix "A".
2. That application B22/06 (1712) is an appropriate form of intensification for the neighbourhood, conforms to the Livable Oakville Plan and the applicable Zoning By-law. On this basis, Staff recommends approval of consent application B22/06 (1712) subject to the conditions attached as Appendix "B".

Submitted by:

Reviewed by:

Approved by:

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Shradha Arun  
Planner, Current  
Planning

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Leigh Musson,  
MCIP, RPP  
Current Planning – East  
District

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Gabe Charles,  
MCIP, RPP  
Director of Planning  
Services

## **APPENDIX “A” - CONDITIONS OF APPROVAL B22/05 (1712)**

1. That the owner/applicant submit a digital copy of the reference plan showing the lands to be conveyed together with a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
2. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
3. Taxes as levied on the property are to be paid in full.
4. That the owner/applicant provide a solicitor's undertaking to register the transfer for B22/06(1712) immediately after the registration of the transfer for B22/05(1712).
5. Sections 50(3) and 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the Severed Lands.
6. The development shall be subject to full municipal water and sanitary sewer services, to the satisfaction of the Region of Halton.
7. That the Owner determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service the property and the proposed lots and submits, to the satisfaction of Region's Developer Project Manager, a drawing showing the relationship of these services to the new proposed lot line.
8. No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.
9. That minor variance application CAV A/131/2022 receive final approval.

### **Notes**

1. The owners, his successors and assign, are hereby notified that the Development Charges of the Town of Oakville are payable upon issuance of Building Permit at the rate in effect on the date issued.
2. The owners, his successors and assign, are hereby notified that Site Plan approval is required for all lots created by the lot addition and severance.



## **APPENDIX “B” - CONDITIONS OF APPROVAL B22/06 (1712)**

1. That the owner/applicant submit a digital copy of the reference plan showing the lands to be conveyed together with a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
2. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
3. Taxes as levied on the property are to be paid in full.
4. That minor variance application CAV A/132/2022 receive final approval.
5. That the owner/applicant provide a solicitor's undertaking to register the transfer for B22/06(1712) immediately after the registration of the transfer for B22/05(1712).
6. That application B22/05(1712) be approved.

### **Notes**

1. The owners, his successors and assign, are hereby notified that the Development Charges of the Town of Oakville are payable upon issuance of Building Permit at the rate in effect on the date issued.
2. The owners, his successors and assign, are hereby notified that Site Plan approval is required for all lots created by the lot addition and severance.

## **APPENDIX “C” – DEPARTMENT/AGENCY COMMENTS B22/05 (1712) & B22/06(1712)**

With respect to B22/05 (1712) B22/06(1712), the following Departments and Agencies have indicated no comments or concerns with the proposal:

- Legal Department
- Building Services – Plan & Code Review
- Finance
- Development Engineering
- Parks & Open Space
- Fire Department
- Oakville Hydro Department

### **Building Services – Zoning**

Subject to receiving minor variance approval.

### **Oakville Hydro:**

- We do not have any objection with Notice of Consent Application B22/05 (1712). No objection with these Minor Variance Applications. Please make note that the new lot with the proposed new dwelling identified as 60 First Street will require their own separate underground hydro service from First Street.

### **Legal Department:**

- Sections 50(3) and 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the Severed Lands.
- A solicitor's undertaking to register the transfer for B22/06 immediately after the registration of the transfer for B22/05.
- The approval of B22/06 to be conditional on the approval of file B22/05.

## **Heritage Planning Comments B22/05(1712) and B22/06(1712)**

### **Comments on Severances and Lot Addition**

The properties at 52 and 64 First Street are designated under Part V of the Ontario Heritage Act as they are located within the First and Second Street Heritage Conservation District (HCD). Both properties are considered to be 'non-contributing', meaning that they have limited heritage value and do not significantly contribute to the heritage character of the District.

The proposed lot severances and lot addition applications for 52 and 64 First Street have been assessed for their impact on the cultural heritage value of the HCD as they would result in a change to the lotting pattern of the District.

The existing lotting pattern of the District is varied and includes numerous large lots with prominent homes, as well as collections of medium and smaller sized lots with proportionately

sized homes. Most lots are rectangular in shape with smaller frontages and deeper yards. Most of the smaller-sized lots are located along Allan Street, Lakeshore Road and Union Street. This eclectic mix of lot shapes and sizes adds to the character of the HCD.

The Plan and Guidelines for the First and Second Street Heritage Conservation District include the following applicable guidelines as they relate to the layout and lot fabric of the HCD, as well as the general character of the HCD:

#### 1.4 Description of the District's Heritage Attributes

Key attributes that embody the historical value of the District include:

- The general layout of the original surveys, which remains legible in lot patterns today, in spite of later lot severances and expansions.
- The original grid configuration of First Street, Second Street, Allan Street and Union Street, which facilitates local traffic while limiting through-traffic.

#### 3.2 Conservation Objectives

In the long-term stewardship of the First and Second Street Heritage Conservation District and implementation of the HCD Plan and Guidelines, a number of key objectives are sought as follows:

- To maintain and conserve the vibrant heritage character of Allan Street, First Street, Union Street, Second Street and Lakeshore Road East
- To protect and enhance heritage property in both the public and private realm including existing residential buildings and secondary structures, views of Lake Ontario, and streetscapes.
- To manage trees, tree lines and grass boulevards that contribute to the cultural heritage value of the District.
- To permit new development only when such change complements the prevailing low-density residential character of District and its existing heritage buildings and streetscapes.

4.3.1.1.1 New development, alterations and additions on a Non-Contributing Property shall be undertaken with a firm understanding of and respect for the heritage character District, while reflecting their own time.

4.3.1.5.1 Proposals for lot severances and assemblies will be assessed in accordance with the policies of the Official Plan and Zoning By-Law in effect subject to amendments and variances that may be approved. A heritage permit may be required.

4.3.3.1.1 New development on a Non-Contributing Property may be permitted, providing it does not negatively impact the heritage character of the District.

4.3.3.2.1 New development shall be compatible with the existing streetscape, in terms of the rhythm, alignment, spacing, setbacks, massing, and orientation of buildings in the streetscape. (See Section 4.3.1 - General Policies for Non-Contributing Properties for more detailed guidelines regarding spaces around buildings, setbacks and streetscape rhythm)

The proposed alterations to these properties would result in what can be considered three medium-sized lots, rather than the two existing large lots. The proposed lot configuration would continue the varied mix of lot sizes and shapes found within the District. The overall layout of the original survey would remain, as well as the original grid configuration of the local streets. The introduction of a new lot as proposed can accommodate low-density residential development that is in keeping with the character of the District and the local streetscape. No heritage properties or structures are directly impacted by the introduction of the new lot.

These subject applications to create a new lot are therefore supported by Heritage Planning staff as the new lotting pattern is compatible with the existing layout and low-density residential character of the HCD.

However, it is important to note that in order for the creation of this new lot to be successful, its eventual development can only be supported if it maintains and supports the cultural heritage value of the HCD. In accordance with 5.3.5 of the Livable Oakville Plan, when reviewing any new house proposed on the new lot, or on either of the existing lots, the Town will be guided by the Plan and Guidelines for the First and Second Street Heritage Conservation District. Staff have therefore provided comments below to provide clarity and guidance on the larger proposal for the area.

### **Comments on Future Development of New Lot**

The following excerpts from the Plan and Guidelines for the First and Second Street Heritage Conservation District provide an overview of the requirements for development on 'non-contributing' lots, as well as guidelines which are particularly applicable to the conditions of these lots. Applicants for any future development will need to consult the complete document for a full list of guidelines and objectives.

4.3.1.4.1 Maintain historic distances between houses and the picturesque rhythm of houses within streetscapes.

4.3.3.2.2 The siting and design of new development shall respond to the unique conditions of particular property locations, such as corner lots, lots created by severance or lots adjacent to the Lake Ontario shoreline.

4.3.3.2.3 New development shall protect and maintain the heritage character of the District by displaying a clear simplicity of massing, proportions, and roof forms.

4.3.3.2.4 The massing and proportions of new construction should conform to any applicable regulations of the Town of Oakville Zoning By-law in effect subject to amendments and variances that may be approved.

4.3.3.3.1 Protect and maintain the historic low-rise scale of the District.

4.3.3.4.1 The architectural style of new development shall be compatible with heritage character of the District.

4.4.1.1.2 Protect and maintain the existing and future tree canopy within the District. A tree permit shall be required for the injury or removal of any tree located within the front yard of a private property, in accordance with the definitions, conditions and requirements specified in the Town of Oakville's Private Tree Protection By-Law 2008-156 (as amended). All efforts shall be made to design additions and new development to accommodate existing mature trees, rather than remove them. The planting of new trees is strongly encouraged.

### **Halton Region (Comments for B22/05(1712) & B22/06(1712))**

#### **B22/05(1712)**

Legislative & Planning  
Services  
Planning Services  
1151 Bronte Road  
Oakville, ON L6M 3L1  
Fax: 905-825-8822

August 8, 2022

Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Planning and Development Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, On L6H0H3

Dear Jasmina Radomirovic:

**RE: Region of Halton Comments – 1<sup>st</sup> Submission**  
**Consent Application**  
**File: B22/05(1712) & CAV A/131/2022**  
**C. McGlynn**  
**64 First Street, Town of Oakville**

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Regional staff are forwarding comments in response to the circulation of the 1st submission for the above-noted application circulated on July 12, 2022. The application proposes to permit a lot addition. The application is asking to convey a parcel of land (PART 2) approximately 447.71 m<sup>2</sup> in area with a depth of 46.38 m and frontage on First Street of 9.65 m from REGISTER PLAN 19 LOT 11 to be merged in title with the adjoining property to east described as REGISTER PLAN 19 LOT 12. Approximately 965.96 m<sup>2</sup> of land (PART 1) is to remain with an existing residential dwelling. The purpose of the application is to provide additional land to the abutting property to the east known as 52 First Street.

Staff understand this consent application is being considered with related Consent application B22/06. Staff note no development is proposed as part of both Consent applications; however the future intent is to create a new lot between 52 and 64 First Street.

Additionally, should the consent application be approved, the Proponent will require a Minor Variance application (CAV A/131/2022) for reduced side yard on the retained parcel (PART 1). The proposed variance is seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum interior side yard, under the requirements of the Town of Oakville Zoning By-law. Regional staff have no objections to the above noted Minor Variance application.

Staff have considered the proposed consent application within the context of Provincial planning documents and the Regional Official Plan, and have no objection, subject to the comments and conditions herein.



## **Region of Halton Official Plan:**

### *Land Use:*

The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. The proposed development are located on the lands that are designated as 'Urban Area' and are located within the Built Boundary in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Regional staff are satisfied that the submitted Consent Application conforms to the Urban Area policies of the ROP, subject to the inclusion of the conditions outlined in Schedule 'A'.

### *Archaeological Potential:*

It should be noted that the subject lands are identified as having archaeological potential. However, it is acknowledged that the proposed development area has been previously disturbed with current development. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism, Culture Industries should be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

## **Other Regional Comments:**

### *Water and Wastewater Servicing:*

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments and conditions as they relate to the proposed development:

#### *Existing Services:*

##### *Watermain:*

- A 200mm dia. watermain is located on First Street adjacent to the property.

Please note that the applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection.

##### *Sanitary Sewer:*

- A 200mm dia. sanitary sewer is located on First Street adjacent to the property.

No documentation or drawing was submitted with the application showing the location of the existing water service and/or sanitary sewer lateral for the existing property. Regional records indicate that the existing house on the property is currently serviced by both an existing water service and sanitary sewer lateral that are connected to the existing watermain and sewer on First Street. The existing water service and sanitary sewer lateral are located near the middle of the property and may be impacted by this

application. The Owner is required to provide documentation which demonstrated that the proposed severance will not result in services crossing property lines, to the satisfaction of Halton Region. A condition speaks to this in Schedule 'A'.

Regional staff have no objections to this consent application, subject to the recommended conditions.

*Finance:*

The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

**Conclusion:**

Regional staff have no objection to the proposed application, subject to the following conditions attached as Schedule "A" being satisfied.

We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

**Please send a copy of the Town's decision on this application.**

Sincerely,

*Michaela Campbell*

Michaela Campbell

Intermediate Planner

[michaela.campbell@halton.ca](mailto:michaela.campbell@halton.ca)

cc: Bernie Steiger, MCIP, RPP, Acting Manager, Community Planning - South (Halton Region)  
Ron MacKenzie, Development Project Manager, Halton Region (via email)

**SCHEDULE 'A'**  
**CONDITIONS – B22/05 (1712)**

**The following Regional Conditions must be satisfied and/or included in any site plan/servicing agreement**

**C. McGlynn**  
**64 First Street**  
**B22/05 (1712)**

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1. The development shall be subject to full municipal water and sanitary sewer services, to the satisfaction of the Region of Halton.
2. That the Owner determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service the property and the proposed lots and submits, to the satisfaction of Region's Developer Project Manager, a drawing showing the relationship of these services to the new proposed lot line.
3. No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.

**B22/06(1712)**

Legislative & Planning  
Services  
Planning Services  
1151 Bronte Road  
Oakville, ON L6M 3L1  
Fax: 905-825-8822

August 8, 2022

Jasmina Radomirovic, Assistant Secretary-Treasurer  
Planning and Development Department  
Town of Oakville  
1225 Trafalgar Road  
Oakville, On L6H0H3

Dear Jasmina Radomirovic:

**RE:   Region of Halton Comments – 1<sup>st</sup> Submission**  
**Consent Application**  
**Files: B22/06 (1712) & CAV A/132/2022**  
**Tailormade Holdings Inc.**  
**52 First Street, Town of Oakville**

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Regional staff are forwarding comments in response to the circulation of the 1<sup>st</sup> submission for the above-noted application circulated on July 12, 2022. The application proposes to convey a portion of land PART 2 being approximately 965.34 m<sup>2</sup> in area with frontage on First Street of 20.827 m (street limit) and a depth of 46.27 m. The retained parcel PART 1 is

approximately 960.90 m<sup>2</sup> in area with an approximate frontage of 19.307 m (street limit) and a depth of 46.27 m. The parcel has an existing residential dwelling to remain.

Staff understand this consent application is being considered with related Consent application B22/05. Staff note no development is proposed as part of both Consent applications, however the future intent is to create a new lot (known as 60 First Street) between 52 and 64 First Street.

Additionally, should the consent application be approved, the Proponent will require various Minor Variance applications (CAV A/132/2022) for reduced side yard, reduced rear yard, increased height, increased lot coverage, and increased garage projection on the retained parcel (PART 1). The proposed variances are seeking relief under Section 45(1) of the Planning Act in order to permit a decrease in the minimum interior side yard, a decrease in the minimum rear yard, an increase in the maximum height for an accessory building or structure, an increase in the maximum lot coverage for an accessory building, and an increase in the projection of a private garage, under the requirements of the Town of Oakville Zoning By-law. Regional staff have no objections to the above noted Minor Variance applications.

Staff have considered the proposed consent application within the context of Provincial planning documents and the Regional Official Plan, and have **no objection**.

### **Region of Halton Official Plan:**

#### *Land Use:*

The Region's Official Plan provides goals, objectives and policies to direct physical development and change in Halton. The proposed development are located on the lands that are designated as 'Urban Area' and are located within the Built Boundary in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support range of uses and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Regional staff are satisfied that the submitted Consent Application conforms to the Urban Area policies of the ROP.

#### *Archaeological Potential:*

It should be noted that the subject lands are identified as having archaeological potential. However, it is acknowledged that the proposed development area has been previously disturbed with current development. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism, Culture Industries should be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

### **Other Regional Comments:**

#### ***Water and Wastewater Servicing:***

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments and conditions as they relate to the proposed development:

*Existing Services:*

*Watermain:*

- A 200mm dia. watermain is located on First Street adjacent to the property.

Please note that the applicant should undertake their own fire flow testing in the area in order to confirm the design requirements for domestic water supply and fire protection.

*Sanitary Sewer:*

- A 200mm dia. sanitary sewer is located on First Street adjacent to the property.

No documentation or drawing was submitted with the application showing the location of the existing water service and/or sanitary sewer lateral for the existing property. Regional records indicate that the existing house on the property is currently serviced by both an existing water service and sanitary sewer lateral that is connected to the existing watermain and sewer on First Street. The existing water service and sanitary sewer lateral are located near the southern limit of the property and can continue to be used for the existing house that is to remain. These existing services will not be in conflict with the proposed lot line.

Regional staff have no objections to this consent application. The servicing of the severed parcel that will be a new lot will be addressed through site plan approval and/or the service permit review process.

***Finance:***

The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

**Conclusion:**

Regional staff have no objection to the proposed application.



We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned. **Please send a copy of the Town's decision on this application.**

Sincerely,

*Michaela Campbell*

Michaela Campbell

Intermediate Planner

[michaela.campbell@halton.ca](mailto:michaela.campbell@halton.ca)

cc: Bernie Steiger, MCIP, RPP, Acting Manager, Community Planning - South (Halton Region)  
Ron MacKenzie, Development Project Manager, Halton Region (via email)

A rectangular box containing a handwritten signature in cursive script, which reads "J. Radomirovic".

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Jasmina Radomirovic  
Assistant Secretary-Treasurer  
Committee of Adjustment