

SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF
PART OF
LOT 35
CONCESSION 2
SOUTH OF DUNDAS STREET
GEOGRAPHIC TOWNSHIP OF TRAFALGAR
NOW IN THE
TOWN OF OAKVILLE
REGIONAL MUNICIPALITY OF HALTON
SCALE 1 : 200

THE INTENDED PLOT SIZE OF THIS PLAN IS 680mm IN WIDTH BY 460mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200 (INCLUDING 15mm BEYOND EACH BORDER)
MacKAY, MacKAY & PETERS LIMITED - ONTARIO LAND SURVEYORS
 © 2022

KNOWN AS MUNICIPAL No. 1477 BURLOAK DRIVE

PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)
 LAND REGISTRY OFFICE TITLE INFORMATION ON SUBJECT PROPERTY INCLUDING BOUNDARIES, EASEMENTS AND RIGHT OF WAYS - FEBRUARY 18, 2022

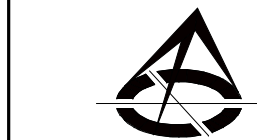
REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
 - SUBJECT TO EASEMENT AS IN INST. No.'s 613854 & 89227

ADDITIONAL REMARKS:
 - REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES

MacKAY, MacKAY & PETERS LIMITED grants NORM LAMB ("The Client"), their solicitor and other related parties permission to use "Original Copies" of the Surveyor's Real Property Report in transactions involving "The Client"

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM V-31528



THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR IN ACCORDANCE WITH REGULATION 1026, SECTION 28(3)

LEGEND

- DENOTES A SURVEY MONUMENT FOUND
- DENOTES A SURVEY MONUMENT PLANTED
- SIB DENOTES STANDARD IRON BAR
- IP DENOTES IRON PIPE
- P1 DENOTES PLAN 20R-340
- P2 DENOTES PLAN 20R-6752
- P3 DENOTES PLAN EX-HR738166
- D1 DENOTES INST. No. 577457
- PIN DENOTES PROPERTY IDENTIFICATION NUMBER
- (WIT) DENOTES WITNESS MONUMENT
- DS DENOTES DOOR SILL
- ⊙ DENOTES CENTRELINE
- CLF DENOTES CHAIN LINK FENCE
- CB DENOTES CATCH BASIN
- FH DENOTES FIRE HYDRANT
- ULS DENOTES UTILITY LIGHT STANDARD
- WHP DENOTES WOOD HYDRO POLE
- OHW DENOTES OVERHEAD WIRE
- UGW DENOTES UTILITY GUY WIRE
- MB DENOTES MAIL BOX
- DENOTES DECIDUOUS TREE SCALED TO TRUNK SIZE, SIZE SHOWN IN METRES
- ⊙ DENOTES CONIFEROUS TREE SCALED TO TRUNK SIZE, SIZE SHOWN IN METRES

ALL BUILDING TIES ARE TO FOUNDATION AND ARE PERPENDICULAR TO PROPERTY LINES UNLESS OTHERWISE NOTED

A ROTATION OF 00°53'03" HAS BEEN APPLIED TO BEARINGS ON P3

BENCHMARK NOTE

CITY BURLINGTON BENCHMARK No. 422
 ELEVATION = 126.423 METRES (CGVD28:78 ADJUSTMENT)
 BRASS PLAQUE ON NORTH SIDE OF NORTH SERVICE ROAD APPROXIMATELY 150 METRES WEST OF BURLOAK DRIVE ON EAST FACE OF CONCRETE HEADWALL 0.2 METRES NORTH OF SOUTH FACE AND 0.04 METRES FROM TOP OF HEADWALL

BEARING REFERENCE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHEASTERLY LIMIT OF BURLOAK DRIVE AS SHOWN ON PLAN 20R-340 HAVING A BEARING OF N45°08'00"E

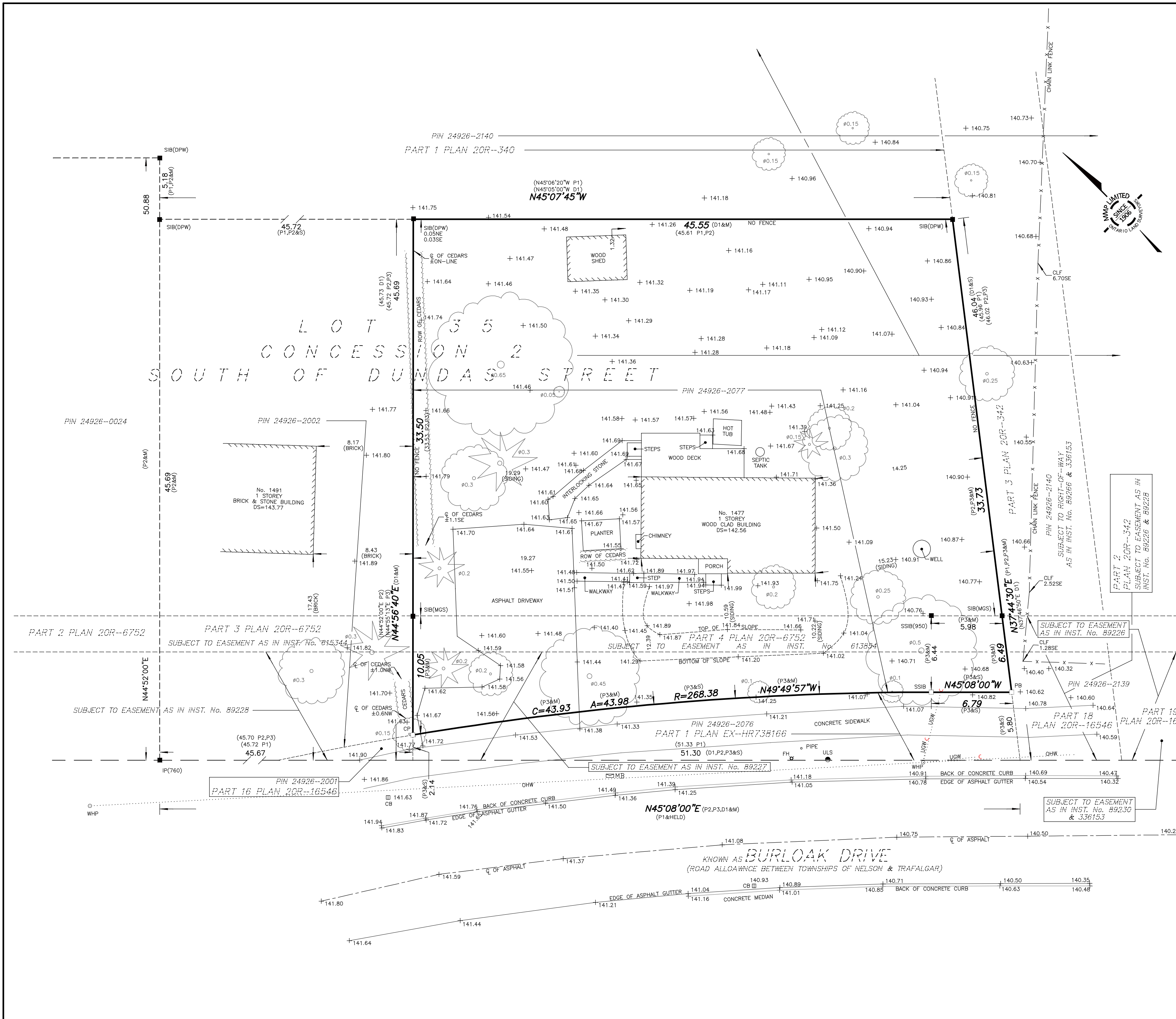
SURVEYOR'S CERTIFICATE

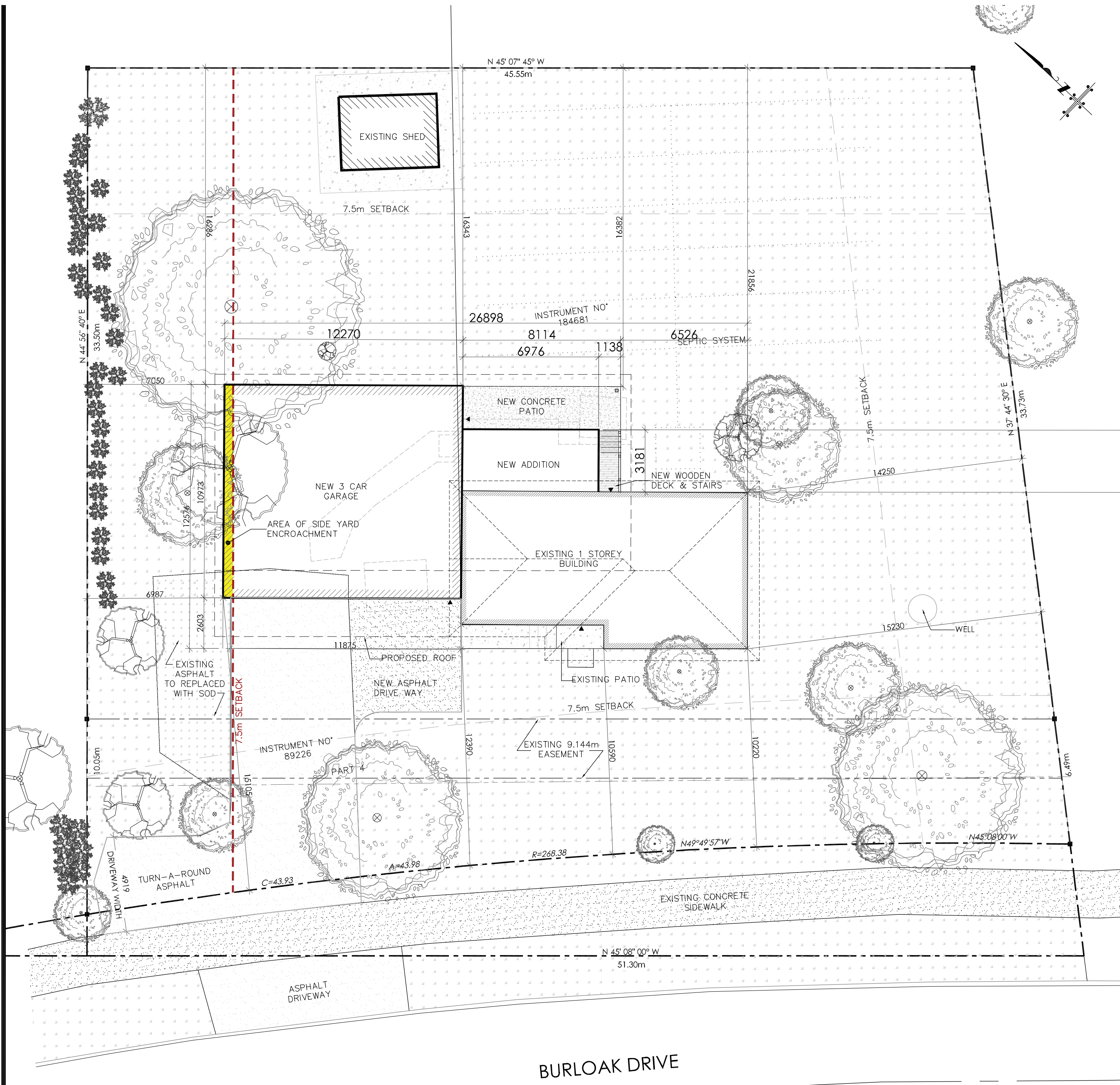
- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 28th DAY OF JULY, 2022.

AUGUST 2, 2022
 DATE

[Signature]
 BOB D. WATSON
 ONTARIO LAND SURVEYOR
 FOR MACKAY, MACKAY & PETERS LIMITED

 MacKay, MacKay & Peters Limited LAND SURVEYORS & MAPPERS SINCE 1906	3380 South Service Road Unit 101 Burlington, ON L7N 3J5 (905) 639-1375 halton@mmplimited.com mmplimited.com	DRAWN BY: G.S. PARTY CHIEF: F.K. CHECKED BY: <i>[Signature]</i> PROJECT No.: 22-032
	E:\(20) Halton\TWP) TRAFALGAR\SDS) CON 2\LOT 35\22-032\22-032.dwg	





1 SITE PLAN
SCALE: 1:150

LEGAL DESCRIPTION
PROPERTY BOUNDARY INFORMATION SHOWN ON THIS PLAN TAKEN FROM PLAN OF SURVEY PART OF LOT 35 CONCESSION 2 SOUTH OF DUNDAS STREET (TOWNSHIP OF TRAFALGAR) NOW THE TOWN OF OAKVILLE, REGIONAL MUNICIPALITY OF HALTON.

AS PREPARED BY:
MACKAY, MACKAY, PETERS LIMITED

designer
GG+A
G.GRIFFITHS+ASSOCIATES LTD.
development • design • management
591 brant street • burlington, on. L7R 2G6
1.905.631.0156
e.gord@ggriffiths.net

seal
Ministry of Municipal Affairs and Housing
QUALIFICATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE O.B.C.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. BUILDING CODE TO BE A DESIGNER.

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION 'C' SECTION 3.2 OF THE BLDG. CODE

G. Griffiths & Associates Ltd. 115801
FIRM NAME BCIN/BCDN
Gordon Griffiths 30283
BCIN

PROPERTY STATISTICS:

LEGAL DESCRIPTION: Pt Lt 35, Con 2 Traf Sds, As In 577457 S&e Pt 1Hr 738166; S1 613854 & 89227; Oakville/ Trafalgar CITY OF Oakville REGIONAL MUNICIPALITY OF HALTON

MUNICIPAL ADDRESS: 1477 Burloak Drive Oakville, ONTARIO L6M 4J7

REGISTERED OWNERS: MR. Norm Lamb

BUILDING CODE ANALYSIS:

FLOOR AREA: 135.2 m² First Floor (EXISTING)

NUMBER OF STORIES: 2 STOREY

MAJOR OCCUPANCY: GROUP C

FACING STREETS: 1 STREET

O.B.C. SECTION: PART 9 Housing and Small Buildings

CONSTRUCTION TYPE: COMBUSTIBLE

ZONING STATISTICS:

	EXISTING	PERMITTED	PROPOSED
ZONING:	GB	GB	GB
LOT AREA:	0.1978 ha.	0.3 ha. (min.)	0.1978 ha.
BUILDING AREAS			
EX. RESIDENCE:	135.2 m ²	--	135.2m ²
HOUSE ADDITION:	--	--	22.93m ²
GARAGE ADDITION:	--	--	132.62m ² **
TOTAL DWELLING AREA:	135.2m ²	--	290.75m ²
SHED (ACCESSORY):	26.7m ²	--	UNCHANGED
TOTAL BUILDING AREA:	161.9m ²	--	313.21m ²
LOT COVERAGE:	8.2%	25%	15.8%
LOT FRONTAGE:	51.30m	45.5 (MIN.)	51.30m
FRONT YARD:	10.20m	7.5m	UNCHANGED
SIDE YARD:	14.250m 19.270m	7.5m ONE SIDE 7.5m OTHER SIDE	14.250m 6.987m**
REAR YARD:	21.748m	7.5m	16.286m
SHED:		12m	

** REQUIRES A MINOR VARIANCE **

- MINOR VARIANCES REQUIRED**
- Zoning By-law 2014-014:
- Section 5.8.2. c) The maximum width for a single driveway and the combined maximum width where more than one driveway is permitted shall be: iii) 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
 - Section 5.8.6. b) For detached dwellings on lots having greater than or equal to 12.0 metres in lot frontage, the maximum total floor area for a private garage shall be 45.0 square metres.
 - Section 13.3, Table 13.3: Note 2. The minimum yard for a detached dwelling shall be 7.5 metres.

Do not scale drawings. Use only drawings marked "Issued for Construction". Field verify configurations and dimensions on site prior to beginning work. notify architect and/or designer immediately of any errors, omissions, or discrepancies in drawings issued.

issued for

1 client review	22.10.2021
2 client review	01.12.2021
3 client review	22.12.2021
4 site plan application	23.12.2021
5 client review	11.01.2022
6 client review	31.01.2022
7 client review	19.04.2022
8 client review	22.04.2022
9 municipal review	18.07.2022
10 client review	21.11.2022
11 municipal review	10.03.2023
12 C of A revised	11.04.2023

d m y

project

RESIDENTIAL GARAGE

address
1477 burloak drive
oakville, ontario L6M 4J7
issued for permit

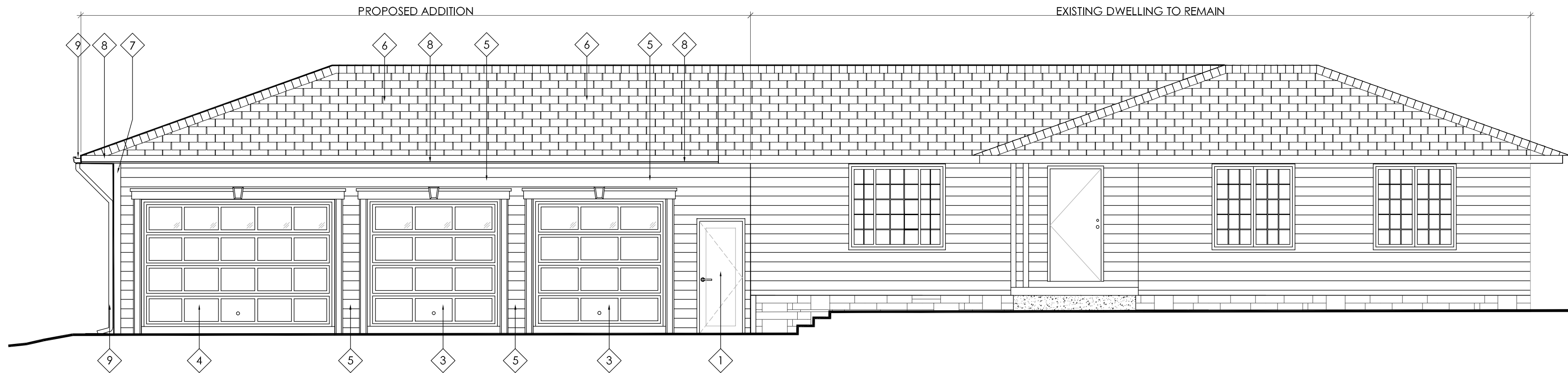
drawing name

site plan

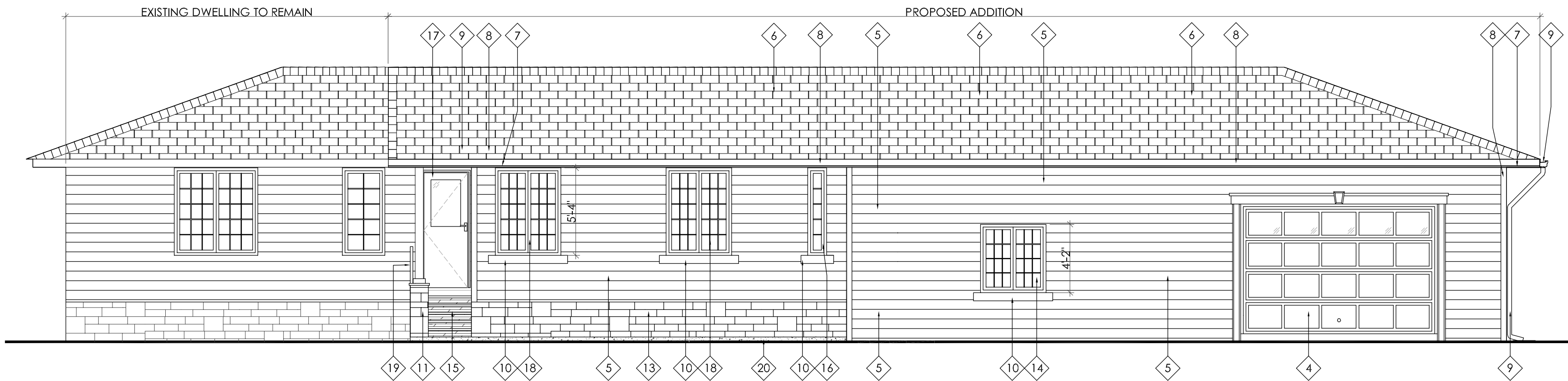
date drawn 22.10.2021
drawn by rb
checked by gg
file name GG+A 18x24
project no. 21071
scale as noted

drawing no.

SPO.00



1 FRONT ELEVATION (WEST)- OPTION 2
A2.02 SCALE: 3/16"=1'-0"



2 REAR ELEVATION (EAST)- OPTION 2
A2.02 SCALE: 3/16"=1'-0"

EXTERIOR ELEVATION NOTE LEGEND

- | | | | |
|---|--|---|--|
| 1 NEW 6'-0" x 4'-2" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION. | 5 NEW HORIZONTAL WOOD SIDING. CONTRACTOR TO MINIMIZE EXPOSED HORIZONTAL SIDING LAP JOINTS. JOINTS TO BE ALIGNED WITH DOORS & WINDOWS. COLOUR: TO MATCH EXISTING. | 10 NEW WINDOW SILL. | 15 NEW WOOD DECK & STAIRS. |
| 2 NEW 3'-0" x 7'-0" VINYL DOOR & METAL DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION. | 6 NEW ASPHALT SHINGLES. COLOUR: TO MATCH EXISTING. | 11 NEW STRUCTURAL COLUMN. SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION. | 16 NEW 1'-2" x 5'-4" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION. |
| 3 NEW 12'-0" x 8'-0" INSULATED ROLL-UP OVER HEAD DOOR & DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION. | 7 NEW PRE-FINISHED METAL TRIM. COLOUR: WHITE. | 12 NEW 3'-2" x 7'-0" VINYL DOOR & METAL DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION. | 17 EXISTING DOOR TO REMAIN. |
| 4 NEW 8'-0" x 8'-0" INSULATED ROLL-UP OVER HEAD DOOR & DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION. | 8 NEW PRE-FINISHED METAL FASCIA BOARD & SOFFIT. COLOUR: WHITE. | 13 NEW CONCRETE BLOCK FOUNDATION. | 18 NEW 4'-0" x 5'-4" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION. |
| | 9 NEW PRE-FINISHED STEEL EAVESTROUGH (COLOUR: WHITE) & DOWNSPOUT (COLOUR: WHITE). | 14 NEW 4'-0" x 4'-2" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION. | 19 NEW WOOD HANDRAIL. |
| | | | 20 NEW COVERED CONCRETE PORCH. |

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- 1 client review 22.10.2021
- 2 client review 01.12.2021
- 3 client review 22.12.2021
- 4 site plan application 20.02.2021
- 5 client review 11.01.2022
- 6 client review 31.01.2022
- 7 client review 19.04.2022
- 8 client review 22.04.2022
- 9 municipal review 08.07.2022
- 10 municipal review 21.11.2022
- 11 municipal review 03.03.2023
- 12 C of A 11.04.2023 revised

d m y
project

RESIDENTIAL GARAGE

address
1477 burlook drive
oakville, ontario L6M 4J7
issued for permit

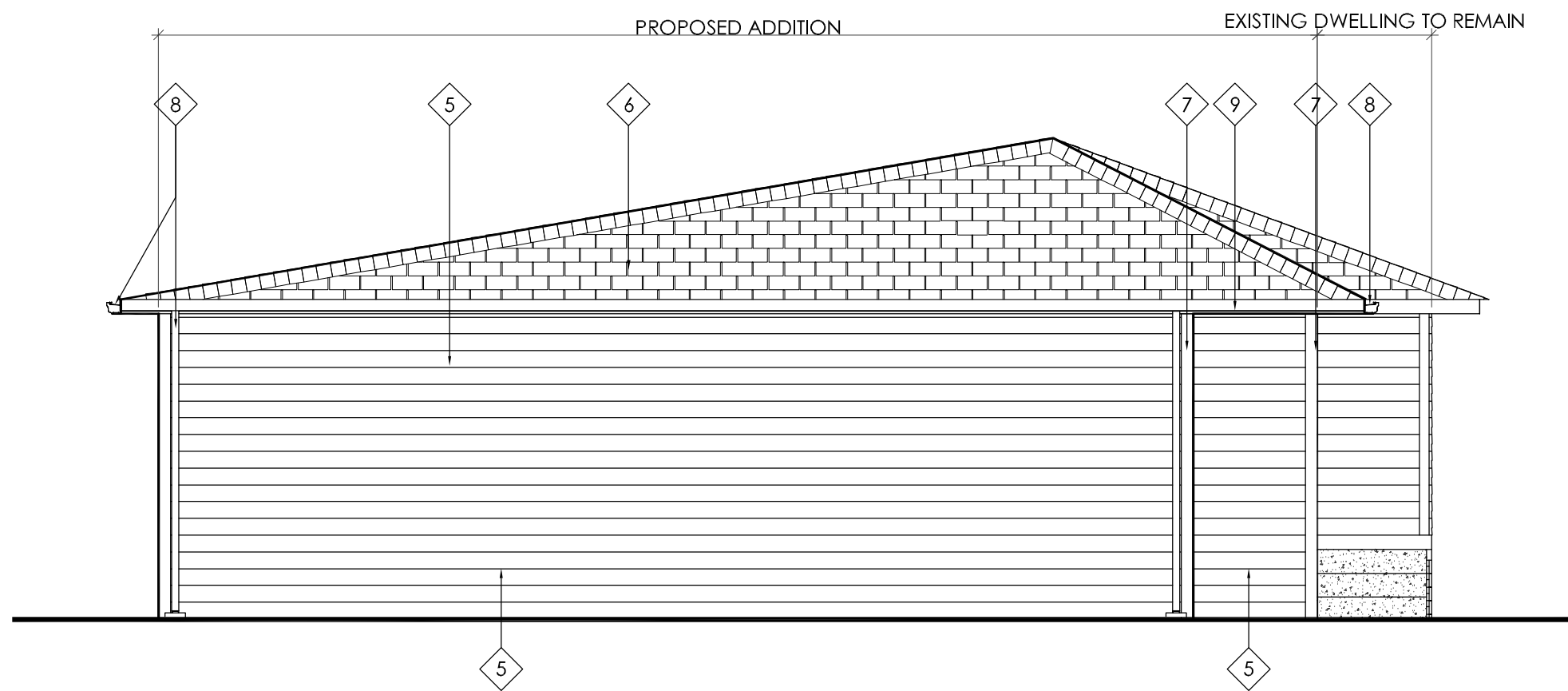
drawing name
exterior elevations

date drawn 22.10.2021
drawn by rb
checked by gg
file name GG+A 18x24
project no. 21071
scale as noted

drawing no.



1 SIDE ELEVATION (SOUTH)- OPTION 2
SCALE: 3/16"=1'-0"



2 SIDE ELEVATION (NORTH)- OPTION 2
SCALE: 3/16"=1'-0"

EXTERIOR ELEVATION NOTE LEGEND							
1	NEW 6'-0" x 4'-2" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION.	5	NEW HORIZONTAL WOOD SIDING. CONTRACTOR TO MINIMIZE EXPOSED HORIZONTAL SIDING LAP JOINTS. JOINTS TO BE ALIGNED WITH DOORS & WINDOWS. COLOUR: TO MATCH EXISTING.	10	NEW WINDOW SILL.	15	NEW WOOD DECK & STAIRS.
2	NEW 3'-0" x 7'-0" VINYL DOOR & METAL DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION.	6	NEW ASPHALT SHINGLES. COLOUR: TO MATCH EXISTING.	11	NEW STRUCTURAL COLUMN. SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.	16	NEW 1'-2" x 5'-4" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION.
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4	NEW 8'-0" x 8'-0" INSULATED ROLL-UP OVER HEAD DOOR & DOOR FRAME. COLOUR: WHITE. REFER TO DOOR SCHEDULE FOR ADDITIONAL INFORMATION.	8	NEW PRE-FINISHED METAL FASCIA BOARD & SOFFIT. COLOUR: WHITE.	13	NEW CONCRETE BLOCK FOUNDATION.	18	NEW 4'-0" x 5'-4" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION.
		9	NEW PRE-FINISHED STEEL EAVESTROUGH (COLOUR: WHITE) & DOWNSPOUT (COLOUR: WHITE).	14	NEW 4'-0" x 4'-2" CASEMENT WINDOW. REFER TO WINDOW SCHEDULE FOR ADDITIONAL INFORMATION.	19	NEW WOOD HANDRAIL.

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missions, or discrepancies in
drawings issued.

- 1 client review 22.10.2021
- 2 client review 01.12.2021
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- 10 client review 21.11.2022
- 11 municipal review 03.03.2023
- 12 C of A 11.04.2023
revised

d m y

project

RESIDENTIAL
GARAGE

address
1477 burlook drive
oakville, ontario L6M 4J7
issued for permit

drawing name

exterior
elevations
option 2

date drawn 22.10.2021
drawn by rb
checked by gg
file name GG+A 18x24
project no. 21071
scale as noted

drawing no.

A2.03

January 10, 2024

Attn: Community Planning
1225 Trafalgar Road
Oakville, ON L6H 0H3

Re: Committee of Adjustment Justification
1477 Burloak Dr., Oakville

The following brief provides a summary of the proposed development and justification of the required minor variances to support the proposed garage / building addition to the existing detached, single storey dwelling located at 1477 Burloak Drive, Oakville.

Subject Lands and Proposed Use

The subject property, located at 1477 Burloak Dr. in Oakville is currently occupied by a single storey, detached dwelling (without a garage) and one accessory building (shed). The site currently utilizes the front and side yards for parking of the owner’s pick-up truck, SUV, passenger car and a recreational boat and trailer. The large boat and trailer are stored in the interior side yard which is permitted in “Parking, Loading, & Stacking Lane Provisions” 5.9.2 (a).

The landowner seeks to improve the site with the construction of a new attached, enclosed garage and increase the dwelling living area. The proposed attached garage will allow for the vehicles, including the boat, to be parked inside, reducing the visible “vehicle clutter” in the property front yard. This will provide a cleaner, more organized front façade of the dwelling. The dwelling rear addition provides for a larger kitchen and family room. This will not increase occupant load.

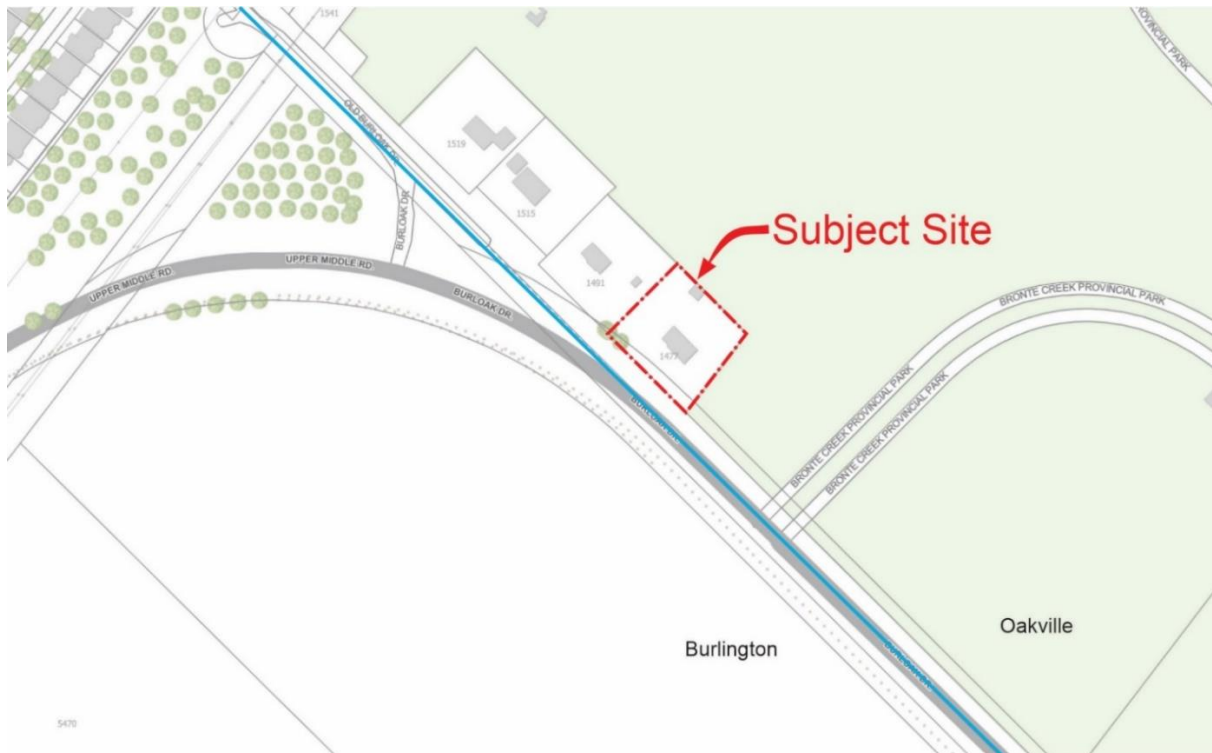


Figure 1.- Key Plan

Background

Located on the extreme Western edge of the Town of Oakville, the subject property is situated on the East side of Burloak Drive, South of Upper Middle Road. The subject site is approximately 1,978 square metres in lot area. The property is currently designated as "GB" Greenbelt within the City of Oakville's Zoning By-Law 2014-014. The existing dwelling is permitted under the bylaw. The property is located beside the main, gateway entrance to Bronte Creek Provincial Park.

The application pursues the approval of minor variances that would facilitate the construction of a new attached, single storey addition consisting of an enclosed garage and building living area. The proposed garage / building addition will result in a lot coverage of 15.8% which is under the permitted maximum of 25%. The new dwelling proposes a building area of 286.51 square metres. The proposed garage addition is located to the northwest of the existing dwelling. The family room addition is located towards the northeast side of the site, allowing ample practical setbacks from the adjacent properties to the Northeast and Northwest.

Most existing trees located outside of the proposed dwelling footprint are proposed to be maintained, including all municipal owned trees along the Burloak Drive frontage as well as mature trees at the side and rear of the property. One tree will need to be removed to accommodate the proposal. It is anticipated that a tree protection plan and a new tree planting plan will be incorporated into the development application.

The site is adjacent to the main public entrance to Bronte Creek Provincial parks (southeast). A detached, 1 storey residential building sits on the property to the northwest. This adjacent dwelling, located 1491 Burloak, had a garage plus living area addition completed within the last 5 years. A minor variance was approved for this work (CAV A/146/2018-Revised). This addition is approximately the same width and length as the proposal for the subject property.

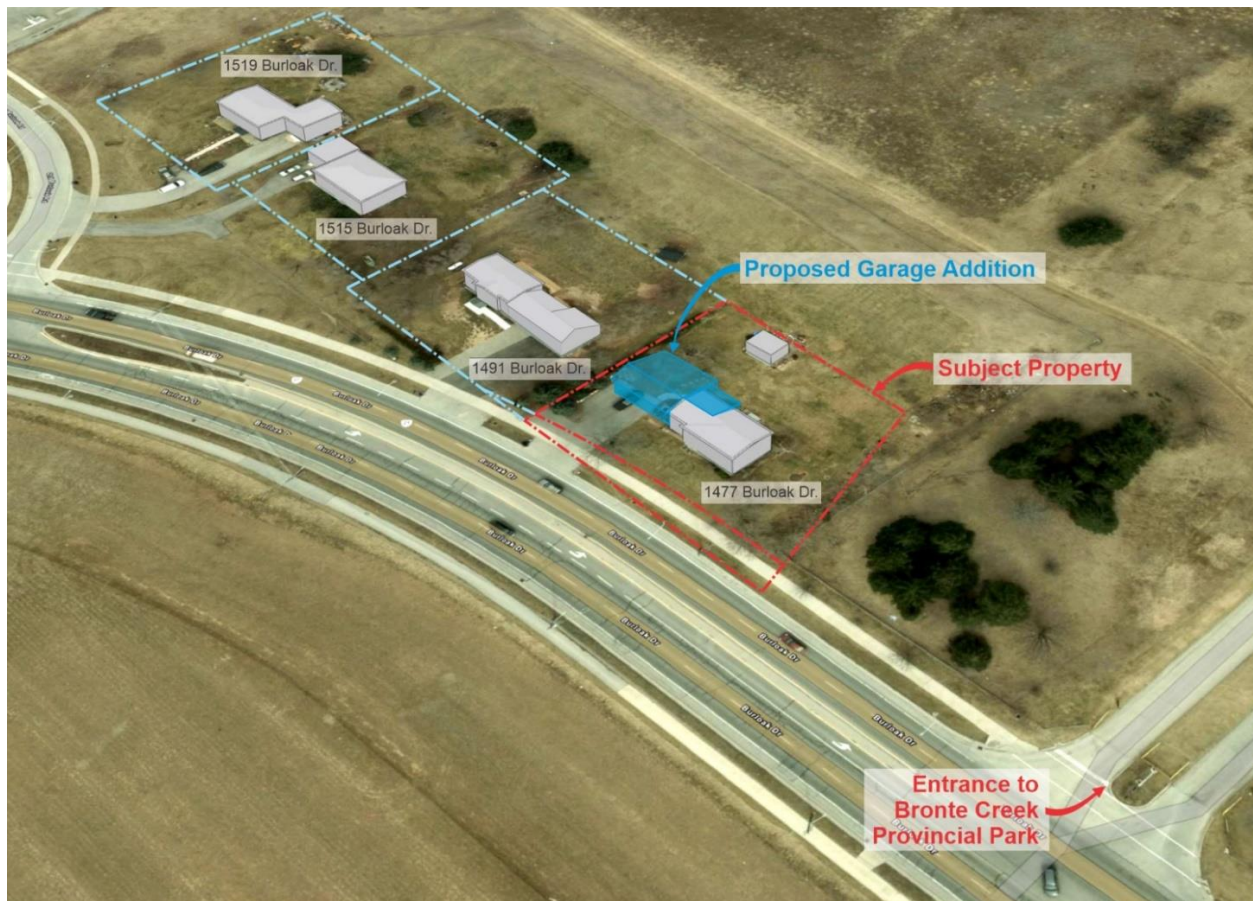


Figure 2. – Context Plan

Proposed Variances

The following Minor Variances have been identified as required:

Section 45(1)

1. Minimum Side Yard (*Part 13 "Regulations" - footnote 2*) - 7.5m min.

Section 45(2)

2. The existing house is legal non-conforming, since it is not serviced by a municipal sewage system, as required by section 4.14a). An application has been made under section 45(2)(a)(i) of the planning act to permit the proposed extension and enlargement to the existing detached dwelling.

Evaluation of the Proposed Minor Variances

The application to the City of Oakville Committee of Adjustment seeks approval of minor variances to permit the construction of a garage and living room addition to the existing dwelling.

As such, the application is evaluated by examining the four tests of minor variance, as set out under Section 45 (1) of the Planning Act:

- 1) Is the application minor in nature?
- 2) Is it an appropriate and desirable development for the area?
- 3) Is it in keeping with the purpose and intent of the Zoning By-law?
- 4) Is it in keeping with the purpose and intent of the Official Plan?

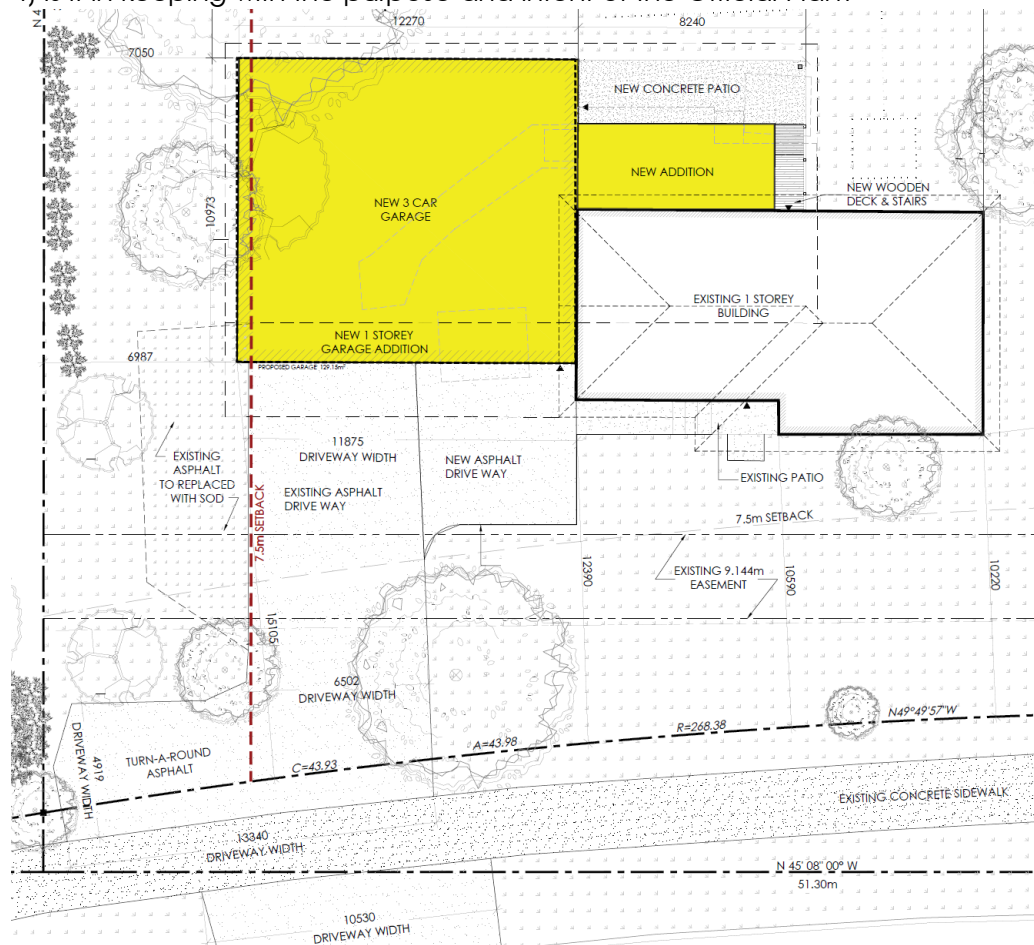


Figure 3. Minor Variance Sketch

Test #1: Minor in Nature

To adequately evaluate whether a proposed By-law variance is minor, the resulting impact, if any, must be determined and considered. While a variance may represent a mathematical deviation from the By-law, it may still be considered minor if the resulting impacts of the variance do not result in significant adverse impacts on the surroundings. These surroundings include neighboring properties as well as the general 'streetscape' of the public space.

Minimum Side Yard Setback

A variance is required for minimum Side Yard setback of the proposed addition to the existing northwest side lot line. Environmental Zones Table 13.3 "Regulations" Footnote #2 required Side Yard is 7.5m. A Proposed Side Yard of 6.987m is requested.

It is noted that the proposed side yard setback is not out of character with the prevailing setbacks within the immediate neighbourhood, and the proposed massing and impacts to the streetscape will fit harmoniously with the existing character. The proposed reduced side yard setback will accommodate adequate space for the proposed driveway. The existing cedar hedge and large spruce trees create a natural visual barrier that will mask the minor numerical encroachment from the neighbor. Numerically, the side yard deviation is approximately 7%. As such, the proposed variance is considered minor in nature.

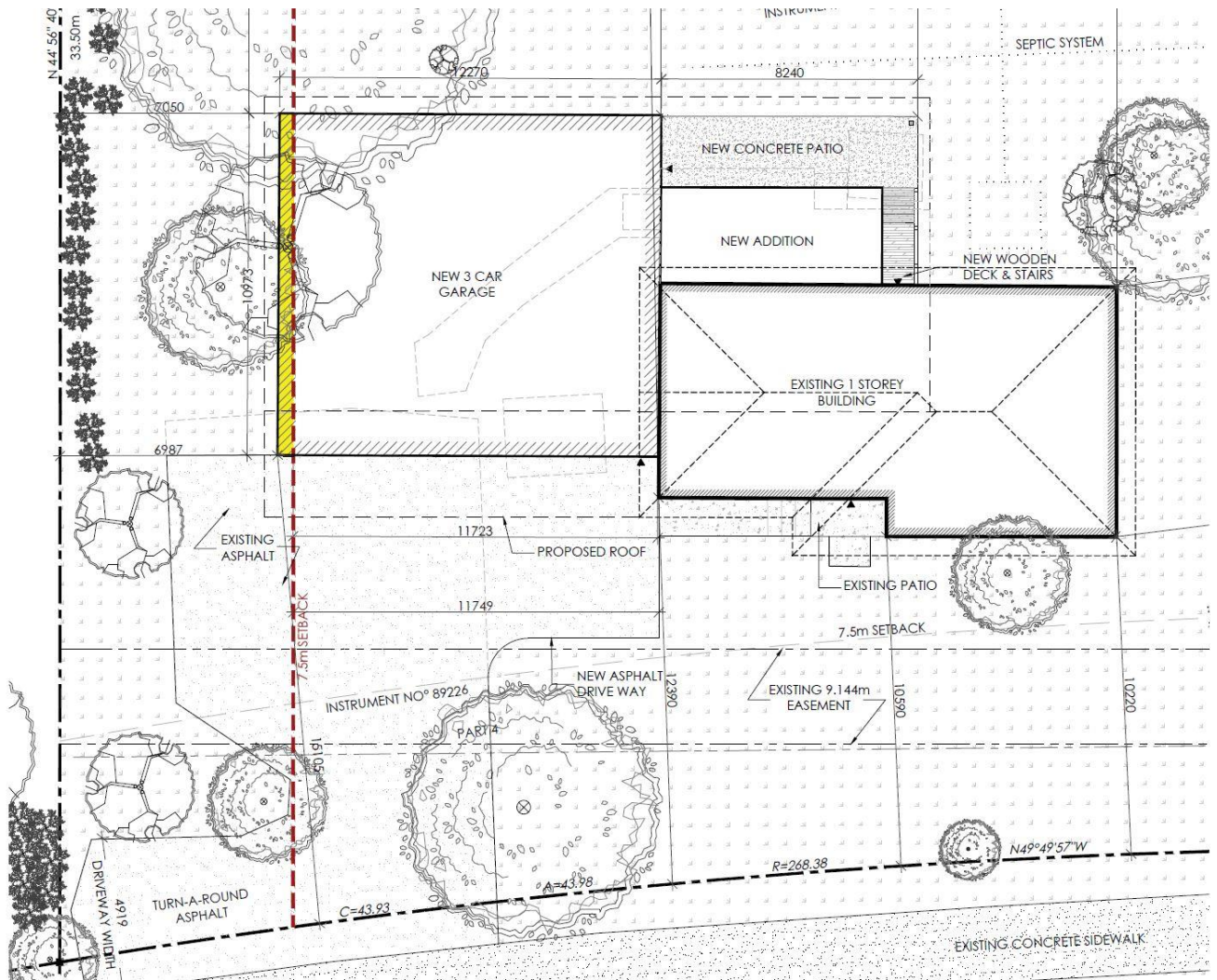


Figure 4. – Side Yard Variance



Figure 5. 1477 Burloak Drive – Existing conditions



Figure 6. 1477 Burloak Drive – Proposed Addition



Figure 7. 1491 Burloak Drive – Existing conditions – Recent Garage Addition (2019)

Test #2: Appropriate and Desirable Development

For The Area, the proposed variance required to facilitate the construction of the new building addition to the existing bungalow on the subject lands will create a built form that is appropriate in the immediate neighbourhood context. The proposed addition features architectural quality and attention to detail that will permit the removal of the vehicle storage located in the existing front and side yards. (See figure 5 & 6). The property is within an isolated, mature, large lot fabric area within the City of Oakville along the boundary of the City of Burlington, and the proposed variance will allow for an existing, improved dwelling that is appropriate in its design and is typical of the renovated homes within this isolated neighbourhood.

The variance to the side yard setback is desirable to permit the construction of a garage with a height, area and depth that is required to store the vehicles currently stored in the open front and side yards. Within the small neighbourhood, the proposal is fully compliant with all built form provisions within the Zoning Bylaw. The siting of the proposed addition is appropriately aligned/offset with the front façade of the existing dwelling and with the neighbouring dwellings to the Northwest.

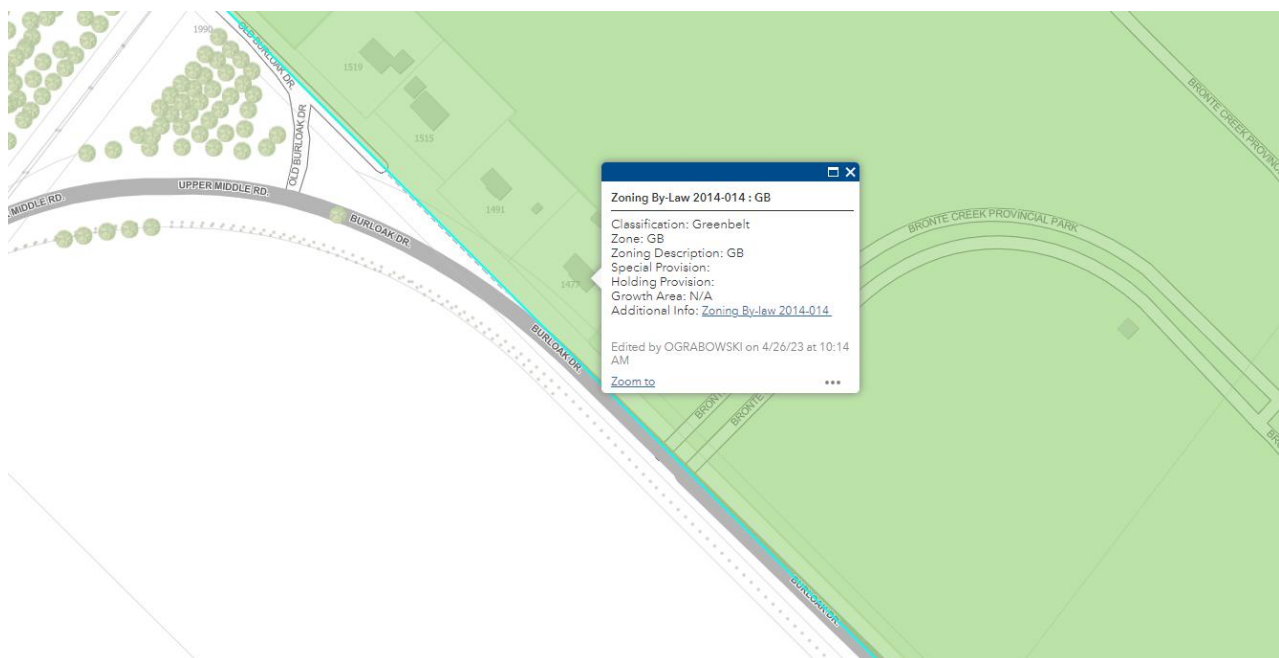
The variance for the proposed addition will not create negative impacts within the context of the immediate neighbourhood. The prevailing character of building typology is being maintained, and the proposed massing, scale, setbacks are being maintained with minimal impacts to adjacent properties or within the neighbourhood. The proposed application minimizes the impacts associated with privacy, overlook and shadowing on neighbouring properties and promotes a development of a compatible scale as observed from neighbouring properties and the street.

The proposed building addition will also improve the 'streetscape' of the public realm by making the approach to the main entrance to Bronte Creek Provincial Park a cleaner and more visually composed image to the many visitors who attend the Park year-round.

As such, the proposed development is appropriate and desirable for the area.

Test #3: Intent of the Zoning By-Law

The subject lands are zoned GB within the City of Oakville's Zoning By-Law 2014-014



Minimum Side Yard Setback

The intent of the minimum side yard setback provision in the Zoning By-law is to ensure that the proposed dwellings are compatible with the prevailing character and streetscape as well as setbacks and massing within the immediate neighbourhood. See figure 5, 6 &7.

It is noted that the proposed side yard setback of the proposed addition is generally aligned with the adjacent properties to the Northwest on Burloak Drive, and the dwelling is not out of character with the prevailing setbacks within the immediate neighbourhood. The proposed massing will fit harmoniously with the existing character and streetscape of Burloak Drive. As such, the proposed variance meets the intent of the Zoning Bylaw.

Test #4: Intent of The Official Plan(S)

The existing residential dwelling is a permitted land use under the "GB" "GreenBelt" designation. The proposed addition to the dwelling is in keeping with the character of the existing neighbourhood as outlined in the Official Plan.

Oakville Official Plan (2006) (OP)

Under the Oakville Official Plan (2006) (OP), the subject lands are within the scope of the Urban Built Boundary area and designated "Parkway Belt", "Greenbelt", and "Special Policy Area. While the OP policies are applicable, the Greenbelt Plan policies prevail where there is a conflict. Furthermore, lands designated "Parkway Belt West" are to be subject to the Parkway Belt West Plan, 1978. Under the Town of Oakville's Zoning By-law 2014-014, the subject lands are zoned "Greenbelt (GB)" which permits legal uses existing on the lot on December 16, 2004.

The existing dwelling is legal non-conforming, since it is not serviced by a municipal sewage system, as required by section 4.14a). An application has been made under section 45(2)(a)(i) of the planning act to permit the proposed extension and enlargement to the existing detached dwelling.

The proposed development provides for an addition to an existing detached dwelling, while not adding to the existing infrastructure requirements. The Garage addition provides for more gross floor area but not an increase to "living" area. The family room addition does increase the kitchen and family room area but does not alter the existing sanitary effluent load to the existing private sewage system.

Provincial policy Statement (2014)

The policies of the Provincial Policy Statement (PPS) allow for partial servicing subject to the protection of public health and safety and suitable site conditions. The subject lands were originally placed on partial servicing (i.e. municipal watermain) to address well contamination concerns. Sanitary sewer connection is not currently available.

Section 1.6.6.4 directs that individual on-site sewage and water services may be used, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Provincial policy Statement (2014)

Section 1.6.6.5 sets out that partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
- b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

As no regional /municipal sanitary services are currently available, the existing private sewage system shall remain. The proposed addition does not alter the existing sanitary effluent load to the existing private sewage system.

Greenbelt Plan (2005)

The subject lands are designated in the Greenbelt Plan as "Protected Countryside", with a "Natural Heritage System" overlay. Section 4.5.2 permits single dwellings on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. The subject property complies with this condition.

Regional Official Plan (ROP) Conformity

The 2009 Regional Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton. The subject lands are designated "Natural Heritage System (NHS)" with a "Greenbelt Protected Countryside" overlay in the ROP. Single detached dwellings on existing lots may be permitted in the NHS.

Section 89(3) of the ROPA 38, requires that all new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater service.

Section 89(4) establishes that development in the Urban Area may be permitted on private wells and/or private sewage disposal systems that conform to Regional standards & Provincial legislation, regulations and standards, including the building code, only where certain criteria is met:

- a) When urban service(s) is determined by the Region to be unavailable;
- b) On an interim basis until urban services(s) is available, at which time the development must be connected to the municipal servicing system(s) within two years of the service(s) becoming available;
- c) The development meets other criteria as specified by Council, the Urban Services Guidelines; and
- d) The owner of the development satisfied all financial and legal obligations required by the Region.

As no regional /municipal sanitary services are currently available, the existing private sewage system shall remain. The proposed addition does not alter the existing sanitary effluent load to the existing private sewage system.

Parkway Belt West Plan (1978)

The subject lands are designated "General Complementary Use" in the PBWP.

Section 5.5.1 a) permits all legally existing uses of land, buildings, and structures subject to the provisions of the Planning Act respecting legal non-conforming uses, and

Section 5.5.1 f) permits a single-family residence on each vacant lot provided the lot existed legally on Jun. 3, 1973.

Section 5.5.1 i) permits additions to uses, buildings & structures subject to the following conditions:

- i. All natural features are preserved to the maximum possible degree.
- ii. Existing open space character of the area is retained to the max. possible degree.
- iii. The resulting buildings and structures have a low lot coverage and are of limited height and low mass appearance.
- iv. Any other conditions required to secure the provisions of the Plan are satisfied.

Ministry of Municipal Affairs and Housing (MMAH) - Minister's Zoning Order (MZO) O. Reg. 481/73.

The proposed addition conforms to the general provisions of the MZO.

The proposed development provides for an addition to an existing detached dwelling, while not adding to the existing infrastructure requirements. The addition provides for more gross floor area but not an increase the occupant load. The proposed addition does not alter the existing sanitary effluent load to the existing private sewage system.

In our opinion, the proposal is considered to be compatible with respect to the scale, height, massing, architectural character and materials of the established built form that exists within this area. As such, the proposed development meets the general intent of the Official Plan and provides a continuation of built form and development features that contribute to this neighbourhood.

Planning Conclusion

This report evaluates the proposed minor variances in accordance with the tests in the Planning Act. The proposed variances have been reviewed in relation to the current requirements of the Zoning By-law and specifically examined with respect to the adverse impact, if any, that would be experienced in the nearby area as a consequence of the granting of the variance. It is our opinion that the property can accommodate the variance for reduced Side Yard setback and the existing partial site servicing. The existing sanitary effluent load remains unchanged and private sewage system is not altered.

To ensure that private sewage system is currently in good condition and is adequate in capacity, the owner will agree provide the following:

- 1) The Owner shall enter into a Promise to Connect Agreement with the Region, to the Region's satisfaction, to the effect that when municipal services become available, connections will be made, and the appropriate charges and fees paid. This agreement is to be registered on title to the property and specify that the required municipal service connections must be made within two years from the date when the services become available.

- 2) The Owner shall provide a report of the condition and capacity of the existing private sewage system prepared by a qualified person. The report shall satisfy the existing sewage system can accommodate the proposed expansion in accordance with the Ontario Building Code,

As such, the application is considered minor in nature, desirable for the use of the land and maintains the general intent and purpose of the Official Plan(s) and Zoning By-law. On this basis, the proposed development satisfies the four tests required for a minor variance application under the Planning Act Section 45(1) and Section 45(2) and represents good planning.

Regards,

A handwritten signature in blue ink that reads "Gordon Griffiths". The signature is written in a cursive, flowing style.

Gordon Griffiths
G. Griffiths & Associates Ltd.