

# COMMITTEE OF ADJUSTMENT

## **MINOR VARIANCE REPORT**

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

**APPLICATION: CAV A/052/2024**

**RELATED FILES: B24/03 (1612); 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-Special Policy Area**

**ZONING: RL1-0**

**WARD: 3**

**DISTRICT: East**

### **APPLICATION:**

Under Section 45(1) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to authorize a minor variance to permit the 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	<i>Table 6.3.1 (Row 1, Column RL1)</i> The minimum lot area shall be 1393.5 m <sup>2</sup> .	To reduce the minimum lot area to 1140.59 m <sup>2</sup> .
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)

The following comments are submitted with respect to the matters before the Committee of Adjustment at its meeting to be held on May 01, 2024. The following minor variance applications have been reviewed by the applicable Planning District Teams and conform to, are consistent with, or do not conflict with the Policies of the PPS, Growth Plan, and Halton Region Official Plan, unless otherwise stated.

**CAV A/052/2024 - 317 Gloucester Ave (East District)** (OP Designation: Low Density Residential – Special Policy Area)

The applicant requests the variances listed above for retained parcel (CAV A/052/2024) and severed parcel (CAV A/053/2024) associated with the consent application B24/03(1612).

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to authorize minor variances from provisions of the Zoning By-law provided the requirements set out under 45(1) in the *Planning Act* are met. Staff comments concerning the application of the four tests to this minor variance request are as follows:

### Site Area and Context

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 east side of Gloucester Avenue has large lots and related homes corresponding to the “Low Density Residential – Special Policy Area” designation and RL1-0 Zone, and the west side of Gloucester Avenue has smaller homes corresponding to the “Low Density Residential” designation and RL3-0 SP10 Zone.



*Aerial Photo of 317 Gloucester Avenue*

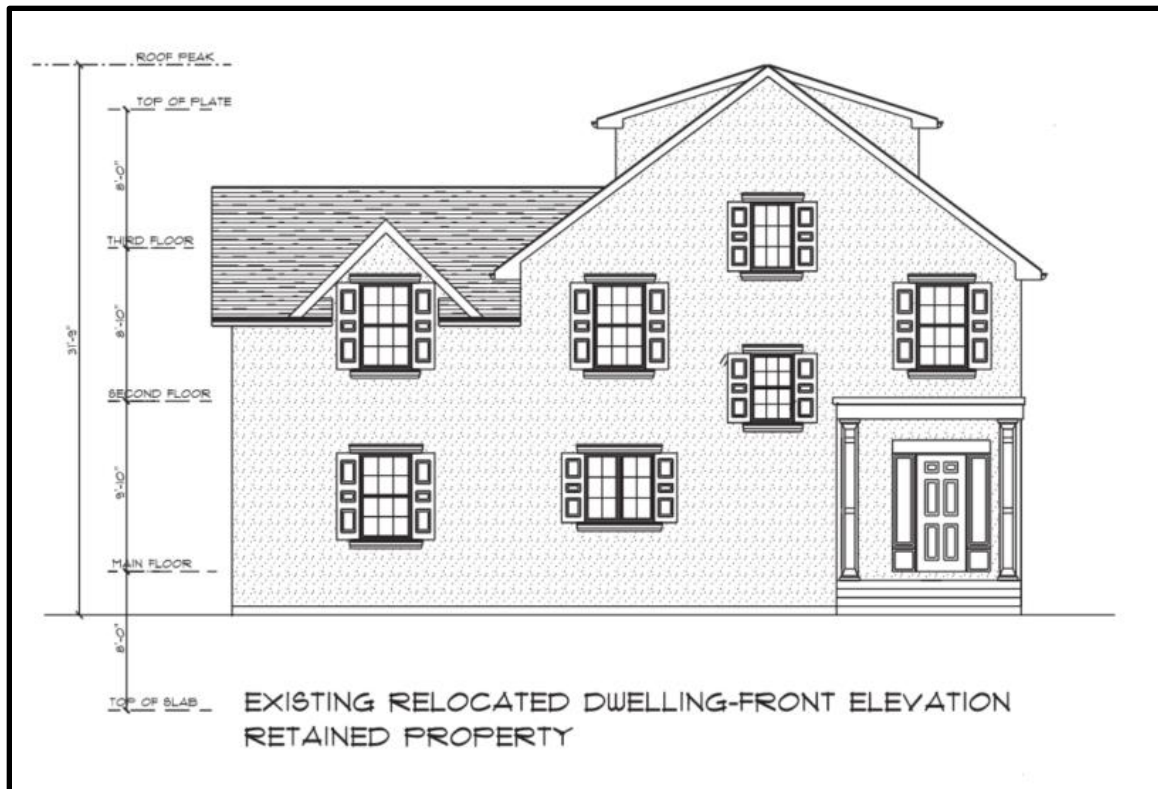




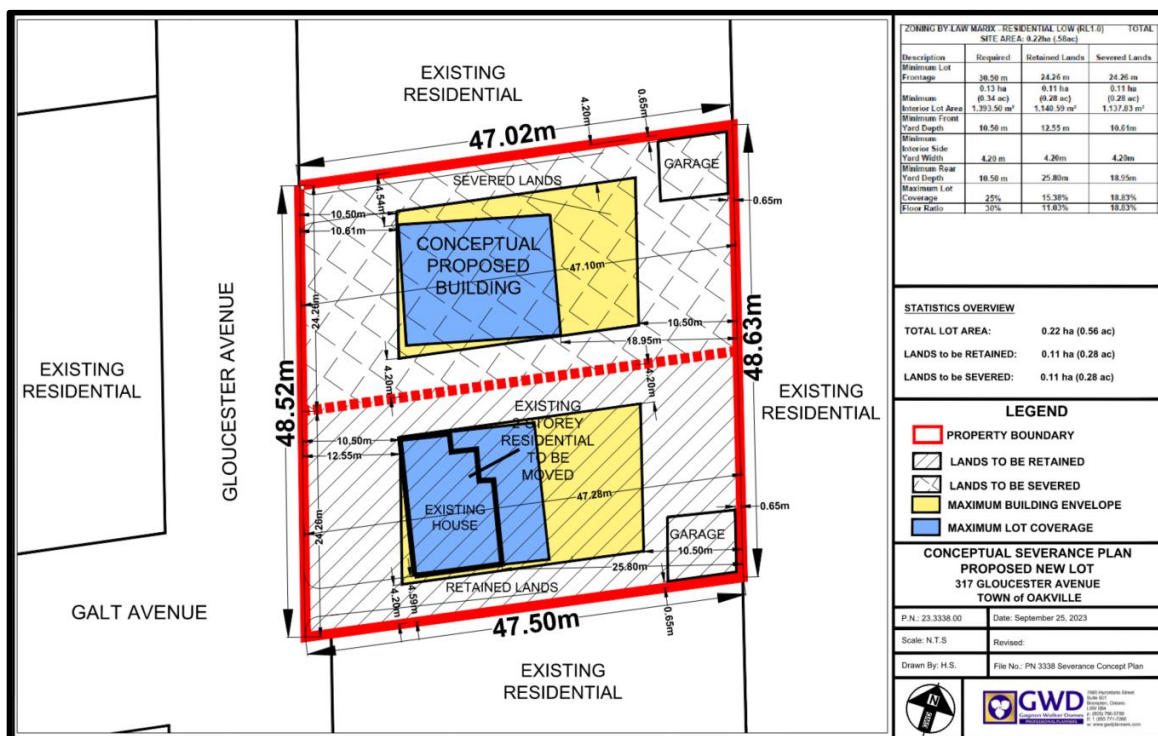
*317 Gloucester Avenue – Existing Dwelling*



*Severed Lands (317 Gloucester Avenue) – Proposed Elevation*



Retained Lands (317 Gloucester Avenue) – Proposed Elevation



Conceptual Severance Plan with the Severed (northern) parcel

Does the proposal maintain the general intent and purpose of the Official Plan?



The subject lands are designated Low Density Residential – Special Policy Area in the Official Plan. Policy 26.2.1, regarding the special policy area is intended to protect the unique character and integrity of the large lots in the area.

Policy 26.2.1 states:

*26.2.1 The Special Policy Area in Southwest, Central and Southwest Oakville that applies 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.*

Furthermore, Section 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. Section 11.1.9 indicates that development which occurs in stable residential neighbourhoods shall be evaluated using criteria that maintains and protects the existing character. The proposal was evaluated against all the criteria established under Section 11.1.9, and the following criteria applies:

Policy 11.1.9 d) states:

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

Lot area and frontages of the surrounding neighbourhood are two of the factors that affect the lotting pattern of a neighbourhood and consequently impacts its character. The proposed lot area and frontage variances for the retained lands (CAV A/052/2024) and severed lands (CAV A/053/2024) of 317 Gloucester Avenue result in lots that are smaller than the predominant lotting pattern of the Low Density Residential – Special Policy Area within which the subject lands are located. The variances result in a deviation from the established character of large lots and related homes in the area that Policy 26.2.1 intends to protect and have the potential to undermine the existing and established neighbourhood character.

The subject lands are located on the east side of Gloucester Avenue that serves as a boundary of the Special Policy Area. 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 to the east of Gloucester Avenue. The proposed variances for lot area and frontage will result in lots that are smaller in size and similar to the lots west of Gloucester Avenue and is a departure from the large lot character of the Special Policy Area. Staff are of the opinion that proposed lots being smaller are not compatible with the predominant lotting pattern of the lots with Special Policy Area overlay within the surrounding neighbourhood, and, therefore does not comply with Policy 11.1.9 d) and Policy 26.2.1 of the Official Plan. It is staff's opinion that the proposed variances have the affect of undermining the integrity of Policy 26.2.1 and introducing smaller lots that are contrary to the predominant lotting pattern of the Special Policy Area which does not conform with Policy 11.1.9 d).

On this basis, staff is of the opinion that variances for lot area and lot frontage do not maintain the general intent and purpose of the Official Plan as the variances will not protect the character of the existing neighbourhood.

### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The applicant is seeking relief from the Zoning By-law 2014-014, as amended, as follows:

**Variance #1** – Lot Area (Objection) – reduction from 1393.5 m<sup>2</sup> to 1140.59 m<sup>2</sup> (retained lands) and 1139.83 m<sup>2</sup> (severed lands)

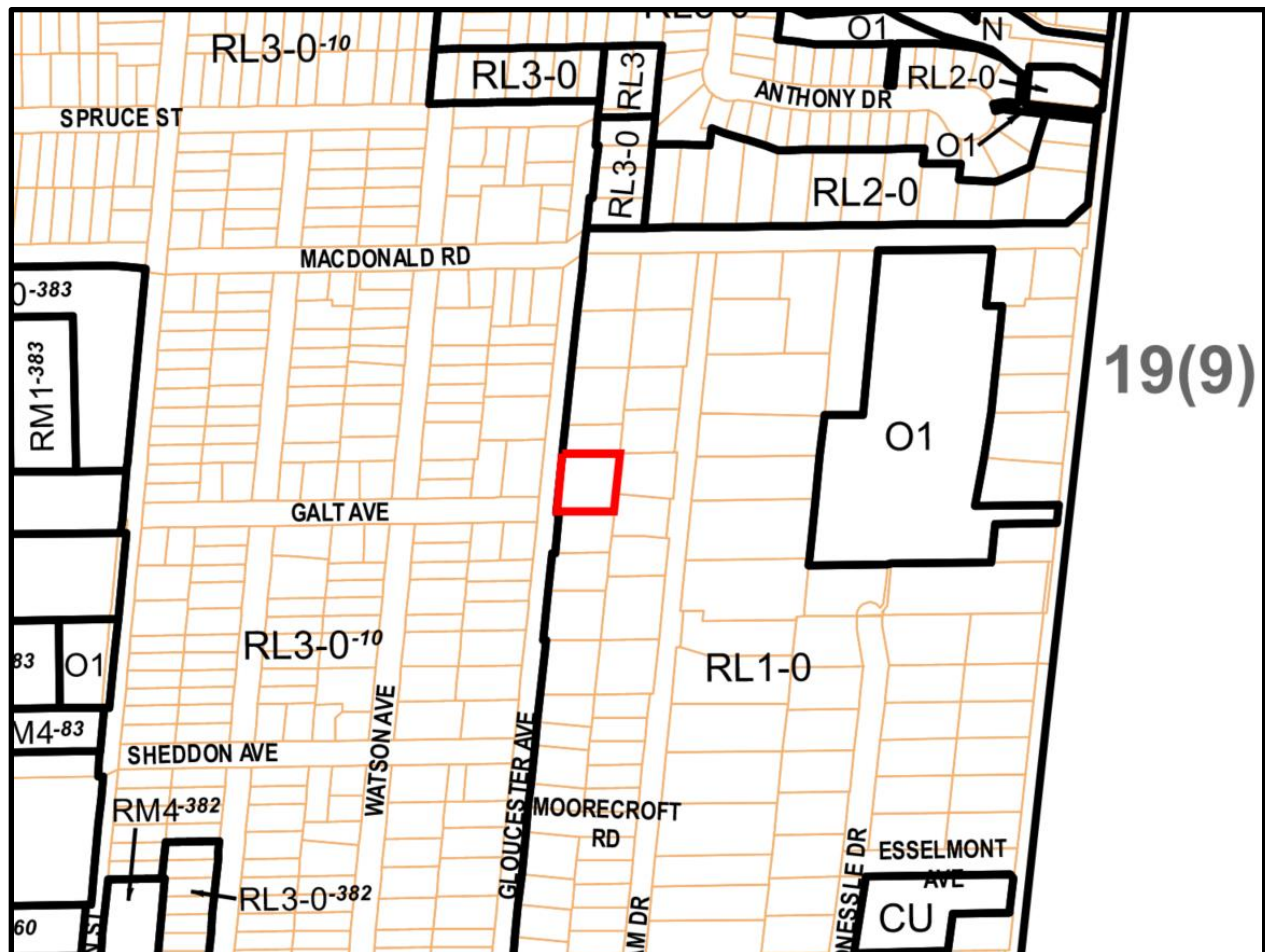
**Variance #2** – Lot Frontage (Objection) – reduction from 30.5 m to 24.26 m (for both retained and severed lands)

The applicant requests relief from the Zoning By-law 2014-014 as amended, to permit a reduction in lot area of 252.91 m<sup>2</sup> (retained lands) and 255.67 m<sup>2</sup> (severed lands), and a reduction in lot frontage of 6.24 m (for both retained and severed lands) from what is required in the 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 unique character and integrity of the large lots and related homes. The intent of regulating the size of the lot is to ensure a relatively consistent lotting fabric in the neighbourhood, and the intent of regulating the lot's frontage in this zone is to provide relatively consistent lot width along the street.

It is noted that the subject land is located along 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 SP10 Zone permits smaller lots compared to RL1-0 Zone as shown in the table below.

	RL1-0 Zone	RL3-0 Zone; SP10
<b>Lot Area</b>	1393.5 m <sup>2</sup>	557.5 m <sup>2</sup>
<b>Lot Frontage</b>	30.5 m	18 m

The figure below 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.



## *Zoning Map Extract*

The proposed reduction in lot size is a departure from the existing neighbourhood character east of Gloucester Avenue that contains predominantly large lots and is therefore not compatible with the neighbourhood lot fabric. The reduction of lot frontage further exacerbates the impact of the proposed smaller lot size which has the potential to undermine the large lot character that RL1-0 Zone intends to protect. The cumulative effect of both variances results in a deviation from the existing neighbourhood lot fabric east of Gloucester Avenue that is incompatible with the surrounding area zoned RL1-0.

Staff is of the opinion that the reduction in lot area and lot frontage does not maintain the general intent and purpose of the Zoning By-law and is not in keeping with the existing neighbourhood character.

### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the variances proposed for the lot area and frontage are not appropriate for the subject property as they are not minor in nature. The proposed lots are smaller than the surrounding lots and are not compatible with the existing and established lotting pattern of the surrounding area designated as “Low Density Residential – Special Policy Area” and Zoned RL1-0. The proposed variances resulting in smaller lots have the potential to undermine the existing lotting pattern of large lots and related homes.

Staff object to the proposed variances on the basis that they do not satisfy the four tests under the *Planning Act*. On this basis, staff recommends that the application be denied. Should the Committee’s evaluation of the application differ from Staff, the Committee should determine whether approval of the proposed variances would result in a development that is appropriate for the site.

**Fire:** No Concerns for Fire.

**Oakville Hydro:** Previous comments for 317 Gloucester are still valid, each lot will require a new underground hydro service from Gloucester Avenue

**Transit:** No Comments received.

**Finance:** No Comments received

### **Halton Region:**

- Due to recent Provincial legislation, as of July 1, 2024, the Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton’s four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines a continued of interests for the Region and the Conservation Authorities in these matters. Going forward, comments offered through minor variance applications will be reflective of this changing role.
- Regional staff note the proposed Minor Variance application was reviewed by staff within the Regional comment letter (dated March 26<sup>th</sup>, 2024) for the associated Consent application B24/03 (1612) subject to the above noted Bill 185 statement.
- Regional staff noted no objections to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act.

**Union Gas:** No Comments received

**Bell Canada:** No Comments received

**Letter(s)/Emails in support:** Seven

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

**Note:** *The following standard comments apply to all applications. Any additional application specific comments are as shown below.*

- The applicant is advised that permits may be required should any proposed work be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- The applicant is advised that permits may be required from other departments/authorities (e.g. Engineering and Construction, Building, Conservation Halton etc.) should any proposed work be carried out on the property.
- The applicant is advised that any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report.
- The applicant is advised that any current or future proposed works will require the removal of all encroachments from the public road allowance to the satisfaction of the Engineering and Construction Department.
- The applicant is advised that the comments provided pertain only to zoning and are not to be construed as a review or approval of any proposal for the site. This review will be carried out through the appropriate approval process at which time the feasibility/scope of the works will be assessed.
- Unless otherwise stated, the Planning basis for the conditions referenced herein are as follows:
  - Building in general accordance with the submitted site plan and elevation drawings is required to ensure what is requested and ultimately approved, is built on site. This provides assurance and transparency through the process, noting the documents that are submitted with the application, provide the actual planning, neighbourhood and site basis for the request for the variances, and then the plans to be reviewed through the building permit and construction processes.
  - A two (2) year timeframe allows the owner to obtain building permit approval for what is ultimately approved within a reasonable timeframe of the application being heard by the Committee of Adjustment based on the requirements when it is processed, but cognizant of the ever-changing neighbourhoods, policies and regulations which might then dictate a different result. Furthermore, if a building permit is not obtained within this timeframe, a new application would be required and subject to the neighbourhood notice circulation, public comments, applicable policies and regulations at that time.



[illegible]

**LETTER of SUPPORT**  
**Consent to Sever Application**  
**Committee of Adjustment Applications**

[illegible]

**LETTER of SUPPORT**  
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**Committee of Adjustment Applications**

[illegible]

## PETITION

### LETTER of SUPPORT Consent to Sever Application Committee of Adjustment Applications

We the undersigned, being residents of the neighbourhood have met personally with Ms. Amelia Frances, the registered owner and occupant of 317 Gloucester Avenue to review the attached plans (Air Photo, Site Plan and Elevations) which illustrate her intentions to create a 'new' lot by severing her property in half. We support her plans to divide the property, relocate a portion of her 'existing' dwelling onto a 'new' foundation to be located on the south half of the property (the Retained Lands), and build herself a 'new' home on the north half of the property (the Severed Lands). We also support the Minor Variances being sought in connection with relief from the Town of Oakville Zoning By-law governing 'minimum' Lot Frontage (approximately 24.26 m versus 30.5m) and Lot Area (approximately 1,137.8m<sup>2</sup> versus 1,393.5m<sup>2</sup>).

Name	Property Address	Phone Number/Email	Signature	Date
Yiin Shapagan	328 GLOUCESTER	[REDACTED]	[Signature]	Jan 19/24

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Name	Property Address	Phone Number/Email	Signature	Date
ELLIOTT BER JULIE FERREIRA	296 GLOUCESTER AVE	[REDACTED]	[Signature]	Jan 21/24
PAT CAMILLERI	[REDACTED]	[REDACTED]		
PAT CAMILLERI	511 MACDONALD RD	[REDACTED]	P. Camilleri	Jan 22/24



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Name	Property Address	Phone Number/Email	Signature	Date
Amr Shaikh	275 Gloucester			01-29-24

**From:**

**Sent:** Thursday, April 18, 2024 5:12 PM

**To:** Heather McCrae <heather.mccrae@oakville.ca>

**Subject:** Application CAV A/052/2024

Secretary Treasurer  
Committee of Adjustments

re: Application CAV A/052/2024

As residents of 305 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