

## Addendum 1 to Comments

August 07<sup>th</sup>, 2024

Committee of Adjustment

### **BY VIDEO-CONFERENCE AND LIVE-STREAMING ON TOWN WEBSITE** **OAKVILLE.CA**

1)

**CAV A/115/2024**

564 Lyons Lane

CON 3 SDS PT LOT 15 RP 20R5733 PARTS 1,2,3,4

*Proposed*

**Under Section 45(2) of the *Planning Act***

**Zoning By-law 2014-014 requirements – N, Natural Area**

1. To permit six (6) dwelling units within the existing legal non-conforming residential building containing one (1) dwelling unit on the subject property.

**Comments from:**

Metrolinx – 1

Conservation Halton - 1



BY EMAIL ONLY

TO: Town of Oakville – Committee of Adjustment 1225 Trafalgar Road Oakville, ON L6H 0H3

[coarequests@oakville.ca](mailto:coarequests@oakville.ca)

DATE: August 2, 2024

RE: Adjacent Development Review: CAV A/115/2024 564 Lyons Lane, Oakville, ON  
Minor Variance

---

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 564 Lyons Lane to permit six (6) dwelling units within the existing legal non-conforming residential building containing one (1) dwelling unit on the subject property as circulated on July 23, 2024, and to be heard at the Public Hearing on August 7, 2024, at 7:00PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

#### GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational

emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com).

Best Regards,

**Farah Faroque**

Project Analyst, Third Party Project Review

Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3 T: (437) 900-2291

Adjacent Development Review: CAV A/115/2024  
564 Lyons Lane, Oakville, ON

### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**").

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including,

without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.



Planning & Regulations  
905.336.1158  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

**August 6, 2024**  
**Town of Oakville - Committee of Adjustment**  
**1225 Trafalgar Road**  
**Oakville, ON L6H 0H3**

**BY E-MAIL ONLY ([coarequests@oakville.ca](mailto:coarequests@oakville.ca))**

**To Secretary-Treasurer, Committee of Adjustment:**

**Re: Minor Variance Application**  
**File Number: A/115/2024**  
**CH File Number(s): PMVG-2674**  
**564 Lyons Lane, Oakville**  
**Applicant: Russell Cheeseman Owner: Michael Hohnjec**

**Conservation Halton (CH) staff has reviewed the above-noted application as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Policy Statement [PPS, Sections 3.1.1-3.1.7] and/or provincial plans).**

**Documents reviewed as part of this submission, received on July 23, 2024, are listed in Appendix A.**

### **Proposal**

Under Section 45(2)(a)(ii) of the *Planning Act*, the applicant is requesting the Committee of Adjustment to permit six (6) dwelling units within the existing legal non-conforming residential building containing one (1) dwelling unit on the subject property.  
**Conservation Authorities Act and Ontario Regulation 41/24**

Under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24, CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline and hazardous lands including unstable soil and bedrock, as well as lands adjacent to these features. The subject property is regulated by CH as it is partially located within the erosion hazard (Long Term Stable Top of Bank (LTSTB)) of Sixteen Mile Creek. CH regulates 15 metres from the LTSTB.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications for development activities are reviewed under the CA Act, Ontario Regulation 41/24, and CH's Policies and Guidelines (<https://conservationhalton.ca/policies-and-guidelines>).

We understand that the legal non-conforming residential building containing six (6) dwelling units has existed for a number of years. CH has no record of any development activities on the subject property receiving a CH permit nor of any permit applications being submitted. Had a CH permit or Minor Variance application been submitted prior to internal works commencing, the application would need to be supported by materials such as an updated topographic survey identifying the physical top of bank as staked by CH staff, and a geotechnical slope stability assessment confirming that the proposed development activities meet CH policies and ensure that risk associated with the hazard can be addressed.

### **Ontario Regulation 686/21 - Provincial Policy Statement (Sections 3.1.1-3.1.7)**

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the Province to ensure that decisions under the *Planning Act* are consistent with the Natural Hazards Sections (3.1.1-3.1.7) of the Provincial Policy Statement (PPS).

The PPS generally directs development to areas outside of hazardous lands. In the absence of geotechnical information, we cannot confirm the limits of the erosion hazard and consistency with the natural hazard policies of the PPS.

### **Conclusion**

CH provides the above comments for the consideration of the Committee of Adjustment in making its decision. Had this Minor Variance application come in ahead of the works taking place, CH would have required materials such as a topographic survey and geotechnical report to ensure that risk associated with the hazard can be addressed and to confirm consistency with PPS.

Please note that CH has not circulated these comments to the applicant, and we trust that you will provide them as part of your report.  
We trust the above is of assistance.

Sincerely,

Sean Stewart, RPP MCIP  
Environmental Planner  
905-336-1158 ext. [2250]  
[sstewart@hrca.on.ca](mailto:sstewart@hrca.on.ca)

Encl: Appendix A: Materials Reviewed

**Appendix A: Materials Reviewed**

CH received the following first submission materials on July 23, 2024:

Survey, prepared by Cunningham McConnell Ltd, dated November 12, 2020.

Site Plan and Building Elevations, prepared by Ambient Designs Ltd, dated October 2022.

Committee of Adjustment Application Form, June 20