

**Planning and Development Council Meeting
January 23, 2023**

Comments Received Regarding Item 4.3 - 24T-
12011 – Petgor Phase 1B – Subdivision Assumption
– By-law 2023- 004

Delegate Presentation

Consent Item 4.3: By-Law 2023-004

24T-12011 – Petgor Phase 1B – Subdivision Assumption

Dear Planning and Development Council:

I am writing to express my opposition to By-Law 2023-004. I ask that you do not pass this by-law. For the reasons that follow, the assumption of Registered Plan 20M-1176 is not ready to be approved by the Town, because the Owner has not fulfilled its obligations under the Subdivision Agreement to accurately confirm that the Town's zoning by-laws have been complied with.

Section 31(1) of the Subdivision Agreement states the following:

31. OTHER PROVISIONS

(1) The Owner will, before the plan is released for registration, provide to the Town a schedule of lot widths at a distance of 7.5 metres from the front lot line and of lot areas which schedule shall be accompanied by **the certificate of an Ontario Land Surveyor that the Town's zoning by-laws have been complied with.**

Section 4.18.3 of the Town's Zoning By-Law 2009-189 states the following:

4.18.3 Maximum Driveway Width

The maximum width of the driveway **shall not exceed the exterior width of the garage**, except where the driveway abuts a porch, in which case the width of the driveway may extend to the edge of the porch, or building to a maximum 1.0 metres beyond the width of the garage.

Section 1(p) of By-Law 2009-072 states the following:

1. No person shall, unless otherwise authorized by by-law or a permit issued by the Town in accordance with the Use of Municipal Right of Ways and Municipal Parking Lots Policy as may be amended or replaced:

...

p. **construct, widen, remove or alter any driveway or curb cut within a municipal right of way;**

There are at least 10 properties in this subdivision which are not in compliance with these by-laws. The images in Appendix "A" to this document show that the driveways at several properties have been widened beyond the exterior width of the garage, in contravention of By-Law 2009-189. Several of these driveways have also encroached on the municipal right-of-way, as several driveway aprons on the Town boulevard have been illegally widened. The property addresses are as follows:

1. 141 Fowley Drive
2. 145 Fowley Drive
3. 174 Fowley Drive
4. 3110 Ernest Appelbe Boulevard
5. 3237 Mintwood Circle
6. 3257 Mintwood Circle
7. 3365 Mintwood Circle
8. 3366 Mintwood Circle
9. 3369 Mintwood Circle
10. 146 Threshing Mill Boulevard

Therefore, it is clear that the Town cannot rely on the certificate of the Ontario Land Surveyor indicating that the Town's zoning by-laws have been complied with. It is incumbent upon the Developer to inform property owners of their non-compliance and to initiate corrective action in accordance with the terms of the Agreements of Purchase and Sale with the first and subsequent purchasers of these properties. The Town should not be assuming a subdivision that is not compliant with its by-laws.

It is important to enforce the Town's zoning by-laws, because the failure of property owners to comply with these by-laws has resulted in significant issues with stormwater drainage and pedestrian safety. The illegal addition of new hard surfaces has resulted in problematic deviations from the approved drainage patterns. Hard surfaces prevent the land from absorbing stormwater, and the resulting drainage of stormwater onto neighbouring properties has caused problems such as basement flooding. In addition, the subdivision was never designed to accommodate so many cars. North Oakville is a transit-oriented, compact community. The illegal addition of additional parking pads, particularly ones that are angled towards neighbouring homes, has created safety risks for pedestrians as drivers navigate surfaces that were never designed to accommodate vehicles. The Town should not stand idly by as property owners blatantly violate the Town's by-laws.

Refusing to assume this subdivision is the only feasible tool available to the Town to enforce its by-laws. The Town's Municipal Enforcement department has indicated that it is unwilling or unable to enforce these by-laws, particularly in the context of properties where these illegal driveway widenings were constructed several months or years ago. It is incumbent upon the Town to delegate this responsibility to the Developer in accordance with the terms of the Subdivision Agreement.

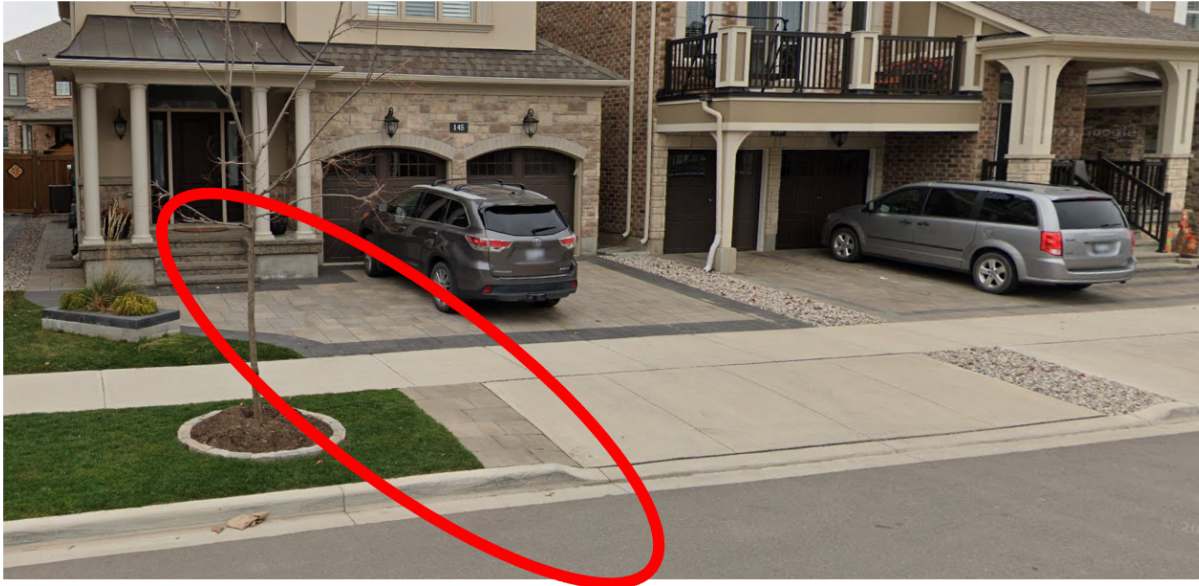
Thank you for considering these submissions.

APPENDIX "A"
EVIDENCE OF NON-COMPLIANCE WITH TOWN BY-LAWS

141 FOWLEY DRIVE



145 FOWLEY DRIVE



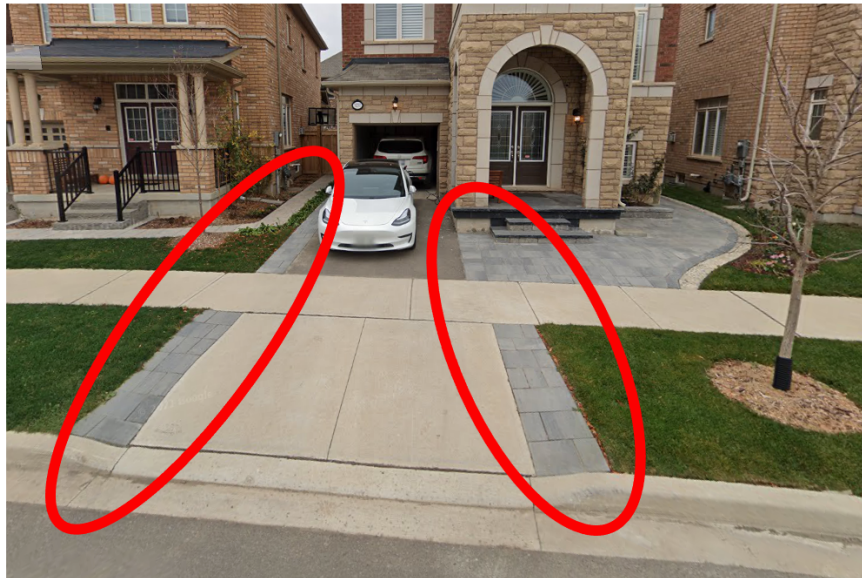
174 FOWLEY DRIVE



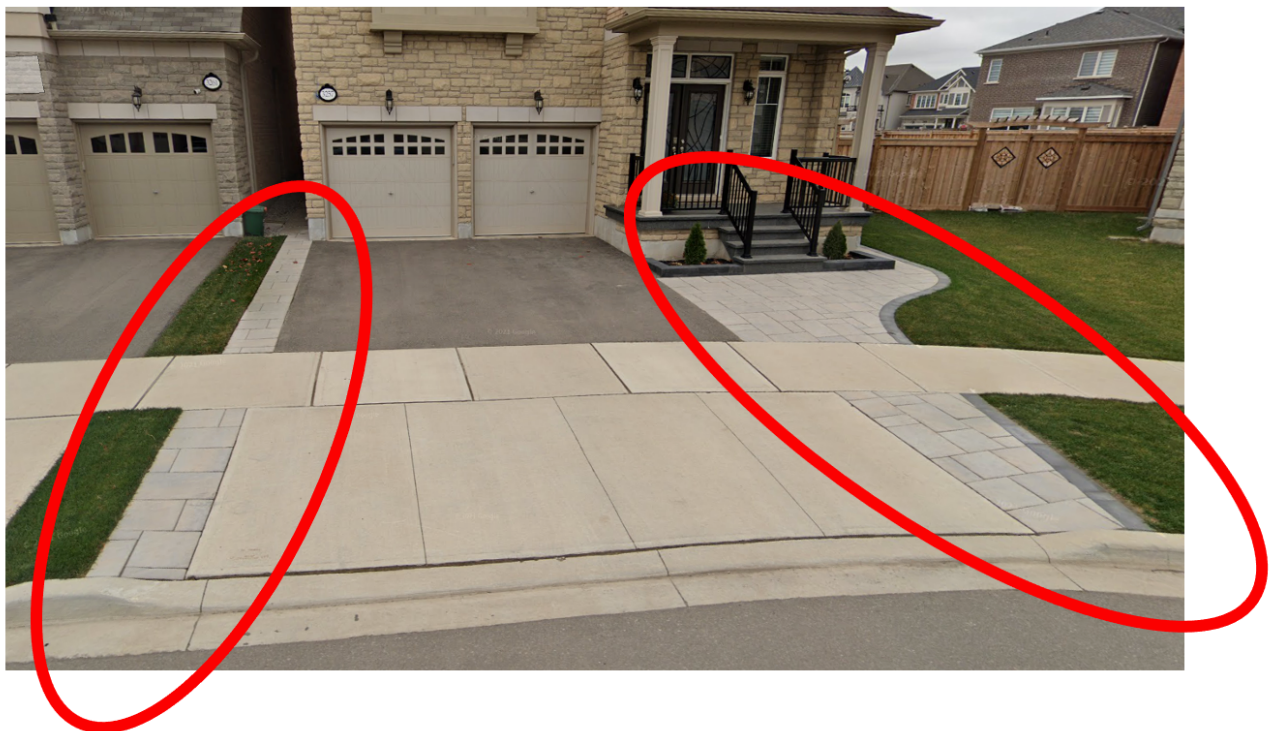
3110 ERNEST APPELBE BOULEVARD



3237 MINTWOOD CIRCLE



3257 MINTWOOD CIRCLE



3365 MINTWOOD CIRCLE



3366 MINTWOOD CIRCLE



3369 MINTWOOD CIRCLE



146 THRESHING MILL BOULEVARD

