

COMMITTEE OF ADJUSTMENT

CONSENT REPORT

STATUTORY AUTHORITY: Section 53 of the Planning Act, 1990

APPLICATION: B24/12

RELATED FILE: N/A

DATE OF MEETING: February 19, 2025

By videoconference and live-streaming video on the Town of Oakville's Live Stream webpage at oakville.ca at 7 p.m.

<u>Owner (s)</u>	<u>Agent</u>	<u>Location of Land</u>
G. Lubert M. Lubert J. Antsie	Paul Demczak Batory Planning & Management 1345 -1550 Kingston Rd. Pickering, ON L1V 6W9	127 Chisholm Street Part Lots 2 & 3 in Block 57, Plan 1

OFFICIAL PLAN DESIGNATION: Low Density Residential
ZONING: CBD

WARD: 2
DISTRICT: West

APPLICATION:

An application has been made for Consent to permit a Lot Addition. The application is asking to convey the severed lands (Part 2 on the severance sketch) from Part of Lots 2 and 3 in Block 57 on Plan 1, municipally known as 127 Chisholm Street. The severed lands are approximately 67.2 m² in area with no frontage, to be merged in title with the adjoining property at the rear noted as Part 3 on the severance sketch which has an approximate area of 193 m² and is municipally known as 15 John Street.

The retained lands (Part 1 on the severance sketch), being the remainder of 127 Chisholm Street, has an area of approximately 524.2 m².

The purpose of the application is to allow for a lot addition for the future development of 127 Chisholm Street with a 4-storey apartment.

The said parcels being more particularly described below Figure 2: Consent Sketch.

CIRCULATED DEPARTMENTS AND AGENCIES COMMENTS RECEIVED

Planning Services:

(Note: Planning Services includes a consolidated comment from the relevant district teams including, Current, Long Range and Heritage Planning, Urban Design and Development Engineering)

RECOMMENDATION

1. That Consent Application B24/12 (1615), submitted by Batory Planning and Management on behalf of the owners (Geoffery David Kenneth Lubert, Melissa Kathleen Lubert and Janice Joan Anstie) to convey a portion of land (Part 2 – severed lands) from the property municipally known

as 127 Chisholm Street (Part 1 – retained lands) having an area of 524.2m², depth of 36.5m, and frontage of 16.56m onto Chisholm Street, to be merged on title with the abutting property municipally known as 15 John Street (Part 3), having an area of 193.0m², depth of 15.77m and frontage of 12.11m onto John Street, be approved subject to the conditions attached as Appendix “A”.

LOCATION

The subject lands are located in the Kerr Village neighbourhood, north of the Chisholm Street and John Street intersection. The lands are legally described as Part of Lots 2 and 3, Block 57, Plan 1. An aerial photo of the existing site is provided in Figure 1.



Figure 1: Air Photo – 127 Chisholm Street (outlined in red) and 15 John Street (outlined in yellow)

PURPOSE

The subject consent application proposes a lot line adjustment to facilitate the conveyance of Part 2 (shown on the severance sketch below) from Part 1 (127 Chisholm Street) to Part 3 (15 John Street). As a result, Part 1 will be merged with Part 3 (15 John Street) on title. Both 127 Chisholm Street and 15 John Street currently contain two-storey residential dwellings.

While no development is planned in the immediate future, the proposed lot line adjustment aims to expand the rear yard space for 15 John Street, while maintaining a property size that could accommodate the future redevelopment of 127 Chisholm Street with a four-storey apartment, in full compliance with Zoning By-law requirements. Access to each property will remain unchanged, with

access maintained from Chisholm Street for 127 Chisholm Street and from John Street for 15 John Street. No development or changes to the existing dwellings are proposed at this time.

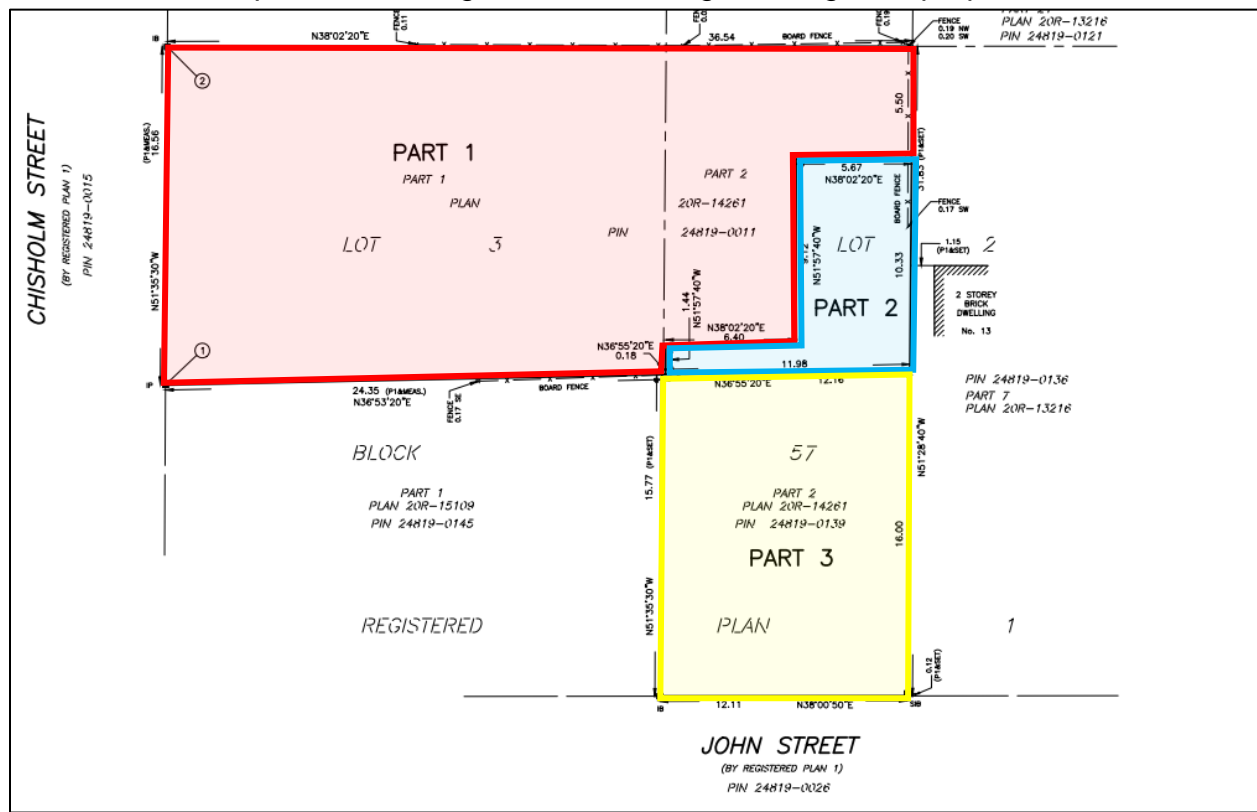


Figure 2: Consent Sketch

BACKGROUND

The property at 127 Chisholm Street is currently occupied by a two-storey residential dwelling, while the property at 15 John Street is also occupied by a two-storey residential dwelling. Both buildings were constructed in conformity with the regulations in the in force and effect Zoning By-law at the time of construction. The current owners of both properties, Geoffery David Kenneth Lubert, Melissa Kathleen Lubert and Janice Joan Anstie, are requesting a lot addition to sever a portion of 127 Chisholm Street and add it to 15 John Street.

As per Section 50 (3)(b) of the *Planning Act*, a property owner may not transfer a parcel of land and retain the ownership of abutting land unless the land is the whole or one or more lots or blocks within a plan of subdivision. As such, a consent is required to legally separate the properties to allow each lot to function independently.

PROVINCIAL PLANNING STATEMENT (PPS), 2024

The PPS provides for efficient development and land use patterns and appropriate range and mix of land uses. Policies within Chapter 2 direct growth and development to settlement areas, which optimizes the efficient use of land and resources, existing and planned infrastructure, and promotes active transportation.

The proposed severance will uphold the principles of Section 2.1 (4), providing for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents. It is Staff’s opinion that the proposed severance is consistent with the PPS.

HALTON REGION OFFICIAL PLAN

The Subject Lands are designated “Urban Area” within the 2009 Halton Region Official Plan (ROP).

The policies of Urban Area designation support a range of uses and the development of vibrant and healthy mixed-use communities which afford maximum choices for live, work and leisure. The Urban Area policies state that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning-By-laws. All development, however, will be subject to the policies of the ROP.

Halton Region staff have reviewed the proposal and have no objection to consent application B24/12 (1615).

LIVABLE OAKVILLE PLAN

The subject lands are located within the Kerr Village Growth Area as mapped on Schedule G – South East Land Use, and designated “Low Density Residential” in the Livable Oakville Plan and mapped on Schedule O1 – Kerr Village Land Use.

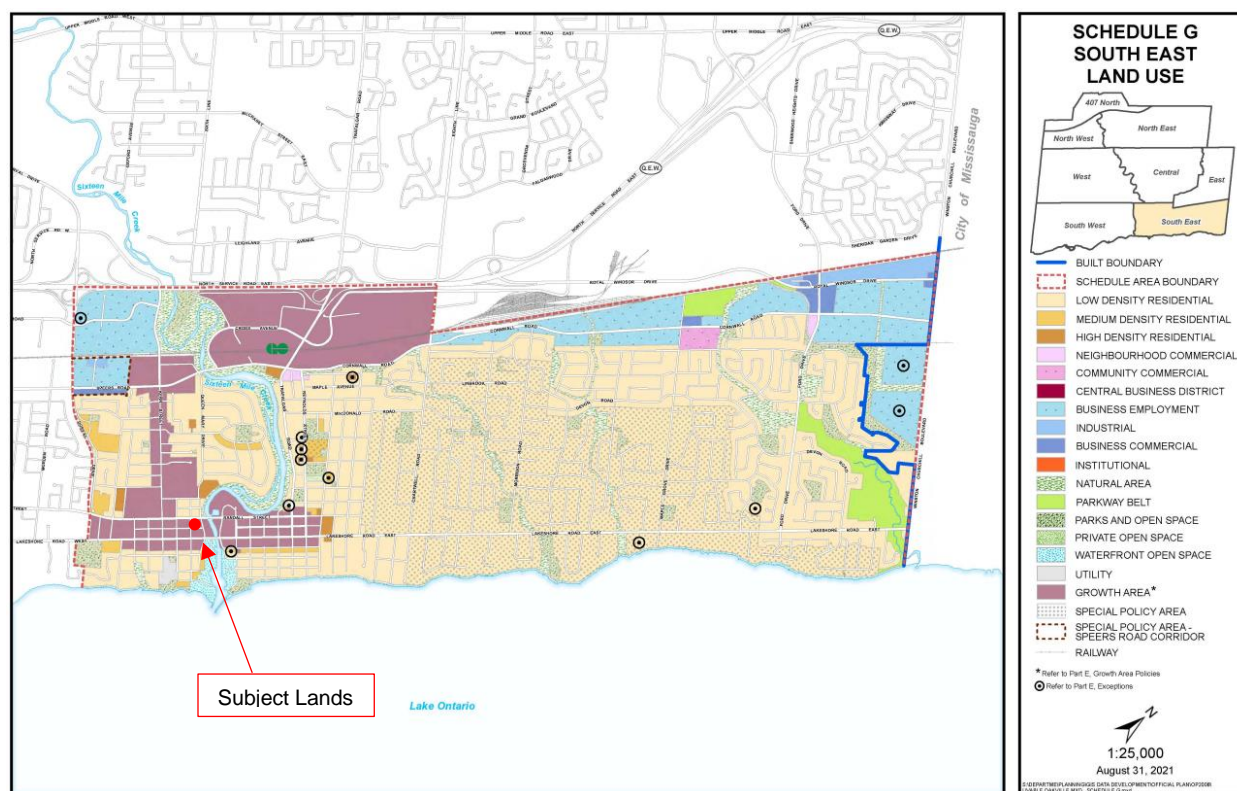


Figure 3: Livable Oakville Plan (Schedule G – South East Land Use)

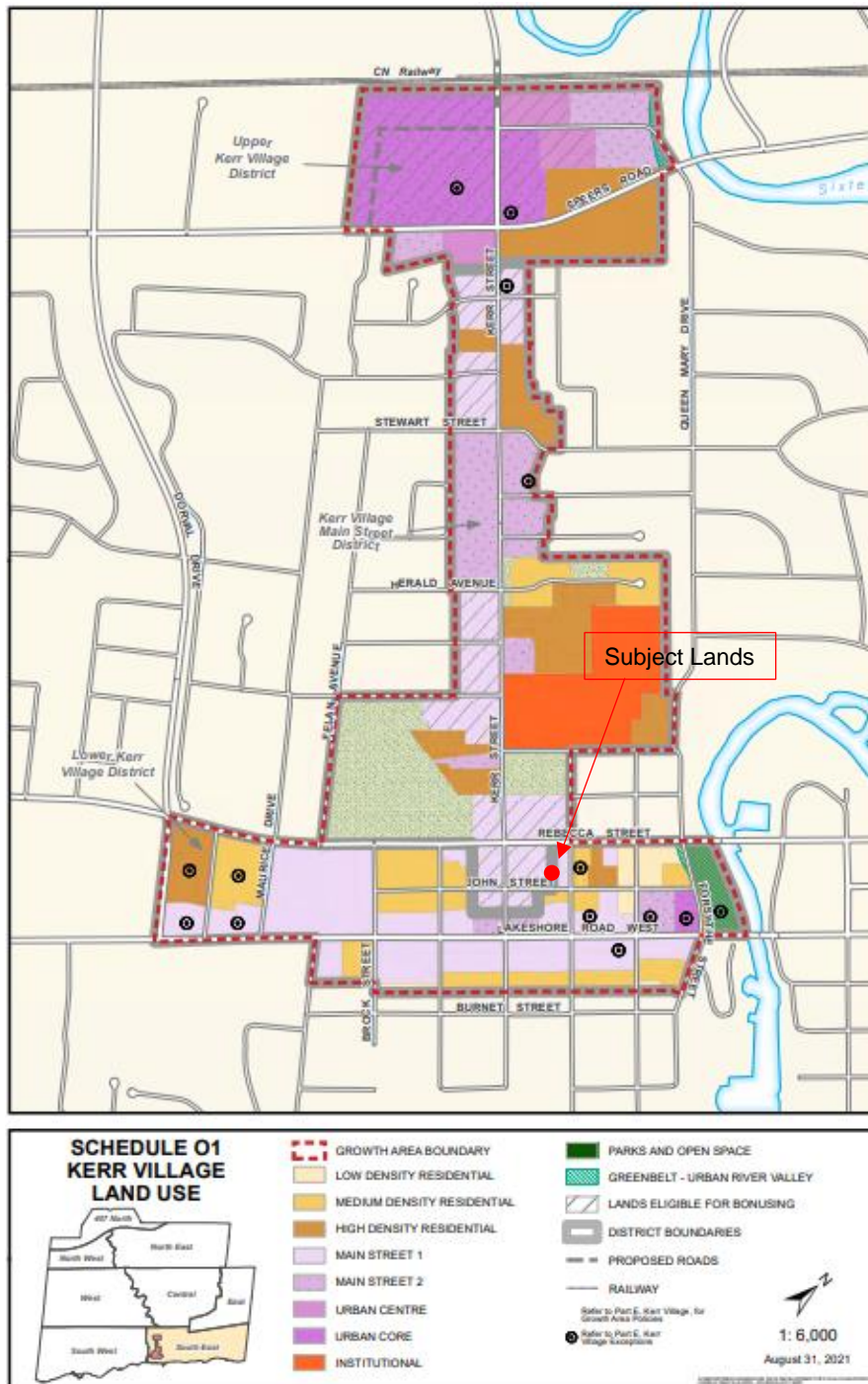


Figure 4: Livable Oakville Plan (Schedule O1 - Kerr Village Land Use)

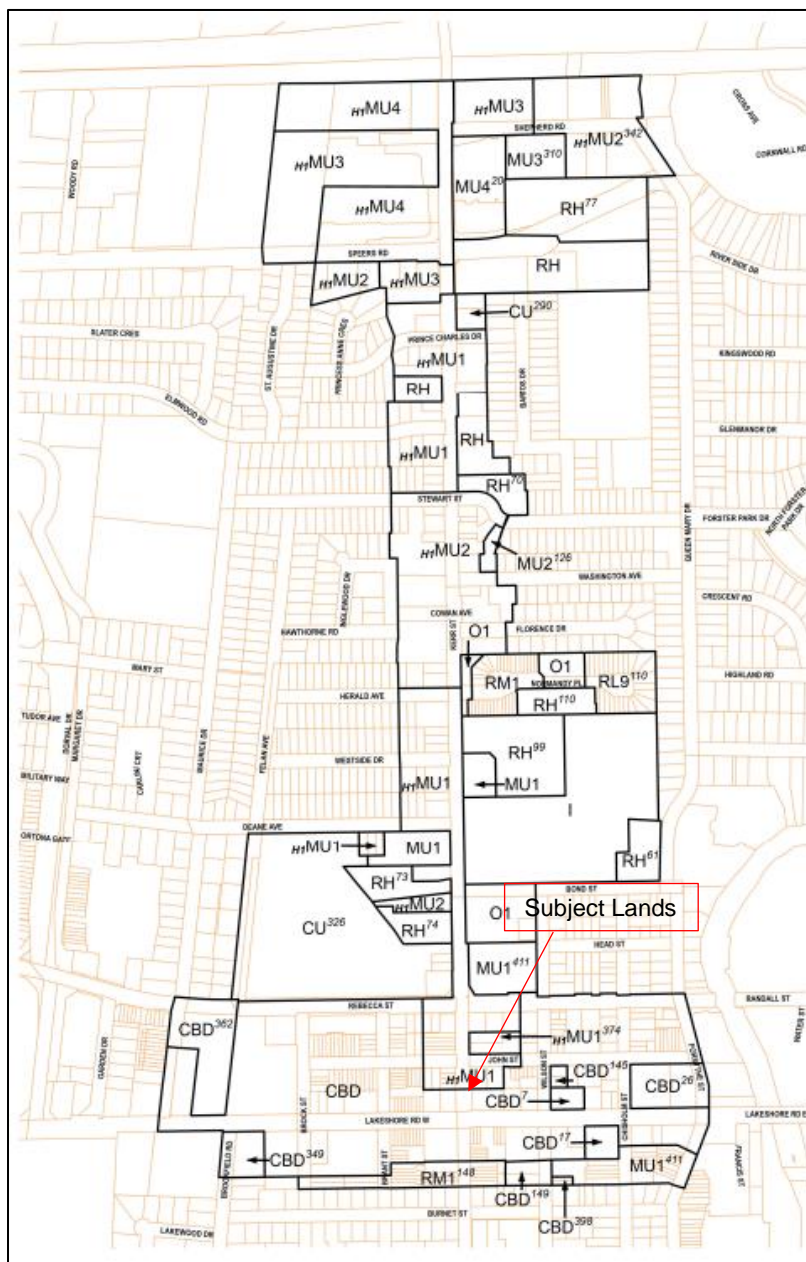
Section 28.14.1 of the Livable Oakville Plan provides direction on when a lot addition can be granted. Policy 28.14.1 states:

“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.”

The existing lots have frontage on public streets and are adequately serviced by the existing municipal water, wastewater, and sanitary services. Both the retained and the severed lots comply with the

The consent application conforms to the Livable Oakville Plan.

The subject lands are currently zoned Central Business District (CBD) and comply with By-law 2014-014, as amended.



The proposed Consent application seeks to facilitate a lot line adjustment to sever a portion of land from 127 Chisholm Street and merge it with the adjoining property at 15 John Street. This application

is consistent with applicable policies in the Provincial Planning Statement (PPS), the Halton Region Official Plan, and the Livable Oakville Plan. Further, it is Staff's opinion that the proposed consent maintains the character of the neighbourhood as the proposed lots fit within the existing neighbourhood lotting pattern.

The application was circulated to various Town Departments and External Agencies. Staff note that if approved, careful alignment of any future driveways and utility services for any future development will be required. Any future development of the site would be subject to a Site Alteration Permit Application and Private Tree By-law to will further evaluate grading, servicing, drainage, and tree protection. An arborist report, along with a tree preservation plan, canopy coverage plan, and canopy calculation, will also be required.

It is staff's opinion that the proposed severance resulting in two lots will be of a size and shape that are consistent with the lot fabric of the neighbourhood and will not cause negative adverse impacts in terms of undermining the residential lots in the CBD zone. Due to the reasons mentioned above, staff recommends that the application for consent to sever the subject lands municipally known as 127 Chisholm Street be approved.

Staff and Agency comments are included in Appendix "B" of this report.

PUBLIC INPUT

Two letters of opposition were received as a result of the public circulation and as such, the proposed Consent is required to be heard by the Committee of Adjustment in order for a decision to be rendered. The concerns are as follows:

- Increased density resulting from the future development of the subject properties; and,
- Impact on neighbouring property lines.

While it has been indicated that no development is planned in the immediate future, it is recognized that the proposed lot line adjustment is intended to facilitate the future redevelopment of 127 Chisholm Street with a four-storey apartment. Any future development on either property would require the appropriate planning approvals. Compliance with the Zoning By-law would be necessary before submitting a building permit application.

Additionally, the proposed lot line adjustment, which involves transferring land from 127 Chisholm Street to 15 John Street, will only affect the property lines of the subject properties. There will be no impact on neighboring property lines.

CONCLUSION

That application B24/12 (1615) conforms to all relevant Provincial and Regional policies, the Livable Oakville Plan and does not conflict with the regulations of the applicable Zoning By-law 2014-014, as amended. It is on this basis; Staff recommends approval of consent application B24/12 (1615) subject to the conditions attached as Appendix "A"

Submitted by:



Riley McKnight,
BURPI
Planner, Current
Planning

Reviewed by:



Paul Barrette,
MCIP, RPP
Manager, Current Planning

West District

Approved by:



Gabe Charles,
MCIP, RPP
Director, Planning
Services

APPENDIX A - CONDITIONS OF APPROVAL B24/12

1. 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.
2. 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.
3. That the owner/applicant provide proof of payment of any outstanding property taxes at the time of the issuance of consent to the satisfaction of the Town of Oakville Finance Department.
4. That the owner/applicant and the adjoining land owner who is acquiring the Severed Lands ("Adjoining Owner") enter into a merger agreement with the Town to be registered on title to both the Owner's and Adjoining Owner's lands and pay the applicable fees to the satisfaction of the Town.
5. That the owner/applicant submit a conceptual grading plan to the satisfaction of the Director of Planning.

APPENDIX "B" – STAFF & AGENCY COMMENTS

With respect to B24/13 (1615) the following Departments/Agencies have provided comments on the proposal:

- Building Services
- Legal Department
- Development Engineering
- Oakville Hydro
- Parks and Open Space
- Halton Region

Building Services

No comments.

Legal Department

1. 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.

2. Since this is a lot addition, we will need a condition that they enter into a merger agreement so the severed lands and the land it is being added to are treated as one parcel going forward. We also need to include the following statement on the consent certificate so this severed parcel can only be transferred by itself once: "Sections 50(3) and 50(5) of the Planning Act shall apply to any subsequent conveyance of or transaction involving the Severed Lands."

Development Engineering

Development Engineering has the following comments for the consent application for the lot line adjustment.

1. Please provide a conceptual grading plan for both properties. There are currently some landscape features such as a stone wall in the area of the proposed lot line adjustment. How will the change in property line and removal of existing landscape features effect 15 John St?

The applicant is advised that:

- Driveways should be a minimum 1.5m from utility poles/boxes. Catch basins should be offset from the driveway entrance and not located within the curb cut of a driveway.
- The proposed drainage/grading of the site is to comply with the Towns 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 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)

Oakville Hydro

We do not have any objection with Consent Application B24/12 (1615).

Parks and Open Space

An Arborist Report, Tree Protection Plan, Canopy Cover Plan and Canopy Calculation will be required at the time of Site Plan Approval as these properties fall under a Bill 97 Buffer zone (*Minor/Major Site Plan Approval Required Prior to Building Permit Issuance*).

Halton Region

Due to recent Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters is changing. The Region will no longer be responsible for the Regional Official Plan – as this will become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities is being prepared that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.

As outlined in the MOU, the Region has an interest in supporting our local municipal partners by providing review and comments on a scope of interests that include:

- Water and Wastewater Infrastructure;
- Regional Transportation Systems including stormwater management infrastructure and acoustic mitigation on Regional right-of-ways;
- Waste Collection;
- Affordable and Assisted Housing;
- Responsibilities associated with a specific mandate prescribed by legislation (e.g. sourcewater protection, public health); and
- Other Regional services that have a land component.

The Region will be providing comments, in accordance with the Regional Transition Plan Response Letter (June 14, 2024). Any comments the Region provides to a local municipality to support transition will be provided separately from the comments associated with the remaining Regional interests listed above and defined through the MOU.

Background:

Regional staff are forwarding comments in response to the circulation of the 1st submission for the above-noted application circulated on November 19, 2024. The application has been made for Consent to permit a Lot Addition. The purpose of the application is to convey the severed lands (Part 2 on the severance sketch) from Part of Lots 2 and 3 in Block 57 on Plan 1, municipally known as 127 Chisholm Street. The severed lands are approximately 67.2 m² in area with no frontage, to be merged in title with the adjoining property at the rear noted as Part 3 on the severance sketch which has an approximate area of 193 m² and is municipally known as 15 John Street. The retained lands (Part 1 on the severance sketch), being the remainder of 127 Chisholm Street, has an area of approximately 524.2 m².

The purpose of the application is to allow for the future development of 127 Chisholm Street with a 4-storey apartment.

Regional staff has no objection to the above-referenced application.

Water and Wastewater Servicing:

In accordance with the MOU and to ensure water and wastewater services are provided in accordance with Regional requirements, Halton Region provides the following comments.

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing comments as they relate to the proposed development:

Watermain:

- There is a 150mm dia. watermain located on John Street.
- There is a 150mm dia. watermain located on Chisholm Street.

Sanitary Sewer:

- There is a 200mm dia. sanitary sewer located on John Street.
- There is a 200mm dia. sanitary sewer located on Chisholm Street.
- There is a 300mm dia. sanitary sewer located on Chisholm Street.

The property does not abut a Regional Road.

Regional staff note that there are no Regional service connections and/or laterals located in the vicinity of the severed lands. Based on the above noted, no Regional services will be impacted by the proposed lot addition.

Therefore, staff have no objections to this Consent application as Regional infrastructure will not be affected by the proposed lot addition.

Finance:

The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein.

Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

Conclusion:

In accordance with the MOU and to support Regional and local objectives, to ensure water and wastewater services are provided in accordance with Regional requirements and to ensure an effective Regional infrastructure.

Regional staff have no objection to the proposed application.

We trust that these comments are of assistance. Should you have any questions or require additional information, please do not hesitate to contact the undersigned. Please send notice of the Town's decision on this application.