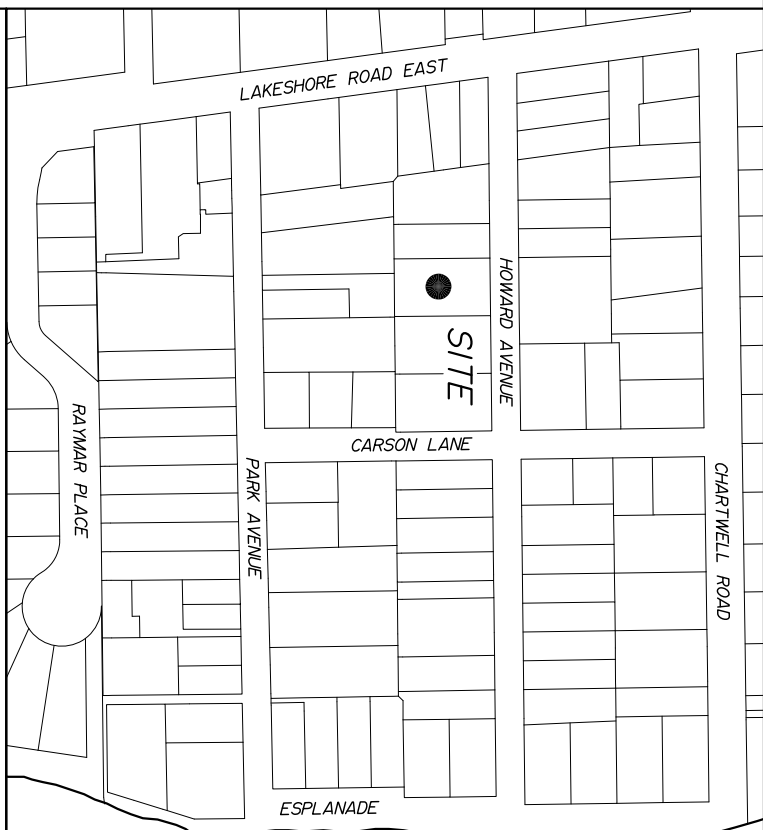
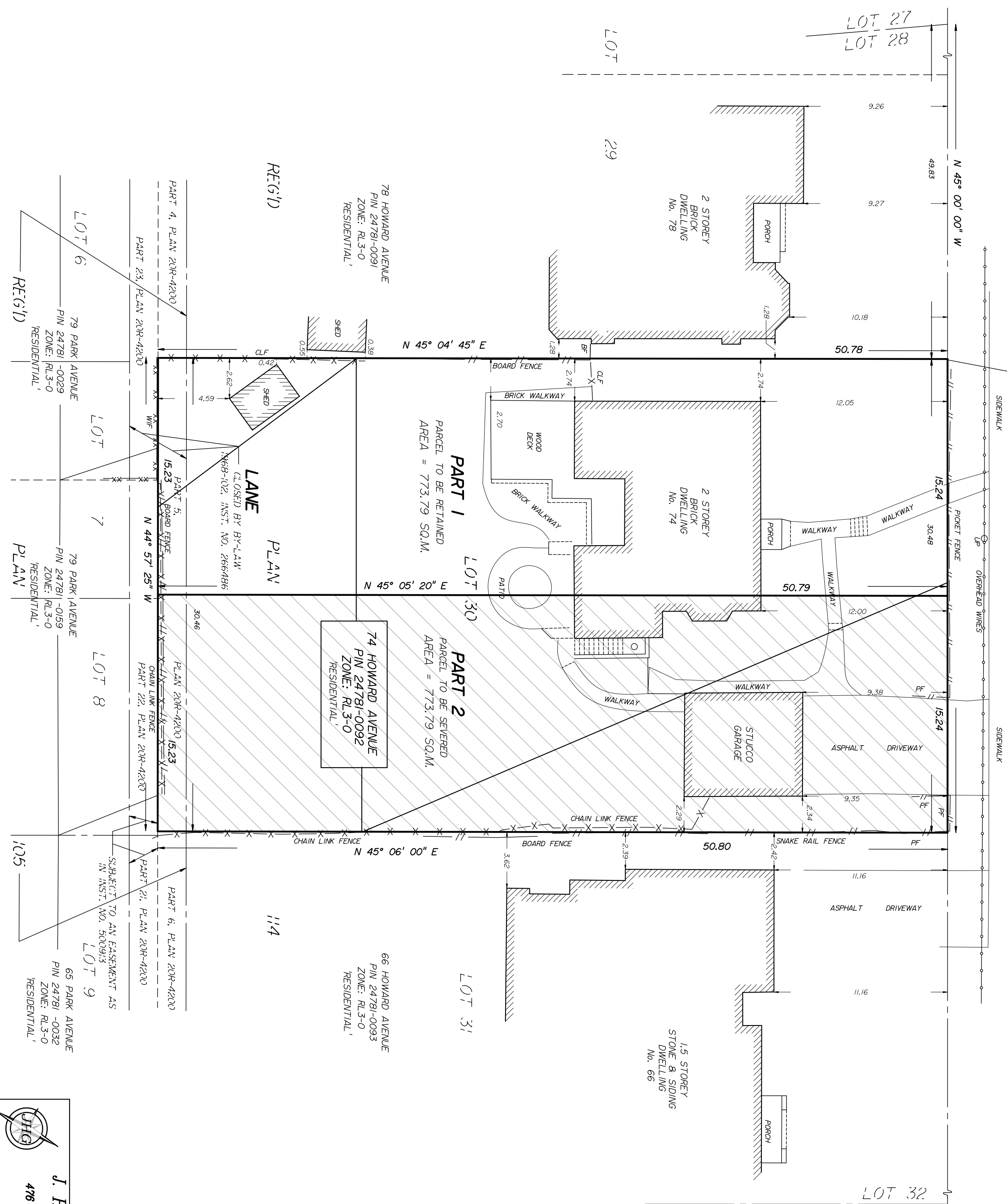
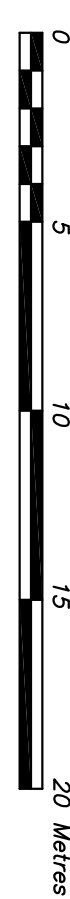


HOWARD AVENUE  
(BY REG'D PLAN 114)  
PIN 24781-0144



SEVERANCE SKETCH OF  
LOT 30  
REGISTERED PLAN 114  
AND  
PART OF LANE  
REGISTERED PLAN 105  
TOWN OF OAKVILLE  
REGIONAL MUNICIPALITY OF HALTON



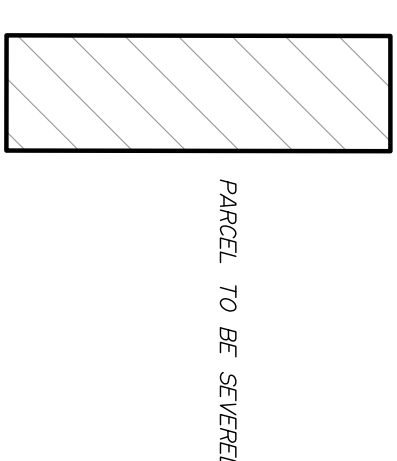
SCALE 1 : 200  
J. H. Gelbloom Surveying Limited  
Ontario Land Surveyor  
2024

METRIC  
Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

- LEGEND
- CLF Chain Link Fence
  - BF Board Fence
  - PF Picket Fence
  - WIF Wrought Iron Fence
  - N North
  - S South
  - E East
  - W West


ZONE : RL3-0

PARCEL TO BE RETAINED	Frontage @ 7.50 m	AREA (m <sup>2</sup> )
PART 1	15.24	773.79
PARCEL TO BE SEVERED	Frontage @ 7.50 m	AREA (m <sup>2</sup> )
PART 2	15.24	773.79



This Plan is based on Field work performed by J. H. Gelbloom Surveying Ltd., O.L.S., on a Plan of Survey dated July 26, 2022

This Sketch was prepared on March 6, 2024



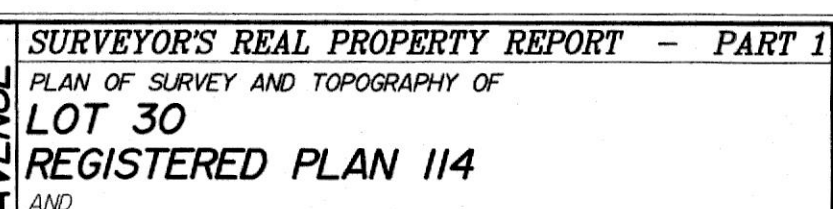
**J. H. Gelbloom Surveying Limited**  
Ontario Land Surveyor  
476 Morden Road, Unit 102, Oakville, Ont, L6K 3W4  
office@jhgsurveying.ca  
Phone(905) 338-8210

Party Chief: DL

Project: 22-120

Drawn By: G.S.

Checked By: A.M.



SCALE 1 : 200

J. H. Gelbloom Surveying Limited  
Ontario Land Surveyor

2022

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**SURVEYOR'S REAL PROPERTY REPORT - PART 2**  
REGISTERED EASEMENTS AND/OR RIGHT-OF-WAY  
 None

**NOTABLES**  
Note the Location of the Fences around the Subject Property.

LEGEND	
■	Survey Monument Found
□	Survey Monument Set
SIB	Standard Iron Bar
IB	Iron Bar
(OU)	Origin Unknown
760	K.H. McConnell, O.L.S.
950	Fred G. Cunningham Inc., O.L.S.
P1	Registered Plan 114
P2	Plan of Survey by Fred G. Cunningham Inc., O.L.S., dated March 29, 1993
P3	Plan of Survey by J.H. Gelbloom Surveying Ltd., O.L.S., dated October 31, 2012
P4	Plan of Survey by Robert T. Force, O.L.S., dated July 5, 1994
P5	Plan 20R-4200
MH	Maintenance Hole
TOS	Top of Slope
CLF	Chain Link Fence
BOS	Bottom of Slope
FF	Finished Floor
EG	Established Grade
BF	Board Fence
UP	Utility Pole
DEC.	Deciduous
CON.	Coniferous
UP	Utility Pole
HYD.	Hydrant
N	Denotes North
S	Denotes South
E	Denotes East
W	Denotes West

**BENCHMARK**  
Elevations are Referred to the Town of Oakville Benchmark No. 003, having an Elevation of 85.083 m.

**NOTE**  
This REPORT can be updated by this office, however NO ADDITIONAL PRINTS of this ORIGINAL REPORT will be issued, subsequent to the DATE OF CERTIFICATION.  
All building ties are from the foundation and are perpendicular to property lines, unless otherwise noted.

This REPORT was prepared for Laura Van Zeyl and the undersigned accepts no responsibility for use by other parties.

**NOTE**  
Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

**BEARING NOTE**  
Bearings are Astronomic, and are Referred to the Southwesterly limit of Howard Avenue as shown on Reg'd Plan 114, having a Bearing of N 45° 00' 00" W.

**SURVEYOR'S CERTIFICATE**  
I certify that:  
1: This survey and plan are correct and in accordance with the Surveys Act, the Surveyors Act, and the Regulations made under them.  
2: The survey was completed on the 7th day of July, 2022.

JULY 26, 2022

Date

Ashraf Rizk, O.L.S.

Party Chief: J.W.	Drawn By: M.K.	Checked By: A.R.	Project: 22-120
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ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
V-29419



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR.  
In accordance with  
Regulation 1026, Section 29(3).





# 74 HOWARD AVENUE OAKVILLE, ONTARIO

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## PLANNING RATIONALE FOR CONSENT & MINOR VARIANCE APPLICATION

## Summary

On behalf of Laura and Clemens van Zeyl (the “Owners”), Batory Planning + Management is pleased to submit a Consent and Minor Variance application for the property municipally known as 74 Howard Avenue located in Ward 3 (“Subject Site”). The application would facilitate the severance of the lot to create two new 2 storey dwellings on each portion and a rear detached garage for the retained lot (“Proposed Development”).

This report provides an overview of the Proposed Development, a review and analysis of the applicable policy framework, and examines the Proposed Development against the four tests contained in Section 45 of the *Planning Act*. It also provides a quantitative analysis of the proposed lot frontage and lot area in relation to the existing context to help in its determination of appropriate and compatible development.

The Proposed Development is the replacement of an existing 2 storey single detached dwelling on an approximately 30.5 metre lot into two 2 storey single detached dwellings - one on a retained 15.24 metre lot and the other on a severed 15.24 metre lot. To facilitate the proposed development of the Subject Site, variances to Zoning By-law 2014-014 are required, one for each lot.

It is our opinion that the proposal appropriately balances the Official Plan’s goals and objectives for environmentally responsive growth while expanding the range of housing options and limiting impacts related to building mass and scale within the surrounding context.

The Proposed Development makes efficient use of land by modestly increasing housing options available within the south Oakville community. The conversion of the single occupancy dwelling and lot into two introduces intensification in a compatible form to an area well serviced by neighbourhood amenities that support the residential function, including schools and parks.

In our opinion, the requested variances are consistent with the objectives of the Provincial policy, consistent with the general intent and purpose of the Official Plan, consistent with the general intent of the Zoning By-law, desirable for the appropriate development of the land, and minor in nature.



## Site and Local Context Overview

The Subject Site is located at 74 Howard Avenue, in Ward 3 in the Town of Oakville. It is southwest of the nearest major intersection at Lakeshore Road East and Chartwell Road. It features a lot that is rectangular in shape, measuring approximately 50.80 metres in depth with a street frontage of approximately 30.48 metres, and a total site area of approximately 1,548.38 square metres. It is generally flat with little to no change in topography.



Subject Site - Location



Subject Site - Aerial

The Subject Site is currently occupied by a 2 storey detached dwelling and a two storey detached garage in the south side yard. The site is accessed by a double driveway along the east property line from Howard Avenue to the garage.





Subject Site - existing main residential building



Subject Site - existing main residential building and detached garage

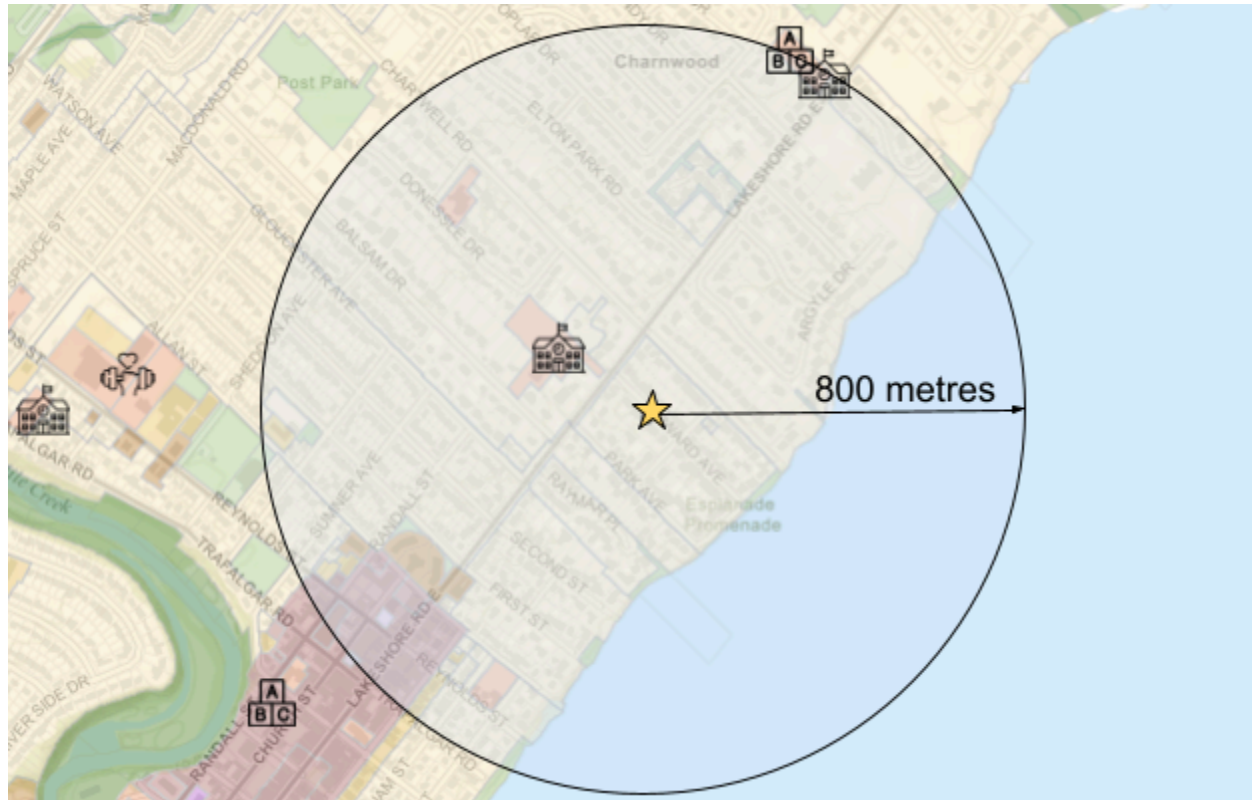




Subject Site - view from rear yard

The surrounding area consists almost exclusively of detached, single occupancy residential buildings with the exception of New Central Public School, located north of Lakeshore Road East between Balsam Drive and Chartwell Road. Building heights are between 1.5 to 2 storeys in a range of architectural styles with a mix of properties having integrated garages and detached garage structures. Many properties also consist of a rear yard accessory structure. Surrounding context photos are provided in Appendix A.

Uses within an expanded context area of 800 metres, representing a 10 minute walking radius, include public and private schools, neighbourhood parks, a religious institution, and Oakville's downtown commercial corridor. Daycare facilities, a public library, and a community recreational centre are located within a 1.5 kilometre catchment area.

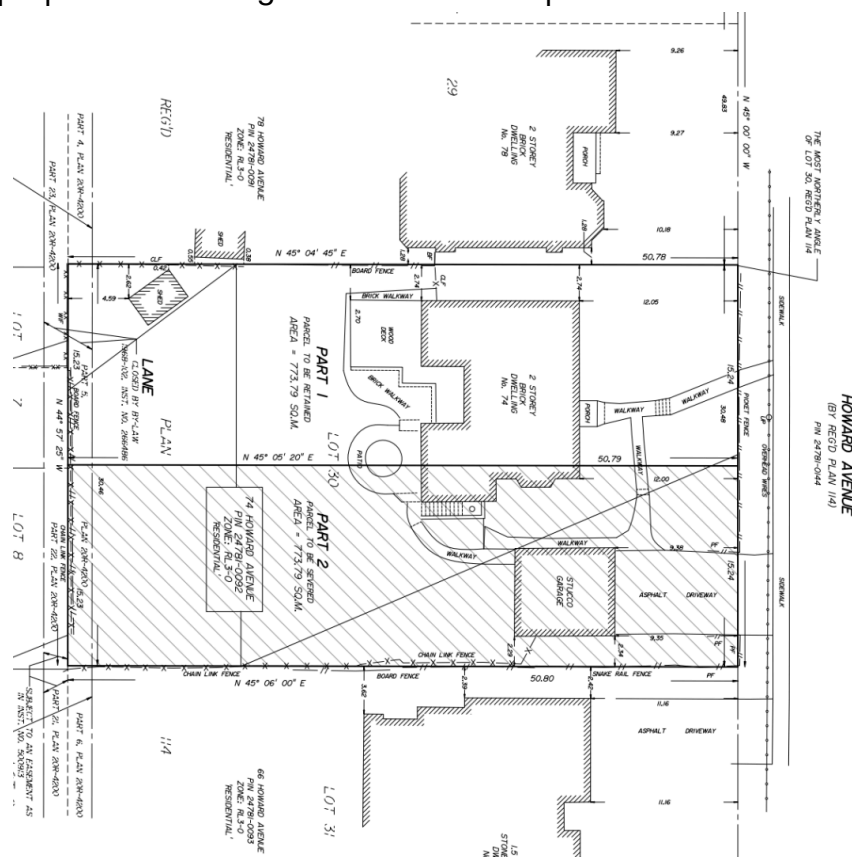


Services and amenities within 800 metres/10 minutes walking radius



## Proposed Development

The purpose of this application is to sever the property to create one new residential lot and one retained lot. The landowner further seeks to demolish the existing detached dwelling and garage to construct a new detached dwelling on each lot. A draft reference plan has been provided as part of this application submission package to illustrate the proposed lot configuration and is also provided below for reference.



Draft Reference Plan excerpt illustrating the proposed lot configuration

The applicant explored an initial development concept contemplating retaining the existing dwelling with modifications on the retained lot and constructing a new dwelling on the severed lot, however the applicant now intends to demolish the existing buildings to create two new dwellings that are more aesthetically aligned with the emerging redevelopment architecture styles in the neighbourhood to provide a cohesive neighbourhood character design, as the potential retention of the existing building was not structurally feasible nor aesthetically attractive.

The Proposed Development has been refined to scope relief solely on the minimum required lot frontage for each lot. The Proposed Development comprises two equally sized lots of approximately 774 square metres with frontages of 15.24 metres, whereas

the minimum required lot frontage is 18.0 metres. Each lot is proposed to consist of a 2 storey, single detached dwelling measuring 9 metres in height and a building footprint of approximately 150 square metres.

The Proposed Development has been thoughtfully and intentionally refined to mitigate impacts on the existing neighbourhood character and to ensure that it is compliant with the zoning requirements and provisions to the greatest extent possible.



Sketch of Proposed Development in streetscape context



Rendering of proposed new building on severed lot



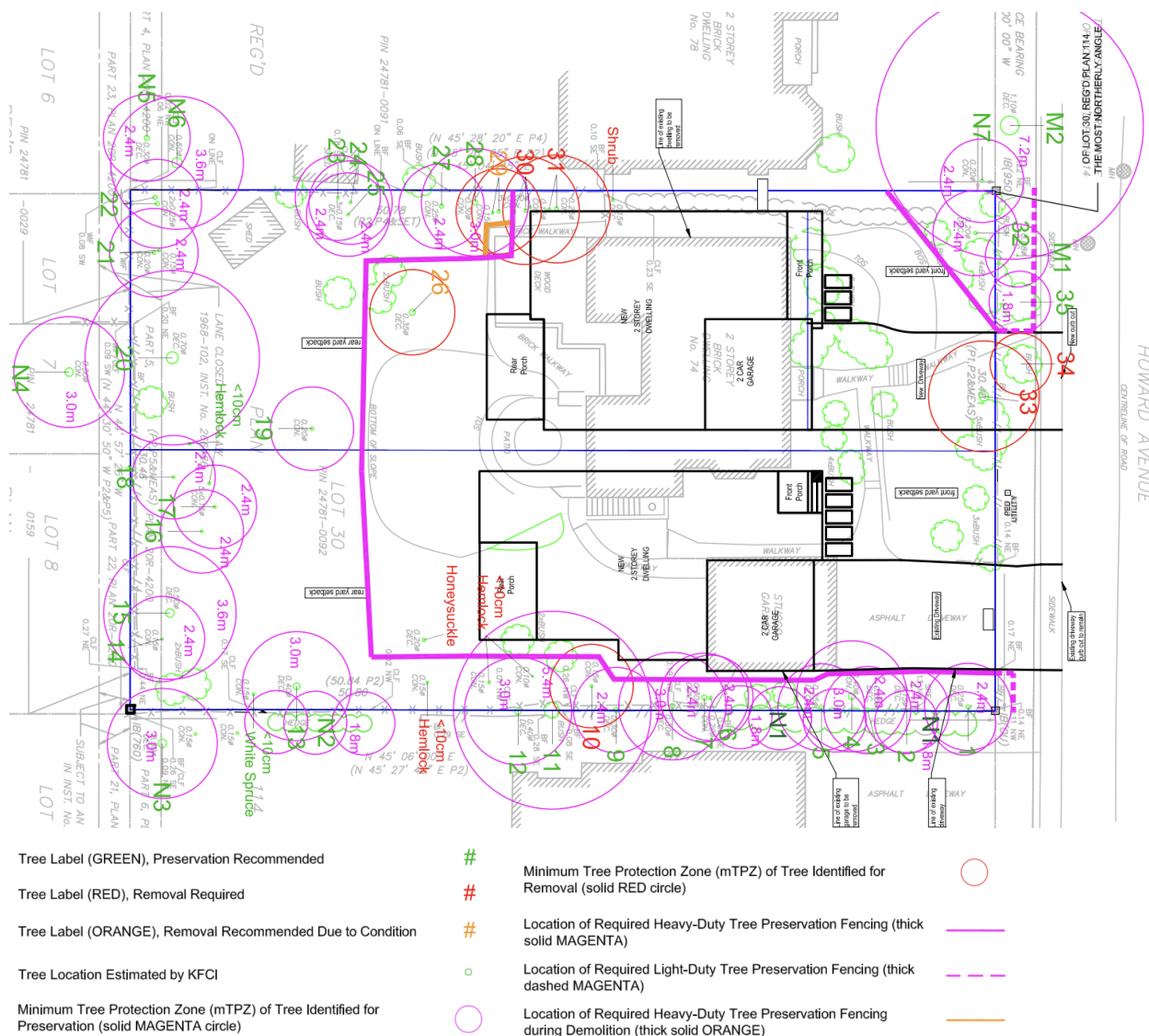


Rendering of proposed new building on retained lot

The Subject Site benefits from several large growth canopy trees which have seen healthy growth whereas nearby residential redevelopments have resulted in the expansion of building footprints and rear yard amenity space redesign removing urban forestry. The Proposed Development has been sited and designed to protect the majority of the existing large canopy trees located on the Subject Site and boundary of adjacent properties. As detailed in the Arborist Report and Tree Preservation Plan prepared by Kuntz Forestry Consulting dated August 20, 2024, of the 44 trees on and adjacent to the Subject Site, the removal of 5 trees will be required to accommodate the Proposed Development as well as 2 additional trees due to existing poor condition.

The proposed dwellings have been carefully considered in terms of materials, roofline, and proportions to ensure compatibility with the local context while contributing to the varied character of buildings in the immediate neighbourhood. They have been designed with shared and consistent architectural principles implemented to emphasize cohesive visual interest while avoiding a sense of duplication and redundancy. For example, stone and shingle sidings, double front car garages, covered porches, gable roofs, and street oriented openings.

The front building wall and porch entrance have been sited to align with the north and south adjacent properties over the prescribed zoning requirement to support a more consistent streetscape and relationship with the adjacent properties.

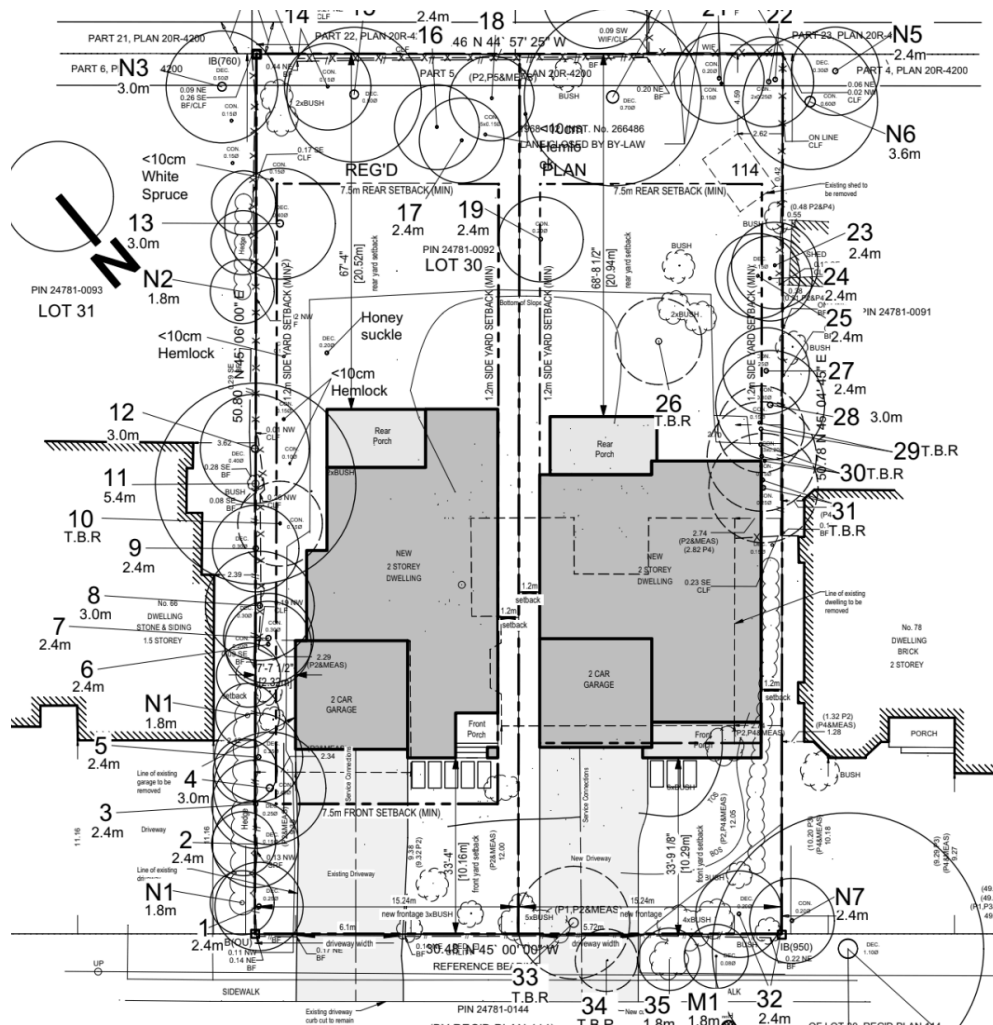




## Consultation

A Planning Application Pre-Consultation Request was submitted to the Planning Department on April 19, 2024 for an opportunity to receive preliminary feedback and identify additional information needed to process a formal application submission. A Pre-Consultation Meeting was held May 15, 2024 to discuss the Proposed Development and a comments report was received May 24, 2024. A summary of Staff comments as well as responses is provided in Appendix B.

Through these discussions, the development concept has been modified to ensure the existing trees were retained to the greatest extent possible and to minimize the number of variances sought while maintaining contextually appropriate design.



Proposed Development - Site Plan

## Evaluation of the Proposed Applications

All planning decisions made within the Province of Ontario must be consistent with and conform to Ontario's hierarchical planning framework. This section will review the relevant planning documents and policies that apply to the proposed consent and minor variance applications.

### ***Planning Act, R.S.O 1990, c. P.13***

The *Planning Act* provides legal authority relating to planning matters in the Province of Ontario. Section 2 of the *Planning Act* establishes matters of Provincial interest to which City Council shall have regard in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians; and the appropriate location of growth and development.

The proposed consent application meets the applicable subdivision criteria set out in Section 51(24):

- (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,
  - (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
  - (b) whether the proposed subdivision is premature or in the public interest;
  - (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
  - (d) the suitability of the land for the purposes for which it is to be subdivided;
  - (f) the dimensions and shapes of the proposed lots;
  - (i) the adequacy of utilities and municipal services;

This Planning Rationale will also evaluate the requested variance in a later section based on the four tests established in Section 45(1) of the *Planning Act* by providing justification on the Proposed Development being consistent with the general intent and purpose of the Official Plan and Zoning By-law, minor in nature, and appropriate and desirable development for the area.



Based on our analysis, the proposed consent and minor variance applications satisfy the applicable criteria for subdividing land and meet the four (4) tests to authorize a minor variance under the *Planning Act*.

## **Provincial Policy Statement**

The Provincial Policy Statement (2020) provides policy direction Province-wide on land use planning and development to promote strong healthy communities, wise use and management of resources, and the protection of public health and safety. The PPS includes policy to encourage an appropriate range and mix of housing types as part of long term economic prosperity, growth management planning, land use patterns, transit supportive development, and broader housing needs.

The Subject Site is located within the Town of Oakville's settlement area and designated Residential Areas in the Town of Oakville Official Plan Schedule A1 Urban Structure. The PPS states that healthy, liveable, and safe communities are sustained by promoting the integration of land use planning, growth management, transit supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1. e).

Policy 1.1.3.1 further states that settlement areas shall be the focus for growth while Policies 1.1.3.2.a and b, and 1.4.3.f emphasize that land use patterns within settlement areas shall be based on densities and a mix of uses which efficiently use land, resources, infrastructure, and public service facilities. The Proposed Development is located in a Settlement Area, is designed in a contextually appropriate form, and represents a density which makes efficient use of full municipal services, including public infrastructure, such as water and sanitary systems, and community services and facilities.

The Subject Site is accessed using a municipally serviced road and is within a walking distance to amenities that support the day to day needs of the residential use, such as schools, parks, and commercial areas. Additionally, the proposed consent application supports the Town's population intensification targets without compromising natural heritage, agricultural, archaeological, or culturally significant areas.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

The Growth Plan (2020) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City of Toronto forms an integral part. The Growth Plan builds upon the policy foundation

provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The tandem consent and minor variance applications are supported by the following sections of the Growth Plan.

Section 1.2.1 provides the guiding principles for how land is to be developed, resources to be managed and protected, and public funds to be strategically and efficiently invested according to the following principles:

- Support the achievement of complete communities that are designed to support healthy and active living and meet the people’s needs for daily living throughout an entire lifetime.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

Section 2.1 of the Growth Plan provides policies for where and how to grow. Specifically, Policy 2.2.1.2 a) directs the vast majority of growth to settlements areas that:

- i. have a delineated built boundary;
- ii. have existing or planned municipal water and wastewater systems; and
- iii. can support the achievement of complete communities;

And Policy 2.2.1.2 c) states that within settlement areas, growth will be focused in:

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities.

Policy 2.2.2.1 a) provides growth direction for delineated built up areas, noting that “a minimum of 50% of all residential development occurring annually within... the Regions of Durham, Halton, Niagara, Peel, Waterloo, and York will be within the delineated built up area”.

In alignment with Provincial policy, the proposed lots will be created through the consent process and will be serviced by existing municipal infrastructure, such as water and sanitary systems.



The Subject Site is designated Residential within a delineated built-up area and seeks to modestly increase the housing supply in a manner that is consistent with the surrounding context and more efficiently uses the existing infrastructure and public facilities and services to provide one additional unit of family-sized housing.

### **Region of Halton Official Plan**

As per the Region of Halton's July 1, 2024 update regarding the Halton Region Official Plan, the local plan - Town of Oakville Official Plan - will be referenced for local planning guidance once fully incorporated. However, until then, the Halton Official Plan is to be considered in tandem with the local municipal official plans.

The Halton Region Official Plan (ROP), formally known as Sustainable Halton, is intended to provide clear direction as to how physical development should take place in Halton to meet the current and future needs of its people. The ROP provides land use guidance in developing a consistent vision for Burlington, Halton Hills, Milton and Oakville.

The Subject Site is designated as "Urban Area" as shown on Map 1h Regional Urban Structure. The objectives of the Urban Area, established in Policy 72 of the ROP include:

- (1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retail local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.
- (3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.

As such, it is our opinion that the Proposed Development on the Subject Site represents appropriate residential growth as set out in the Regional Official Plan.

### **Livable Oakville Plan**

The Livable Oakville Plan (OP) was adopted by the Town of Oakville on June 22, 2009 and approved by the Region of Halton on November 30, 2009. It sets out guidance for long range land use and growth management in the Town of Oakville, except North Oakville East and West Secondary Plan areas, to ensure that anticipated growth can be appropriately accommodated throughout the municipality and establishes the policy

framework for decision making and land use planning approval authorities. The current iteration incorporates amendments up to August 31, 2021.

The Subject Site is designated 'Residential Areas' within Schedule A1 Urban Structure and 'Low Density Residential' within Schedule G South East Land Use.

Policy 3.9 notes that Residential Areas include low, medium, and high density residential uses as well as a range of compatible facilities. The OP further states that some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the Town is upheld.

Character is defined in the OP as "the collective qualities and characteristics that distinguish a particular area or neighbourhood" and is further specified in Policy 3.9 as the relationship of Residential Areas to the Natural Heritage System, parks and open space areas.



Livable Oakville Plan - Schedule G South East Land Use excerpt

Section 11 contains policies to guide the development of properties within the Residential Areas land use designations. The OP states the following objectives which apply to all Residential Areas:

- a) maintain, protect and enhance the character of existing residential areas;
- b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;
- c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing for all socio-economic groups;



- f) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities

Policy 11.1.4 of the Plan states that development in Residential Areas shall conform with the policies relating to urban design and sustainability, which are provided further below.

The Plan generally considers Residential Areas as being stable with Policies 11.1.8 and 11.1.9 establishing the criteria against which development in stable residential communities is evaluated, in order to maintain and protect the existing neighbourhood character whilst accommodating compatible forms of intensification.

The applicable criteria for development within stable residential communities is established in Policy 11.1.9 and includes the following:

- a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.
- d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.
- e) Loads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.
- h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.

Policy 11.2.1 provides the permitted uses within the Low Density Residential designation as a range of low density housing types, including detached dwellings, semi detached dwellings, and duplexes.

Regarding consent applications, Policy 28.14.1 states that “[consents] may be permitted for the creation of a new lot, boundary adjustments, rights-of-way, easements, long-term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.”

Policy 28.14.2 directs applications for consent to create new lots may only be granted where:

- a) a plan of subdivision is not necessary;
- b) the number of resulting lots is three or less;

- c) the lot can be adequately serviced by water, wastewater and storm drainage facilities;
- d) no extension, improvement or assumption of municipal services is required;
- e) the lot will have frontage on a public street and access will not result in traffic hazards;
- f) the lot will not restrict the ultimate development of adjacent lands;
- g) the size and shape of the lot conforms with the requirements of the Zoning Bylaw, is appropriate to the use proposed and is compatible with adjacent lots; and,
- h) the consent conforms to all relevant policies of this Plan.

The OP defines 'compatible' as "the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact."

As stated in Policy 6.1.2 a), urban design for new developments are evaluated in accordance with the urban design direction provided in the Livable Design Manual. The Design Guidelines for Stable Residential Communities ("Guidelines") are intended to implement the urban design and residential policies of the OP. Endorsed by the Planning and Development Council on April 29, 2013, the Guidelines apply to the development of the Subject Site as an important tool in providing assessment on the intent of the OP.

Aligning with the policy text of the OP, Section 3 of the Guidelines establish that new development should be compatible with the dwellings in the surrounding neighbourhood; that is, designed to respond to the basic neighbourhood patterns and recurring characteristics, such as lot patterns, street edges, placement and orientation of dwellings, existing vegetation, topography, and other common or distinctive elements.

Section 3.1.1 of the Guidelines recommends that new development be designed to maintain and preserve the scale and character of the site, provide a visual reference to existing neighbourhood features, and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.

Section 3.1.2 of the Guidelines recommends that 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.

Section 3.1.3 of the Guidelines states that new development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity.

Section 3.1.5 of the Guidelines states that the design and placement of new development should make every effort to minimize the potential impacts on the privacy of rear yard amenity spaces of adjacent properties by carefully considering building massing and the placement of building projections, decks and balconies, and screening vegetation.

With regard to building design, Section 3.2 states that new development, when contextually designed, may reflect any architectural style and still maintain compatibility with the character of the surrounding neighbourhood.

Section 3.2.3 intends that new development should be oriented and positioned on the lot to be compatible with the existing pattern of dwelling placement, in terms of front, side, flankage and rear yard setbacks and should maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area.

With regard to the design of the primary building façade, Section 3.2.4 of the Guidelines recommends that new development incorporate a prominent primary entrance on the front façade to provide a clear sense of arrival, as well as a connection to the municipal sidewalk. Similarly, Section 3.2.5 encourages new developments to incorporate adequate window openings, designed in appropriate proportion, on the primary facade to add visual interest and to maximize light penetration and views, while minimizing overlook conditions onto neighbouring properties.

Section 3.2.6 provides direction on garage design, providing guidance for new developments with an attached garage to incorporate this feature into the design of the building to achieve compatibility with the overall massing, scape, and style of the dwelling and immediate surroundings. The garage should be flush with or recessed behind the front facade of the dwelling or have the porch extended, and incorporate other design features to lessen the visual prominence of the garage.

Section 3.3.1 of the Guidelines suggests that new development be designed and sited to retain established landscaping, such as healthy mature trees and existing topography, and incorporate landscaping and proposed trees into the design and development of the site for compatibility with the surrounding landscape patterns.

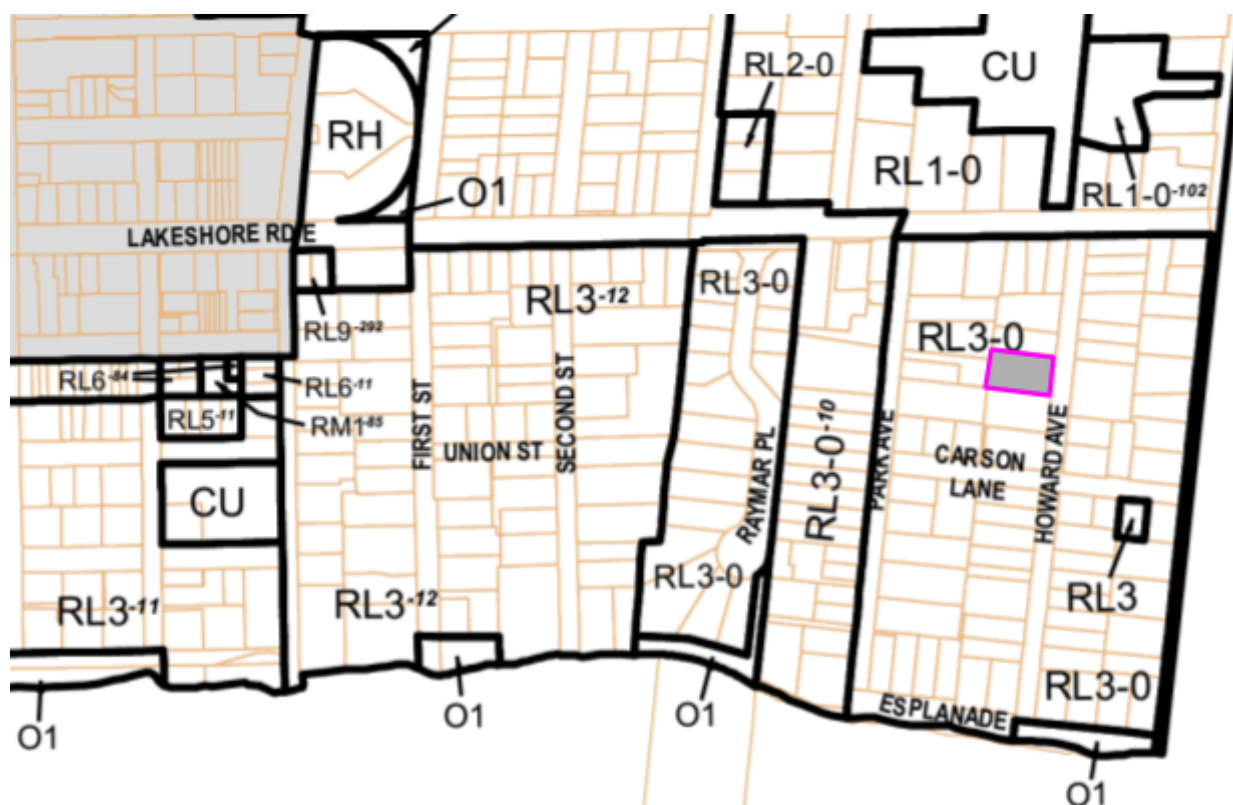
Section 3.3.2 of the Guidelines state that new development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to



accommodate a driveway plus a pedestrian walkway. Further, new development should be designed with the widest part of the driveway positioned directly in front of the garage door(s). The driveway width should be minimal at the property line to reduce the impact on the pedestrian environment and on street trees in the boulevard.

## Zoning By-law 2014-014

The Town of Oakville Zoning By-law 2014-014 establishes standards for how land is to be used and developed. It includes regulations regarding permitted uses, siting, massing, and scales of buildings, minimum and maximum lot sizes, and parking requirements, among others. The Zoning By-law helps implement the policies of the Official Plan. The current iteration of Oakville's Zoning By-Law is consolidated to April 4, 2024.



Zoning By-law 2014-014 map excerpt

The Subject Site is zoned Residential Low (RL3-0) in the Town of Oakville Zoning By-law 2014-014. The RL3-0 zoning permits the following uses:

- accessory dwelling unit
- bed and breakfast establishment
- conversion use
- day care
- detached dwelling
- emergency service facility
- home occupation
- lodging house
- park, public
- private home day care
- short-term accommodation
- stormwater management facility

The “-0” suffix to the zone adds a series of requirements to the base RL3 zone, including provisions relating to residential floor area ratio, lot coverage, front yard setbacks, main wall proportionality, height, and others.

## Neighbourhood Lot Fabric Analysis

An analysis of the immediate neighbourhood context and lot fabric was completed as part of the planning analysis. The table in Appendix C details the frontage and area of all lots within the study area, which captures properties along either side of Howard Avenue as well as the properties at the intersection which lead to Howard Avenue.



Neighbourhood Lot Fabric Analysis Study Area

As shown in the study area map, there is a range of lot patterns in the surrounding context, some with tighter and more compact lot patterns and others with wider and less compact lot patterns. To determine the compatibility and appropriateness of the Proposed Development in relation to the affected streetscape and immediate context, the study area was scoped to properties along Howard Avenue and those at the side of the intersection leading onto Howard Avenue.



It is noted that the lots within the study area are also of RL3-0 zoning. All of the lots within the study area are detached residential dwellings, most of which consist of integrated double garages. A total of 38 lots were analyzed.

The Subject Site has one of the largest lot frontages and lot areas within the Howard Avenue study area context with a frontage of 30.5 metres and lot area of 1,548 square metres. The proposed severance results in a retained and severed lot with frontages of 15.24 metres and lot area of 773.71 and 773.86 square meters. The lot frontage and lot area for both the retained and severed lots fall within the second quartile (aka the 50th percentile).

As such, the proposed new lots are determined to fit appropriately and will be compatible within the existing context and do not jeopardize the character of the neighbourhood through disruption in lot patterns by setting new precedent. Rather, they reinforce the predominant lot characteristics present along Howard Avenue.

## Evaluation of the Requested Consent

This Planning Rationale evaluates the requested consent based on the criteria established in Section 51(24) of the *Planning Act*, which directs planning approval authorities to make decisions relating to land division applications on the basis that the development meets the following applicable criteria:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
  - The proposed consent application to create two lots where one currently exists is consistent with the Province's direction to protect ecological systems and agricultural resources by modestly increasing the housing supply by one unit within the settlement area boundary, where growth and development have been directed within the municipal boundary.
  - It efficiently uses existing municipal infrastructure, such as water, sewage, waste management and transportations systems to support the orderly development of safe and healthy communities through the provision of additional housing in a built form that is well-designed and reinforces the existing character of the neighbourhood.
- (b) whether the proposed subdivision is premature or in the public interest;
  - The Growth Plan directs a minimum of 50% of the growth within the Region of Halton to occur within the existing built up boundary to conserve natural features and agricultural lands. The proposed consent is not considered premature and is in the public interest by supplying an increase of one residential unit to the housing stock in a manner that is compatible with the existing context and more efficiently uses land and public infrastructure investments.
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
  - The proposed consent is consistent with the local official plan, as discussed further below, particularly with respect to the Livable Oakville Plan Section 28.14 which provides policy direction on Consents (Severances).
- (d) the suitability of the land for the purposes for which it is to be subdivided;
  - The Subject Site is suitable for the purpose of subdivision through consent and construction of two new residential dwellings, where existing services can be more efficiently utilized and all zoning requirements except that of lot frontage are satisfied. The pursuance of a reduced minimum required lot frontage is evaluated below and is the subject of the associated Minor Variance applications.
- (f) the dimensions and shapes of the proposed lots;

- The dimensions and shapes of the proposed lots are consistent with the prevailing lot pattern within the existing context. Please refer to Appendix C for additional detail.
- (i) the adequacy of utilities and municipal services;
  - The Proposed Development has undergone preliminary review as part of a pre-application consultation with municipal and regional staff. No objections or concerns with respect to utility and servicing capacities have been raised.
- (j) the adequacy of school sites;
  - The Subject Site is located within a residential context where adequate public service facilities are present, including schools. Within an 800 metre radius of the site is a public school and private school. Several additional public and private educational facilities are available within an expanded catchment area of 2.0 kilometers.

Coinciding with the Official Plan Policy Policy 28.14.1 and Policy 28.14.2, the Proposed Development represents an appropriately sized lot in terms of the proposed lot size, shape, and area within the context of the immediate neighbourhood. The proposed application meets the applicable criteria as follows:

- i) a plan of subdivision is not necessary;
  - The proposed lots are part of an existing residential neighbourhood where a plan of subdivision is not necessary.
- j) the number of resulting lots is three or less;
  - The consent application seeks to create a new lot by severing the Subject Site into two similarly sized lots - one retained lot and one severed lot.
- k) the lot can be adequately serviced by water, wastewater and storm drainage facilities;
  - The lot is adequately serviced by water, waste water, and storm drainage facilities. This has been confirmed through a preliminary review by Municipal and Regional Staff as part of the pre-application consultation process and provided in the concept servicing noted on the Site Plan.
- l) no extension, improvement or assumption of municipal services is required;
  - No extension, improvement, or assumption of municipal services is required - see above and refer to Appendix B.
- m) the lot will have frontage on a public street and access will not result in traffic hazards;
  - Both lots will continue to have frontage on Howard Avenue and access will not result in traffic hazards.
- n) the lot will not restrict the ultimate development of adjacent lands;



- The lot will not restrict the ultimate development of adjacent lands as the Proposed Development seeks no built form related minor variances which will impact future development on adjacent lands nor significant stress on the surrounding infrastructure and utility services.
- o) the size and shape of the lot conforms with the requirements of the Zoning Bylaw, is appropriate to the use proposed and is compatible with adjacent lots; and,
  - The size and shape of the lot generally conforms with Zoning By-law and has been assessed to determine appropriateness and compatibility with the adjacent lots. A Minor Variance application is sought to permit the slight reduction in required lot frontage and is supported by a neighbourhood lot frontage and area analysis (refer to Appendix C).
- p) the consent conforms to all relevant policies of this Plan.
  - The consent conforms to all relevant policies of the Official Plan, as well as Provincial planning documents.

The Proposed Development is also compatible with the existing mix of lot patterns along Howard Avenue, enforcing and preserving the neighbourhood context, as demonstrated through the lot fabric analysis. The consent application's proposed resulting lot frontages and lot sizes represent lot attributes which are in keeping with the surrounding neighbourhood character.

Based on our evaluation, the proposed consent application satisfies the applicable criteria for subdividing land as required in the *Planning Act* and Livable Oakville Plan.

## Evaluation of the Requested Minor Variances

This Planning Rationale evaluates the requested variances based on the four tests established in Section 45(1) of the *Planning Act*, which directs the Committee of Adjustment to make decisions relating to Minor Variance applications on the basis that the development be consistent with the general intent and purpose of the Official Plan and Zoning By-law, be minor in nature, and constitute appropriate and desirable development for the area.

A minor variance is required to facilitate the consent application as the creation of the two lots which results in lot frontages less than the minimum required, 18.0 metres. No other variances are sought to accommodate the proposed two new residential buildings.

### General Intent and Purpose of the Official Plan and Zoning By-law

**Variance 1 – Minimum Lot Frontage:** The minimum required lot frontage is 18.0 metres. The proposed new lots will have 15.24 metres of lot frontage along Howard Avenue.

The proposed lots are to facilitate the construction of two new residential dwellings, replacing the existing one residential dwelling and detached garage. The proposed use is a permitted use under the Low Density Residential land use designation applicable to the Subject Site. The intent of the minimum lot frontage is to create consistency in streetscape, including lot dimension and built forms. This is further reinforced by complementing front yard landscaping and parking layout.

Whereas the existing lot is significantly larger and wider than many properties which exist in the Howard Avenue neighbourhood, the proposed lot frontage for both the retained and severed lot aligns more closely with the existing lot pattern in this varied context. The neighbourhood lot analysis in Appendix C and the diagram below provide additional detail in this regard.

The Proposed Development has been designed to reflect better compatibility with the front yard setback of the north and south adjacent properties to create a more cohesive streetscape and front yard condition.

The Proposed Development is consistent with the policies outlined in Section 11 of the OP, which provides direction to achieve objectives such as maintaining and protecting the character of the existing residential area; encouraging an appropriate mix of

housing types, densities, and design; and promoting housing initiatives to facilitate the revitalization, compact urban form, and an increased variety of housing.

Section 11 of the Official Plan and the associated Section 3 of the Design Guidelines for Stable Residential Communities have been carefully consulted to provide intentionally and thoughtfully designed built forms for both new proposed dwellings. The proposed residential buildings have been designed to be compatible with the prevailing building type and orientation, height, scale, and massing as well as architectural elements such as site layout, building materiality, and facade treatment.

Of note, Policy 11.1.9 f) states that “where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.” The Proposed Development represents a lot pattern and built forms for the Subject Site that is aligned with the predominant lotting pattern and front yard setbacks along Howard Avenue, whereas the existing lot is oversized, hidden, and underutilized in meeting Provincial and Regional housing targets.

While the RL3-0 zone requires a minimum lot frontage of 18.0 metres, most lots in the surrounding area, also zoned RL3-0 zone, exist as legal non-confirming.

Further, with the exception of the lot frontage, the Proposed Development complies with all other applicable zoning provisions and maintains the intent of the RL3-0 zone as a low density residential zone where development is intended to be consistent with the predominant character of the neighbourhood.

In this case, the Proposed Development is compatible with the existing character of the neighbourhood. The reduced lot frontage requested does not create inconsistency nor a new precedent with the existing lot pattern along the Howard Avenue streetscape. The requested variance is consistent with the general intent and purpose of the Official Plan and Zoning By-law.





Analysis of Neighbourhood Lot Frontage

## Minor in Nature

A minor variance is required for the lot frontage of the proposed retained and severed lots. The basis for determining whether a proposed variance to the Zoning By-law is minor in nature includes an assessment of impact. When considering the impacts of the requested variance, an analysis of other lots within the Subject Site's contextual vicinity was considered.

Despite the lot frontage sought being less than the prescribed minimum 18 metres, the requested variance is consistent with the existing condition of the surrounding context and streetscape. The neighbourhood lot pattern analysis undertaken as part of this planning analysis identified an appropriate compatibility of the surrounding lot frontages. Of note, the analysis found that 16 of the 38 lots (42%) within the study area were legal non-conforming with respect to the minimum lot frontage provision with lot frontages less than the 18 metres required by Zoning By-law 2014-014.

It is our opinion that the proposed variance of reducing the minimum required lot frontage by 2.76 metres is minor in nature.

## Appropriate and Desirable Development

The creation of new residential units in an appropriate and desirable manner is an important objective of the Proposed Development.

In addition to the lot frontage proposed being appropriate for the neighbourhood, as mentioned above, the scale, massing, height, and siting of the proposed new residential buildings reflect an appropriate form of development relative to the size and configuration of the new lots as well as their relationship with the existing context. The setbacks, building height, architectural design, and choice in materiality for the dwellings has been carefully considered by incorporating high quality materials and building design that is more aligned with what exists in the neighbourhood while providing an additional housing unit.

The Proposed Development constitutes appropriate and desirable development.

## Conclusion

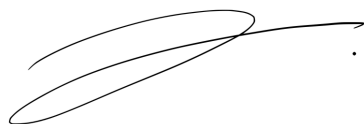
The Proposed Development is located within an established neighbourhood of single detached dwellings on lots with mature vegetation within the urban settlement area. The Subject Site's surrounding context is supportive of the existing and proposed residential use, providing convenient access to amenities such as day to day retail shops and services, schools, parks, childcare services, and the like required for a thriving residential neighbourhood and a healthy, complete community.

The requested consent and variances are necessary to permit the proposed additional detached dwelling with a scale and character that is consistent with all built form provisions but requires minor variances from the metric for lot frontage to be in compliance with Zoning By-Law 2014-014, as amended. 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 on the nearby properties should the variances be granted.

In my opinion, the proposed variances are consistent with the general intent and purpose of the Halton Regional Official Plan, the Livable Oakville Plan, Design Guidelines for Stable Residential Communities, and applicable Zoning By-laws. Further, the Proposed Development has been evaluated against the four *Planning Act* tests and it is my opinion that they have been met, in that the proposed variances are in keeping with the purpose and intent of the Official Plan and Zoning By-law, are minor in nature, and reflect appropriate and desirable development for the area.

The requested variances facilitate a development that makes efficient use of land and provides additional housing opportunities to support a complete community. It is consistent with the existing lot patterning and housing mix in an area well serviced by amenities such as schools, parks, and retail. The requested variances meet the four tests prescribed by Section 45 of the *Planning Act* and represent good planning.

Respectfully submitted,



Jacqueline Lee  
Intermediate Planner



Paul Demczak, MCIP, RPP  
Principal



## Appendix A – Area Context Photos



Howard Avenue streetscapes



## Appendix B – Pre-Consultation Comments

Comments	Responses
<p><b>Planning Services</b> Please include a table of lot frontages and lot areas of the surrounding neighbourhood.</p> <p>It would be prudent to prepare an arborist report to address boundary trees.</p> <p><b>Urban Design</b> No comment.</p> <p><b>Development Services - Engineering</b> Permits may be required should any proposed works be carried out on the property ie. site alteration permit, pool enclosure permit, tree preservation, etc.</p> <p>Any current or future proposed works that may affect existing trees (private or municipal) will require an arborist report and/or a tree preservation assessment.</p> <p>The applicant should be advised that the driveway location and grading are subject to review and approval by the Engineering &amp; Construction Department and Building Department and will be reviewed in detail.</p> <p>As part of the process, the applicant will be required to submit an Arborist's report to address any impact to the Town's trees to the satisfaction of the Development Engineering Department.</p>	<p>Included in Appendix C</p> <p>Please see arborist report prepared by Kuntz Forestry Consulting included part of the consent and minor variance application submission package.</p> <p>Noted.</p> <p>Noted.</p> <p>Please see arborist report prepared by Kuntz Forestry Consulting included part of the consent and minor variance application submission package.</p> <p>Noted.</p> <p>Please see arborist report prepared by Kuntz Forestry Consulting included part of the consent and minor variance application submission package.</p>

<p>The driveway design &amp; spacing must comply with the Driveway By-law (by-law 2009-072).</p> <p><b>Building Services - Zoning</b> Minimum required lot frontage for each lot is 18.0, where 15.24m is proposed for both the new and retained parcels.</p> <p>As identified in the site statistics submitted, a minor variance is required for the reduced lot frontage for both the severed and retained lots. relief from the by-law is also required for the minimum front yard setback to the proposed 1 storey addition for the retained parcel.</p> <p>The proposed and existing accessory structures may not comply. Please review Section 6.5 for all regulations.</p> <p><b>Region of Halton - Planning &amp; Public Works Dept</b> A site servicing plan must be submitted with the application that addresses the servicing of the site and shows how the site is to be serviced by both municipal water and sanitary sewage servicing.</p> <p>Once construction has completed and the new homes are occupied, the Region will service both new dwellings for full residential curbside waste collection on Howard Avenue.</p> <p>Transportation has no comments as this site is not located on or near a Regional road.</p>	<p>Noted.</p> <p>Refer to Minor Variance application.</p> <p>Proposed Development has been refined to limit the Minor Variance request to reduced lot frontage only.</p> <p>Proposed Development has been refined to limit the Minor Variance request to reduced lot frontage only.</p> <p>Please see site servicing details on site plan included part of the consent and minor variance application submission package.</p> <p>Noted.</p> <p>Noted.</p>
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## Appendix C – Neighbourhood Lot Frontage and Area Analysis

	<u>Minimum</u>	<u>Quartile 1</u>	<u>Quartile 3</u>	<u>Maximum</u>			
<b><u>Lot Frontage</u></b>	9	15	24.5	45.5		<b>Quartile 1</b>	Median -25%
<b><u>Lot Area</u></b>	450	729.625	1044.25	2184		<b>Quartile 3</b>	Median +25%
<b><u>Lot Frontage</u></b>			<b><u>Lot Area</u></b>			<b><u>Severed Lot</u></b>	<b><u>Retained Lot</u></b>
<b><u>Address</u></b>	<b><u>Lot Frontage (m)</u></b>		<b><u>Address</u></b>	<b><u>Lot Area (sm)</u></b>		15.24 m	15.24 sm
28 Howard Ave	9		28 Howard Ave	450		773.86 m	773.71 sm
95 Howard Ave	14.5		530 Carson Lane	515			
506 Lakeshore Rd E	15		43 Howard Ave	650			
96 Howard Ave	15		96 Howard Ave	693			
44 Howard Ave	15		95 Howard Ave	700			
40 Howard Ave	15		81 Howard Ave	720			
32 Howard Ave	15		89 Howard Ave	725			
12 Howard Ave	15		21 Howard Ave	727			
21 Howard Ave	15		29 Howard Ave	727			
29 Howard Ave	15		512 Lakeshore Rd E	729.5			
81 Howard Ave	15		12 Howard Ave	730			
89 Howard Ave	15		77 Howard Ave	744			
25 Howard Ave	15.5		63 Howard Ave	748			
33 Howard Ave	15.5		44 Howard Ave	750			
77 Howard Ave	15.5		40 Howard Ave	750			
528 Lakeshore Rd E	16		32 Howard Ave	750			
512 Lakeshore Rd E	18		25 Howard Ave	752			
78 Howard Ave	18		33 Howard Ave	752			
36 Howard Ave	18.5		528 Lakeshore Rd E	766			
18 Howard Ave	18.5		506 Lakeshore Rd E	787.5			
533 Carson Lane	18.5		57 Howard Ave	799			
37 Howard Ave	21		533 Carson Lane	814			

85 Howard Ave	21		36 Howard Ave	925			
530 Carson Lane	21		18 Howard Ave	925			
63 Howard Ave	22		78 Howard Ave	929			
57 Howard Ave	23.5		507 Esplanade	1004			
43 Howard Ave	24		515 Esplanade	1004			
507 Esplanade	24.5		37 Howard Ave	1018			
515 Esplanade	24.5		523 Esplanade	1053			
523 Esplanade	24.5		531 Esplanade	1053			
531 Esplanade	24.5		85 Howard Ave	1161			
74 Howard Ave	30.5		88 Howard Ave	1440.5			
66 Howard Ave	30.5		58 Howard Ave	1471			
58 Howard Ave	30.5		22 Howard Ave	1525			
22 Howard Ave	30.5		74 Howard Ave	1548			
88 Howard Ave	32		66 Howard Ave	1548			
11 Howard Ave	34		11 Howard Ave	1649			
67 Howard Ave	45.5		67 Howard Ave	2184			





SITE STATISTICS - 74 HOWARD AVE., OAKVILLE (SOUTH, LOT TO BE SEVERED)					
Zoning				By-Law 2014-014	
				RL3-0	
Lot Area	773.79 m2	8,329.01 ft2		557.50 m2	
Lot Frontage	15.24 m	50'0"		18.00 m	
Setbacks (Dwelling)					
Front Yard	10.16 m	33'4"		7.5 m (min)	
Rear Yard	20.52 m	67'4"		7.5 m (min)	
Interior Side Yard (North)	1.20 m	3'11 1/4"		1.2 m (min)	
Interior Side Yard (South)	2.23 m	7'7 1/2"		1.2 m (min)	
Number of Storeys		2.00		2 Storey (max)	
Building Height					
New Dwelling Height	9.00 m	29'6 3/8"		9 m (max)	
Residential Floor Area Ratio					
Ground Floor	154.99 m2	1668.30 ft2	20.03%		
Second Floor	154.53 m2	1663.30 ft2	19.97%	3,331.60 ft2	
Total	309.52 m2	3331.6 ft2	40.00%	40% (max)	
Lot Coverage					
Dwelling	192.83 m2	2075.65 ft2	24.92%		
Accessory Structure	0.00 m2	0.00 ft2	0.00%		
Porch	25.36 m2	273.00 ft2	3.28%	2915.15 ft2	
Total	218.20 m2	2348.65 ft2	28.2%	35% (max)	
Garage Area	41.21 m2	443.6 ft2		45 m2 (max)	
Driveway Width					
50% of lot frontage	6.10 m	20.01 ft		3.0 m (min) 7.6 m (max)	
Shaded items require minor variance					

SITE STATISTICS - 74 HOWARD AVE., OAKVILLE (NORTH, LOT TO BE RETAINED)					
Zoning				By-Law 2014-014	
				RL3-0	
Lot Area	773.79 m2	8,329.01 ft2		557.50 m2	
Lot Frontage	15.24 m	50'0"		18.00 m	
Setbacks (Dwelling)					
Front Yard	10.29 m	33'9 1/8"		11 m (min)-16.5m(max)	
Rear Yard	20.09 m	65'11"		7.5 m (min)	
Interior Side Yard (North)	1.20 m	3'11 1/4"		1.2 m (min)	
Interior Side Yard (South)	1.20 m	3'11 1/4"		1.2m (min)	
Number of Storeys		2.00		2 Storey (max)	
Building Height					
New Dwelling Height	9.00 m	29'6 3/8"		9 m (max)	
Residential Floor Area Ratio					
Proposed Ground Floor	156.78 m2	1687.60 ft2	20.26%		
Existing Second Floor	152.73 m2	1644.00 ft2	19.74%	3,331.60 ft2	
Total	309.52 m2	3331.6 ft2	40.00%	40% (max)	
Lot Coverage					
Dwelling	197.45 m2	2125.30 ft2	25.52%		
Porches	33.79 m2	363.70 ft2	4.37%		
Total	231.24 m2	2489 ft2	29.9%	35% (max)	
Garage Area	44.97 m2	484.00 ft2		45 m2 (max)	
Driveway Width					
50% of lot frontage	5.72 m	18.77 ft		2.4m (min) 7.62m (max)	
Shaded items require minor variance					

**Tree Inventory and Preservation Plan  
74 Howard Avenue  
Oakville, Ontario**

prepared for

**Batory Planning + Management**

prepared by



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18 July 2024, revised 20 August 2024

KUNTZ FORESTRY CONSULTING INC. Project P4280

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## 1.0 Introduction

Kuntz Forestry Consulting Inc. was retained by Batory Planning + Management to complete a Tree Inventory and Preservation Plan as part of a development application for the subject site located at 74 Howard Avenue in Oakville, Ontario. The subject site is located on the west side of Howard Avenue and on the south side of Lakeshore Road East, within a residential area.

The work plan for this tree preservation study included the following:

- Prepare an inventory of tree resources measuring 10cm diameter at breast height (DBH) and greater on and within six metres of the subject site and trees of all sizes within the road right-of-way;
- Evaluate potential tree saving opportunities based on the proposed development plans; and,
- Document the findings in a Tree Inventory and Preservation Plan.

The results of the evaluation are provided below.

## 2.0 Methodology

### 2.1 Tree Inventory

The tree inventory occurred on 10 July 2024. Trees measuring 10cm DBH and greater on and within six metres of the subject site and trees of all sizes within the road right-of-way were included in the inventory. Trees were located using the topographic survey provided and estimations made from known points in the field. Individual trees on the subject property were identified as Trees 1-35. Trees on the adjacent properties were identified with letters N1-N7. Trees within the Town road right-of-way were identified with letters M1 and M2.

Tree resources were assessed utilizing the following parameters:

**Tree #** – Number assigned to trees that corresponds to Figure 1.

**Species** – Common and botanical names provided in the inventory table.

**DBH** – Diameter (cm) at breast height, measured at 1.4m above the ground.

**Condition** – Condition of tree considering trunk integrity (TI), crown structure (CS) and crown vigor (CV). Condition ratings include poor (P), fair (F), and good (G).

**Crown Dieback** – Percentage of dead branches within the crown.

**Dripline** – Crown radius (m).

**Comments** – Any other relevant tree condition information.

Refer to Table 1 for the detailed tree inventory and Figure 1 for the locations of the trees and polygons.

### 2.2 Tree Valuation

A valuation was calculated for trees located within the road right-of-way. The value was calculated using the Trunk Formula Technique. This method is described in the Guide for Plant Appraisal, 10<sup>th</sup> Edition (CTLA 2018). The Ontario Supplement (2021) provides regionally relevant data pertaining to species-specific basic costs for trees.

### Trunk Formula Technique

This method is used for trees that are larger than what is commonly available for transplant from a nursery. The Unit Tree Cost of the replacement tree is derived from a survey of nurseries or supplied by the Regional Plant Appraisal Council and published within the Ontario Supplement (2021). For Ontario, the species-specific Unit Tree Costs have been calculated within the Ontario Supplement (2021) and these Unit Tree Costs have been used for the calculation.

The Basic Tree Cost is calculated by multiplying the Unit Tree Cost by the cross-sectional area of the subject tree. For multi-stemmed trees, the appraised trunk area considers the cross-sectional area of all stems. The Appraised Value is calculated by multiplying the Basic Reproduction Cost by the three depreciation factors (Condition Rating, Functional Limitation Rating, and External Limitation Rating, as described in the Guide).

The appraised value is therefore calculated using the following equation:

*Basic Tree Cost = Appraised Tree Trunk Area X Unit Tree Cost*

*Appraised Value = Basic Tree Cost X Condition Rating X Functional Limitation Rating X External Limitation Rating*

Functional Limitation Ratings and External Limitation Ratings are calculated according to the methods outlined in the guide. Condition Ratings were calculated based on the assessed condition of the trees on the site and in accordance with the guide. The final values were rounded to the nearest \$100 for values greater than \$2000, and to the nearest \$5 for values less than \$2000.

For trees with appraisal values less than \$744.00, which is the Town of Oakville's minimum value per tree, their values were set to \$744.00.

Refer to Table 2 for the individual tree value computations.

## **3.0 Existing Site Conditions**

The subject property is currently occupied by a two-storey brick dwelling, a detached garage, an asphalt driveway, a rear-patio, and a shed in the rear-yard. Tree resources exist in the form of landscape trees and natural generation. Refer to Figure 1 for the existing site conditions.

## **4.0 Individual Tree Resources**

A total of 44 trees were included in the inventory. Tree resources are comprised of Norway Maple (*Acer platanoides*), Silver Maple (*Acer saccharinum*), European Beech (*Fagus sylvatica*), Black Walnut (*Juglans nigra*), White Mulberry (*Morus alba*), Norway Spruce (*Picea abies*), Blue Spruce (*Picea pungens*), Black Locust (*Robinia pseudoacacia*), Ivory Silk Lilac (*Syringa reticulata* 'Ivory Silk'), Yew (*Taxus spp.*), Eastern White Cedar (*Thuja occidentalis*), and Eastern Hemlock (*Tsuga canadensis*).

Refer to Table 1 for the full tree inventory and Figure 1 for the location of trees and polygons reported in the inventory. See Appendix A for site photographs.

## 5.0 Proposed Works

The proposed work includes the severance of the subject property into two lots. The existing dwelling will be demolished and two detached dwellings will be constructed. The existing driveway will be removed and repaved for the new dwelling to south. A new driveway will be installed for the new dwelling to north. Refer to Figure 1 for the existing conditions and the proposed site plan.

## 6.0 Discussion

The following sections provide a discussion and analysis of tree impacts and tree preservation relative to the proposed development and existing conditions.

### 6.1 Development Impacts / Tree Removals

The removal of five trees will be required to accommodate the proposed development. The trees identified for removal include Trees 10, 30, 31, 33, and 34. Trees 10, 30, and 31 conflict with the new dwelling construction. Trees 33 and 34 conflict with the new driveway.

The removal of two additional trees, identified as Trees 26 and 29, is recommended regardless of the proposed development due to their poor condition.

Trees 26, 29, 30, 31, and 33 are 15cm DBH or greater and are located on private property. As such, a permit will be required prior to the removal of these trees. Tree 34 is a shrub located within the road right-of-way; an approval from the Town is required prior to its removal. Refer to Figure 1 for the locations of the trees identified for removal.

### 6.2 Tree Preservation

The preservation of the remaining 37 trees will be possible with the use of appropriate tree protection measures. The trees identified for preservation include Trees 1-9, 11-25, 27, 28, 32, 35, M1, M2, and N1-N7. Refer to Figure 1 for the locations of the trees identified for preservation, the locations of the required tree preservation fencing, the tree preservation fencing detail, and the general Tree Protection Plan Notes.

Where the minimum tree protection zone (mTPZ) of a tree cannot be fully respected, including for Trees 1-9, 11, and 28, special mitigation measures have been prescribed and are outlined below.

#### Trees 1-3

Encroachment into the mTPZs of Trees 1, 2, and 3 will be required to demolish and replace the existing driveway. Given that the extent of the new driveway is the same as the existing driveway, long-term adverse impacts are not anticipated to the trees. The following mitigation measures must be followed to minimize the impacts on the trees.

1. Prior to the proposed demolition, tree preservation fence must be installed as indicated on Figure 1.

2. The existing asphalt driveway will be used for demolition and the construction of the new dwellings.
3. After the completion of the proposed dwelling, the existing driveway can be removed using small equipment.
4. The existing subbase should be used as much as possible. If the removal of subbase is required within the mTPZ of these trees, only hand tools can be used.
5. The asphalt can be installed on top.
6. Tree preservation fence must be maintained throughout the demolition and the construction phases.

#### Trees 4-7

Encroachment into the mTPZs of Trees 4-7 will be required to demolish and construct the existing garage. Given that the extent of the new garage maintains the same footprint as the existing garage, long-term adverse impacts are not anticipated to the trees. The following mitigation measures must be followed to minimize the impacts on the trees.

1. Prior to the proposed demolition, tree preservation fence must be installed as indicated on Figure 1.
2. The existing garage must be pulled away from the tree.
3. The existing foundation within the mTPZ of Trees 4 and 5 must be removed using small equipment to minimize the impacts on the trees.
4. The new foundation will be installed at the same location of the existing foundation.

#### Trees 6-9, and 11

Encroachment into the mTPZs of Trees 6-9 and 11 will be required to accommodate the new dwelling. If the following mitigation measures are employed, long-term adverse effects are not anticipated for these trees.

1. Tree preservation fencing should be installed as shown on Figure 1 prior to the commencement of the proposed works.
2. Excavation within the mTPZ of these trees must be completed using a low-pressure hydro vac or air spade excavation method and supervised by a Certified Arborist.
3. Exposed roots that require pruning must be pruned by a Certified Arborist.

#### Tree 28

Encroachment into the mTPZ of Tree 28 will be required to accommodate the proposed dwelling. The existing brick walkway and a wood deck will be demolished. Over-dig for the new dwelling will be required at 2.3m from the base of Tree 28. If the following mitigation measures are employed, long-term adverse effects are not anticipated for these trees.

1. Prior to the proposed demolition, tree preservation fence must be installed as shown on Figure 1 with a combination of thick orange and magenta lines.
2. The existing structures within the mTPZ of Tree 28 must be demolished using hand tools. No machinery use will be allowed.
3. After the demolition, the area can be amended using high-quality topsoil.



4. After amendment, tree preservation fence must be adjusted to the area as shown on Figure 1 with thick magenta line.
5. Excavation within the mTPZ of these trees must be completed using a low-pressure hydro vac or air spade excavation method and supervised by a Certified Arborist.
6. Exposed roots that require pruning must be pruned by a Certified Arborist.

### 6.3 Tree Compensation

The Town of Oakville requires compensation plantings for healthy private tree removals. The ratio of required compensation plantings per individual tree is below:

DBH of Tree to Be Removed	Number of Compensation Plantings
First Tree 15cm – 24cm	1
Second and + Trees 15cm – 24cm	2
25cm – 34cm	3
35cm – 44cm	4
45cm – 54cm	5
55cm – 64cm	6
65cm – 74cm	7
75cm – 84cm	8
85cm – 94cm	9
95cm – 104cm	10
105cm – 114cm	11
>115cm DBH	12

Only individual trees identified as having good, fair-good, or fair trunk integrity, crown structure, and crown vigour were considered in the compensation calculation. Individual trees with poor or poor-fair trunk integrity, crown structure, or crown vigour were assigned a compensation value of zero. Tree 34 is a shrub and no compensation is required.

A total of 12 plantings will be required within the boundaries of the subject site to compensate for the removal of healthy private trees. Refer to Table 1 for the number of compensation plantings required for each tree and polygon removal.

### 6.4 Tree Valuation

A valuation was calculated for Trees M1 and M2 as they are located within the adjacent road right-of-way. The total appraised value of these Town-owned trees was calculated to be \$10,944.00.

Refer to Table 2 for the tree valuation calculations.

## 7.0 Summary and Recommendations

Kuntz Forestry Consulting Inc. was retained by Batory Planning + Management to complete a Tree Inventory and Preservation Plan as part of a development application for the subject site located at 74 Howard Avenue in Oakville, Ontario. A tree inventory was conducted and reviewed in the context of the proposed site plan.

The findings of the study indicate a total of 44 trees on and adjacent to the subject site. The removal of 5 trees will be required to accommodate the proposed development. The

removal of two additional trees is recommended regardless of the proposed development. The remaining 37 trees can be preserved with the use of appropriate tree protection measures.

The following recommendations are suggested to minimize impacts to trees identified for preservation. Refer to Figure 1 for the location of the required tree preservation fencing, the general Tree Protection Plan Notes, and the tree preservation fence detail.

- Tree protection barriers and fencing should be erected at locations as prescribed on Figure 1. All tree protection measures should follow the guidelines as set out in the tree preservation plan notes and the tree preservation fencing detail.
- No construction activity including surface treatments, excavations of any kind, storage of materials or vehicles, unless specifically outlined above, is permitted within the area identified on Figure 1 as a tree protection zone (TPZ) at any time during or after construction.
- Special mitigation measures have been prescribed for select trees as outlined in the *Tree Preservation* section of this report.
- Branches and roots that extend beyond prescribed tree protection zones that require pruning must be pruned by a qualified Arborist or other tree professional. All pruning of tree roots and branches must be in accordance with Good Arboricultural Standards.
- Site visits pre, during, and post construction are recommended by either a certified consulting arborist (I.S.A.) or registered professional forester (R.P.F.) to ensure proper utilization of tree protection barriers. Trees should also be inspected for damage incurred during construction to ensure appropriate pruning or other measures are implemented.

Respectfully Submitted,

**Kuntz Forestry Consulting Inc.**

Kaho Hayashi

Kaho Hayashi, B.Sc., M.Sc.F.  
Forest Ecologist  
ISA Certified Arborist #ON-2153A  
Phone: 289-837-1871 ext.103

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Limitations of Assessment

Only the tree(s) identified in this report were included in the inventory. The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These may include a visual examination taken from the ground of all the above-ground parts of the tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of attack by insects, discoloured foliage, the condition of any visible root structures, the degree of lean (if any), the general condition of the trees and the identification of potentially hazardous trees or recommendations for removal (if applicable). Where trees could not be directly accessed (i.e. due to obstructions, and/or on neighbouring properties), trees were assessed as accurately as possible from nearby vantage points.

Locations of trees provided in the report are determined as accurately as possible based on the best information available. If official survey information is not provided, tree locations in the report may not be exact. Where KFCI's in-house GPS unit is used (if applicable), tree locations are accurate only to the extent that the technology allows, which can be variable based on satellite available, RTK network / cell coverage, canopy coverage, and/or projection transformation limitations. In this case, if trees occur on or near property boundaries, an official site survey may be required to determine ownership utilizing specialized survey protocol to gain precise location.

Furthermore, recommendations made in this report are based on the development plans that have been provided at the time of reporting. These recommendations may no longer be applicable should changes be made to the development plan and/or grading, servicing, or landscaping plans following report submission.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigor constantly change over time. They are not immune to changes in site conditions or seasonal variations in the weather conditions. Any tree will fail if the forces applied to the tree exceed the strength of the tree or its parts.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of inspection.

**Table 1. Tree Inventory**

Location: 74 Howard Avenue, Oakville

Date: 10 July 2024 Surveyors: KH

Tree #	Common Name	Scientific Name	DBH	Multistem DBH	TI	CS	CV	CDB	DL	Oakville Tree #	mTPZ	A. mTPZ	Comments	Action	Owner	Comp.
1	Norway Maple	<i>Acer platanoides</i>	26	-	G	G	G		3.0	-	2.4	2.0		Injure	Private	
2	Norway Maple	<i>Acer platanoides</i>	~13	-	F-G	G	G		1.5	-	2.4	2.3	Crook (L)	Injure	Private/ Neighbour	
3	Norway Maple	<i>Acer platanoides</i>	27.5	-	F-G	G	G		1.5	-	2.4	2.2	Crook (L)	Injure	Private/ Neighbour	
4	Norway Spruce	<i>Picea abies</i>	45.5	-	G	G	F		2.0	-	3	1.5	Sparse crown (M)	Injure	Private	
5	Norway Maple	<i>Acer platanoides</i>	24.5	-	F-G	G	G		1.5	-	2.4	1.4	Lean (L) to west	Injure	Private	
6	Norway Maple	<i>Acer platanoides</i>	13	-	G	G	G		1.5	-	2.4	1.4		Injure	Private	
7	Eastern White Cedar	<i>Thuja occidentalis</i>	21.5, ~20	29.5	F	F	F		1.5	-	2.4	1.0	Union at base, 1 stem failed, the other stem has stem wound (M) at base => remove failed stem	Injure	Private	
8	Norway Maple	<i>Acer platanoides</i>	~32	-	F-G	F-G	F-G		2.0	-	3	1.5	Union at 2m, bow 9L)	Injure	Private	
9	Norway Maple	<i>Acer platanoides</i>	19	-	F-G	G	G		2.0	-	2.4	1.6	Growing between wire and board fences, fence inclusion (L), sweep (L)	Injure	Private/ Neighbour	
10	Eastern Hemlock	<i>Tsuga canadensis</i>	9, 7	11.5	G	G	G		1.0	-	2.4	0.5	Union at 0.5m	Remove	Private	0
11	Black Walnut	<i>Juglans nigra</i>	~90	-	G	G	G		4.5	-	5.4	3.0	Between board fence	Injure	Private/ Neighbour	
12	Norway Maple	<i>Acer platanoides</i>	33	-	F	F	F-G		2.5	-	3	3.0	Sweep (L), co-dominance at 2m, 1 stem lost leader	Preserve	Private/ Neighbour	
13	European Beech	<i>Fagus sylvatica</i>	38	-	F-G	G	G		4.0	-	3	3	Lean (L) to north	Preserve	Private	
14	Eastern Hemlock	<i>Tsuga canadensis</i>	13.5	-	G	G	F-G		1.0	-	2.4	2.4		Preserve	Private	
15	Black Walnut	<i>Juglans nigra</i>	58	-	G	G	G		4.5	-	3.6	3.6		Preserve	Private	
16	Eastern Hemlock	<i>Tsuga canadensis</i>	10.5	-	G	G	F-G		1.5	-	2.4	2.4		Preserve	Private	
17	Eastern Hemlock	<i>Tsuga canadensis</i>	11	-	G	G	F-G		1.5	-	2.4	2.4		Preserve	Private	
18	Eastern Hemlock	<i>Tsuga canadensis</i>	11.5	-	G	G	F-G		1.5	-	2.4	2.4		Preserve	Private	
19	Eastern Hemlock	<i>Tsuga canadensis</i>	14.5, 7.5	16.5	F-G	G	F-G		1.5	-	2.4	2.4	Union at base	Preserve	Private	
20	Norway Maple	<i>Acer platanoides</i>	74.5	-	F	P-F	P-F	25	6.0	-	4.8	4.8	Lean (L) to southwest, co-dominance at 4m, dead leader, dead branches (M), seam (M), epicormic branches (L)	Preserve	Private	
21	Yew	<i>Taxus spp.</i>	20, 14, 9	26	F-G	G	F		2.0	-	2.4	2.4	Union at base	Preserve	Private	
22	Yew	<i>Taxus spp.</i>	21, 18, 11	29.5	F-G	G	F		2.0	-	2.4	2.4	Union at base, frost crack (L)	Preserve	Private	
23	Norway Maple	<i>Acer platanoides</i>	17.5	-	F	G	G		1.5	-	2.4	2.4	Crook (M)	Preserve	Private	
24	Eastern White Cedar	<i>Thuja occidentalis</i>	10	-	G	G	F		1.0	-	2.4	2.4		Preserve	Private	
25	Eastern White Cedar	<i>Thuja occidentalis</i>	11	-	G	G	F		1.0	-	2.4	2.4		Preserve	Private	
26	White Mulberry	<i>Morus alba</i>	18, 12, 11.5	25.5	P-F	F-G	F		1.5	-	2.4	-	Stem wounds (M) near base, union at 0.6m, pollarded, leaf spots	Remove (condition)	Private	0



27	Eastern White Cedar	<i>Thuja occidentalis</i>	21.5, 12.5	25	F-G	G	F-G		1.5	-	2.4	2.4	Union at base	Preserve	Private	
28	Eastern White Cedar	<i>Thuja occidentalis</i>	25, 17	30	F-G	G	F-G		1.5	-	3	2.3	Union at 1.2m	Injure	Private	
29	Eastern White Cedar	<i>Thuja occidentalis</i>	17, 13	21.5	F-G	G	P	90	1.0	-	2.4	1.5	Union at base, smaller stem dead, larger stem almost dead	Remove (condition)	Private	0
30	Eastern White Cedar	<i>Thuja occidentalis</i>	17, 17, 16, 13	31.5	F-G	G	F-G		1.5	-	3	1.5	Union at 0.2m and 1m	Remove	Private	3
31	Eastern White Cedar	<i>Thuja occidentalis</i>	21, 21, 20	36	F-G	G	F-G		1.5	-	3	1.5	Union at base	Remove	Private	4
32	White Mulberry	<i>Morus alba</i>	11, 9, 8.5	16.5	F-G	G	G		1.5	-	2.4	2.4	Union at 0.6m	Preserve	Private	
33	Black Locust	<i>Robinia pseudoacacia</i>	49	-	F-G	G	F-G		5.0	-	3	-	Lean (L) to southw est, co-dominance at 2.5m w ith included bark (M)	Remove	Private	5
34	Yew	<i>Taxus spp.</i>	<5	-	G	G	G		1.0	-	1.8	1.3	Smaller than 1.5m tall	Remove	Tow n	0
35	Yew	<i>Taxus spp.</i>	<5	-	G	G	G		1.0	-	1.8	1.8	Smaller than 1.5m tall	Preserve	Tow n	
M1	Ivory Silk Lilac	<i>Syringa reticulata</i> 'Ivory Silk'	9.5	-	G	G	G		1.0	637337	1.8	1.8		Preserve	Tow n	
M2	Silver Maple	<i>Acer saccharinum</i>	116.5	-	P-F	F	F		7.0	37280	7.2	7.2	Cavity at 1.7m, co-dominance at 2m, dead branches (L), broken branches (M), epicormic branches (M), burl, overhead utility w ires in crown	Preserve	Tow n	
N1	European Beech	<i>Fagus sylvatica</i>	<10	-	G	G	G		1.0	-	1.8	1.6	Row of trees	Preserve	Neighbour	
N2	European Beech	<i>Fagus sylvatica</i>	<10	-	G	G	G		1.0	-	1.8	1.8	Row of trees	Preserve	Neighbour	
N3	Black Walnut	<i>Juglans nigra</i>	~46	-	G	G	G		4.0	-	3	3	Pruning wounds (L)	Preserve	Neighbour	
N4	Norw ay Spruce	<i>Picea abies</i>	~50	-	G	G	F		2.5	-	3	3		Preserve	Neighbour	
N5	Norw ay Maple	<i>Acer platanoides</i>	~25	-	F-G	G	G		2.0	-	2.4	2.4	Lean (L) to west	Preserve	Neighbour	
N6	Norway Spruce	<i>Picea abies</i>	~55	-	G	G	F-G		2.5	-	3.6	3.6		Preserve	Neighbour	
N7	Blue Spruce	<i>Picea pungens</i>	~10	-	G	G	G		1.0	-	2.4	2.4		Preserve	Neighbour	
															TOTAL	12

Codes		
DBH	Diameter at Breast Height	(cm)
TI	Trunk Integrity	(G, F, P)
CS	Crown Structure	(G, F, P)
CV	Crown Vigor	(G, F, P)
CDB	Crown Dieback	(%)
DL	Dripline (Radius)	(m)
mTPZ	Minimum Tree Protection Zone	TPZ (m) based on Town of Oakville's Tree Protection During Construction (Procedure EN-TRE-001-001), as measured from base of tree
A. mTPZ	Actual Minimum Tree Protection Zone	Actual TPZ (m) achievable during construction, as measured from base of tree
Owner	Ownership of Tree	Subject, Neighbour, Town
Comp.	Number of Compensation Plantings Required	# of Trees
~ = estimate; (L) = light; (M) = moderate; (H) = heavy; G = good; F = fair; P = poor, D = dead		

**Table 2. Tree Valuation**

Location: 74 Howard Avenue, Oakville

Tree #	Common Name	Scientific Name	DBH	OC	Appraised Trunk Area (cm <sup>2</sup> )	Unit Tree Cost (RPAC) (\$/cm <sup>2</sup> )	Basic Tree Cost (\$)	Depreciation			Appraised Tree Value	Adjusted Tree Value (Individual)
								Condition Rating (%)	Functional Limitation Rating (%)	External Limitation Rating (%)		
M1	Ivory Silk Lilac	<i>Syringa reticulata</i> 'Ivory Silk'	9.5	G	71	7.34	520.28	0.9	0.8	0.8	\$ 299.68	\$ 744.00
M2	Silver Maple	<i>Acer saccharinum</i>	116.5	P-F	10660	4.89	52125.66	0.375	0.65	0.8	\$ 10,164.50	\$ 10,200.00
<b>Total</b>											<b>\$ 10,944.00</b>	

Codes		
DBH	Diameter at Breast Height	(cm)
OC	Overall Condition	(G, F, P)
G = good; F = fair; P = poor		

## Appendix A: Site Photographs



Image 1. Trees 1-5 (from left) and A (behind)

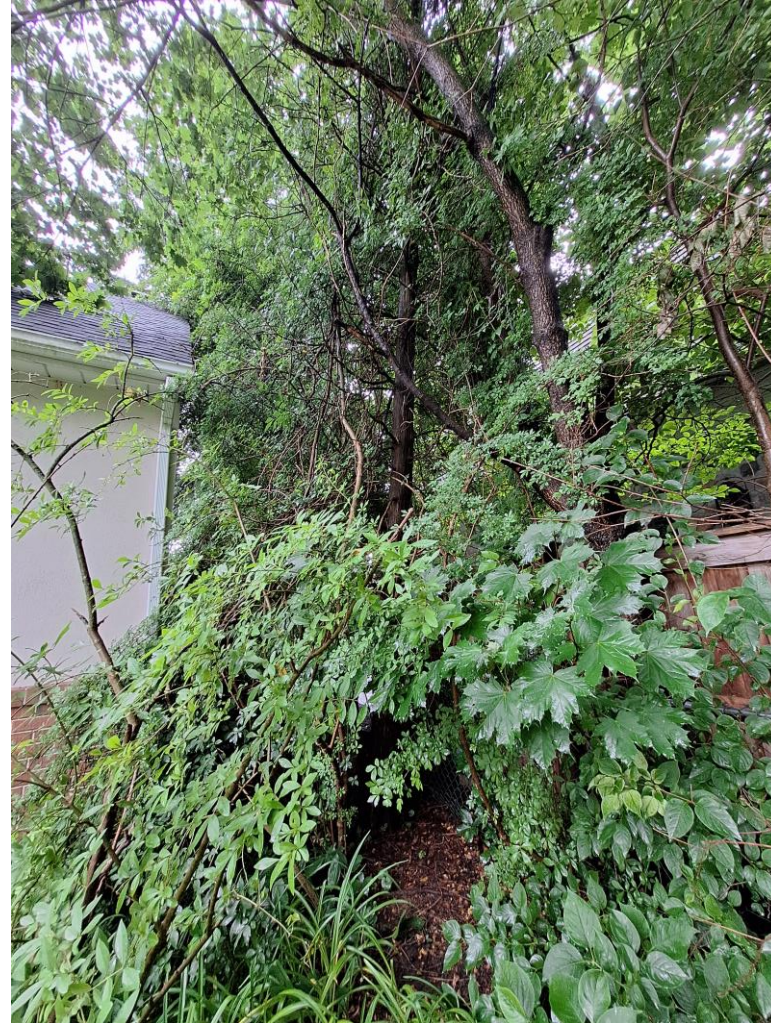


Image 2. Trees 6-8 (from left)





Image 3. Trees 9 (left) and 10



Image 4. Trees 11 (left) and 12





Image 5. Tree 13 (front) and B (behind)



Image 6. Tree C



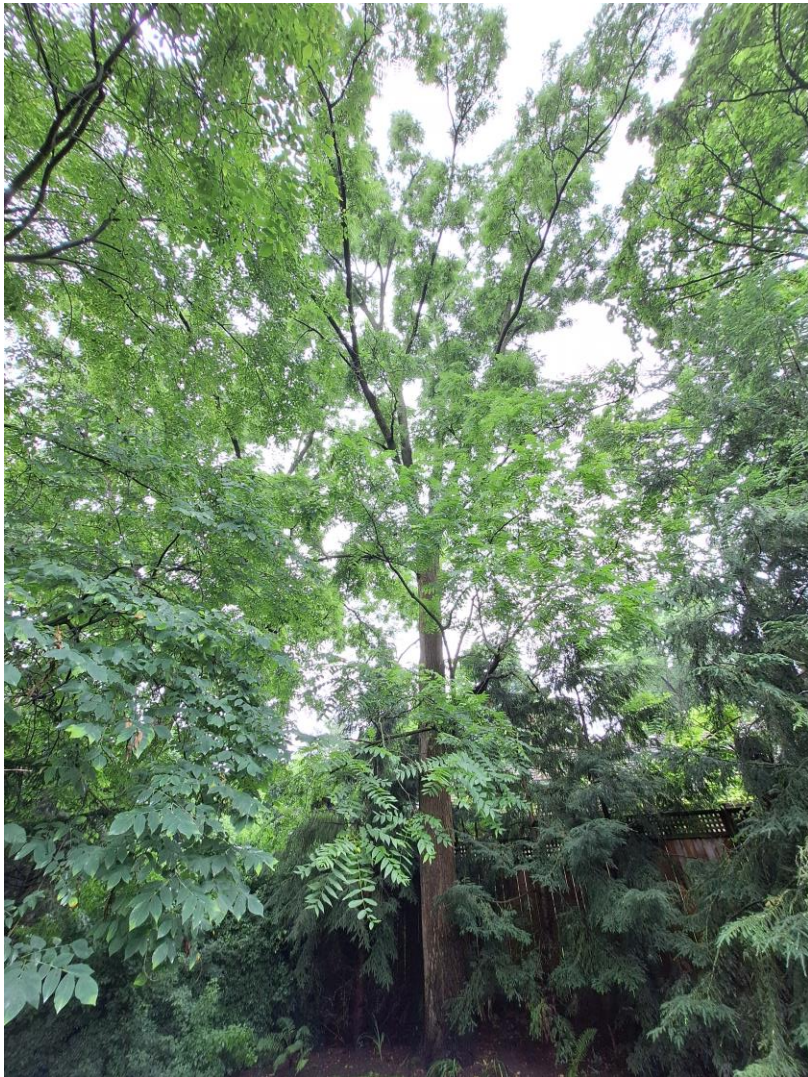


Image 7. Trees 14 (left) and 15



Image 8. Trees 16-18 (from left)





Image 9. Tree 19

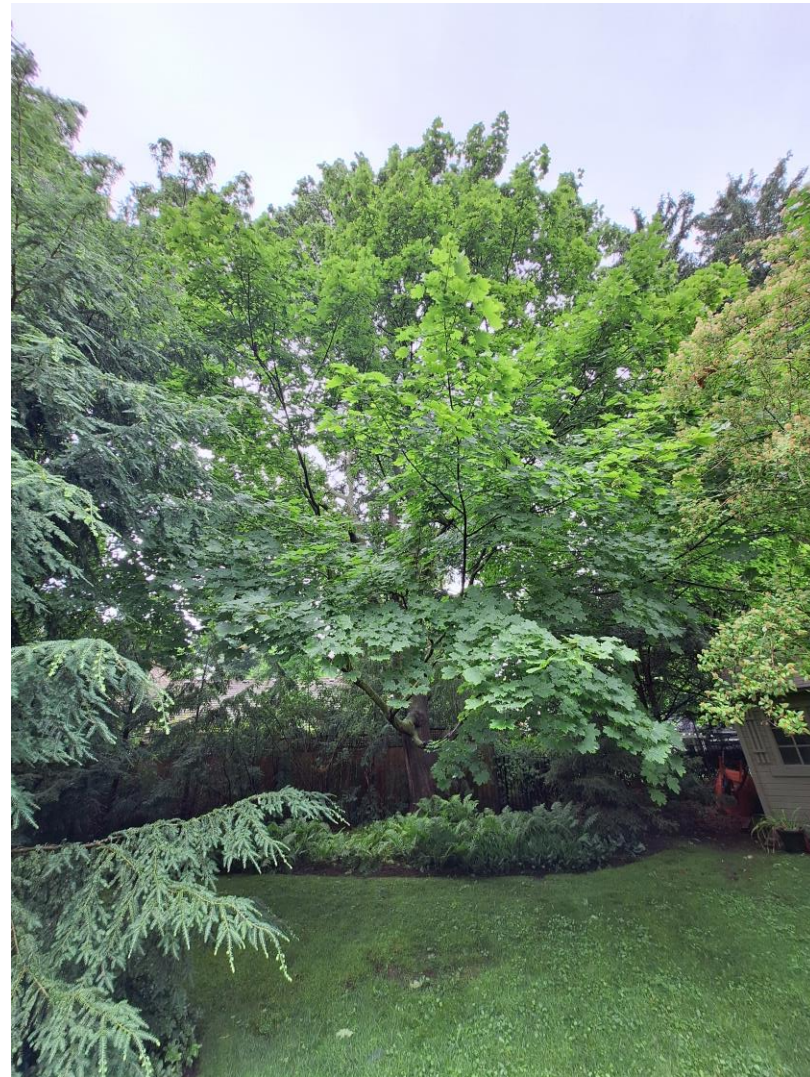


Image 10. Tree 20





Image 11. Trees 20 (left) and D (right)



Image 12. Trees 21 (left) and 22





Image 13. Trees 22, E, and F (from left)



Image 14. Trees 23-25 (from left)





Image 15. Tree 26



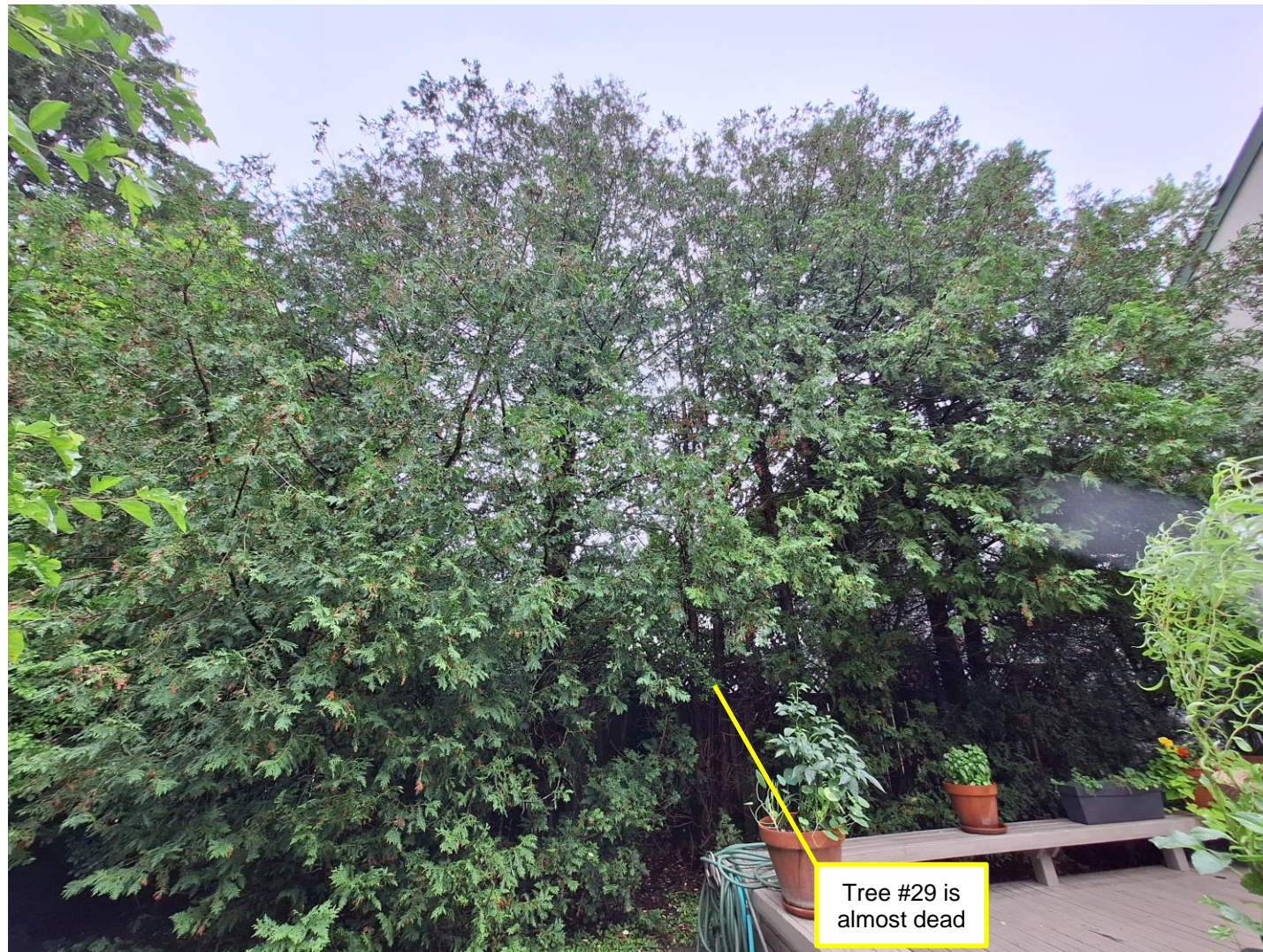


Image 16. Trees 27-31 (from left)



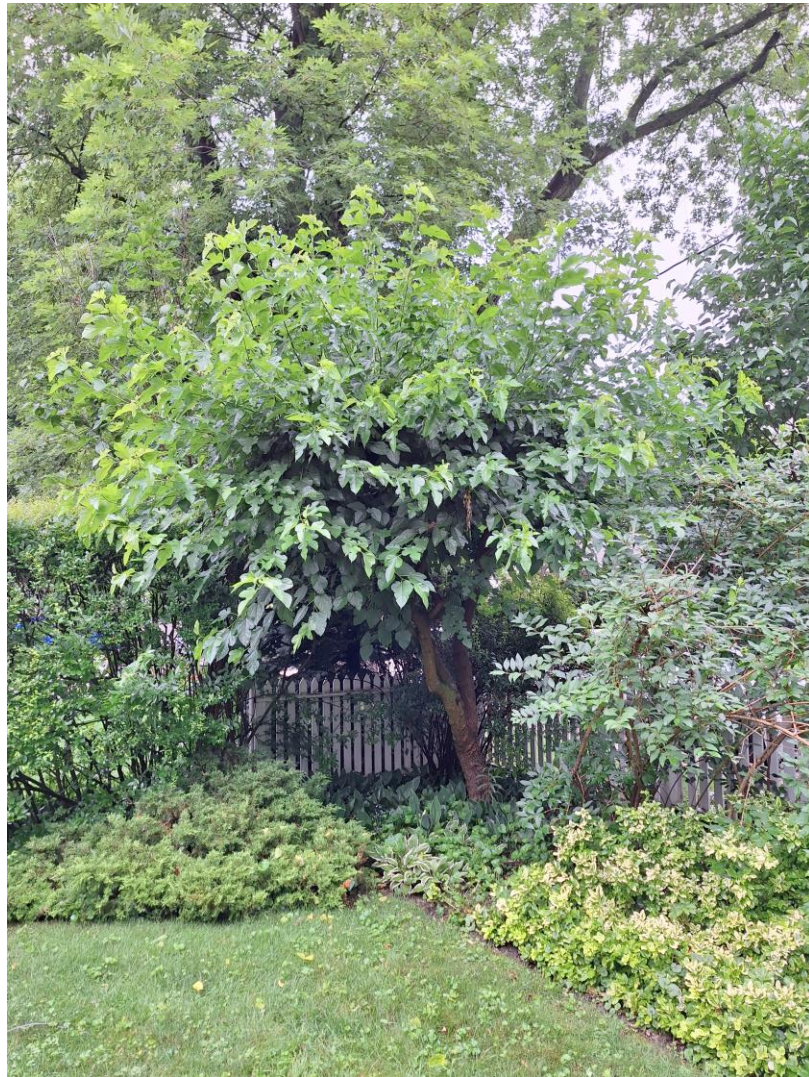


Image 17. Tree 32

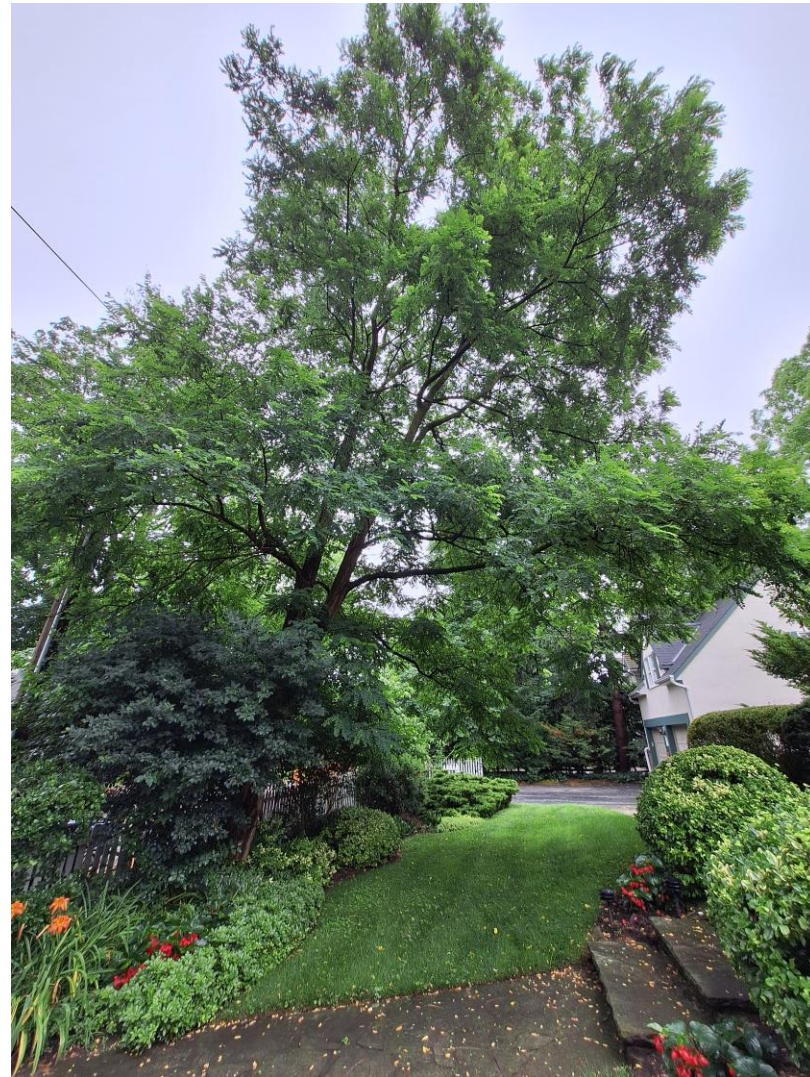


Image 18. Tree 33





Image 19. Trees 34 (left) and 35



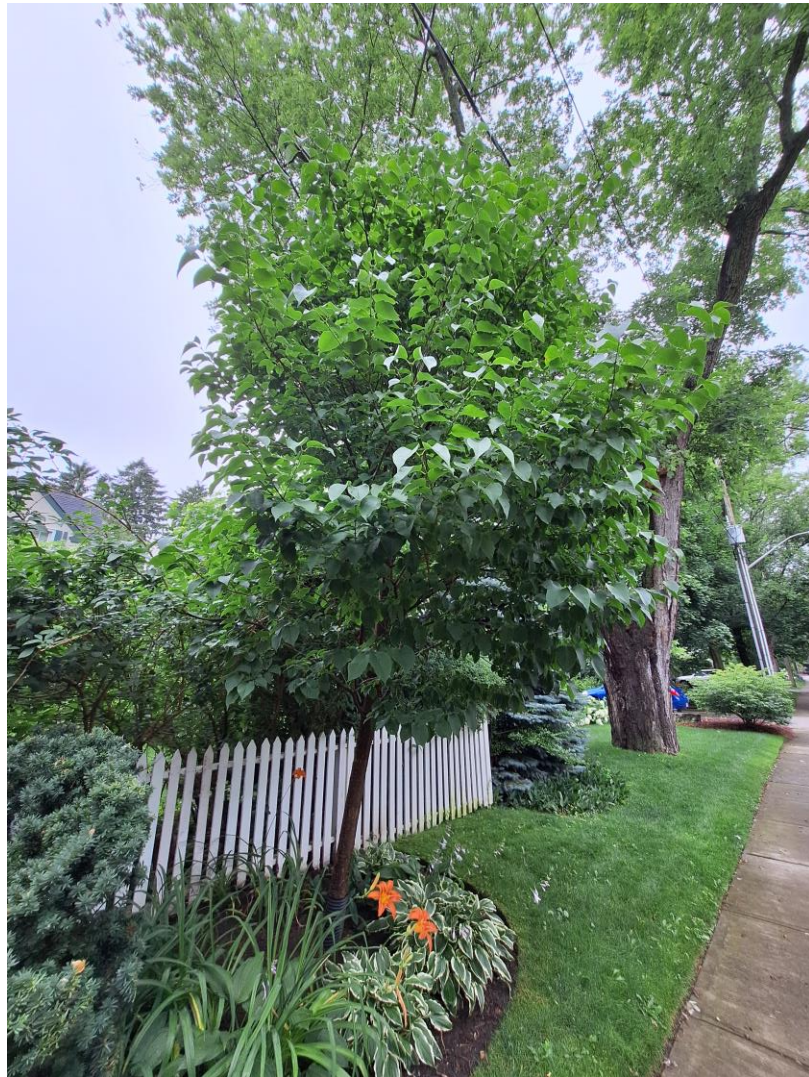


Image 20. Tree 36



Image 21. Tree 37





Image 22. Tree 37 – cavity at union

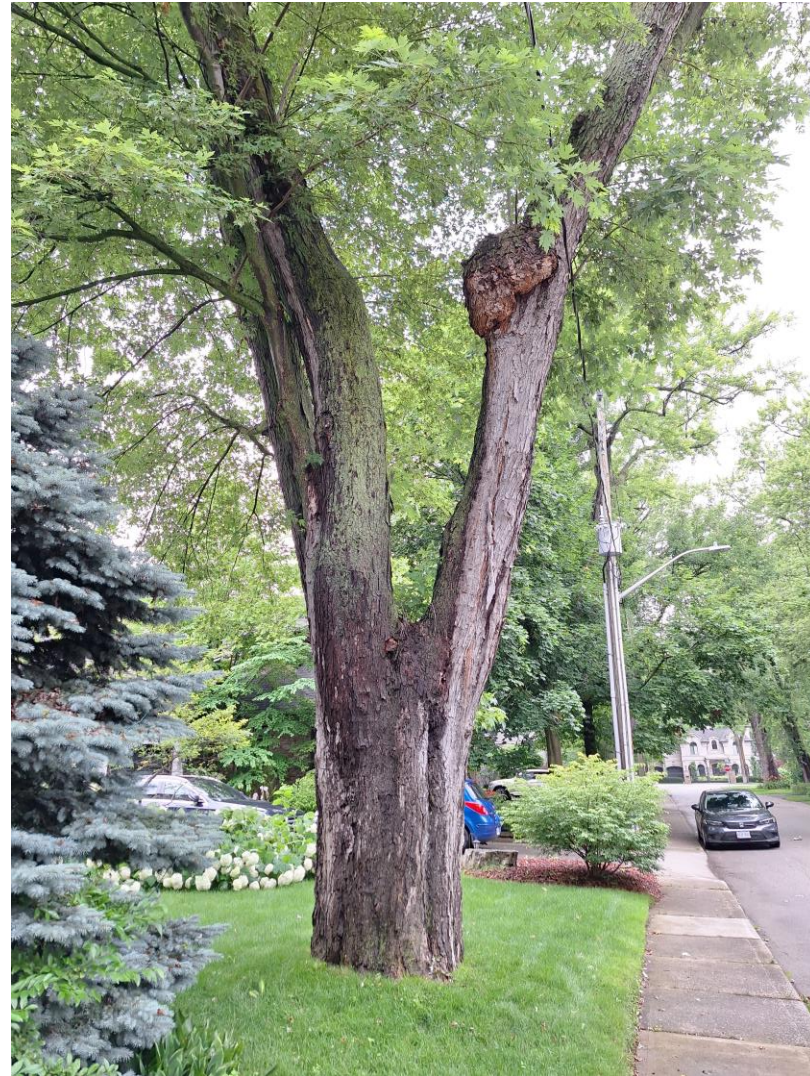


Image 23. Tree 37 – burl





Image 24. Tree G (centre)



LEGEND

Tree Inventory

Refer to Table 1 of the report dated 18 July 2024, revised 20 August 2024 for the methodology used to conduct the tree inventory. Trees are measured from DBH and greater on south within six metres of the subject site and trees of all sizes within the road right-of-way were included in the inventory.

Tree Removals

The removal of 5 trees will be required to accommodate the proposed development, as indicated on RECD labels. The removal of two additional trees is recommended regardless of the proposed development, as indicated with an ORANGE label.

Tree Preservation

The preservation of the remaining 37 trees will be possible with the use of appropriate tree protection measures. Trees identified for preservation are indicated with GREEN labels. Refer to the Tree Protection Plan Notes for preservation details.

Tree Label (GREEN), Preservation Recommended

Tree Label (RED), Removal Required

Tree Label (ORANGE), Removal Recommended Due to Condition

Tree Location Estimated by KFCI

Minimum Tree Protection Zone (mTPZ) of Tree Identified for Preservation (solid MAGENTA circle)

Minimum Tree Protection Zone (mTPZ) of Tree Identified for Removal (solid RED circle)

Location of Required Heavy-Duty Tree Preservation Fencing (thick solid MAGENTA)

Location of Required Light-Duty Tree Preservation Fencing (thick dashed MAGENTA)

Location of Required Heavy-Duty Tree Preservation Fencing during Demolition (thick solid ORANGE)

TREE PROTECTION PLAN NOTES

Please note that the proposed works must confirm that no migratory birds are making use of the site for nesting. The owner must ensure that the works are in conformance with the Migratory Bird Convention Act and that no migratory bird nests will be impacted by the proposed work. It is the applicants' responsibility to discuss potential tree injury of trees on shared property lines with their neighbours. Should such trees be injured to the point of instability or death the applicant may be held responsible for removal and such issues would be dealt with in civil court or through negotiation. The applicant would be required to replace such trees to the satisfaction of the Town of Oakville.

**TREE PROTECTION ZONE:** No construction activity, including grade changes, surface treatments, or storage of any kind is permitted within the Tree Protection Zone. No tree pruning, removal, storage of materials or fills is permitted within the TPZ. No movement or storage of vehicles or equipment is permitted within the TPZ. Grade changes are not permitted within established TPZ. The areas identified as a TPZ must remain undisturbed at all times.

TREE PROTECTION BARRIERS:

**For City-owned Trees:**  
Tree protection barriers for trees situated on the City road allowance where visibility must be maintained, or be removed and replaced with a temporary barrier. The barrier should be located outside the TPZ. All supports and bracing should minimize damage to roots outside the TPZ. All such supports and bracing should minimize damage to roots outside the TPZ.

**For trees on private property situated on or adjacent to construction sites:**  
Tree protection barriers for trees situated on the City road allowance where visibility must be maintained, or be removed and replaced with a temporary barrier. The barrier should be located outside the TPZ. All supports and bracing should minimize damage to roots outside the TPZ. All such supports and bracing should minimize damage to roots outside the TPZ.

**General Note:**  
Prior to the commencement of any site activity the tree protection barriers specified on this plan must be installed and written notice provided to the Town of Oakville. Established tree protection zones must not be used as construction access, storage or staging areas. The tree protection barriers must remain in effective condition until all the activities on the site are complete. Within notice must be provided to the Town of Oakville for removal of the tree protection barriers.

Any roots or branches which extend beyond the TPZ indicated on this plan which require pruning, must be pruned by a qualified Arborist or other tree professional as approved by the Town of Oakville. All pruning of tree roots and branches must be in accordance with good arboricultural standards. Roots located outside the TPZ that have received approval from the Town of Oakville to be pruned must first be exposed by hand digging or by using a low pressure hydro vac method. This will allow a proper pruning cut and minimize tearing of the roots. The Arborist/professional related to carry out crown or root pruning must contact the Town of Oakville no less than 45 hours prior to conducting any specified work.

No.	Issue/Revisions	Date	By
1	Report Submission	19 Jul 24	KH
2	Report Revision	20 Aug 24	KH

Base Data: J.H. Gelbloom Surveying Ltd. (Survey), John Wilmutt Architects Inc. (file)



**KUNTZ FORESTRY CONSULTING INC.**

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Client: **Batory Planning + Management**

Property: **74 Howard Avenue**  
Oakville, Ontario

Tree Inventory and Preservation Plan

Project: **P4280**

Date: **18 July 2024**

Scale: **1:250**

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

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