

COMMITTEE OF ADJUSTMENT

CONSENT REPORT

STATUTORY AUTHORITY: Section 53 of the *Planning Act*, 1990

APPLICATION: B24/03 (1612)

RELATED FILES: CAV A/052/2024; CAV A/053/2024

DATE OF MEETING:

BY VIDEOCONFERENCE AND LIVE-STREAMING VIDEO ON THE TOWN'S WEBPAGE AT OAKVILLE.CA ON WEDNESDAY, MAY 01, 2024 AT 7:00 P.M.

Owner/Applicant	Agent	Location of Land
Amelia Francis	Gagnon Walker Domes Ltd c/o Andrew Walker 7685 Hurontario Street Brampton ON L6W 0B4	PLAN 1009 PT LOT 78 RP 20R1646 PART 4 317 Gloucester Avenue Town of Oakville

**OFFICIAL PLAN DESIGNATION: Low Density Residential
WARD: 3**

**ZONING: RL1-0
DISTRICT: East**

APPLICATION:

Under subsection 53(42) of the *Planning Act*, the applicant is requesting to permit the consent for the creation of a New Lot.

Application has been made for Consent for the creation of a New Lot. The application is asking to convey a portion of land (SEVERED LANDS) approximately 1,137.83m² in area with an approximate frontage of 24.26m (streetline Gloucester Avenue) and a depth of 47.10m to be severed from PLAN 1009 PT LOT 78 RP 20R1646 PART 4 for the purpose of creating a new lot. The retained parcel (RETAINED) is approximately 1,140.59m² in area with an approximate frontage of 24.26m (streetline Gloucester Avenue) and a depth of 47.28m. The property has an existing dwelling to be relocated on the Retained Lands.

This application is being considered with related **Minor Variance CAV A/052/2024-Retained and CAV A/053/2024-Severed. Variance Notices below.**

The said parcels being more particularly described on the Conceptual Severance Plan prepared by GWD Gagnon Walker Domes, Professional Planners, File No.: PN 3338 Severance Concept Plan and dated September 25, 2023.

Variance Request CAV A/052/2024:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the proposed consent application for the retained parcel as shown on the attached severance plan of the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	Table 6.3.1 (Row 1, Column RL1) The minimum lot area shall be 1393.5 m ² .	To reduce the minimum lot area to 1140.59 m ² .

2	<i>Table 6.3.1 (Row 2, Column RL1)</i> The minimum frontage shall be 30.5 m.	To reduce the minimum frontage to 24.26 m.
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Variance Request CAV A/053/2024:

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the proposed consent application for the severed parcel as shown on the attached severance plan of the subject property proposing the following variances to Zoning By-law 2014-014:

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 1, Column RL1)</i> The minimum lot area shall be 1393.5 m ² .	To reduce the minimum lot area to 1137.83 m ² .
2	<i>Table 6.3.1 (Row 2, Column RL1)</i> The minimum frontage shall be 30.5 m.	To reduce the minimum frontage to 24.26 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)

RECOMMENDATION

1. That consent application B24/03 (1612), submitted by Gagnon Walker Domes Ltd. on behalf of Amelia Francis to create a new residential lot (severed lands) having a lot area of 1,139.83 m², lot frontage of 24.26 m on Gloucester Avenue, and lot depth of 47.10 m, with the remaining lot (retained lands) having a lot area of 1,140.59 m², lot frontage of 24.26 m, and lot depth of 47.28 m from property municipally known as 317 Gloucester Avenue (PLAN 1009 PT LOT 78 RP 20R1646 PART 4) be denied.

Note: This consent application should be considered together with minor variance applications CAV A/052/2024 and CAV A/053/2024 for the subject lands to address the deficient lot area and lot frontage requirements under Zoning By-law 2014-014, as amended, for both the severed and retained lands.

LOCATION

The subject lands are located on the east side of Gloucester Avenue, south of MacDonald Road, and north of Sheddon Avenue at the terminus of Galt Avenue at Gloucester Avenue. The subject lands are municipally known as 317 Gloucester Avenue and legally described as PLAN 1009 PT LOT 78 RP 20R1646 PART 4. An aerial photo is provided in Figure 1.



Figure 1: Air Photo of the Subject Lands

PURPOSE

The subject consent application would sever the subject lands into two residential lots, being the retained lands (southern lot) and severed lands (northern lot). The effect of this application is to permit two detached dwellings, one on each lot. A portion of the existing dwelling on the subject lands is proposed to be relocated to the retained lands, with a new dwelling to be constructed on the severed lands. Both lots are proposed to have driveway access from Gloucester Avenue leading to the detached garages in the rear yard, as shown in the conceptual severance plan in Figure 2.

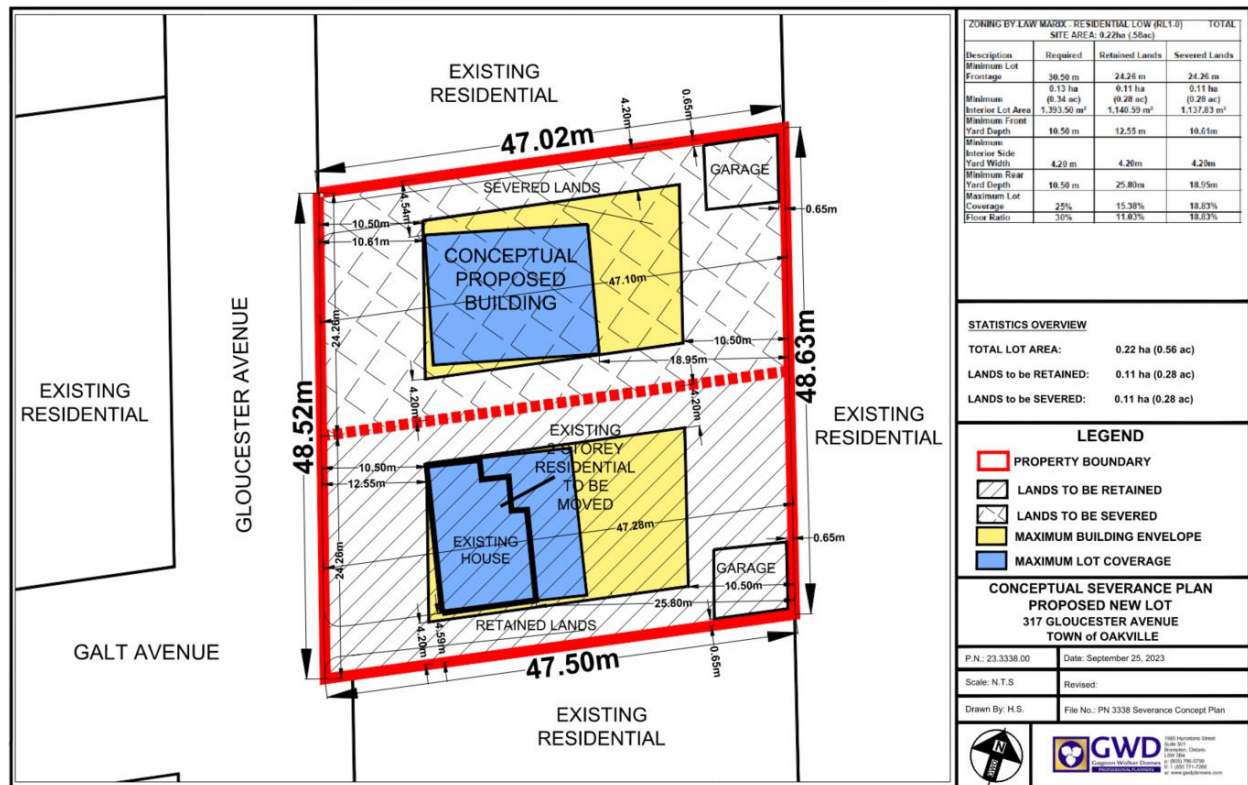


Figure 2: Conceptual Severance Plan

BACKGROUND

The subject lands are 2,278.42 m² (0.22 hectares) in size, with frontage of 48.52 m along Gloucester Avenue and are occupied by an existing two-storey detached dwelling with a circular driveway and a detached garage with covered access connecting the garage to the dwelling.

The original plan of subdivision was registered in April 1960 and encompasses land area between Gloucester Avenue to the west, Chartwell Road to the east, Lakeshore Road to the south and Queen Elizabeth Way (QEW) to the north. All residential lots in the original subdivision located south of MacDonald Road are designated Low Density Residential – Special Policy Area and Zoned RL1-0 and predominantly contain large lots with large lot frontages, as shown in Figure 3.

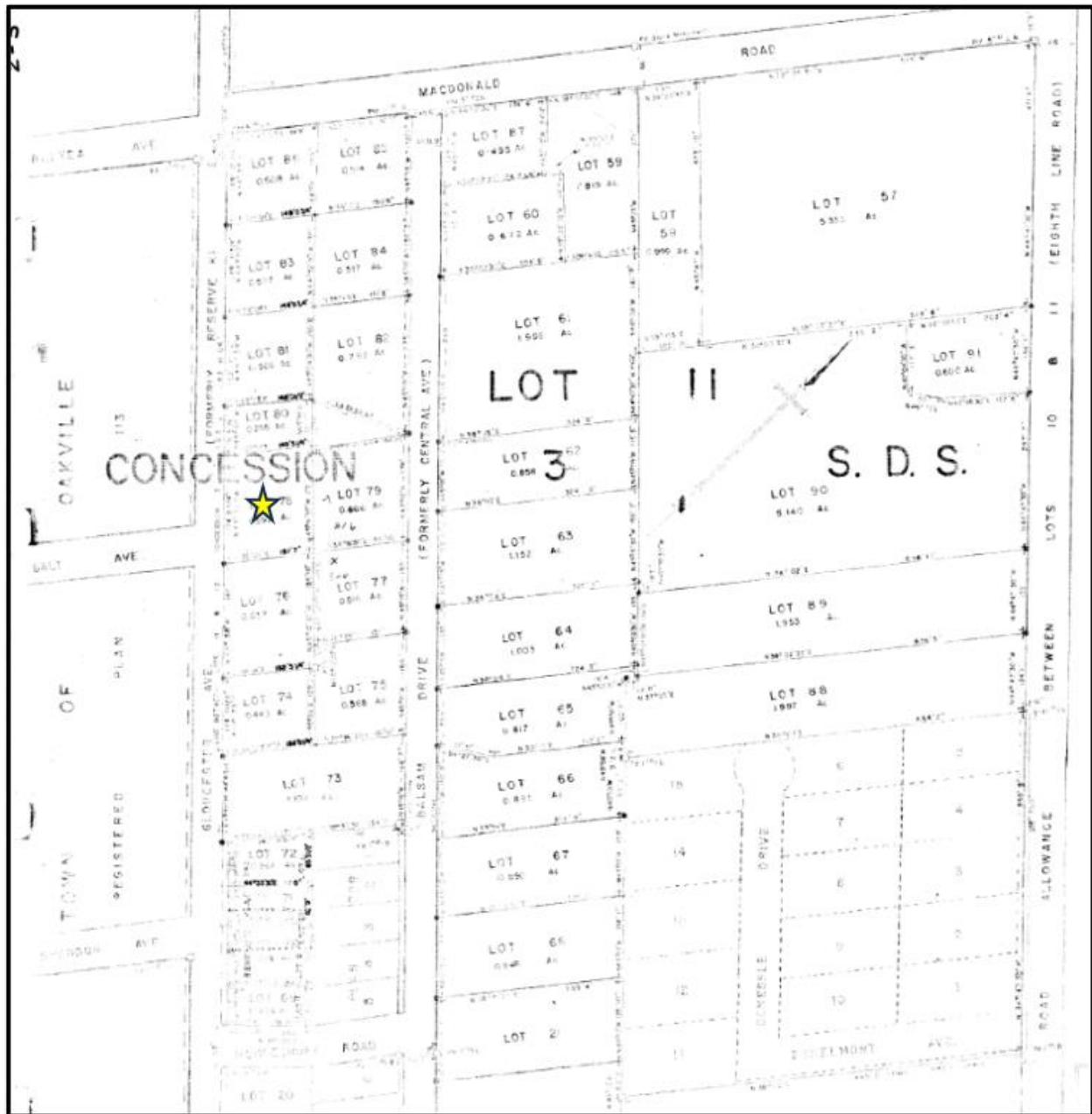


Figure 3: Original Plan of Subdivision (RP 1009) Extract showing the subject lands identified with a star.

In August 1974, a consent for a lot addition was approved, which had the effect of severing approximately 6m of frontage (Part 3) from the subject lands (Lot 78) which was added to the adjacent lot to the south (Lot 76) through Plan 20R-1646 as shown in Figure 4. The purpose of this lot addition was to provide enough frontage for Lot 76 (to the south), to be divided into two lots as per the By-law standards at the time. As a consequence, the subject lands have a lot frontage of 48.52 m, 12.48 m less than the minimum frontage standard of the Zoning By-law for two lots.

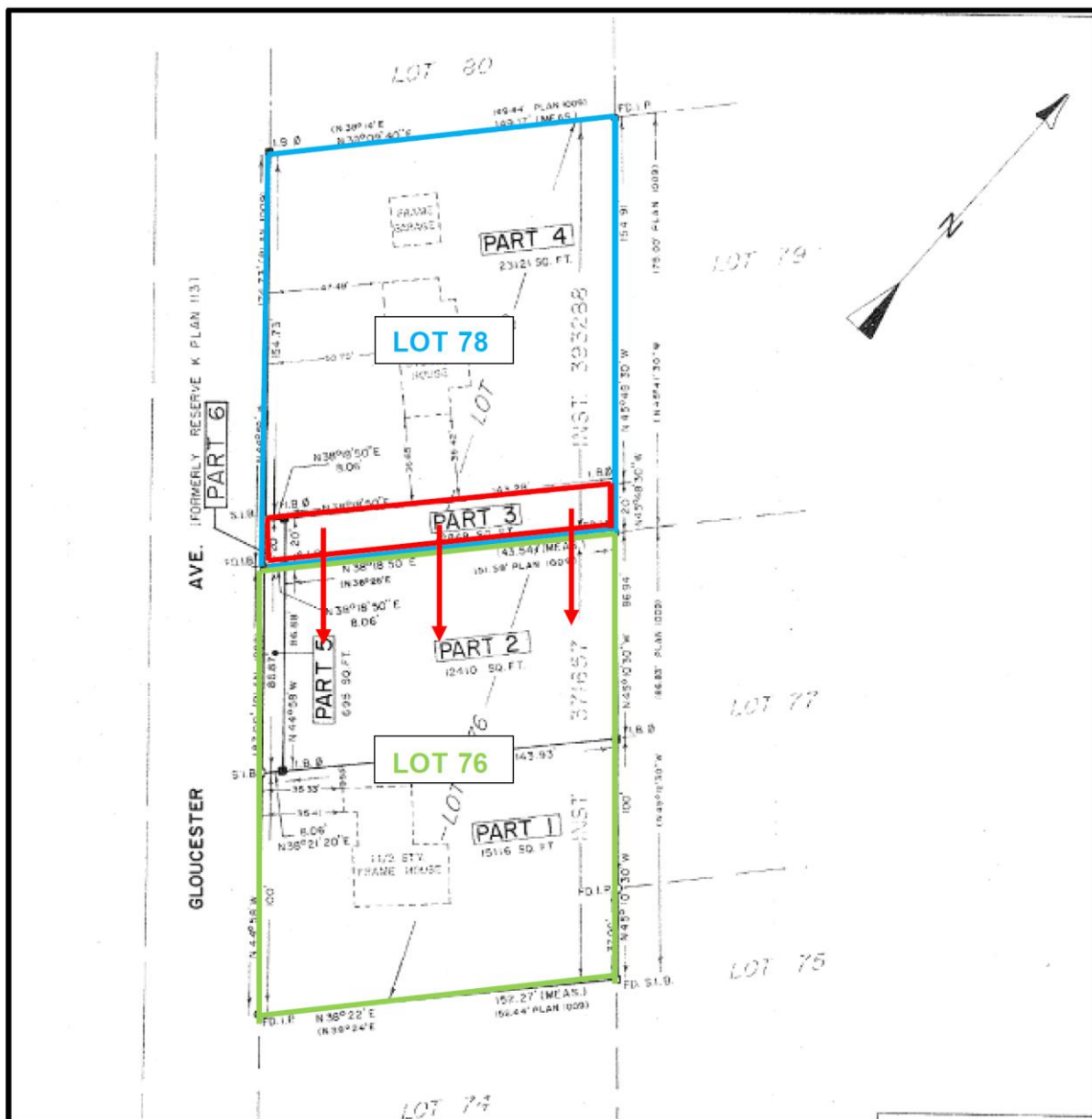


Figure 4: Plan 20R-1646

As a result, the current application to sever the subject lands to create an additional new lot is subject to minor variances for lot area and lot frontage for both the severed and retained lands, and is to be considered together with applications CAV A/052/2024 and CAV A/053/2024 evaluated in a separate report. For the reasons outlined in the separate report, Staff are of the opinion that the variance applications for lot area and lot frontage result in lots that are not in keeping with the predominant lotting pattern of the surrounding neighbourhood and do not meet the four tests in Section 45(1) of the *Planning Act*.

317 Gloucester Ave – Retained Lands		
	<i>Required</i>	<i>Proposed</i>
Lot Area	1393.5 m ²	1140.59 m ²
Frontage	30.5 m	24.26 m
317 Gloucester Ave – Severed Lands		
	<i>Required</i>	<i>Proposed</i>
Lot Area	1393.5 m ²	1137.83 m ²
Frontage	30.5 m	24.26 m

Table 1: Represents the lot area and frontage required and proposed for the lots. The table above shows that the minimum requirement for lot frontage and lot area does not comply with the requirement in the Zoning By-Law 2014-014.

PROVINCIAL POLICY STATEMENT (PPS), 2020

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 defines “intensification” as development of a property at higher density than currently exists through the development of underutilized lots within previously developed area and infill development. Section 1.1 speak to promoting efficient land use and development patterns and ensuring that healthy, livable and safe communities are sustained by directing intensification to settlement areas. The policies of Section 1.4 pertain to housing and directs municipalities to provide an appropriate range and mix of housing types and densities.

Section 4 of the PPS deals with implementation and interpretation. Section 4.6 states:

4.6 Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies.

The proposed consent does not directly conflict with the PPS but rather by way of non-compliance with the policies of the in-effect Town of Oakville Official Plan (Livable Oakville). The evaluation of the consent application with regards to Livable Oakville is discussed later in this report.

GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020

A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2020, came into effect on August 28, 2020, replacing the Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan for the Greater Golden Horseshoe 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 lot addition does not conflict with the Growth Plan.

HALTON REGION OFFICIAL PLAN

The Subject Lands are designated “Urban Area” and are located within the Built Boundary in the 2009 Halton Region Official Plan (ROP). The policies of Urban Area designation support a 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, is subject to the policies of the ROP. There is no change in use proposed under the consent application B24/03 (1612).

Halton Region staff have reviewed the application and are of the opinion that the proposal conforms to the relevant planning documents and have no objection to consent application B24/03 (1612).

Halton Region staff note that the existing services fall within the severed land created as part of B24/03 (1612). Should the application be approved, it is the expectation of Halton Region that both severed lands and retained lands will be on full municipal services, and that the owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary services to obtain all necessary permits and pay all fees.

Halton Region staff further notes that the required Environmental Site Screening Questionnaire (ESSQ) has not been provided as was requested during the pre-consultation meeting with the proponent on November 22, 2023.

LIVABLE OAKVILLE PLAN

The subject lands are designated “Low Density Residential – Special Policy Area” on Schedule G, South East Land Use Plan and are subject to the residential policies of Part D, Section 11.

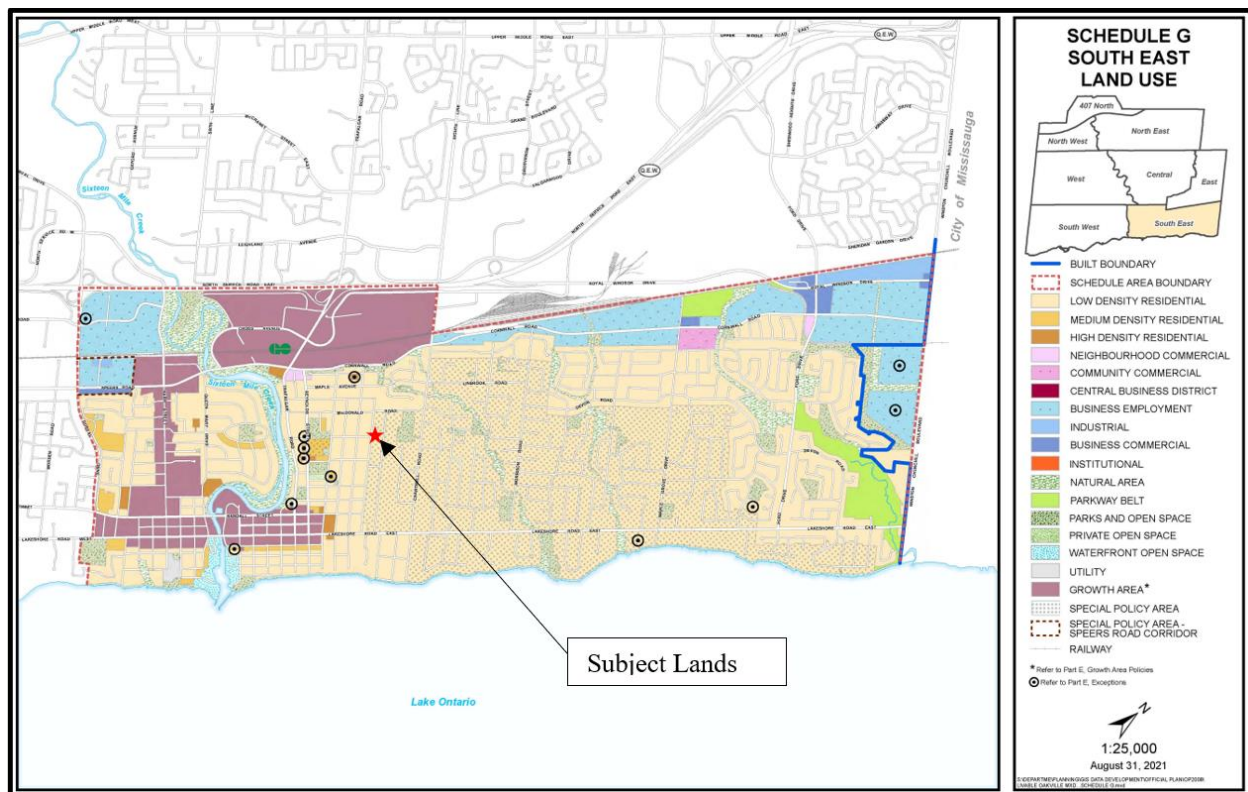


Figure 5: Livable Oakville Plan (Schedule G South East Land Use)

Policy 11.1.8 permits intensification within the stable residential communities provided the new lots are compatible with lot area and frontages of the surrounding neighbourhood, and subject to the policies of Section 11.1.9. The subject lands are located along a local street that serves as a boundary of Special Policy Area. Lot area and frontages of the surrounding neighbourhood are two factors that affect the lot fabric of a neighbourhood and consequently impact its character.

Section 11.1.9 states that development within all stable residential communities shall be evaluated using criteria to maintain and protect the existing neighbourhood character.

In relation to policy 11.1.9 d) of the Official Plan, it states:

d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.

Section 29.5 of the Official Plan defines “compatible” as:

Means the development or redevelopment of uses which may not necessarily be the same as, or similar to the existing development, but can coexist with the surrounding area without unacceptable adverse impact.

In regard to the lot area and lot frontage, both the proposed severed and retained lands fail to meet the minimum lot frontage and area requirements as set out in the Town’s Zoning By-law. Furthermore, based on staff’s analysis of the surrounding neighbourhood both severed and retained lands would result in smaller lots than what exists in the surrounding area within the Special Policy Area and RL1-0 Zone as discussed later in this report.

Property Address	Lot Area (approx.)	Lot Frontage (approx.)	Land Use Designation / Zoning
317 Gloucester Avenue (Existing)	2,278.42 m ²	48.52 m	Special Policy Area / RL1-0 Zone
317 Gloucester Avenue (Proposed)	1140.59 m²	24.26 m	Special Policy Area / RL1-0 Zone
317 Gloucester Avenue (Proposed)	1137.83 m²	24.26 m	Special Policy Area / RL1-0 Zone
349 Gloucester Avenue	2,035 m ²	45 m	Special Policy Area / RL1-0 Zone
335 Gloucester Avenue	2,043 m ²	45 m	Special Policy Area / RL1-0 Zone
*325 Gloucester Avenue	1,032 m ²	23 m	Special Policy Area / RL1-0 Zone
305 Gloucester Avenue	1,405 m ²	32 m	Special Policy Area / RL1-0 Zone
299 Gloucester Avenue	1,395 m ²	31 m	Special Policy Area / RL1-0 Zone
289 Gloucester Avenue	1,792 m ²	39 m	Special Policy Area / RL1-0 Zone
275 Gloucester Avenue	1,898 m ²	43 m	Special Policy Area / RL1-0 Zone
*269 Gloucester	1,018 m ²	21 m	Special Policy Area / RL1-0 Zone

Avenue			
*263 Gloucester Avenue	825 m ²	19 m	Special Policy Area / RL1-0 Zone
*257 Gloucester Avenue	1,305 m ²	30 m	Special Policy Area / RL1-0 Zone
Lands outside of the Special Policy area:			
346 Gloucester Avenue	805 m ²	15 m	Low Density Residential / RL3-0; SP10 Zone
342 Gloucester Avenue	789 m ²	15 m	Low Density Residential / RL3-0; SP10 Zone
338 Gloucester Avenue	1,360 m ²	26 m	Low Density Residential / RL3-0; SP10 Zone
328 Gloucester Avenue	1,809 m ²	35 m	Low Density Residential / RL3-0; SP10 Zone
296 Gloucester Avenue	820 m ²	16 m	Low Density Residential / RL3-0; SP10 Zone
294 Gloucester Avenue	842 m ²	16 m	Low Density Residential / RL3-0; SP10 Zone
288 Gloucester Avenue	1,166 m ²	23 m	Low Density Residential / RL3-0; SP10 Zone
284 Gloucester Avenue	1,410 m ²	27 m	Low Density Residential / RL3-0; SP10 Zone
276 Gloucester Avenue	1,400 m ²	28 m	Low Density Residential / RL3-0; SP10 Zone

Table 2: Represents the lot area and frontage for similar lots in the surrounding area to the east and west side of Gloucester Avenue. The table above shows that the minimum lot frontage and lot area are predominantly large for lots to the east of Gloucester Avenue with Special Policy Area and RL1-0 Zone, and are smaller for lots to the west of Gloucester Avenue with Low Density Residential and RL3-0 Zone with Special Provision 10.

Note: The property addresses with * indicate that the lots were create through original subdivision (RP 1009) in 1960 and are considered legal non-conforming.

Livable Oakville is to be read in its entirety as a comprehensive and integrated policy framework for setting priorities and making decisions. Accordingly, Policy 26.2.1 (special policy area) also applies which provides that intensification (which includes infill development on a lot created through land division) shall be limited to new development which maintains the integrity and special attributes of the large lots found within the southeast Oakville:

26.2.1 The Special Policy Area in Southeast, Central and Southwest Oakville that applied to the Low Density Residential designation is intended to protect the unique character of this area within the Town. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots. Densities in the Special Policy Area shall not exceed 10 units per site hectare notwithstanding the Low Density Residential designation.

Based on staff's analysis of the consent application, and site visit of the surrounding area, the proposed severance would not maintain the integrity of the large lots of this special policy area.

More specifically, Gloucester Avenue acts as the boundary between the “Low Density Residential” located to the west and “Low Density Residential – Special Policy Area” to the east as shown in Figure 6.

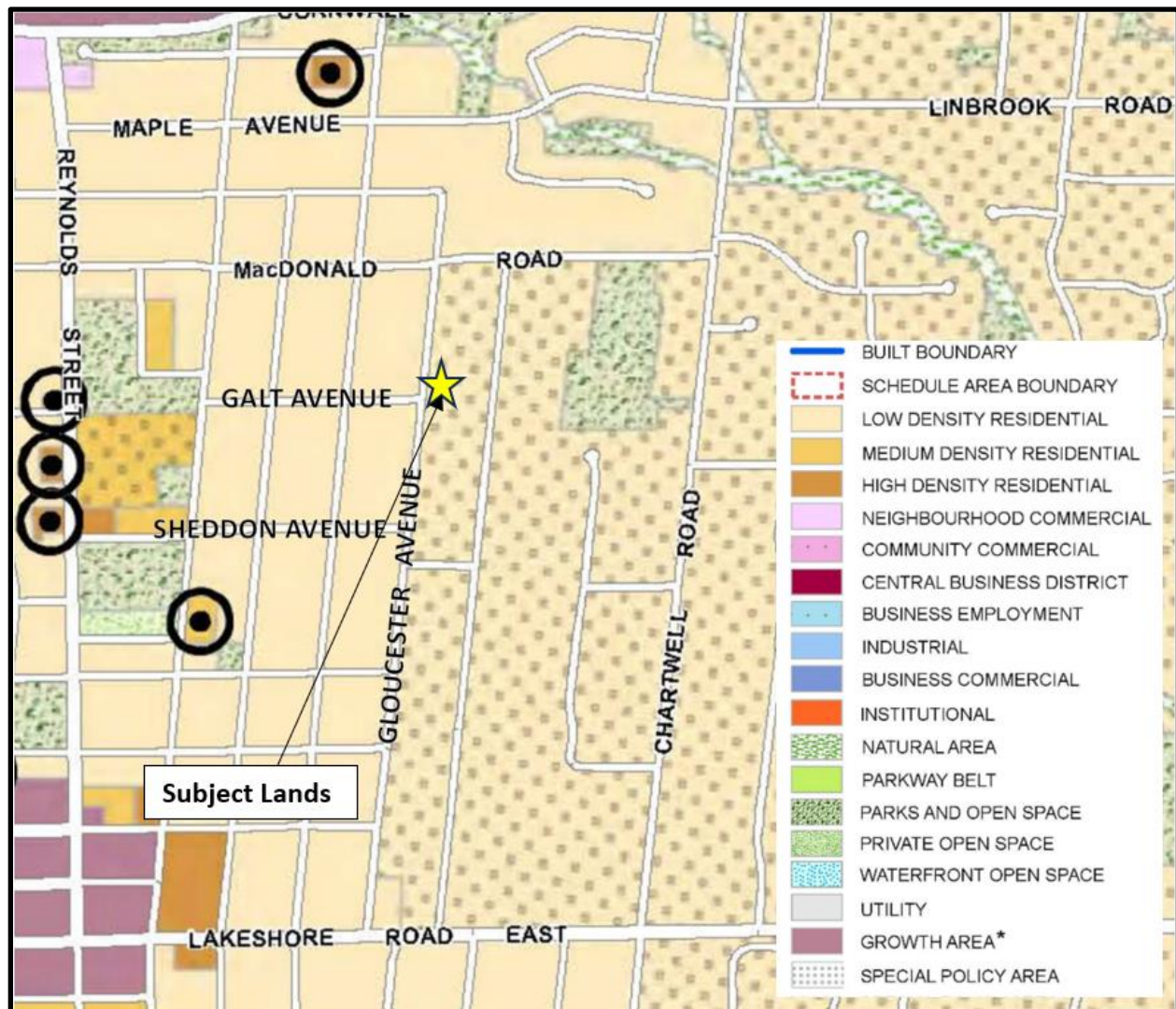


Figure 6: Livable Oakville Plan (Schedule G South East Land Use) Extract

The subject lands are located on the east side of Gloucester Avenue which predominantly contains larger lots due to the Special Policy Area overlay. Most lots to the west of Gloucester Avenue are smaller in size and are visibly distinct from the large lot character of the Special Policy Area and RL1-0 Zone across the street. The proposed severance would result in lots which would be similar in size to the lots west of Gloucester Avenue. In staff's opinion, this would be a departure from the large lot character of the Special Policy Area. Furthermore, staff are of the opinion that the proposed lots being smaller are not compatible with the predominant lotting pattern of the lots within the Special Policy Area, and therefore does not comply with Policy 11.1.9 d) and Policy 26.2.1 of the Official Plan.

It is noted that the consent application would result in two detached dwellings on the subject lands with a density of 9.09 units per hectare which conforms to the maximum permitted density of 10 units per site hectare according to Policy 26.2.1.

The consent policies contained within Section 28 provide direction on when the creation of a new lot can be granted. Staff note that Policy 28.12.2 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.”*

In regard to policy g) and h) noted above, the consent application results in lots that both fail to meet the minimum lot size and frontage requirements of the Zoning By-law¹, and both, in staff's opinion, fail to maintain the integrity of the large lots of this special policy area, maintain and protect the existing neighbourhood character and are not compatible with lot area and frontages of the surrounding lots within the Special Policy Area overlay. On this basis, and for the reasons outlined in this report, the proposed consent application does not conform to the Livable Oakville Plan.

ZONING

¹ The applicant has submitted minor variance applications for lot area and lot frontage for both the retained and severed lands which have been evaluated separately.

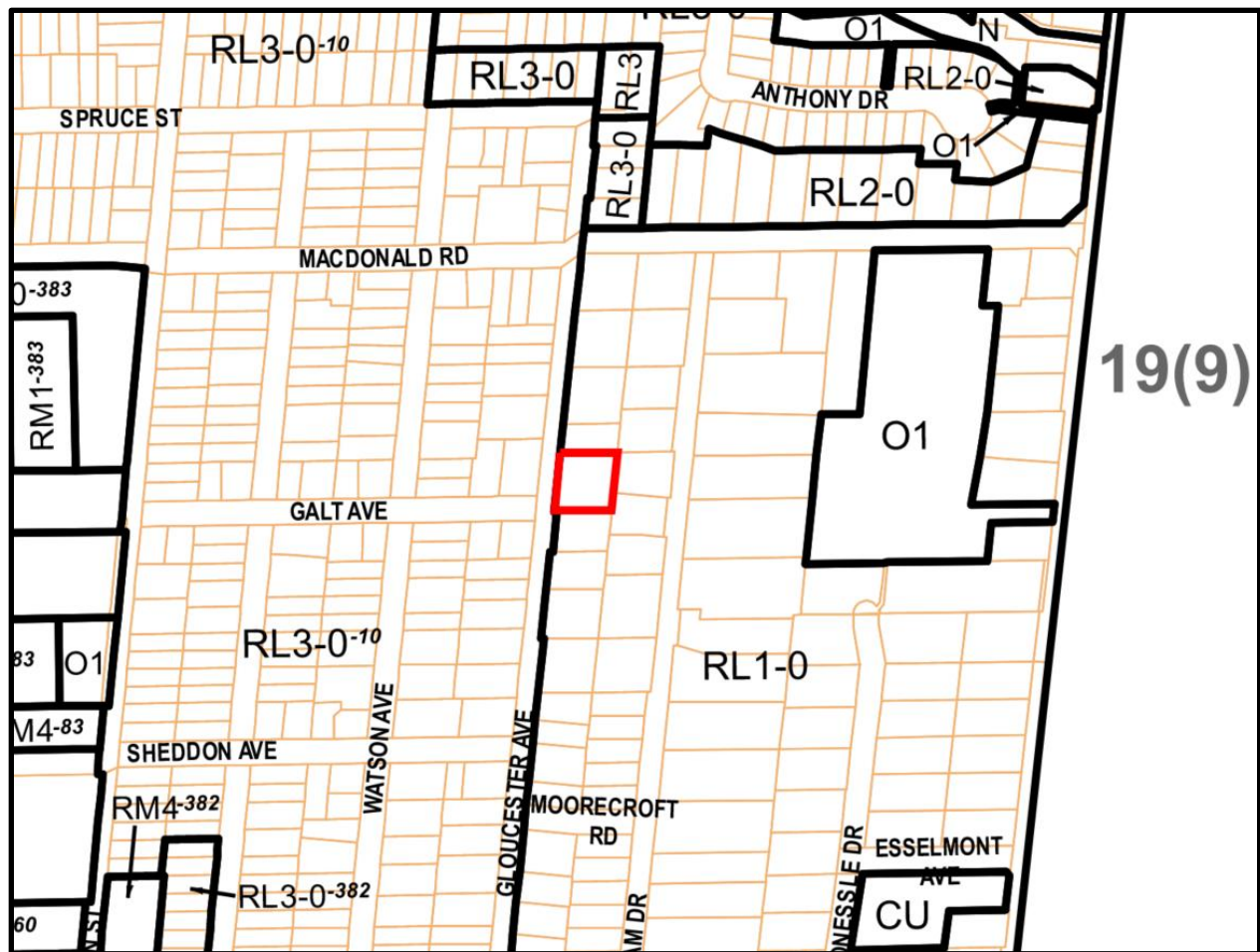


Figure 6: Zoning Map Extract

Zoning By-law 2014-014 zones the subject lands as RL1-0. It is noted that the west side of the street is zoned RL3-0, subject to Special Provision 10. The RL3-0 has different zoning regulations for lot frontage and lot area, allowing for smaller lots (i.e. frontages and areas). Both proposed lots fail to meet the minimum required lot area and lot frontage requirements of the Zoning By-law. The required and proposed lot area and frontage is shown in the Table 1.

The lot area for the proposed retained and severed lands is approximately 252.91 m² and 255.67 m² (respectively) less than the required lot area for RL1-0 Zone. Similarly, the lot frontage for both the retained and severed lands is approximately 6.24 m less than that required for RL1-0 Zone.

The RL1-0 Zone is the planning instrument that implements the Special Policy Area (Policy 26.2.1) intended to protect the integrity of the unique large lot character and related homes in the area. It is noted that the subject land is at the western edge of the RL1-0 Zone with Gloucester Avenue serving as the boundary between RL3-0 SP10 Zone to the west and RL1-0 to the east. The RL3-0 Zone permits smaller lots compared to RL1-0 Zone as shown in the table below.

	RL1-0 Zone	RL3-0 Zone; SP10
Lot Area	1393.5 m ²	557.5 m ²
Lot Frontage	30.5 m	18 m

Table 3: Represents the lot area and frontage requirements for RL1-0 Zone and RL3-0; SP10 Zone.

Figure 6 above, demonstrates the predominantly large lot character unique to RL1-0 Zone east of Gloucester Avenue and the smaller lots within RL3-0 SP10 Zone west of Gloucester Avenue. The proposed severance will result in lots that are smaller in size and comparable to the existing lots in RL3-0 SP10 Zone which would be a deviation from the predominantly large lots in the RL1-0 Zone. Staff are of the opinion that the proposed severance does not comply with the intent of the RL1-0 Zone.

As has been noted earlier, the concurrent minor variance applications proposing reductions in the minimum lot area and frontage for both the retained and severed lands have been evaluated separately. It is also noted that the conceptual severance sketch shows proposed dwellings meeting all other RL1-0 Zone regulations such as setbacks, lot coverage, dwelling depth etc. In the event that the proposed consent application is approved, it would be expected that a dwelling on both the retained and severed lands, would be constructed in full compliance with the Zoning By-law 2014-014, as amended. The following is a summary of the minor variance applications for the retained lands and severed lands:

CAV A/052/2024 – 317 Gloucester Avenue (Retained Lands)

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 1, Column RL1)</i> The minimum lot area shall be 1393.5 m ² .	To reduce the minimum lot area to 1140.59 m ² .
2	<i>Table 6.3.1 (Row 2, Column RL1)</i> The minimum frontage shall be 30.5 m.	To reduce the minimum frontage to 24.26 m.

CAV A/053/2024 – 317 Gloucester Avenue (Severed Lands)

No.	Current	Proposed
1	<i>Table 6.3.1 (Row 1, Column RL1)</i> The minimum lot area shall be 1393.5 m ² .	To reduce the minimum lot area to 1137.83 m ² .
2	<i>Table 6.3.1 (Row 2, Column RL1)</i> The minimum frontage shall be 30.5 m.	To reduce the minimum frontage to 24.26 m.

As discussed in a separate report, staff are of the opinion that the minor variance applications do not satisfy the applicable tests under the *Planning Act*. Staff are of the opinion that the variance applications for lot area and lot frontage result in lots that are smaller in size than the intent of the Official Plan and the Zoning By-law 2014-014, and are not in keeping with the predominant lotting pattern of the surrounding neighbourhood.

COMMENT

This consent application results in lots that both fail to meet the minimum lot size and frontage requirements of the Zoning By-law, and both, in staff's opinion, fail to maintain the integrity of the large lots of this special policy area, maintain and protect the existing neighbourhood character and are not compatible with lot area and frontages of the surrounding neighbourhood.

More specifically, the proposed consent would have the effect of creating two lots that has a size and configuration that is not in keeping with the existing lot fabric as described in Policy 26.2.1 of the Official Plan and does not maintain the intent of the RL1-0 Zone, and therefore is not compatible with the character of the surrounding neighbourhood within Low Density Residential – Special Policy Area.

The subject lands are situated at the western edge of the Low Density Residential Special Policy Area (Policy 26.2.1 of the Official Plan) and of the RL1-0 Zone, both of which are intended to protect the integrity of the unique large lot character and related homes in the area. The proposed severance with reduced lot area and frontage will result in smaller lots than what is intended for the RL1-0 Zone, and may undermine the lot fabric intended for this area. It is staff's opinion that the proposed severance may undermine the integrity of the large lots resulting in a conflict with Policy 26.2.1 in the Official Plan and the intended character of the area dictated by the RL1-0 Zone.

The application was circulated to various Town Departments and External Agencies. Staff noted that if approved, several large town trees located along Gloucester Ave. may be impacted by the construction of the proposed dwellings. An arborist report and tree protection plan would be required for both lots to ensure the health of the mature Town trees. The existing house on the subject lands is serviced by both water and sanitary sewer services through an existing watermain and sewer on Gloucester Avenue. Development Engineering has also noted that a servicing plan will be required at the time of the building permit application to demonstrate how the site will be serviced if severed. Also, a grading plan will be required at the time of the building permit application to ensure that overland flow route will not negatively impact the drainage on the adjacent properties. Full comments from various departments and agencies have been provided in "Appendix B".

Six letters of support were provided as part of the application submission material. The letter of support signed by residents of various properties note that they have met the owner of the subject lands, have reviewed the plans to divide the property, and are in support of the severance and the associated minor variances. One email in opposition was received on April 18, 2024, for the consent application which is included in "Appendix C". The email in opposition notes the smaller lot sizes as a result of the severance will not be in keeping with the neighbourhood character.

Finally, it is staff's opinion that the proposed severance resulting in two lots will be of a size and shape that is not consistent with the lot fabric of the neighbourhood, and may cause negative adverse impacts in terms of undermining the lot fabric of the Low Density Residential – Special Policy Area (Policy 26.2.1 of the Official Plan) and RL1-0 Zone, that protects that integrity of the unique large lot character of the area.

Due to the reasons mentioned above, staff recommends that the application for consent to sever subject lands municipally known as 317 Gloucester Avenue be denied.

CONCLUSION

1. That application B24/03 (1612) does not comply with the Livable Oakville Plan and the applicable Zoning By-law. On this basis, Staff recommends that the consent application B24/03 (1612) be denied.
2. Should the Committee decide to approve the consent application B24/03 (1612), staff recommends the conditions included in "Appendix A" as identified through staff and agency comments in response to the notice and circulation. Staff and agency comments are included in Appendix "B" of this report.

Submitted by:

Muzaib Riaz
Planner, Current
Planning – East District

Reviewed by:

Leigh Musson,
MCIP, RPP
Current Planning – East
District

Approved by:

Gabe Charles,
MCIP, RPP
Director of Planning
Services

APPENDIX “A” - CONDITIONS OF APPROVAL B24/03 (1612)

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. That the owner/applicant ensure that all taxes as levied on the property are to be paid in full.
4. That the owner/applicant receive approval of Minor Variance CAV A/052/2024 and CAV A/053/2024, OR, that the owner/applicant confirms compliance with the Zoning By-law and that any deficiencies be brought into compliance with the Zoning By-law to the satisfaction of the Building Services Department, prior to the issuance of Consent.
5. The owner/applicant is to pay cash-in-lieu of parkland dedication, in accordance with provisions of Section 53 of the Planning Act. The owner / applicant is to contact the Towns Manager of Realty Services following provisional consent being final and no later than 60 days prior to the lapsing date of the conditions associated with such approval to arrange coordination of the necessary appraisal.
6. That the owner/applicant provide a completed Regional Environmental Site Screening Questionnaire (ESSQ), to the satisfaction of Halton Region.
7. That the applicant determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lots and submit to the Region's Developer Project Manager a drawing showing the relationship of these services to the new proposed lot lines.

Notes:

- No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.
- That the owner/applicant will be required to provide a Servicing Plan with the building permit application to demonstrate how the site will be serviced to the satisfaction of the Director of Planning Services, and that the R-Plan show any easements required for servicing or any required road widening.
- That the owner/applicant will be required to provide a Grading Plan with the building permit application to demonstrate that the overland flow route will not negatively impact the drainage on the adjacent properties to the satisfaction of the Director of Planning Services.
- That the owner/applicant provide an arborist report and tree protection plan to demonstrate that large Town trees in front of 317 Gloucester Avenue are protected during construction to the satisfaction of the Director of Parks and Open Space.

APPENDIX “B” – DEPARTMENT/AGENCY COMMENTS B24/03 (1612)

With respect to B24/03 (1612), the following Departments and Agencies have either not provided comments or indicated no comments or concerns with the proposal:

- Building Services – Plan & Code Review
- Finance
- Fire Department

Building Services – Zoning

Subject to CAV approvals for the two minor variance applications (Retained 24-105747) and (Severed 24-105758).

Development Engineering:

Submission Requirements at Building Permit Stage

1. Site Servicing and Grading Plan

A servicing plan is required to demonstrate how the site will be serviced once severed. The storm sewer design should be in conformance to the Ontario Building Code as with the sanitary and water. A Grading Plan is required to demonstrate that the over land flow route will not negatively impact the drainage on the adjacent properties. The drawing is to display existing information such as the building, retaining walls, and existing grades.

2. Stormwater Management

The applicant is required to assess the impacts that the proposed development may have on the Town’s stormwater facilities. Stormwater management such as soak away pits (dry well) or rear lot catch basins (RLCB) may be required. Ground water conditions are required to be considered.

The possibility of the sump pump connection connecting into town infrastructure needs to be investigated by the applicant. The plan is to be required to include the discharge locations of any proposed sump pumps. As per Town of Oakville standards, sump pump discharge to the side yard is not permitted.

3. R-Plan

The R-Plan shall show any easements required for servicing. The R-Plan shall also include any road widening required.

Parks and Open Space:

- There are several large town trees in front of the property subject to severance that will need to be protected during construction. An arborist report and tree protection plan will be required for both lots.

Legal Department - Realty:

- The owner/applicant is to pay cash-in-lieu of parkland dedication, in accordance with provisions of Section 53 of the Planning Act. The owner / applicant is to contact the Towns Manager of Realty Services following provisional consent being final and no later than 60 days prior to the lapsing date of the conditions associated with such approval to arrange coordination of the necessary appraisal.

Oakville Hydro:

- We do not have any objection with Consent Application B24/03 (1612). Please note, each lot will require a new underground hydro service from Gloucester Avenue.

Halton Region (Comments for B24/03(1612))

Public Works
Development Services
1151 Bronte Road
Oakville, ON L6M 3L1

March 26, 2024

Heather McCrea, Secretary-Treasurer
Planning and Development Department
Town of Oakville
1225 Trafalgar Road
Oakville, On L6H0H3

Heather McCrea:

RE: Region of Halton Comments – 1st Submission
Consent Application
Files: B24/03 (1612)
A., Walker
317 Gloucester Avenue, Town of Oakville

Regional staff are forwarding comments in response to the circulation of the 1st submission for the above-noted application circulated on March 12, 2024. The application has been made for Consent for the creation of a New Lot. The application is asking to convey a portion of land (SEVERED LANDS) approximately 1,137.83m² in area with an approximate frontage of 24.26m (streetline Gloucester Avenue) and a depth of 47.10m to be severed from PLAN 1009 PT LOT 78 RP 20R1646 PART 4 for the purpose of creating a new lot. The retained parcel (RETAINED) is approximately 1,140.59m² in area with an approximate frontage of 24.26m (streetline Gloucester

Avenue) and a depth of 47.28m. The property has an existing dwelling to be relocated on the Retained Lands.

In addition, should the consent application be approved, the Proponent will require various minor variance applications for the severed (CAV A/053/2024) and retained (CAV A/052/2024) parcel. The proposed variances are seeking relief under Section 45(1) of the Planning Act in order to permit decreases in the minimum lot area and minimum frontage, 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, subject to the conditions outlined in Schedule 'A'.

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 is 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 a 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 per 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.

Downstream Approvals:

As identified by Regional Mapping, it appears that existing services will fall within the severed parcel created as part of B24/03 (1612). It is the expectation of Halton Region that both the severed and retained parcel shall be on full municipal services. Post approval should the consent and minor variance applications be approved by the Committee of Adjustment, the Owner shall contact the Regional Services Permit Section for review and approval of the proposed water and sanitary services, to obtain water and sanitary sewer Services Permits, and pay all necessary fees.

Site Contamination:

147(17) of the Regional Official Plan requires the proponent of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. Regional staff have reviewed this application within the

context of Halton Region's "Protocol for Reviewing Development Applications to Contaminated Sites".

During the November 22, 2023, Oakville pre-consultation meeting, Regional staff noted that a Regional Environmental Site Screening Questionnaire (ESSQ) was required. Within the first submission, Regional staff note an ESSQ was not provided.

A Regional condition related to site contamination is outlined in Schedule 'A'.

Other Regional Comments:

Water and Wastewater Servicing:

Watermain:

- A 150mm dia. watermain is located on Gloucester Avenue adjacent to the property.

Sanitary Sewer:

- A 300mm dia. sanitary sewer is located on Gloucester Avenue 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 Gloucester Avenue.

Regional staff have no objections to this consent provided that the above conditions are satisfied, that it is determined that the locations of the existing services or proposed services do not cross property lines.

Waste Management:

Regional waste notes that the Region will service both lots for full curbside waste collection services once construction is completed and the dwellings are occupied.

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 conditions outlined in Schedule 'A'.

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

cc: Michael Di Febo, Senior Planner (via email)
Ron MacKenzie, Supervisor - Development Engineering (via email)
Mustafa Alam, Development Project Manager (via email)

SCHEDULE 'A'

CONDITIONS – B24/03 (1612)

The following Regional Conditions must be satisfied and/or included in the Consent application.

A., Walker
317 Gloucester Avenue
B24/03 (1612)

Condition	Status
Site Contamination	
1. That the Owner provides a completed Regional Environmental Site Screening Questionnaire (ESSQ), to the satisfaction of Halton Region.	Not addressed within the 1 st submission. This matter remains outstanding.
Water and Wastewater Servicing	
2. That the applicant determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lots and submit to the Region's Developer Project Manager a drawing showing the relationship of these services to the new proposed lot lines.	Not addressed within the 1 st submission. This matter remains outstanding.
3. No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.	Not addressed within the 1 st submission. This matter remains outstanding.

APPENDIX "C" – PUBLIC COMMENTS B24/03 (1612)

Muzaib Riaz

From: Heather McCrae
Sent: Friday, April 19, 2024 8:31 AM
To: Muzaib Riaz
Subject: FW: Application CAV A/052/2024

Fyi

Heather McCrae
Secretary Treasurer - CofAdj
Building Services
Town of Oakville|905-845-6601,ext. 3281|www.oakville.ca

Vision: A vibrant and livable community for all
Please consider the environment before printing this email.
<http://www.oakville.ca/privacy.html>

From: Michael Stanley <[REDACTED]>
Sent: Thursday, April 18, 2024 5:12 PM
To: Heather McCrae <heather.mccrae@oakville.ca>
Subject: Application CAV A/052/2024

You don't often get email from mstanley@hotmail.ca. [Learn why this is important](#)

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heather McCrae
Secretary Treasurer
Committee of Adjustments

re: Application CAV A/052/2024

As residents of [REDACTED] Gloucester Ave we are contacting you with comments regarding the above application. Our property abuts the applicants property.

In principal we are not against the severance of the property.

However, in our opinion, the newly severed lots sizes would not be in keeping with the character of the neighbourhood. The applicant has not used a proper sample of comparable lots and has selectively biased the report to influence the committee. We moved into this area, Gloucester north of Sheddon Ave and south of MacDonald Rd, because its character is unique to Oakville, where smaller homes on smaller lots are an exception.

We believe that the by-laws have purpose and should not be subjectively assessed. Any structures on a severed property should be built in adherence to the by-laws. A good architect can work within the parameters given!

With regards to the proposed drawings, we would like to see the location of the garage moved to minimize the visual distraction (eye sore), and the risk of damage that vehicle movement could have

on our well maintained cedar hedging. Locating the garage to the rear area between the newly proposed homes is a solution.

One more comment, and I suppose it could be considered somewhat petty. The applicant has been somewhat disingenuous with the submitted letters of support. Of the seven letters of support, three are well outside the notification zone of 60 metres and will not be impacted by any new build and one letter of support is from the owner (a developer) of a vacant property who is deeply conflicted. The three abutting properties most effected by the severance and construction received no communication from the applicant.

Thank-you

Michael Stanley
Carol Stanley

LETTER of SUPPORT
Consent to Sever Application
Committee of Adjustment Applications

[illegible]

LETTER of SUPPORT
Consent to Sever Application
Committee of Adjustment Applications

[illegible]

LETTER of SUPPORT
Consent to Sever Application
Committee of Adjustment Applications

Name	Property Address	Phone Number/Email	Signature	Date
ELG/OTR BEN JULIE PEREIRA	296 GORCESTER AVE	[REDACTED]	[Signature]	Jan 21/24
PAT Camilleri	[REDACTED]	[REDACTED]		
PAT Camilleri	511 MACDONALD RD	[REDACTED]	P. Camilleri	Jan 22/24

LETTER of SUPPORT
Consent to Sever Application
Committee of Adjustment Applications

[illegible]