

Notice of Decision
Committee of Adjustment
Town of Oakville
 1225 Trafalgar Road
 Oakville, Ontario L6J 5A6

**In the matter of the *Planning Act*: Revised Statutes of Ontario, 1990, Chapter P.13, and
 In the matter of an application for Consent on behalf of:**

C. Van Zeyl & L. Van Zeyl
 74 Howard Ave.
 Oakville ON L6J 3Y5

Re: 74 Howard Ave.
 PLAN 114 LOT 30 PT CLSD LANE RP 20R4200 PART 5
Town of Oakville, Regional Municipality of Halton

TO DETERMINE an application has been made for Consent for the creation of a New Lot. The application is asking to convey a portion of land (Part 2 on the severance sketch) approximately 773.79 m² in area with an approximate frontage of 15.24m on Howard Avenue to be severed from 74 Howard Avenue (Lot 30 on Plan 114 and Part of Lane on Plan 105 designated as Part 5 on 20R-4200) for the purpose of creating a new lot.

The retained parcel (RETAINED) is approximately 773.79m² in area with an approximate frontage of 15.24m on Howard Avenue. The property has an existing dwelling which will be proposed to be replaced by two 2 storey single detached dwellings – one on the retained lot and one on the severed lot.

The said parcels being more particularly described on the Severance Sketch prepared by J.H. Gelbloom Surveying Limited, prepared on March 6, 2024 and shown below as "Schedule B"

DECISION: The Committee of Adjustment considered all written (and oral) submissions in opposition and in support of the application in coming to this decision. Having considered the matters set out under Section 51(24) of the *Planning Act*, R.S.O. 1990, as amended, and as the application conforms to the Official Plan and Zoning By-law, the Committee recommends that the application **be approved** subject to the following conditions:

PLEASE REFER TO APPENDIX 'A' ATTACHED TO AND FORMING PART OF THIS NOTICE OF DECISION

M. Telawski

Michael Telawski

Signed by: 5D7A1EC2246C43D...

absent

J. Hardcastle

S. Dickie

Stuart Dickie

Signed by: FED5897C565945C...

Signed by:

Susan Price

030C35C68401434...

S. Price

S Mikhail

Sherry Mikhail

Signed by: 8CE5B1DD189544A...

Chairperson, Committee of Adjustment

DATE OF DECISION: January 22, 2025

DATE OF MAILING: January 23, 2025

I hereby certify this to be a true copy of the decision of the Committee of Adjustment for the Town of Oakville in the Regional Municipality of Halton and this decision was concurred by the majority of the members who heard the application.

Signed by:

Sharon Coyne

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Sharon Coyne

Assistant Secretary-Treasurer, Committee of Adjustment

Last date of filing an appeal to the Ontario Land Tribunal under Section 53 of the *Planning Act*:

February 12, 2025

The Notice of Appeal must be filed with the Secretary-Treasurer of the Committee of Adjustment, together with written reasons for the appeal and accompanied by the fee required by the Ontario Land Tribunal.

Only applicants, specified persons and public bodies may appeal decisions in respect of applications for Consent to the Ontario Land Tribunal. A Notice of Appeal may not be filed by any other individual, person, unincorporated association or group.

You will be entitled to receive Notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

APPENDIX 'A'

This is Appendix 'A' attached to and forming part of the Notice of Decision regarding application for Consent File B24/11.

APPENDIX A - CONDITIONS OF APPROVAL B24/11

1. That the owner/applicant receive approval of Minor Variance applications A/150/2024 and A/151/2024.
2. That the owner/applicant submit a digital copy of the reference plan showing the lands to be conveyed together with a registerable legal description of the lands to be conveyed, to the Secretary-Treasurer, prior to the issuance of Consent.
3. That the owner/applicant submit to the Secretary-Treasurer a final certification fee payable to the Town of Oakville at the rate prescribed at the time of payment.
4. That the owner/applicant pay all taxes as levied on the property in full.
5. The owner/applicant is to pay cash-in-lieu of parkland dedication, in accordance with provisions of Section 53 of the Planning Act. The owner / applicant is to contact the Towns Manager of Realty Services following provisional consent being final and no later than 60 days prior to the lapsing date of the conditions associated with such approval to arrange coordination of the necessary appraisal.
6. That the applicant determines the location of all existing and proposed municipal water services, curb valves, hydrants and sanitary sewer laterals that service this property and the proposed lot and submit to the Region's Developer Project Manager a drawing showing the relationship of these services to the new proposed lot line.
7. That a completed and signed Site Screening Questionnaire (SSQ) be submitted for review to establish any potential further requirements.
8. That the owner/applicant apply for and be granted any required permit(s) from the Town for the relocation, addition, construction, demolition etc. of the existing buildings and structures, prior to the issuance of Consent.

The Applicant must fulfill all of these conditions and the Certificate must be issued on or before the lapsing date of JANUARY 23, 2027 (2 years from the giving of notice).

Notes:

The applicant/owner is advised that:

- The owner/applicant is hereby notified that Oakville Hydro will require that the two new dwellings have their own underground hydro service installed from Howard Avenue.
- The owners, their successors and assign, are hereby notified that Development Charges are payable upon issuance of Building Permit at the rate in effect on the date issued.
- Driveways should be a minimum 1.5 m from utility poles/boxes. Catch basins should be offset from the driveway entrance and not located within the curb cut of a driveway.
- There are capacity concerns for the storm sewer on Howard Avenue. Based on the existing drainage pattern, the increase in roof area and impervious landscape areas, stormwater management requirements will be required and prescribed through the site alteration permit.
- The proposed drainage/grading of the site is to comply with the Town's Development Engineering standards/guidelines.
- Permits may be required should any proposed works be carried out on the property i.e. site alteration permit, pool enclosure permit, tree preservation, etc.
- A site alteration will be required for the proposed development, grading, servicing, etc.
- 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.
- The applicant should be advised that the driveway location as are subject to review and approval by the Development Engineering Department and Engineering & Construction Department and will be reviewed in detail during the site plan process.
- A Site Plan application (and approval) may be required to develop the severed lands. The applicant should be advised that as part of the site plan process, the applicant will be required to submit an Arborist's report to address any impacts to the Town's trees to the satisfaction of the Development Engineering Department.
- The driveway design & spacing must comply with the Driveway By-law (by-law 2009-072).
- Careful alignment of any future driveways and utility services for the proposed two single detached dwellings will be required. Future development of the site, when the final single detached dwelling designs are approved, will also require an Arborist report in conjunction with a tree protection/preservation plan.
- The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
- No sanitary sewer laterals or water service connections for these lots are to cross existing or proposed property lines.

Sharon Coyne
Assistant Secretary-Treasurer, Committee of Adjustment

DATE OF DECISION: JANUARY 22 , 2025

DATE OF MAILING: JANUARY 23, 2024

Last date of filing an appeal to the Ontario Land Tribunal under Section 53 of the Planning Act: **February 12, 2025**

Schedule B- Severance Sketch

