

# COMMITTEE OF ADJUSTMENT

## MINOR VARIANCE REPORT

STATUTORY AUTHORITY: Section 45 of the Planning Act, 1990

APPLICATION: CAV A/052/2024 (PART 2- RETAINED)

RELATED FILE: B24/03 & A/053/2024

### DATE OF MEETING:

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at [oakville.ca](http://oakville.ca) on Wednesday May 14, 2025 at 7 p.m

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
A. FRANCIS	Andrew Walker Gagnon Walker Domes Ltd 7685 Hurontario St Brampton ON L6W 4P5	PLAN 1009 PT LOT 78 RP 20R1646 PART 4 317 Gloucester Ave Town of Oakville

OFFICIAL PLAN DESIGNATION: Low Density Residential, SP.  
WARD: 3

ZONING: RL1-0  
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:

	<b>Current zoning by-law requirements</b>	<b>Variance request</b>
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 1069.20 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 23.57 m.

## 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)

**CAV A/053/2024 (PART 1 - SEVERED) – 317 Gloucester Avenue (East District)** (OP Designation: Low Density Residential – Special Policy Area)

**CAV A/052/2024 (PART 2- RETAINED) – 317 Gloucester Avenue (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).

The consent application submitted under Section 53 of the *Planning Act* has been evaluated under a separate report. Staff are of the opinion that this is not an appropriate location for intensification

where the resulting lot size and frontage do not maintain the integrity of large lots as defined by the Special Policy Area within the Livable Oakville Official Plan.

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:

### Background

A Consent and Minor Variance applications were previously submitted and considered by the Committee on May 1, 2024. The applications were deferred, due to insufficient public notice. The original application had incorrectly identified the lot frontages and lot areas of the severed and retained lots as being greater than what would be the actual outcome. The original submission was based on “best efforts”, whereas the revised application currently under consideration is based on a plan produced by an Ontario Land Surveyor. The revised application confirms that the lot frontages and lot areas of both the retained and severed lands are, in fact, more deficient than the original submission.

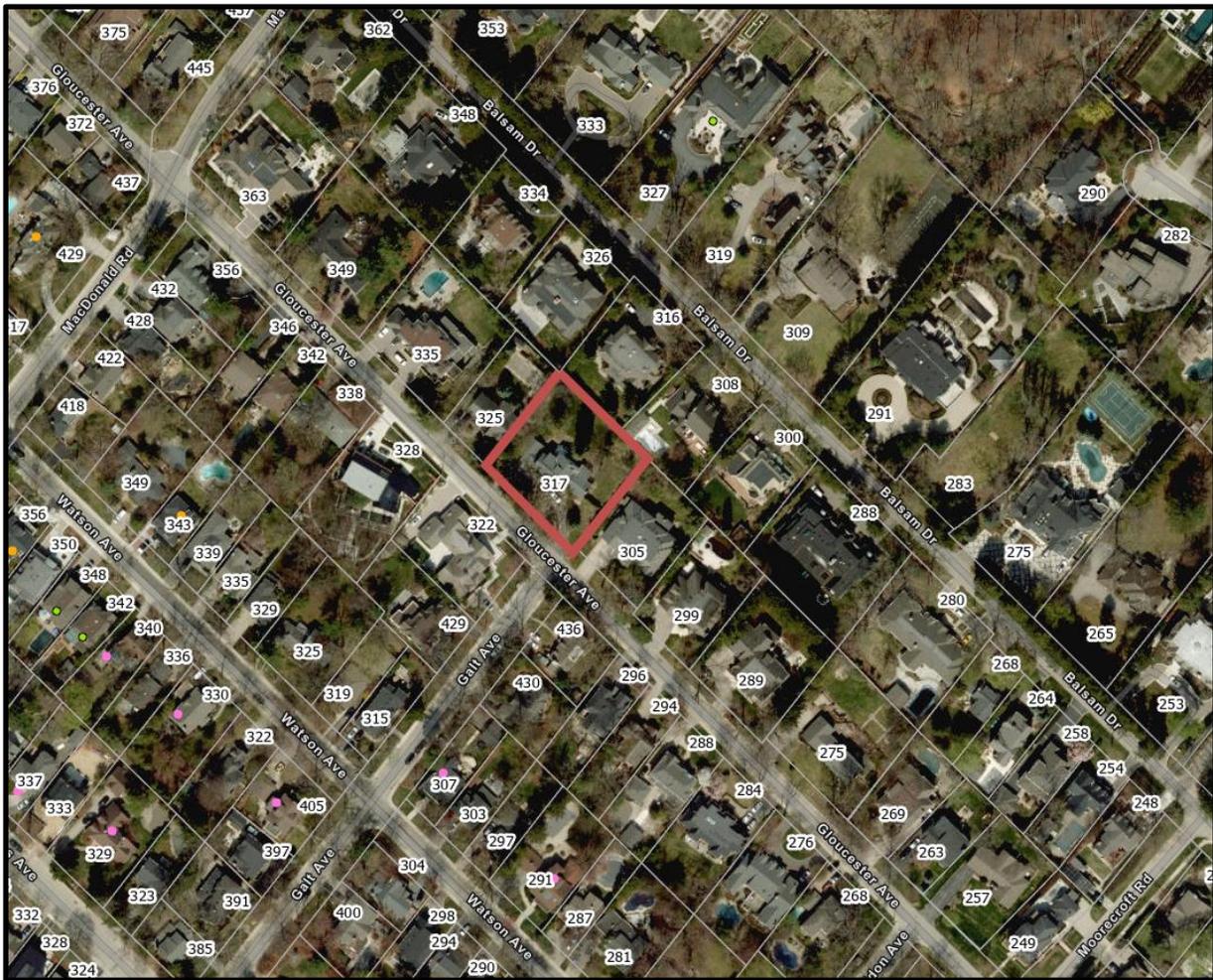
The revised application results in a further reduction in minimum lot areas and lot frontages. The table below demonstrates the variances proposed on May 1, 2024, in comparison to the variances brought forward today.

Town of Oakville Zoning By-law 2014-014		Agenda			
Regulation	Requirement	May 1, 2024		May 14, 2025	
		<i>Retained</i>	<i>Severed</i>	<i>Retained</i>	<i>Severed</i>
<b>Minimum Lot Area</b>	1,393.5 m <sup>2</sup>	1,140.59 m <sup>2</sup>	1,139.83 m <sup>2</sup>	1,069.2 m <sup>2</sup>	1,077.1 m <sup>2</sup>
<b>Minimum Lot Frontage</b>	30.5 m	24.26 m	24.26m	23.57 m	23.57 m

### 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. Another distinguishing characteristic of the area is the mature tree-lined streets.

Figure 1 below illustrates the lotting pattern of the existing neighbourhood.



*Figure 1 - Aerial Photo of 317 Gloucester Avenue*

The following images of the subject lands illustrate the existing lot frontage and area, including the existing dwelling, as well as the mature trees located within the public right-of-way and private property limits.



*Figure 2 - 317 Gloucester Avenue – Existing Dwelling*



*Figure 3 - 317 Gloucester Avenue – Existing Northerly Driveway*



*Figure 4 - 317 Gloucester Avenue – Existing Southerly Driveway*

The following image is an excerpt from the plan showing the proposed severance, as prepared by a surveyor. The image depicts the presence of a mature town tree and several mature trees along the northerly property line of the existing lot that would need to be removed in order to accommodate the proposed driveway and detached garage in the rear.



Figure 5 - Plan Showing Proposed Severance, MacKay and MacKay & Peters Ltd. (O.L.S.), dated February 26, 2025

**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.

Development within stable residential communities shall be evaluated against the criteria in Section 11.1.9 to ensure new development will maintain and protect the existing neighbourhood character.

The proposal was evaluated against the criteria established under Section 11.1.9, and the following criteria apply:

Policies 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.”*

The intent of the Official Plan is 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 and does not negatively impact surrounding properties.

The proposed development has been evaluated against the Design Guidelines for Stable Residential Communities, which are used to direct the design of the new development to ensure the maintenance and preservation of neighbourhood character in accordance with Section 11.1.9 of Livable Oakville. Section 6.1.2 of Livable Oakville also provides that the urban design policies of the Plan will be

implemented through design documents, such as the Design Guidelines for Stable Residential Communities, and zoning. Staff are of the opinion that the proposal does not implement the Design Guidelines for Stable Residential Communities, in particular, the following section:

**3.1.2 Lotting Pattern:** *Residential neighbourhoods typically feature distinct patterns of development that are a result of the topography, era of initial development, the surrounding uses, and alterations over time. Through the design process, the common features and characteristic patterns of the neighbourhood should be identified so that new development can respond to the surrounding context and maintain the qualities that are important to the neighbourhood.*

- 1. New development should be compatible with the predominant pattern of lot width, lot depth and lot area as the adjacent properties to maintain and preserve the existing neighbourhood lotting pattern.*
- 2. New development should maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area.*
- 3. In instances where the lotting pattern has been altered through redevelopment, the placement of the new dwelling on the lot should maintain the pattern of the existing development for visual continuity along the streetscape and within the immediate neighbourhood.*

Staff are of the opinion that the proposed reductions in lot area and lot frontage for both the retained and severed lots do not implement the Design Guidelines for Stable Residential Communities. There is an established, existing neighbourhood character and the proposed variances do not meet this character as the proposed lots are not in keeping with the predominant lotting pattern and would result in the removal of several mature trees within the private property limits and public realm.

Policy 28.2.1, regarding the special policy area is intended to protect the unique character and integrity of the large lots in the area.

Policy 28.2.1 states:

*“28.2.1 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.”*

As discussed earlier, the subject lands are located on the east side of Gloucester Avenue that serves as the western boundary of the Special Policy Area. Most lots to the west of Gloucester Avenue (outside of the Special Policy Area) are smaller in size and are visibly distinct from the large lot character of the Special Policy Area to the east of Gloucester Avenue.

It is staff's opinion that lot area and frontages of the surrounding neighbourhood are two factors that affect the lotting pattern of this neighbourhood and consequently impacts the 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 28.2.1 intends to protect and have the potential to undermine the existing and established neighbourhood character.

Staff are of the opinion that proposed lots are not compatible with the predominant lotting pattern of the lots with Special Policy Area within the surrounding neighbourhood. Furthermore, staff note that the proposed driveways would result in the removal of many mature trees along the entire 'north' property line, and that the town does not support the removal of these trees for this purpose. Based on the foregoing, it is staff's opinion that the proposed variances do not comply with Policy 11.1.9 and 28.2.1 of the Official Plan. It is staff's opinion that the proposed variances have the effect of undermining the integrity of Policy 28.2.1 and introducing smaller lots that are contrary to the predominant lotting pattern of the Special Policy Area.

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** CAV A/052/2024 – Lot Area (Objection) – reduction from 1,393.5 m<sup>2</sup> to 1,069.2 m<sup>2</sup> (retained lands)

**Variance #1** CAV A/053/2024 – Lot Area (Objection) – reduction from 1,393.5 m<sup>2</sup> to 1,077.1 m<sup>2</sup> (severed lands)

**Variance #2** – Lot Frontage (Objection) – reduction from 30.5 m to 23.57 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 324.3 m<sup>2</sup> (retained lands) and 316.4 m<sup>2</sup> (severed lands), and a reduction in lot frontage of 6.93 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 28.2.1), which is 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 Table 1 below.

**Table 1 – Zoning Frontage and Area Requirements**

<b>Town of Oakville Zoning By-law 2014-014</b>		
<b>Regulation</b>	<b>RL1-0 Zone</b>	<b>RL3-0 Zone; SP10</b>
<b>Minimum Lot Area</b>	1,393.5 m <sup>2</sup>	557.5 m <sup>2</sup>

<b>Minimum Lot Frontage</b>	30.5 m	18 m
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Figure 6 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.

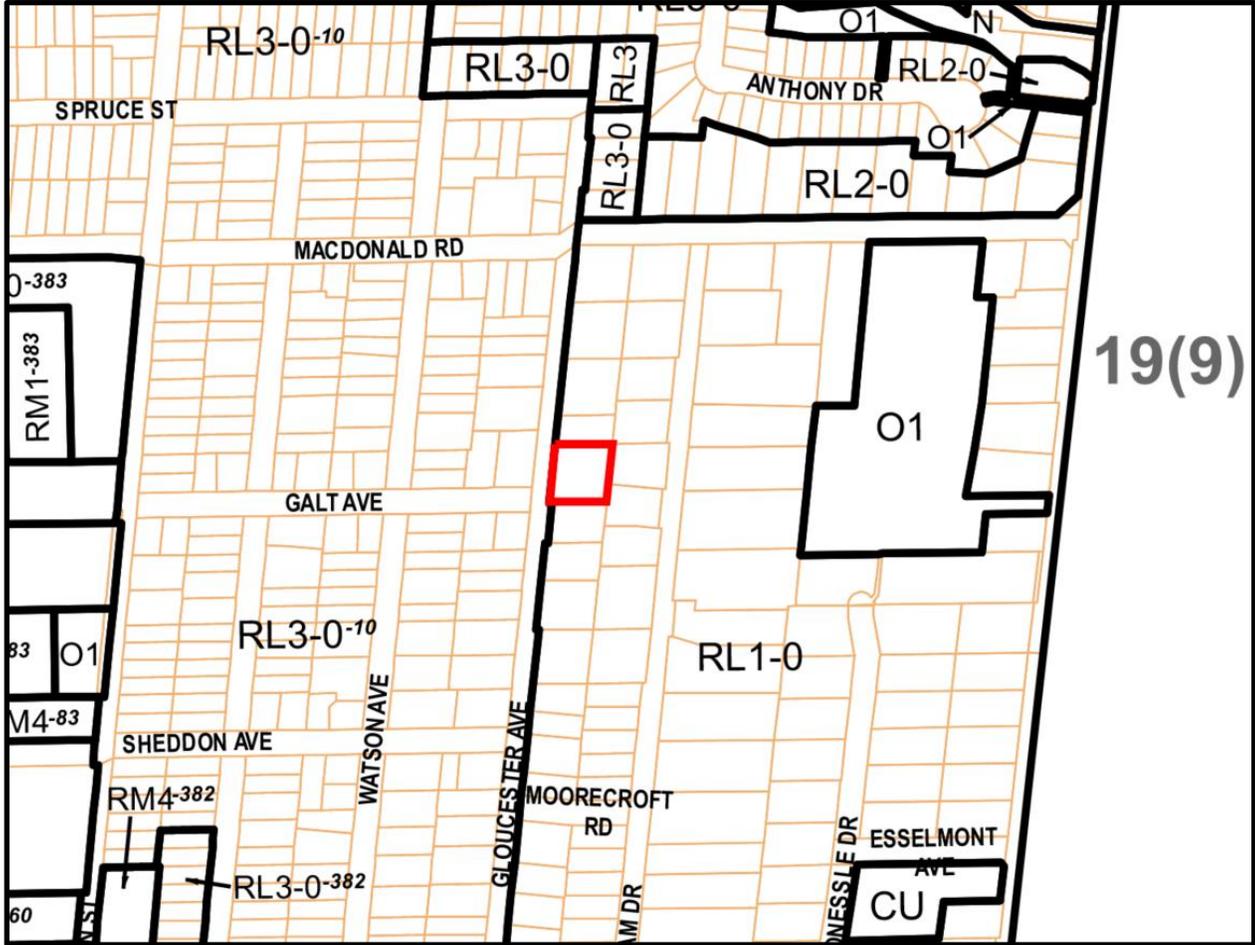


Figure 6 - Extract of Zoning Map 19(8)

The proposed reduction in lot size and area 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 proposed 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 and they are not minor in nature as they do not conform to the Official Plan and the proposed dimensions result in lots that are undersized relative to the predominant lotting fabric of the Special Policy Area.

## **Recommendation**

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.

**Transit :** No comments received.

**Finance:** No comments received.

## **Halton Region:**

5.2 A/052/2024 – A. Francis, 317 Gloucester Avenue, Oakville

- Due to Provincial legislation, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan, as this has become the responsibility of Halton's four local municipalities.
- Regional staff has no objection to the proposed minor variance application seeking relief under Section 45(1) of the Planning Act in order to permit a decrease to the minimum lot area to 1069.2 m<sup>2</sup> and a decrease to the minimum frontage to 23.57 m<sup>2</sup>, under the requirements of the Town of Oakville Zoning By-law, for the purpose of permitting the proposed consent application for the retained parcel on the attached severance plan of the Subject Property.

**Bell Canada:** No comments received.

**Union Gas:** No comments received.

**Letter(s) in support – 0**

**Letter(s) in opposition – 1**

Secretary Treasurer  
Committee of Adjustments

re: Application CAV A/052/2024 and A/053/2024

As residents of [REDACTED] Gloucester Ave we are contacting you with comments regarding the above application. Our property abuts the applicants property and are not in favour of any severance of the property

The applicant is, for the second time, seeking relief from the Zoning By-law 2014-014.

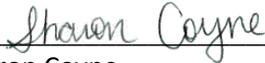
- the reduction in lot area and lot frontage does not maintain the general intent and purpose of the Zoning By-law and is not in keeping with the existing neighbourhood character
- in the opinion of your staff (from the previous application) the proposed variances should be rejected on the basis that they do not satisfy the four tests under the Planning Act. Nothing has changed.

- the property is 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 our opinion and the opinion of your staff from the previous application, this would be a departure from the large lot character of the Special Policy Area. Furthermore, staff were 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.
- 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 our and the staff's previous 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.

We ask that you please deny this application

Regards,  
Michael Stanley  
Carol Stanley



  
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Sharon Coyne  
Asst. Secretary Treasurer  
Committee of Adjustment