

Planning and Development Council Meeting
September 13, 2021

Additional Comments Received Regarding 7.3

Recommendation Report – Site Plan Application, 3194 Shoreline
Drive

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

N1

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: David Horwood and Doreen D'Sousa
Subject: Minor Variance
Variance from By-law No.: 2014-014
Property Address/Description: 3194 Shoreline Drive
Municipality: Town of Oakville
Municipal File No.: A/049/2019
LPAT Case No.: PL190201
LPAT File No.: PL190201
LPAT Case Name: Horwood v. Oakville (Town)

Heard: October 21, 2020 by video hearing

APPEARANCES:

Parties

Counsel

David Horwood and Doreen D'Sousa

Russell Cheeseman

Town of Oakville

Dennis Perlin

DECISION DELIVERED BY C. TUCCI AND ORDER OF THE TRIBUNAL

[1] David Horwood ("Appellant") filed an appeal against the Committee of Adjustment's ("COA") refusal of a minor variance application pursuant to s. 45(12) of the

Planning Act ("Act").

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[2] The application proposes the demolition of the existing single detached, two-storey dwelling with attached garage and the reconstruction of a two-storey single detached dwelling with an attached garage on the property municipally known as 3194 Shoreline Drive.

[3] This proceeding originally scheduled as a contested hearing of the merits was converted to a Settlement Hearing at the request of the Parties.

[4] The Tribunal was informed that the Parties have agreed to settle the matter. The Parties jointly provided the Tribunal with a copy of Minutes of Settlement ("Settlement") which is the basis of the agreement amongst the Parties.

[5] David Capper, a Registered Professional Planner was a witness called by the Applicants. The Tribunal qualified Mr. Capper to provide opinion evidence in land use planning matters. Mr. Capper provided oral testimony in support of the Settlement as well as verbal testimony summarizing the details of the Settlement.

[6] Although this is considered a settlement hearing, the Tribunal must be satisfied that the requested variance application satisfies that the variances are consistent with the Provincial Policy Statement, conform with the Growth Plan, and satisfy the four tests set out in s. 45(1) of the Act.

SUBJECT PROPERTY AND AREA CONTEXT

[7] The property is located on the south side of Shoreline Drive and backs onto Lake Ontario. The lot area is 498.15 square metres ("sq m") with a lot frontage of 16.18 metres ("m"). The lot depth on the westerly property line is 33.43 m and 34.19 m on the easterly property line.

[8] The existing dwelling is a two-storey single detached dwelling with a height of 8.3

m and a floor area of 221.58 sq m.

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[9] The neighbourhood consists of low-density residential land uses in the form of single detached dwellings. Within the neighbourhood there is a diverse range of dwellings sizes and architectural designs. Most dwellings within the neighbourhood are two-storey dwellings.

VARIANCES REQUESTED

[10] The Appellant has requested that the five variances be revised as follows:

- a. A reduction in the minimum required garage setback to 5.62 m from the original request of 5.57 m whereas the ZBL requires a minimum garage setback of 5.7 m.
- b. To permit a maximum garage projection of 4.06 m from the original request of 4.36 m whereas the ZBL permits a maximum garage projection of 1.5 m.
- c. To permit a reduction in the minimum required rear yard to 6.36 m from the original request of 6.34 m whereas the ZBL requires a minimum rear yard of 7.5 m.
- d. To permit a maximum residential floor area ratio of 57.5% whereas the ZBL permits a maximum residential floor area ratio of 43% on a residential lot with a lot area of less than 557.5 sq m within the RL3-0 Zone.
- e. To permit a maximum lot coverage of 37.81% (188.36 sq m) from the original request of 39.63% (197.38 sq m) whereas the ZBL permits a maximum lot coverage of 35%.

[11] The parties agreed to decrease the relief requested by the variances.

[12] The Tribunal finds the Amendments are minor in accordance with s. 45(18.1.1) of the Act and will not order that notice of the amended application be given.

EVIDENCE AND FINDINGS

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Provincial Policy Statement ("PPS 2020")

[13] Mr. Capper evaluated the proposal against the PPS 2020. He made specific reference to Section 1 – Future Development and Land Use Patterns, specifically policies 1.1.1, (a, c, e), 1.1.3.1 and 1.1.3.2 (a, b).

[14] Mr. Capper informed the Tribunal that the proposed development will result in the efficient use of existing infrastructure and public service facilities in that the proposed dwelling will replace an existing dwelling.

[15] Mr. Capper opined that the minor variances requested are consistent with the policies contained in the PPS 2020.

Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan 2019")

[16] Mr. Capper evaluated the proposal against the policies found in the 'A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2019 Growth Plan 2019. Specific reference was made to s. 2.1, whereas the "proposed development provides for greater diversity of housing forms while ensuring that there are adequate water and wastewater services to support growth". Furthermore, he referred to policy 2.2.1.2.c.iv which "requires that growth be focused on areas with existing or planned public service facilities."

[17] Mr. Capper opined that the proposed development and the Minor Variances that are required conform to the relevant policies of the Growth Plan 2019.

[18] The Tribunal accepts the evidence of the planner for the Appellant in its entirety

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and finds that the proposal meets all the relevant Provincial Policy tests of the PPS 2020 and the Growth Plan 2019.

MINOR VARIANCE TESTS

Maintain the General Intent and Purpose of the Official Plan

[19] The Region of Halton's Official Plan designation for the subject property is found on Map 1 and is designated a "Urban Area" Mr. Capper reviewed policies of the Region's Official Plan and found that the proposal to replace an existing Single Detached Dwelling with a new Single Detached Dwelling within the "Urban Area" is contemplated by the Regional Official Plan.

[20] Mr. Capper opined that the proposal conforms to and is in keeping with the general intent and purpose of the Region of Halton's Official Plan.

[21] Mr. Capper informed the Tribunal is within the Town of Oakville's Official Plan , the subject property is designated as "Low Density Residential" in the Liveable Oakville Official Plan. The designation permits a variety of low-density housing types.

[22] Mr. Capper referred to s. 11.1.9 of the Liveable Oakville Plan for the criteria for infill development in stable residential communities.

[23] Mr. Capper informed the Tribunal that the intent of the evaluative criteria is to "ensure that new development within stable residential neighbourhoods is compatible with and maintains the character of the neighbourhood."

[24] The proposal is to replace an existing Single Detached Dwelling which maintains, protects and enhances the stability and character of the existing residential community.

[25] Mr. Capper opined that the proposed minor variances are in "keeping with the intent of the relevant Official Plan policies and would allow for the continuance of the

planning objectives of the Liveable Oakville Official Plan.”

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Maintain the General Intent and Purpose of the Zoning By-law

[26] The subject property is zoned RL.3-0 in the Town of Oakville Zoning By-law No. 2014-014 (“ZBL”).

[27] Mr. Capper provided to the Tribunal an in-depth opinion on each of the five variances requested in relevance to the maintenance of the intent and purpose of the ZBL.

i) Garage Setback

- The application seeks a variance from the 5.7 m requirement to the requested 5.62 m. The intent of the zoning is to ensure that sufficient space is available between the garage face and the property line so that a vehicle can be parked without impacting or encroaching into the right of way. The variance is requested based on lot configuration for technical reasons. Mr. Capper opined that the requested setback can accommodate a vehicle without encroaching the right of way and therefore meets and maintains the general intent of the ZBL.

ii) Garage Projection

- The application seeks a variance from the 1.5 m requirement to the requested 4.06 m. The intent of the zoning is to ensure that the garage door does not dominate the face of a dwelling nor becomes a dominant architectural feature. Mr. Capper informed the Tribunal that this zoning regulation did not apply to the R03 Zone in the Town of Oakville ZBL No. 1984-063, which is the predecessor to the in Zone ZBL No. 2014-014. The RL2-0 zone in which the subject property is located is under ZBL No. 2014-014 and was previously an R03 Zone. As such, there is a

prevalence of garage projections within the surrounding neighbourhood.

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- Mr. Capper noted that the proposed garage projection of 2.56 m is less than the projection of the existing garage on the property which is 6.26 m. Mr. Capper further informed the Tribunal that the proposed variance will be closer to the Zoning conformity than the existing garage and would remain in keeping with the character of the neighbourhood.
- Mr. Capper opined that the variance sought meets and maintains the general intent of the ZBL.

iii) Yard setback

- The intent of the zoning is to ensure that an appropriate amenity area is provided, as well as to provide an adequate degree of separation between rear yards of adjacent dwellings and to avoid impacts on privacy issues to the proximity of adjacent properties.
- Mr. Capper informed the Tribunal that the variance requested is only to accommodate a small projection from the main rear wall to establish a breakfast nook in the kitchen. The remaining portion of the rear wall will not encroach into the required rear yard as two thirds of the rear wall will be set back approximately 10 m from the lot line.
- Mr. Capper opined that the variance sought meets and maintains the general intent of the ZBL.

iv) Residential Floor Area

- The application seeks a variance from the 43% requirement to the requested 57.5%. The intent of regulating the maximum floor space is to ensure that new dwellings or additions are constructed in proportion to the

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area of the lot and the neighbouring properties. Additionally, the regulation oversees that the scaling and massing of a dwelling has sufficient lot area to provide for an appropriate amount of private amenity space.

- Mr. Capper informed the Tribunal that the subject property is located in an area where there is a diverse range in size and massing of dwellings. The range of dwelling sizes vary from 135.54 sq m to 666.02 sq m and average being 282.50 sq m. The proposed dwelling has a residential floor area of 286.43 sq m which is well within the range of the existing neighbourhood.
- Mr. Capper opined that the variance sought meets and maintains the general intent of the ZBL.

v) Lot Coverage

- The application seeks a variance from the 35% maximum requirement to the requested 188.3 sq m or 37.8%. The intent of the maximum lot coverage regulation is to control the scaling and massing of a dwelling, to ensure that the dwelling is in keeping with the character of the neighbourhood and to ensure that an appropriate amount of private amenity area is provided on a residential lot.
- Mr. Capper informed the Tribunal that the smallest residential floor area in the neighbourhood is 85.65 sq m and the largest is 354.61 sq m. The average within the neighbourhood is 201.3 sq m. The proposal of 188.3 sq m is below the average and is within range of the existing neighbourhood.
- Mr. Capper opined that the variance sought meets and maintains the general intent of the ZBL.

Be Desirable for the Appropriate Development or Use of the Land

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[28] Mr. Capper opined that after much analysis of the neighbourhood, the variances requested are desirable for the appropriate development of the lands.

Be Minor in Nature

[29] Mr. Capper opined that through the analysis of the neighbourhood, the variances requested are minor in nature.

ANALYSIS

[30] The Tribunal accepts the uncontested evidence of Mr. Capper in its entirety and finds the proposed minor variances meet all the relevant policy tests of the PPS 2020, Growth Plan 2019, Region of Halton's Official Plan and the Town's Official Plan. It represents good planning and is in the public interest.

[31] The Tribunal finds that, based on the evidence, the four tests under s. 45(1) of the Act have been met by this proposal and that the appeal should be allowed for the following reasons.

[32] The Tribunal is satisfied that the variances sought meet the general intent and purpose of the Region of Halton and the Town's Official Plans. The replacement of the dwelling in the Town's Residential areas is complimented when the existing neighbourhood structure is maintained or enhanced. The Evidence presented reinforces this opinion.

[33] The Tribunal is satisfied that the application meets the general purpose and intent to the Town's ZBL No. 2014-014. The scale and massing of the proposal is in keeping with the single detached dwellings in the neighbourhood. The additional floor space will not pointedly add to the massing of the residence.

[34] The Tribunal finds that the variances are desirable for the appropriate development of the land. The proposal will confirm that the new single detached dwelling will complement, be a good fit and enhance the character of the neighbourhood.

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[35] The Tribunal is satisfied that the variances sought are minor. They will not impose any adverse impacts on the owners of the adjacent properties and neighbourhood in general. The Tribunal is satisfied that the conditions proposed by the parties are advisable in accordance with s. 45(9) of the Act.

ORDER

[36] The Tribunal Orders that the appeal is allowed and the variances to By-law No. 2014-014 are authorized subject to the following conditions:

- 1) That the approval expire two (2) years from the date of the Tribunal Decision if a building permit has not been issued for the proposed construction.
- 2) That the development proceeds in general accordance with the Revised Site Plan and Elevation Drawings in Schedule C to the Minutes of Settlement and in accordance with the required Site Plan Approval under Section 41 of the *Planning Act*.
- 3) That the List of Construction Mitigation Covenants in Schedule D to the Minutes of Settlement be made part of the Special Covenants Schedule to the Site Plan Agreement as part of receiving and Site Plan Approval.

*"C. Tucci"***C. TUCCI
MEMBER**

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

REPORT

Planning and Development Council

Meeting Date: September 13, 2021

FROM: Planning Services Department

DATE: August 31, 2021

SUBJECT: Recommendation Report – Site Plan Application, 3194 Shoreline Drive

LOCATION: 3194 Shoreline Drive

WARD: Ward 1

Page 1

RECOMMENDATION:

1. That the revised Site Plan application, File No.: SP.1732.016/02 to construct a detached dwelling at 3194 Shoreline Drive as outlined within the report dated August 31, 2021 from Planning Services, be approved.
2. That the Chief Administrative Officer and the Town Clerk be authorized to execute the Site Plan Agreement between the owners of 3194 Shoreline Drive and the Town of Oakville pursuant to the Town's Document Execution By-law 2013-057.
3. That the Director of Planning Services or designate be authorized to grant final site plan approval to the revised Site Plan application for 3194 Shoreline Drive, File No. SP.1732.016/02 for the construction of a new detached dwelling.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The purpose of this report is to obtain Council's instructions with respect to the site plan application at 3194 Shoreline Drive, which seeks approval for the construction of a new detached dwelling.
- The subject property is located on the south side of Shoreline Drive, west of Cudmore Road and abuts Lake Ontario.

- As the property abuts Lake Ontario, Site Plan approval as per the town's Site Plan Bylaw is required.
- The site plan application was originally submitted in November 2017.
- A Minor Variance application was submitted and subsequently appealed to the LPAT by the landowner. The LPAT, in its decision dated March 18, 2021 accepted the appeal and approved a number of variances. The full Order is contained within Appendix B of this report.
- Council at its meeting of October 19, 2020 passed a notice of motion that consideration of this site plan application be referred to a future Planning and Development meeting.
- The revised site plan application has been reviewed by town staff and determined to conform to the LPAT approved variances.
- Staff are recommending approval of the revised site plan application in accordance with the usual provisions for a Site Plan Agreement plus the "Special Covenants" agreed-to by the Owner to help mitigate the concerns of the adjoining neighbours.

BACKGROUND:

Town Site Plan Control By-law

Under the Town's Site Plan Control By-law 2019-114, the Director of Planning Services is given the authority to approve site plans. However, section 9 of By-law 2019-114 provides that the Director may present site plans to Council at any time prior to final approval and shall do so if requested by Town Council.

As a result of concerns raised by neighbours to the site, at the October 19, 2020 Council meeting, the following Notice of Motion was brought forward for consideration, which directed that the Site Plan approval for this proposal be referred to Council.

WHEREAS Site Plan Control By-law 2019-114 provides that at the request of Town Council the Director of Planning shall present site plans to Council at any time prior to final approval;

WHEREAS the construction of a new home is proposed at 3194 Shoreline Drive which the neighbours believe is too large for the lot concerned and raises concerns that the variances requested with the combination of lot coverage and GFA will set a precedent for not only their area but all of Oakville;

WHEREAS not only are variances required by way of appeal to LPAT but being on the lake Site Plan Approval is necessary too;

WHEREAS Site Plan Approval Application 1732.016/02 has been filed and is being considered;

WHEREAS the neighbours desire a public review by Council of the Site Plan Application at which they can delegate to express their concerns and suggestions;

THEREFORE BE IT RESOLVED: That the Director of Planning Services be requested to refer the Site Plan Application 1732.016/02 for 3194 Shoreline Drive to Council for consideration before any final approval is given.

Site Plan Authority

Site plan applications required under section 41 of the *Planning Act* provide municipalities with an opportunity to review and approve plans and drawings related to a proposed development. These plans and drawings show the proposed location and design of buildings, parking, landscaping and other facilities. The general purpose of the site plan process is to manage implementation details related to a development prior to the issuance of building permits or the commencement of site works. These details generally relate to technical matters such as grading, drainage, tree preservation, landscaping, external design of buildings, the location of garbage facilities, and vehicular and pedestrian traffic movement.

The site plan process provides an opportunity to rearrange or redesign facilities within the limits of the permitted zoning, and impose conditions that assist in preventing or mitigating impacts of a proposed use. Revisions can be requested to the plans and drawings until an approval is achieved or a refusal by the municipality is issued. On refusal, the application can be appealed to the Ontario Land Tribunal (OLT) by an applicant. There are no appeal rights beyond that of the owner / applicant.

Proposal

The applicant seeks site plan approval for the construction of a new detached dwelling at 3194 Shoreline Drive. Drawings associated with this proposal are contained within Appendix A1 - A3.

Location & Site Description

The subject property, identified by the arrow below, is located on the south side of Shoreline Drive, west of Cudmore Road and abuts Lake Ontario.



Figure 1 - Airphoto

Site Details

Total Lot Area:	498 square metres
Existing Development:	Detached dwelling to be demolished
Proposed Development:	New Detached Dwelling
Proposed Building Floor Area:	286 m ²

Proposal Compliance

The arrow on the Livable Oakville and Zoning Bylaw excerpts identifies the location of the subject property.

Livable Oakville Plan (OP) - The subject property is designated *Low Density Residential*. Detached dwellings are permitted.

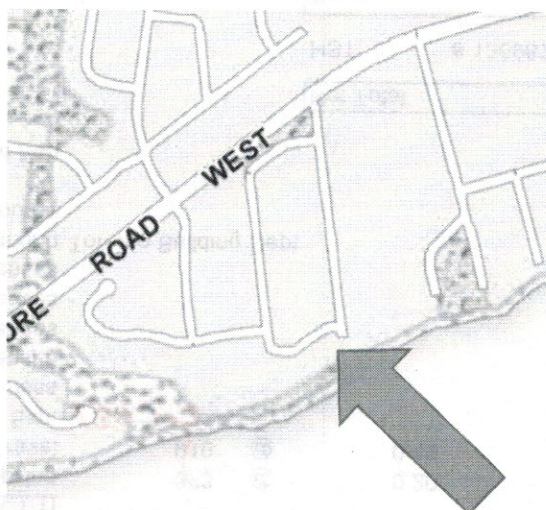


Figure 2 – Livable Oakville Plan

From the Zoning Bylaw perspective (Bylaw 201-014), the subject property is zoned RL3-0.

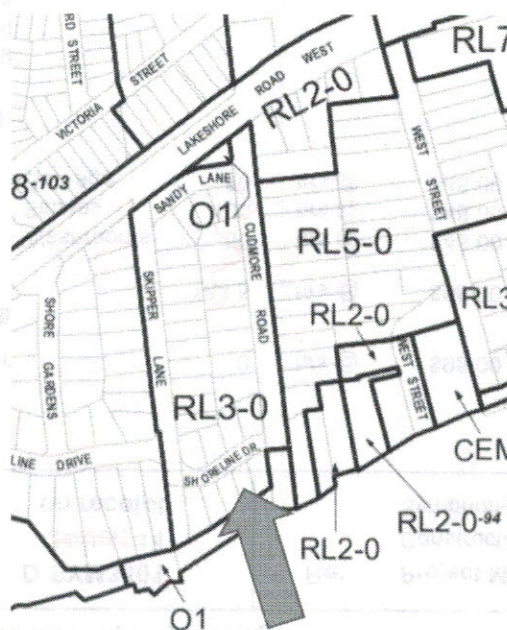


Figure 3 – Zoning By-law (By-law 2014-014)

Minor Variance Application (File No.: CAV A/049/2019)

A Minor Variance application was submitted in 2019, originally not supported by town staff, denied by the Committee of Adjustment and subsequently appealed to the LPAT by the landowner. The appeal was heard by the LPAT on October 21, 2020. Minutes of Settlement (MOS) were entered into between the applicant and the town. The

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Construction Mitigation Covenants from the MOS, which are also included within the proposed site plan agreement, are attached as Appendix C. One abutting resident participated in the hearing and provided a submission to the LPAT. A decision was rendered on March 18, 2021 granting approval to the revised variances sought by the landowner. The full decision can be found in Appendix B to this report.

Paragraph 36 of the Order below states:

- [36] *The Tribunal Orders that the appeal is allowed and the variances to By-law No. 2014-014 are authorized subject to the following conditions:*
- 1) That the approval expire two (2) years from the date of the Tribunal Decision if a building permit has not been issued for the proposed construction.*
 - 2) That the development proceeds in general accordance with the Revised Site Plan and Elevation Drawings in Schedule C to the Minutes of Settlement and in accordance with the required Site Plan Approval under Section 41 of the Planning Act.*
 - 3) That the List of Construction Mitigation Covenants in Schedule D to the Minutes of Settlement be made part of the Special Covenants Schedule to the Site Plan Agreement as part of receiving and Site Plan Approval.*

The approved variances include the following:

LPAT Approved Variances	
1	To permit the <i>private garage</i> to be set back a minimum of 5.62 metres from the <i>front lot line</i> .
2	To permit the attached <i>private garage</i> to project not more than 4.06 metres from the face of the longest portion of the <i>main wall</i> containing <i>residential floor area</i> that is on the <i>first storey</i> of the <i>dwelling</i> oriented toward the <i>front lot line</i> .
3	To permit a <i>minimum rear yard</i> of 6.36 m.
4	To permit the maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> to be 57.5% (286.4 m ²)
5	To permit a <i>lot coverage</i> of 37.81% (188.36 m ²) for the <i>detached dwelling</i> which is greater than 7.0 m in <i>height</i> .

Zoning staff have reviewed the site plan submission and confirmed that the proposal before Council complies with the Zoning Bylaw and LPAT approved variances.

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DESIGN REVIEW

Design Analysis:

The following aspects of overall site design were reviewed and deemed satisfactory by Planning Services and Development Engineering:

- Site Organization
- Landscaping
- Built Form
- Grading and Drainage

TECHNICAL REVIEW

Technical Analysis:

The following report was reviewed and deemed satisfactory by Development Engineering Services:

- Arborist Report

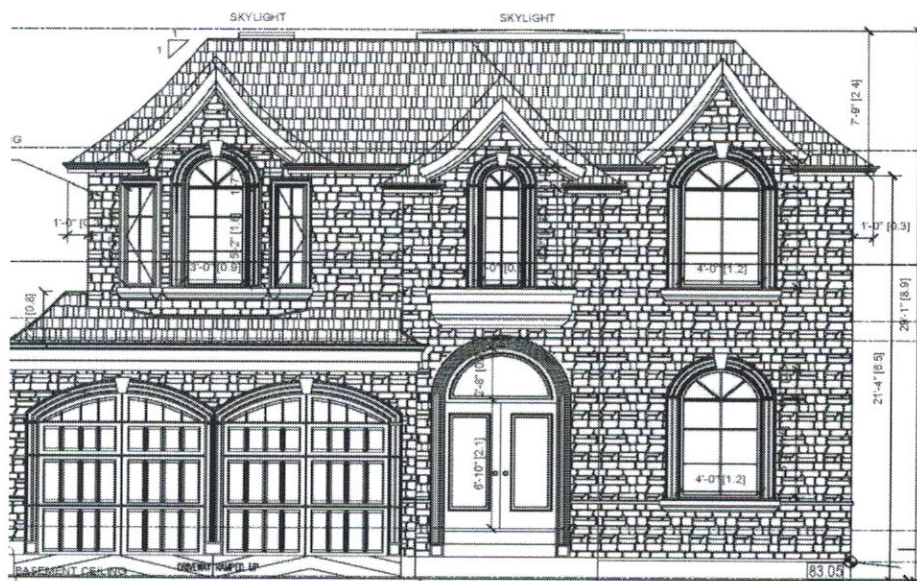
Urban Design Guidelines

The existing dwelling to be demolished is a two storey dwelling with a projecting garage (photo below).

The neighbourhood is principally characterized with two storey dwellings (newer and older homes) of varying sizes. Some dwellings include projecting garages. Mature trees and other vegetation, both on public and private properties, provide a significant amount of screening, shade and contribute to the character of the area.

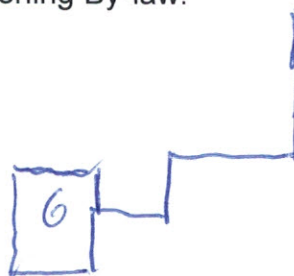


Photo of Existing Home



Staff has reviewed the revised proposal relative to the Town's "Design Guidelines for Stable Residential Communities".

The garage and rear yard setbacks, garage projection, coverage and floor area were approved by the LPAT. The proposed dwelling maintains the required side yard setback and height as set out in the parent Zoning By-law.



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The proposed massing of the dwelling is broken up into smaller elements and in staff's opinion would not visually appear larger than existing dwellings in the immediate area.

SEE PHOTOS

The design mitigates any potential impacts on adjacent properties.

SEE PHOTOS

Staff is satisfied that the overall design is compatible with the character of the neighbourhood and generally consistent with the intent of the guidelines.

SEE OAKVILLE LIVING

Landscaping/Tree Preservation

Fencing is proposed along the mutual property with 3196 Shoreline Drive. This 2m high fencing is proposed to decrease in height to 1m within the rear yard to mitigate any neighbour view impacts onto the lake.

3190 + 3196 WILL DECREASE FENCING + HEIGHT TO 1M

Additionally, perennial plantings are proposed around the ornamental pond. This pond is proposed to be less than 24 inches deep. Fencing around the pond is not required for depths less than 24 inches.

2 PLOTS

No fencing is proposed along the rear property boundary abutting the town shoreline park area.

Considering the existing tree coverage of the property and that of the overhanging trees on the lakeshore, the site's proposed tree canopy cover is proposed to be 55%.

Agency Clearances:

Halton Region has issued their regional service permit (Permit # 10852) reflecting their approval to proceed with the town's final site plan approval.

As the site abuts Lake Ontario, Conservation Halton also reviewed the proposal in relation to their regulatory powers. Conservation Halton similarly has issued their regulatory permit (Permit # 7893).

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DRAWINGS AND REPORT LIST

The following table reflects the documents associated with this recommended site plan approval and which are captured with Appendices A1, A2 and A3.

Drawing Name	Drawing #	Revision and Date	Prepared By
Site Plan, Servicing Plan and Grading Plan		Rev 8 – July 27, 2021	Ertl Surveyors
Landscape Plan and Canopy Plan	L03	Rev 2 – July 27, 2021	Partridge Fine Landscapes
Roof Plan	05	Rev 19 - June 20, 2021	Marilyn Ypes Architects Inc.
Front Elevation	A-06	Rev 19 - June 20, 2021	Marilyn Ypes Architects Inc.
Rear Elevation	A-07	Rev 19 - June 20, 2021	Marilyn Ypes Architects Inc.
Left Side Elevation	A-08	Rev 19 - June 20, 2021	Marilyn Ypes Architects Inc.
Right Side Elevation	A-09	Rev 19 - June 20, 2021	Marilyn Ypes Architects Inc.
Report Name		Date	Prepared By
Arborist Report		July 29, 2021	Storybook Tree Services

CONSIDERATIONS:**(A) PUBLIC**

The owners and immediate abutting westerly neighbour have been advised of this meeting. In addition as a result of the previous Planning and Development Council meeting resolution, the application was being brought forth to this meeting for Council's review.

(B) FINANCIAL

Monies associated with the final site plan approval process together with development securities have been submitted and are being held in trust, pending the decision of council on this matter.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Application was reviewed as part of the Town's site plan process. The associated Minor Variance application was adjudicated at the LPAT. The approval decision of the LPAT is contained with Appendix B. Conservation Halton reviewed in relation to their regulatory powers and issued a CH permit. Halton Region has issued their service permit.

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(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:

- *be the most livable town in Canada*

(E) CLIMATE CHANGE/ACTION

Managing potential impacts of development is important in achieving environmental sustainability.

APPENDICES:

Appendix A1 – Site Plan

Appendix A2 – Elevations

Appendix A3 – Landscape and Canopy Cover Plan

Appendix B – LPAT Decision dated March 18, 2021

Appendix C – Construction Mitigation Covenants

Prepared by:

Robert Thun, MCIP, RPP, Senior Planner, Planning Services

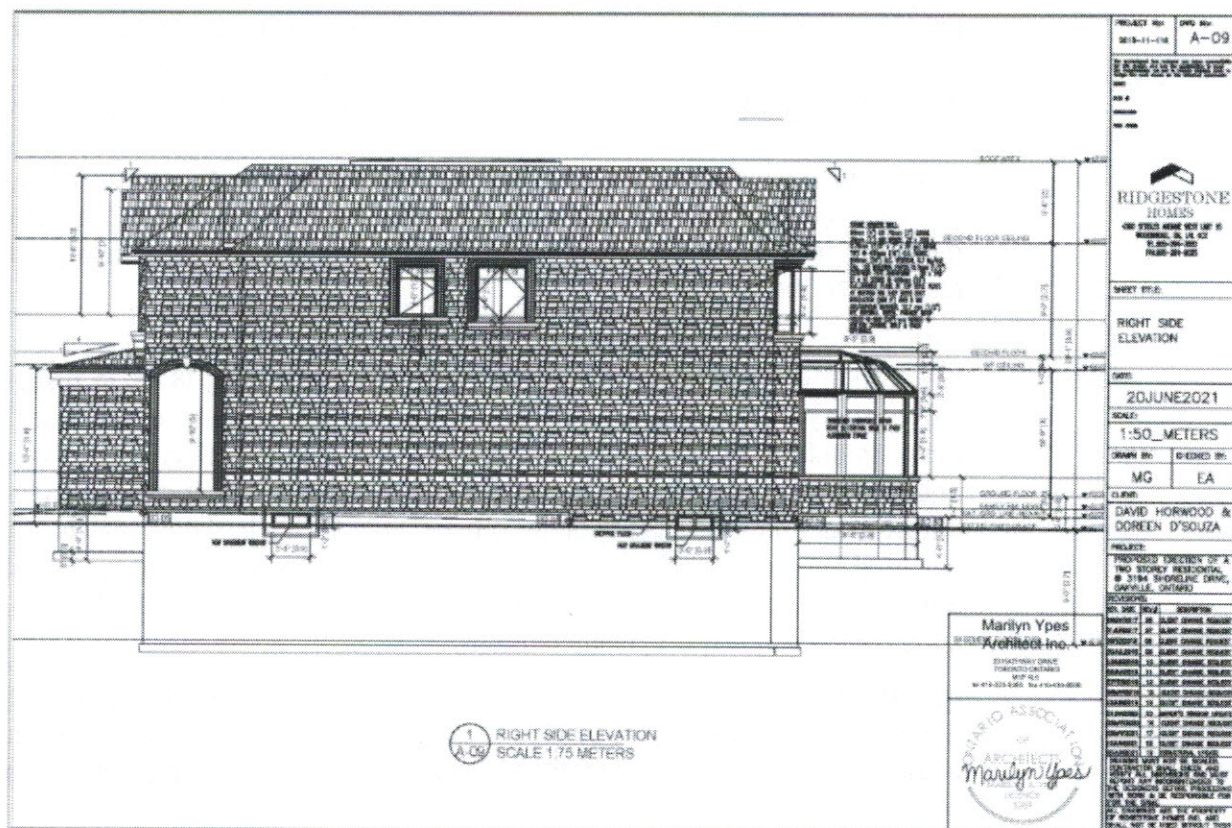
Recommended by:

Charles McConnell, MCIP, RPP, Manager, West District, Planning Services

Submitted by:

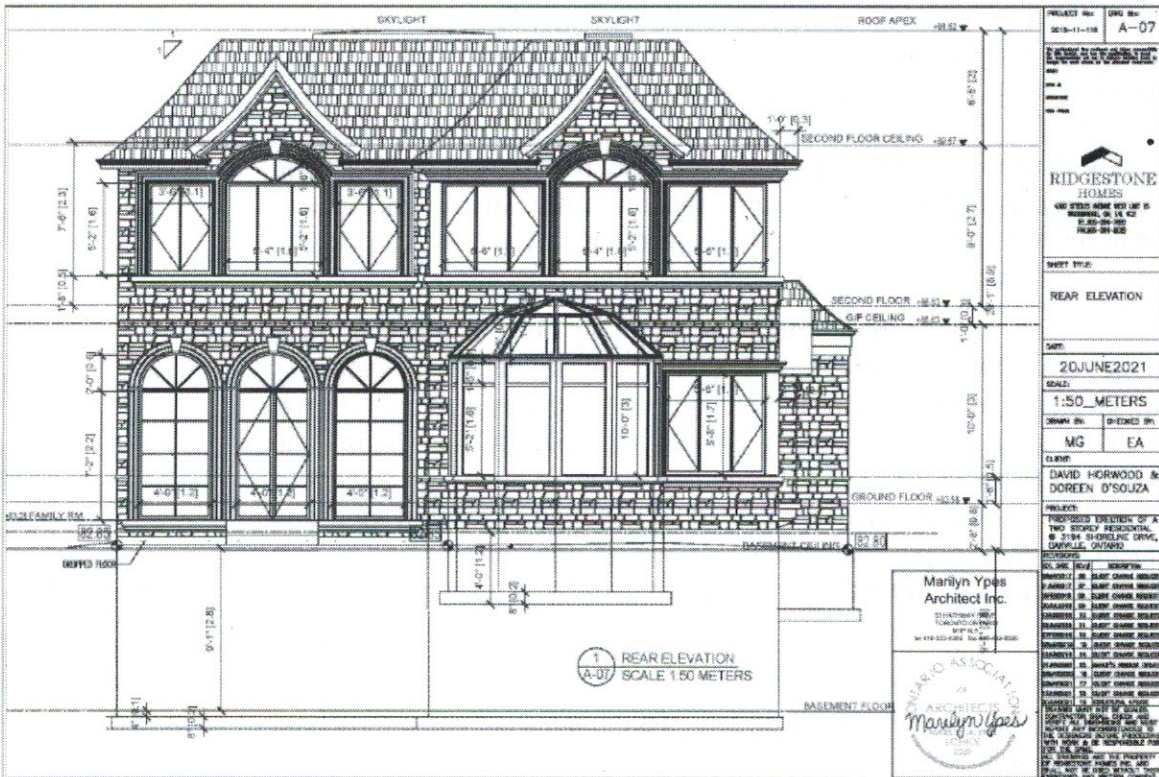
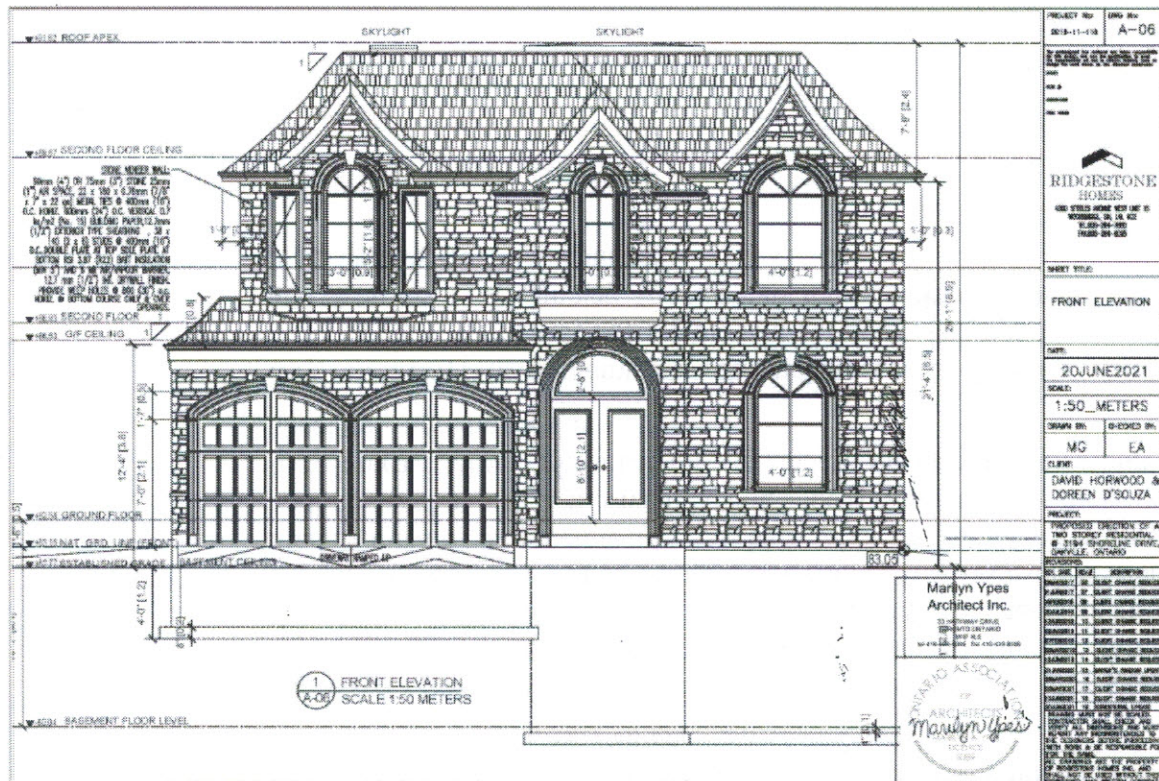
Gabe Charles, MCIP, RPP, Director, Planning Services



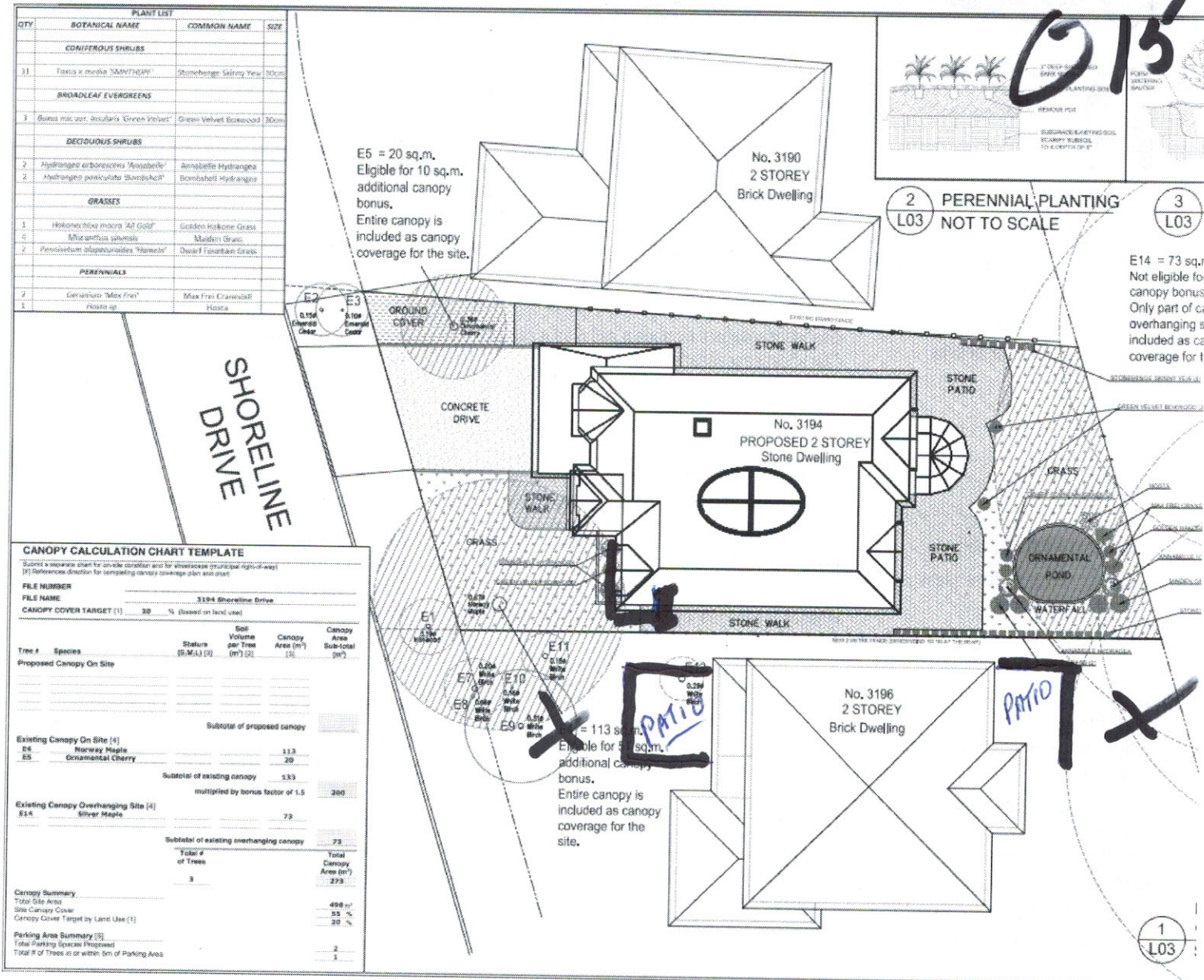


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Appendix A2 – Elevations



Appendix A3 – Landscape and Canopy Cover Plan



Appendix C – Construction Mitigation Covenants – Minutes of Settlement and Site Plan Agreement

LIST OF CONSTRUCTION MITIGATION COVENANTS FOR SITE PLAN AGREEMENT PURSUANT TO SECTION 41 OF THE PLANNING ACT.

1. The Owners hereby agree to undertake the demolition of the old dwelling and the construction of the new dwelling by way of access to the property from Shoreline Drive until occupancy of the new dwelling and further agree that there shall be no entry for the purposes of the said demolition or construction from the rear of 3194 Shoreline except in the event that something reasonably unforeseeable should occur. This limitation with respect to demolition, construction, and access from Shoreline Drive and not from the rear of 3194 Shoreline Dr. through the Town's Parkland shall include but not be limited to contractors, subcontractors, agents, workers, materials, equipment, and machinery. To that end the Owner hereby agrees that the existing metal fence at the rear of 3194 Shoreline Dr. separating same from the Town's Parkland shall be maintained during said demolition and construction until occupancy with the gate in the said rear fence being locked at all times except in the event that something reasonably unforeseeable should occur. In the event that something reasonably * unforeseeable were to occur, the Parties agree that the Owner may request a license from the Town's Director of Parks and Open Space for access from the rear of 3194 Shoreline through the Town's Parkland in order to address the unforeseeable circumstance. The Parties agree that the granting of any such license shall be at the complete discretion of the said Director and such grant may be for such time and on such terms and conditions as the Director deems necessary to address the unforeseen circumstance concerned. * NO MACHINES OR EQUIPMENT - TREE 100 YD ROOTS
2. The Owners hereby agree that any fences existing on the date of execution of this Agreement between the subject property at 3194 Shoreline and the property at 3190 Shoreline and between 3194 Shoreline and the property at 3196 Shoreline shall be maintained in place in a good state of repair by the Owners of 3194 Shoreline throughout the period of demolition of the old dwelling and construction of the new dwelling until occupancy of the new dwelling. Further the Owners hereby agree that should there be any open unfenced areas between 3194 Shoreline and 3190 Shoreline and between 3194 Shoreline and 3196 Shoreline at the time of the execution of this agreement then temporary fencing shall be put in place by the Owners on the 3194 Shoreline property prior to the commencement of the said demolition and construction and maintained in place in a good state of repair until occupancy of the new dwelling. After occupancy of the new dwelling, the Owners hereby agree to remove all temporary fencing and permanent chain link fencing between 3194 Shoreline and 3190 Shoreline, 3196 Shoreline and the Town Property. The Owners hereby also agree to remove the board fencing on 3194 Shoreline south of the existing board fencing on the boundary between 3194 Shoreline and 3190 Shoreline. The Owners hereby also agree to restore or replace the board fencing on the boundary between 3194 Shoreline and 3190 Shoreline at their own expense to its condition prior to demolition in accordance with the Town's Fence By-law. The Owners hereby also agree to remove the board fencing between 3194 Shoreline and 3196 Shoreline and replace it at their own expense with a permanent or natural fence, with the exception of a small section near the rear of the properties to preserve views to the lake for both 3196 Shoreline and 3194 Shoreline in accordance with the Town's Fence By-law.
3. The Owners hereby agree that prior to the demolition of the existing dwelling and the construction of the new dwelling they shall require the contractors to inform their subcontractors, agents, workers, equipment delivery personnel and materials and machinery delivery personnel that the subject property is located on a residential street and has primary school children living on it, and that therefore all contractors, subcontractors, agents, workers, equipment delivery personnel and materials and machinery delivery personnel must exercise extreme caution when travelling along Shoreline Drive and when crossing the sidewalk to enter and exit the subject property for the safety of the neighbours, their families and children.
4. The Owners hereby agree that there shall be a portable temporary washroom located at the subject property for the duration of the demolition of the old dwelling and the construction of the new dwelling and the Owners further agree that they will make best efforts to locate the portable temporary washroom at all times as far away from the side property lines adjacent to 3190 and 3196 Shoreline as reasonably possible in keeping with the exigencies of the said demolition and then the said construction.
5. The Owners hereby agree to make best efforts to keep the dust and disruption of the demolition of the old dwelling and the construction of the new dwelling to a minimum. To that end, where it is reasonably possible the Owners agree to have their contractors use a "wet saw" when cutting concrete materials such as stone, brick, and interlock or do such cutting within a controlled dust enclosure.

David Spencer

From: Dennis Perlin <dennis.perlin@oakville.ca>
Sent: July-19-19 8:20 AM
To: 'Patel, Azeem (MAG)'
Cc: 'Russell Cheeseman'
Subject: RE: LPAT Case No. PL 190201 - 3194 Shoreline Drive - Request for Adjournment

Dear Mr. Patel,

This email is further to my email of July 16 responding to Mr. Cheeseman's email of July 16 requesting an adjournment of the Committee of Adjustment Appeal Hearing set for August 19 and your email of yesterday requesting a final response on the Town's position regarding the adjournment request.

The Town is ready to proceed with the hearing of the appeal on August 19 and is opposed to three of the Variances which Mr. Cheeseman's client has requested. **But** the Town acknowledges the indication in Mr. Cheeseman's initial appeal document of an intent to file a further Planning Act appeal and acknowledges that there is no real prejudice to the Town if the hearing is delayed as the Committee of Adjustment Decision was a refusal of the Variance Request including the three variances that the Town opposed. The Town also believes that more than one day; ie likely 2 days will be needed for the Hearing of the Committee of Adjustment matter itself. The Town will be calling at least three witnesses and understands that there will be a number of nearby residents who will wish to take part in the Hearing. At this point only one day has been set for the Hearing.

However I must also add that I have been contacted by the neighbours on either side of the subject property who were present at the Committee of Adjustment hearing and who opposed the granting of the requested variances. They indicated they intended to be present on August 19 to take part in the LPAT Hearing of the appeal. They also indicated to me that they would like to see this matter dealt with by LPAT as soon as reasonably possible as they are finding the whole matter stressful and upsetting. However they also requested that if an adjournment was to be granted that I respectfully request LPAT in setting any new hearing dates for this Committee of Adjustment Appeal matter whether combined or heard at the same time with a Site Plan Application Appeal or not, that the following dates be considered for the new hearing dates as one or both neighbours will be out of Town otherwise and they do wish to be present to take part in the Hearing whenever it is held (By the way, I am not available October 8th and 9th but otherwise I am available):

AVAILABLE DATES FOR NEIGHBOURS FOR HEARING

October 2nd to 18th

November 19th to 29th

December 2nd to 6th

After March 18, 2020

On the issue of the Site Plan Application mentioned by Mr. Cheeseman, I discussed that matter with Mr. Cheeseman and he indicated I was mistaken in reading his July 16 email as indicating an intention to file a new Site Plan Application ; he indicated that it was not his client's intention to file a new site plan application but rather to revise the existing Site Plan application that was filed on June 14, 2017 and then appeal that Site Plan Application as revised. The Town has not yet made a decision on that June 14, 2017 Application so the 30 day period for deciding on that application has gone by. BUT I should add that the Town has not yet made a decision on that Application because it sent to the Applicant on December 14, 2017 the comments arising out of the circulation of that Site Plan Application indicating the problems/deficiencies with that Application ;to which there has been no reply. I also checked with Town Planning as I

indicated I would in my July 16 email and there has been no discussion regarding that Site Plan Application with the Planner handling that Site Plan Application since the Town Comments were sent out on December 14, 2017.

Needless to say that when Mr. Cheeseman filed the Committee of Adjustment appeal with LPAT in May of this year he could also have filed the appeal to the Site Plan application but that has not yet been done.

I respectfully request LPAT, if it is to grant Mr. Cheeseman's adjournment request, that in doing so Mr. Cheeseman be requested by LPAT to file any appeal to LPAT of the Site Plan Application, revised or otherwise, if his client still intends to do so, no later than the middle of September so that if the two matters are to be heard together at one hearing then a date can be set to accommodate the above-mentioned neighbours' request and to have these matters dealt with as soon as reasonably possible. Otherwise if there is no site plan application appeal launched by the date set by LPAT to do so, then the Town respectfully requests that a new two day Hearing for the Committee of Adjustment Appeal be set by LPAT accommodating the dates requested by the neighbours.

As to the amount of time needed for the hearing of both the Committee of Adjustment Appeal and a Site Plan Application Appeal: I indicated above at least two days would be needed for the Committee of Adjustment Appeal and considering the outstanding matters related to the Site Plan application, I believe that at least another two days, if not three days, would be needed to deal with the Site Plan Application if it is appealed. I therefore suggest that if the two matters are to be heard together then a 4 to 5 day period be set aside for the Hearing and that again the above-noted available dates of the neighbours be accommodated.

Finally, if LPAT decides to grant the adjournment request from Mr. Cheeseman and is prepared to await the appeal of the Site Plan application before setting any new dates for a Hearing so the two matters can be heard together, then the Town would respectfully request that a Procedural Order be established for the Hearing. If the two matters are to be heard together then the Hearing should not be a hearing "by ambush" but rather should be a hearing with prior disclosure of the witnesses and evidence to be presented by the parties and participants at the Hearing. To that end, I suggest a Pre-Hearing Conference/Case Management Conference date be set after the Site Plan Application Appeal is filed so that the Parties and Participants can be identified and a Procedural Order established for the conduct of the Appeal Hearing.

Thank you for your consideration of the Town's submissions regarding this matter.

Dennis

From: Patel, Azeem (MAG) [mailto:Azeem.Patel3@ontario.ca]

Sent: July 18, 2019 9:40 AM

To: Dennis Perlin <dennis.perlin@oakville.ca>

Cc: 'Russell Cheeseman' <rdcheese@aol.com>

Subject: RE: LPAT Case No. PL 190201 - 3194 Shoreline Drive - Request for Adjournment

Good morning Mr. Perlin,

Please advise the Tribunal what your final position is on this adjournment request no later than 3 PM tomorrow (Friday July 19, 2019).

Regards,

Azeem Patel

Case Coordinator - Planner

Tribunals Ontario - Environment and Land Division

Local Planning Appeal Tribunal

655 Bay Street, 15th Floor

Further to our telephone conversation of this morning, this email is being sent to you to request an adjournment of a Hearing that has been Scheduled for August 19, 2019 in respect of this matter.

When we appealed this matter to the LPAT we indicated that there was going to be a Site Plan application that was going to be finalized and submitted to the Town of Oakville, for this single family residence. We indicated that it was our intent to have that matter heard together with the Minor Variance matter, as it made for efficient use of time and resources. We did not expect the LPAT to have scheduled this matter until it had heard back from us on the Site Plan matter.

That Site Plan application is still being finalized, and there is an interactive process that is occurring with Town Planning. Because of the summer holidays and people's availability, we do not expect that matter to be filed until September. As such, we would not be in a position to ask for a referral that matter to the LPAT until some time in October. I would expect that the consolidated matter would require two days of Hearing time. I understand that would mean that a Hearing would not be scheduled until some time in early 2020.

After the minor variance appeal was filed, I was in touch with Mr. Perlin, who has carriage of this matter on behalf of the Town. I explained to him what it was I intended to do, and he was not opposed to having the matter heard together. I am copying him on this email to keep him updated.

I trust you will take this request to the Hearings division, and that I can expect an answer back from you in short order.

Thank you for your assistance in this matter.

Russell D. Cheeseman
Royal Building, Municipal Law Chambers
277 Lakeshore Road East, Ste 211
Oakville, Ontario
L6J 1H9

Tel: 416-955-9529
Fax: 416-955-9532
Cell: 416-520-9854
Home Office: 905-632-7039

Dennis Perlin
Assistant Town Solicitor
Legal
Town of Oakville | 905-845-6601, ext.3900 | www.oakville.ca

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Toronto, ON M5G 1E5
T: (416) 326-6782 | E: Azeem.patel3@ontario.ca
Website: www.elto.gov.on.ca



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From: Dennis Perlin [<mailto:dennis.perlin@oakville.ca>]
Sent: July-16-19 5:54 PM
To: Patel, Azeem (MAG)
Cc: 'Russell Cheeseman'; Patel, Azeem (MAG)
Subject: RE: LPAT Case No. PL 190201 - 3194 Shoreline Drive - Request for Adjournment

Dear Mr. Patel,

I acknowledge a copy of Mr. Cheeseman's email below.

The Town is NOT agreeable to adjourning this Committee of Adjustment Appeal matter at this moment.

I need to seek instructions since the Hearing is set and Mr. Cheeseman indicates his client is going to file a new Site Plan Application from the one that presently exists.

I thought the present one was the one he was going to appeal when we first talked. That never happened. A date for Hearing the COA Appeal has been set and now his client is talking of a new Site Plan Application. There is no interactive process that is occurring with Town Planning that I am aware of. There are outstanding comments on the present application awaiting Mr. Cheeseman's client's response but nothing about any new Site Plan Application that, as I said, I am aware of. I will check that out however as part of my conferring with my client.

I would appreciate some time to discuss this matter with my client and as needed with Mr. Cheeseman before the Hearing Division is approached to adjourn the Hearing set for August 19.

Thank-you.

Dennis

From: Russell Cheeseman [<mailto:rdcheese@aol.com>]
Sent: July 16, 2019 3:42 PM
To: azeem.patel3@ontario.ca
Cc: Dennis Perlin <dennis.perlin@oakville.ca>
Subject: LPAT Case No. PL 190201 - 3194 Shoreline Drive - Request for Adjournment

Mr. Patel,

David Spencer

From: Dennis Perlin <dennis.perlin@oakville.ca>
Sent: September-21-20 12:43 PM
To: 'Molnar, Christopher (MAG)'
Cc: rdcheese@aol.com; dave@seagraphics.ca; David Spencer; Jasmina Radomirovic; Town Clerk
Subject: RE: Hearing Notice - PL190201 - 3194 Shoreline Drive

Mr. Molnar,

The Town acknowledges receipt of the Notice of the Hearing but since this was a COA Refusal and the neighbours are and remain opposed then depending on what they do, this may not be a Settlement Hearing from their perspective.

Further, the Town still needs to have Minutes of Settlement agreed-to by the Applicant and executed by the Applicant before the Town's position is final.

What I understood from Mr. Cheeseman was that he was confident the matter could be heard in one day rather than the 3 the Tribunal was originally contemplating.

I send this to avoid any surprises for the Tribunal.

Dennis

Dennis Perlin
Assistant Town Solicitor
Legal
Town of Oakville | 905-845-6601, ext.3900 | www.oakville.ca

Vision: To be the most livable town in Canada
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<http://www.oakville.ca/privacy.html>

From: Molnar, Christopher (MAG) <Christopher.Molnar@ontario.ca>
Sent: September 21, 2020 2:52 PM
To: Jasmina Radomirovic <jasmina.radomirovic@oakville.ca>; Town Clerk <TownClerk@oakville.ca>; rdcheese@aol.com; dave@seagraphics.ca; Dennis Perlin <dennis.perlin@oakville.ca>; David Spencer <dspencer@taclarke.com>
Subject: Hearing Notice - PL190201 - 3194 Shoreline Drive

SECURITY CAUTION: This email originated from outside of The Town of Oakville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please see the attached settlement hearing notice for PL190201, scheduled for Oct 21, 2020.

CALL IN DETAILS

GoToMeeting invite details

PL190201
Oct 21, 2020 9:00 AM

Please join my meeting from your computer, tablet or smartphone

COMPARISONS

Location	Lot Area (sq.m)	Floor Area (sq.ft)	Floor Area Ratio	Floor Area Over	Coverage (sq.ft)	Coverage Ratio	Coverage Over	Notes
3194 Shoreline Drive Proposed	498	3082	57.5%	777	2028	37.8%	152	
3196 Shoreline Drive	514	2850	52%	471	1728	31%	0	
7 West Street	442	3021	63%	975	1750	37%	85	
9 West Street	424	1295	28%	0	1264	28%	0	Mostly one storey, not comparable
11 West Street	453	2458	50%	361	1675	34%	0	Not full two storey, not comparable
10 Timber Lane	418	3200	71%	1265	2099	47%	524	
10 West River Street	251	1968	73%	806	1311	49%	366	
Average	417	2465	56%	646	1638	38%	163	
Average Comparable	406	2760	65%	879	1722	41%	244	

7 WEST ST - LANEWAY / TOWN PARK 19' BELOW HOUSE
9 WEST ST - " " " NEW BUILD 2020
11 WEST ST - END OF STREET / NEW HOME 2005 / TOWN PARK 12' BELOW HOUSE
10 TIMER LAKE - END OF STREET / 15 YR OLD REWORKED HOME / TOWN PARK 10'
10 WEST RIVER - END OF STREET " " " " " " " " " " " "



Part V: Policies

R2

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

R3

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

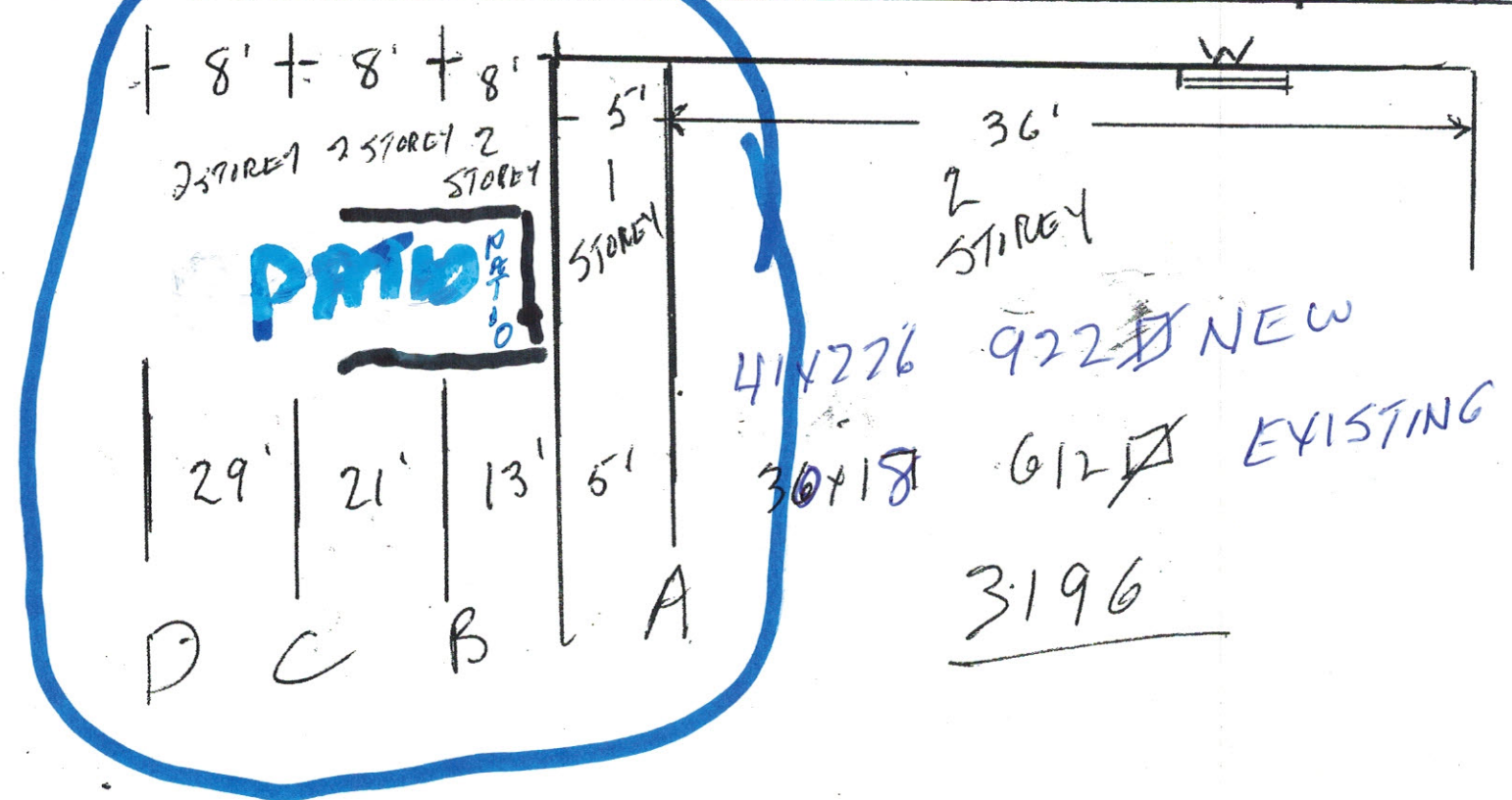
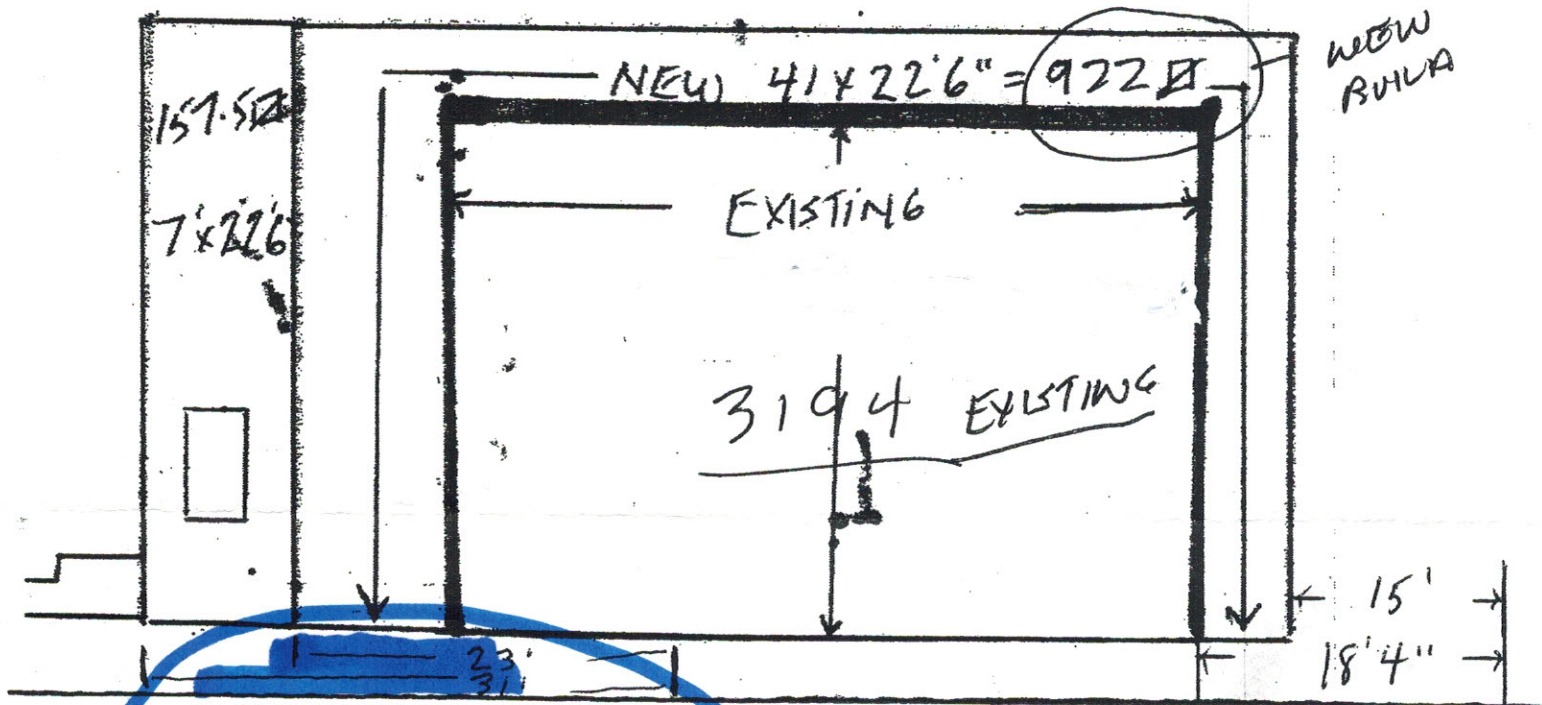
The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
 - b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - d) prepare for the *impacts of a changing climate*;
 - e) support *active transportation*;
 - f) are *transit-supportive*, where transit is planned, exists or may be developed; and
 - g) are *freight-supportive*.

3196 FACING EAST TO 3194

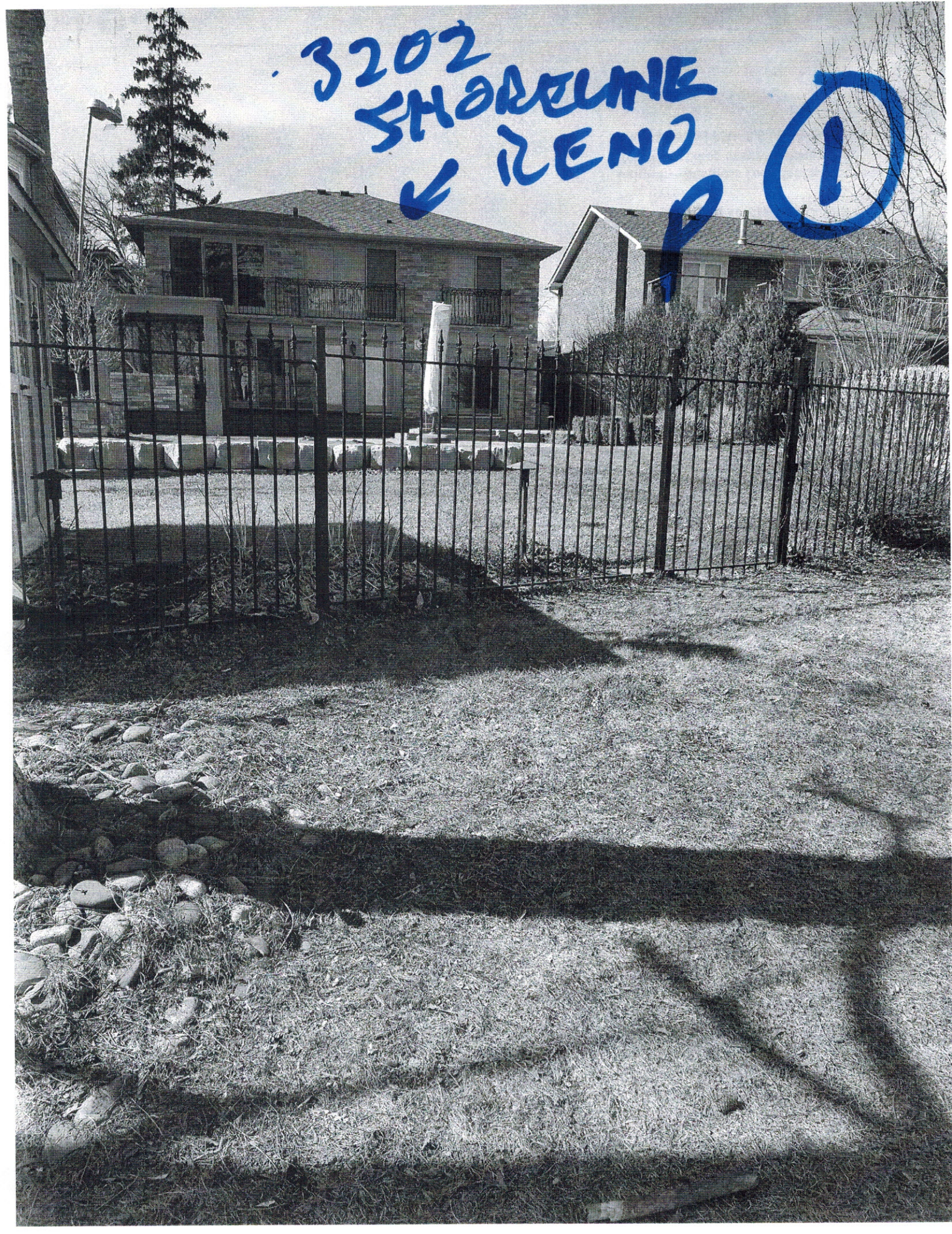
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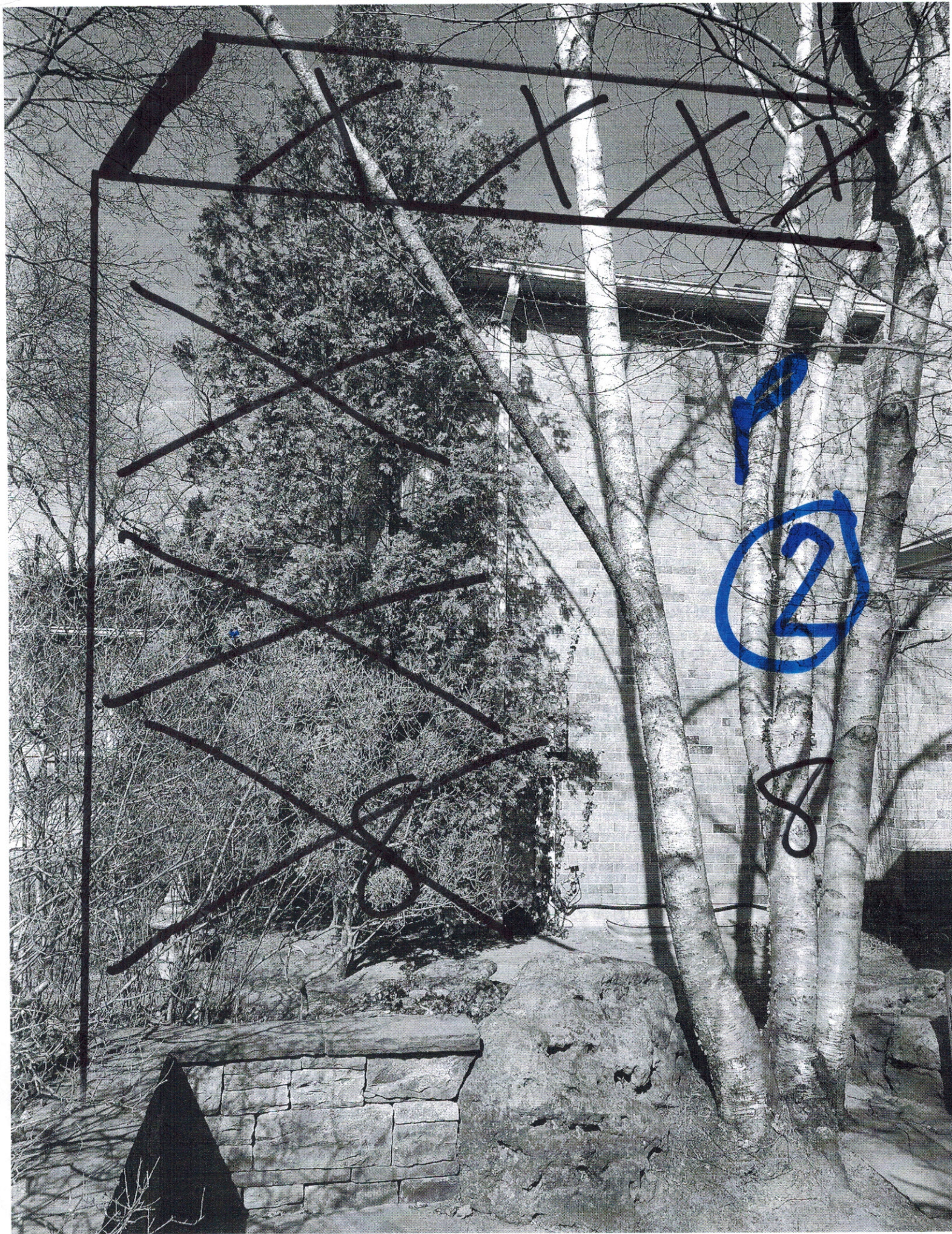
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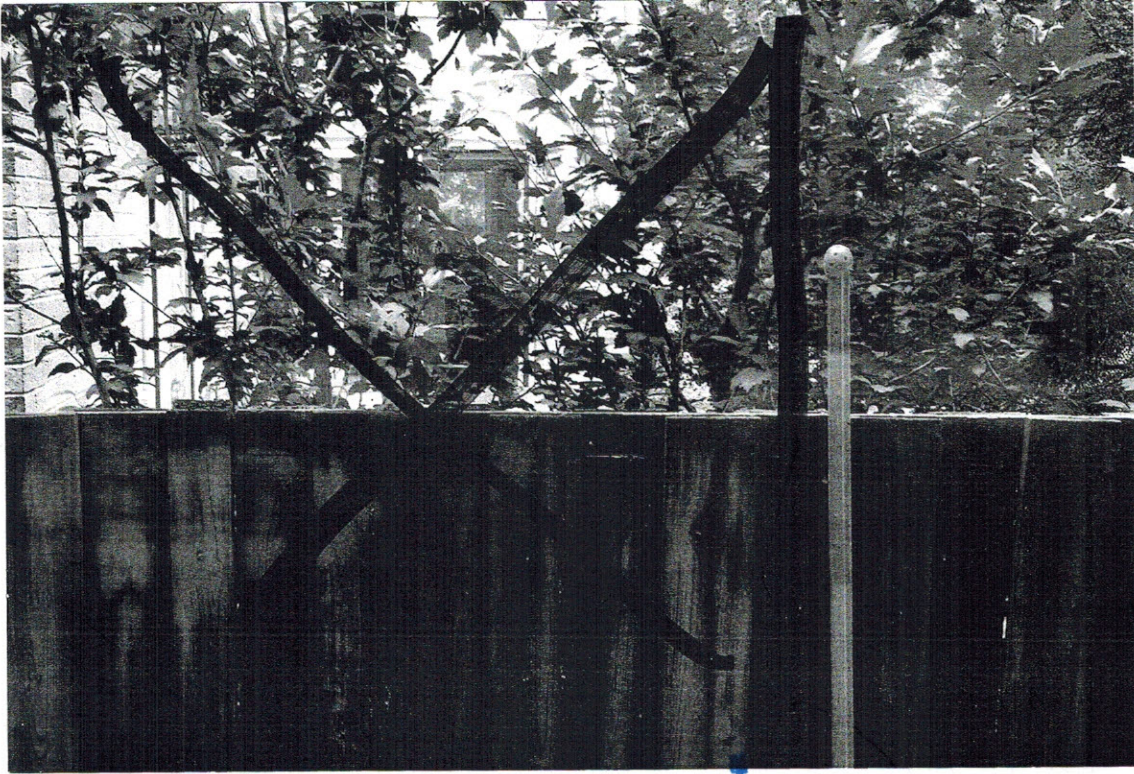
SHORELINE PG 3204

SUNLIGHT, SKY
BLOCKED HIGH
FLAT ROOF.

P 4

P8

Dining Room
Blocked



P

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P1
Dining Room
Window Blocked

NEW
ROOF
LINE

P

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P20

DINING ROOM
BLOCKED

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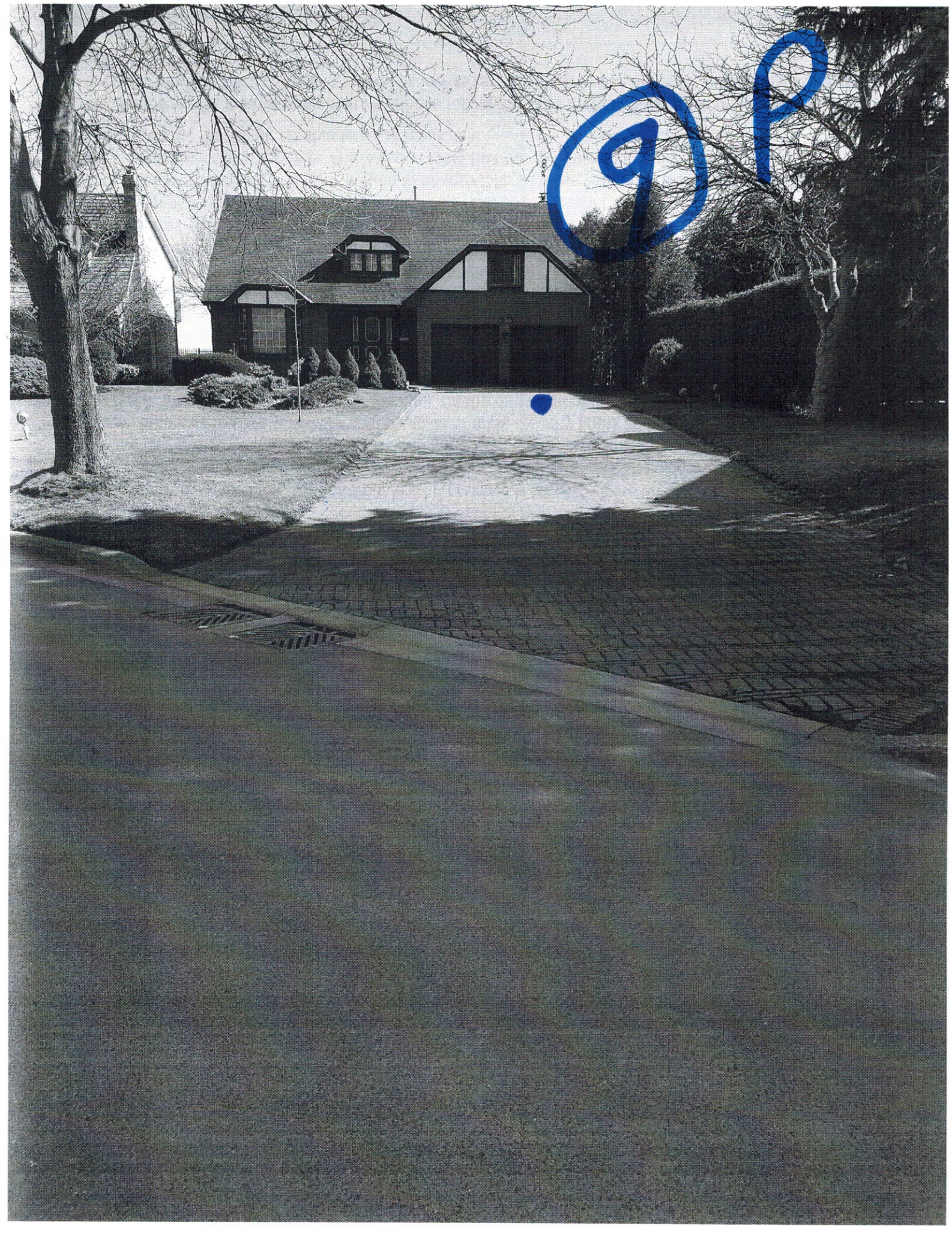
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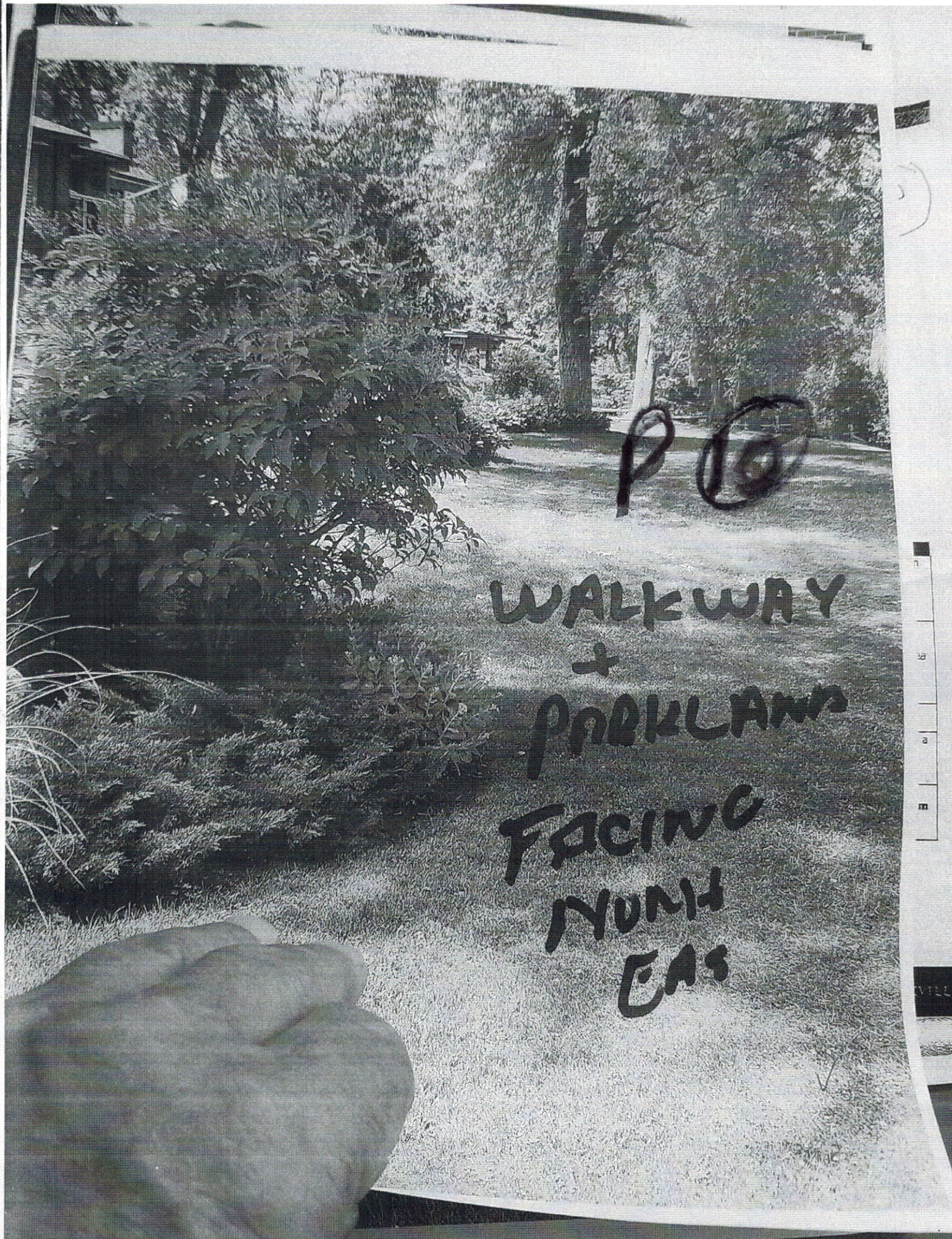
WILLE

ROOT HEIGHT
BLOCKS SUNLIGHT
AND SKY

3072

PH SP





WALKWAY
+
PARKLANDS
FACING
NORTH
EAST

10



1130 Speers Rd	PL180297-3052690 Nova Scotia Ltd. 1130 Speers Rd	Closed	PL180297	✓
297 Queens Avenue	PL180396-IMH Queens Ltd. development	Closed	PL180396	✓
254 Carolyn Dr	PL180415-Kieran McCourt, 254 Carolyn Dr	Closed	PL180415	
1194 Stirling Dr	PL180554-Michael Sullivan, 1194 Stirling Drive	Open	PL180554	
All lands within the Town of Oakville	PL180580-OPA 15 Urban Structure	Open	PL180580	✓
158 Castle Crescent	PL180597-S. & N. Khoorshed, 158 Castle Cres	Closed	PL180597	
485 English Rose Lane	PL180598-Josephine Bruno, 485 English Rose Lane	Closed	PL180598	✓
327 Reynolds St. & 348 Macdonald Rd.	PL180681-Town of Oakville subdivision	Closed	PL180681	✓
448 Drummond Road	PL180829-M. Forsyth & D. Murray, 448 Drummond Rd	Closed	PL180829	✓
North Oakville East Secondary Plan	PL180831-OPA 321 North Oakville E Secondary Plan	Closed	PL180831	✓
164 Douglas Avenue	PL190147-Mark Liptok, 164 Douglas Ave.	Closed	PL190147	✓
383 Chartwell Rd & 1039 Cedar Grove Bld	PL190174-JRB-383 Chartwell Holdings Ltd, Consent	Closed	PL190174	
3194 Shoreline Drive	PL190201-D.Horwood & D.D'Souza, 3194 Shoreline Dr	Closed	PL190201	✗
1201 Stirling Drive	PL190436-R. Boutros & S. Gendy, 1201 Stirling Dr.	Closed	PL190436	✓
1540 Reeves Gate, Unit 20 & 19	PL190491-Willem Graves, 1540 Reeves Gate	Open	PL190491	✓
3358 Lakeshore Road W.	PL200167-Sharif Sorial, 3358 Lakeshore Rd. West	Closed	PL200167	✓
3171 Lakeshore Road West	PL200232-Vogue Wycliffe Ltd., create 35 res.units	Open	PL200232	✓
170 North Service Road West	PL200331-Empress Capital Group, 114 room hotel	Open	PL200331	✓
550 Kerr Street	PL200333-Oakville Dev'ts Inc., mixed use bldgs.	Open	PL200333	✓
196 Elton Park Road	PL200387-Imran & Roohi Bashir, 196 Elton Park Rd.	Closed	PL200387	✓
	PL200584-Melrose Investments, 4 warehouses	Open	PL200584	✓
171 Burgundy Drive	PL200605-N & S Darwish, 171 Burgundy Drive	Open	PL200605	✓
109 Reynolds Street	PL200624-DXD- JRB Holdings v. Oakville (Twn.)	Open	PL200624	✓
	PL200630-H&R Reit, add parking & 2nd vehicular pt	Open	PL200630	✓
358 Reynolds Street	PL210098-Transmetro Ltd., 3-storey 14-unit condo	Open	PL210098	✓
426 Canterbury Crescent	PL210100-Mhd Baalbaki, 426 Canterbury Crescent	Open	PL210100	?
1035 Pinegrove Road	PL210149-Herman Rai, 1035 Pinegrove Road	Open	PL210149	?

2552 RIVERS BEND CAFE

11 of 11

MULTIWIT / COMMERCIAL

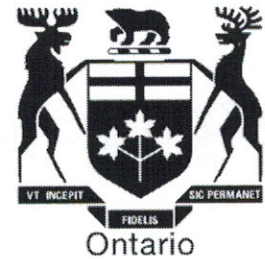
227 Wyecroft Rd	PL170458-Roczamb Holdings Ltd., 227 Wyecroft Rd	Closed	PL170458	✓
309 Church St	PL170459-The Purple House Inc. 309 Church St	Closed	PL170459	✓
17 Mississauga St	PL170460-Friesen/Morton, 2-storey dwelling	Closed	PL170460	
1020, 1024, 1028, 1032 and 1042 Sixth Line	PL170462-Dunpar, 81 townhouse units	Open	PL170462	✓
132 Caulder Dr	PL170524-Yuqing Zou, 132 Caulder Dr	Closed	PL170524	
231 & 237 Rebecca St	PL170593-2378224 Ontario Inc. 6 resid. townhouses	Closed	PL170593	✓
3075 Trafalgar Rd	PL170666-DundasTrafalgar, rezoning reserved blocks	Closed	PL170666	✓
413 Avon Cres	PL170697-Daniel Samodol, 413 Avon Cres	Closed	PL170697	
	PL170731-Dunoak Developments, residential subdivis	Open	PL170731	✓
1264, 1288 Burnhamthorpe Rd E & 1345-1429 Dundas StE	PL170733-Bressa Developments, residential subdivis	Closed	PL170733	✓
1359 Dundas St W	PL170735-Martillac Estates ZBA & DP of Subdivision	Closed	PL170735	✓
1357 Dundas St W	PL170737-Graydon Banning, residential subdivision	Closed	PL170737	✓
Part Lots 13 & 14, Concession 1	PL170848-Green Ginger Dev's, subdivision & rezonin	Open	PL170848	✓
262 King Street	PL170937-262 King St Severance	Closed	PL170937	✓
299 Church St.	PL170957-Green Heaven (MV)	Closed	PL170957	✓
518 Hidden Trail	PL171022-Iwicki, 518 Hidden Trail MV	Closed	PL171022	
435 Sumner Ave	PL171044-Lawrence Ker, 435 Sumner Ave	Closed	PL171044	CANC ✓
1333 Dorval Dr	PL171084-ClubLink, Glen Abbey Golf Club Redev.	Open	PL171084	✓
Various Addresses	PL171100-OPA 14-Transportation Updates (Midtown)	Closed	PL171100	✓
428 Samford Place	PL171168-2572876 Ontario Inc. 428 Samford Place MV	Closed	PL171168	CANC ✓
2220 Marine Dr	PL171222-1213763 & 1319399, 4-storey apt.bldg.(OPA	Open	PL171222	✓
2450 Meadowood Cres	PL171405-T. & M. Kotarac, 2450 Meadowood Cres	Closed	PL171405	
1198 Cynthia Lane	PL171406-Speed of R Cube Ltd. 1198 Cynthia Lane	Closed	PL171406	✓
305 Felan Ave	PL180009-M. & J. Soragnese, 305 Felan Ave	Open	PL180009	✓
1313 and 1333 Dorval Dr et al	PL180158-OPA 24, ClubLink, Glen Abbey Golf Club	Open	PL180158	✓

M3

546 Wingrove Cres	PL160297-A. and P. Uppal, 2-storey dwelling	Closed	PL160297	
1333 Dorval Dr	PL160331-Oakville ICBL No. 2016-024	Closed	PL160331	✓
216 Eastcourt Rd	PL160332-Windeler, 2-storey dwelling	Closed	PL160332	
2144 Rebecca St	PL160333-G.S. Uppal, 2-storey dwelling	Closed	PL160333	
486 Pineland Ave	PL160421-Husameldin, 2-storey dwelling	Closed	PL160421	
131 Leighland Ave	PL160545-J. & A. Matos, 131 Leighland Ave	Closed	PL160545	
175 Wilson St	PL160546-E. & L. Scherkus, 175 Wilson St	Closed	PL160546	
2406 Susquehanna Crt	PL160601-K. & M. Lingham, 2406 Susquehanna Crt	Closed	PL160601	
2266 Lakeshore Rd W, 83 East St	PL160661-Symgine (Lake East), 20-storey mixed use	Closed	PL160661	✓
1372 Devon Rd	PL160677-A. & E. Wiedmer, 1372 Devon Rd	Closed	PL160677	
1204 Cynthia Lane	PL160776-Wallace New Dwelling Variances	Closed	PL160776	
8 Ennisclare Dr W	PL160883-Phinney, 2-storey dwelling	Closed	PL160883	
474 Lakeshore Rd E	PL160885-Bowman, 2-storey dwelling attached garage	Closed	PL160885	
124 Westminster Dr	PL160898-Covino, 124 Westminster Dr, dwelling	Closed	PL160898	
441 Sandmere Place	PL160899-Hundal, 2-storey dwelling	Closed	PL160899	
332 to 338 Robinson St	PL161138-2524151 Ont., 4-unit townhouse	Closed	PL161138	✓
2988 Bristol Circle	PL161187-1498461 Ontario Ltd., 2988 Bristol Cir	Closed	PL161187	
3358 Lakeshore Rd W	PL161260-Sherif Sorial, 3358 Lakeshore Rd. W	Closed	PL161260	
533 Carson Ln.	PL161261-Babak Naghash, 533 Carson Lane	Closed	PL161261	
401 Sandlewood Rd	PL161262-Granat, 2-storey dwelling	Closed	PL161262	
263 Westdale Rd	PL170108-Frontliner Corp. 263 Westdale Rd	Closed	PL170108	
134 Miller Rd	PL170109-Momani, 2-storey dwelling	Closed	PL170109	
148 Herald Ave	PL170149-Ivanova, 2-storey detached dwelling	Closed	PL170149	
377 Morden Rd	PL170263-Zhurda, 2-storey detached dwelling	Closed	PL170263	
3000 Sixth Line	PL170271-2322231 Ontario Inc., 2 building comm.	Closed	PL170271	✓
274 Weighton Dr	PL170390-Baraniak/Zayouna, 2-storey dwelling	Closed	PL170390	
All lands south of Dundas St and north of Hwy 407	PL170391-Oakville, ZBL 2017-025	Closed	PL170391	✓

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire

M4



ISSUE DATE: July 15, 2021

CASE NO(S): PL200605

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Nizar & Sumar Darwish
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	171 Burgundy Drive
Municipality:	Town of Oakville
Municipal File No.:	CAV A/110/2020
LPAT Case No.:	PL200605
LPAT File No.:	PL200605
LPAT Case Name:	Darwish v. Oakville (Town)

Heard: April 9, 2021 by Video Hearing

APPEARANCES:

Parties

Nizar and Sumar Darwish
("Applicant/Appellant")

Town of Oakville

Counsel

Russell Cheeseman

Dennis Perlin

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
APRIL 9, 2021 AND ORDER OF THE TRIBUNAL**

[1] This was the first Case Management Conference ("CMC") converted to a settlement hearing. This is an appeal by the Applicant/Appellant regarding the Town of Oakville ("Town") Committee of Adjustment refusal to grant the minor variances applied for. The Applicant/Appellant has property located at 171 Burgundy Drive, in the Town. It is a one-storey bungalow.

[18] The Tribunal reviewed the conditions submitted for attachment to the possible approval and finds that these are appropriate for ensuring the variances are appropriately applied as approved and that there is land use planning certainty for adjacent and surrounding lands and their inhabitants in the scoped time period of two years.

ORDER

[19] The Tribunal allows the appeal and the following minor variances are authorized with request to the Town of Oakville Zoning By-law No. 2014-014;

- i) The minimum rear yard of 6.58 m is allowed, whereas the minimum rear yard of 10.5 m is required; *COVERED TERRACE*
- ii) The maximum residential floor area ratio for the detached dwelling is 31.53% (439.43 sq m), whereas a maximum of 29% (404.17 sq m) is allowed; and, *GFA 29% - 4.363*
Allowed 31.53% - 4.741 = 318
LOT APPROX 15000
- iii) The maximum height of 9.35 m is allowed, whereas the maximum height of 9.0 metres is required.

[20] The authorizing of the variances is subject to the following conditions:

- a. That the dwelling be built in general accordance with the submitted site plan and elevation drawings REF No. 1 dated October 16, 2020 submitted to the Town of Oakville Committee of Adjustment in Support of the Application; and,
- b. That the authorization of the variances expires two (2) years from the date of this Order if a building permit has not been issued for the proposed construction.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 04, 2021

CASE NO(S): PL200387

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Imran Bashir
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	196 Elton Park Road
Municipality:	Town of Oakville
Municipal File No.:	A/067/2020
LPAT Case No.:	PL200387
LPAT File No.:	PL200387
LPAT Case Name:	Bashir v. Oakville (Twn.)

Heard: February 18, 2021 by video hearing

APPEARANCES:

Parties

Imran Bashir

Town of Oakville

Counsel

Russell Cheeseman

Dennis Perlin

DECISION DELIVERED BY BRYAN W. TUCKEY AND ORDER OF THE TRIBUNAL

[1] Imran Bashir ("Appellant") filed an appeal of the Town of Oakville's ("Town") Committee of Adjustment's ("C of A") refusal of a minor variance application pursuant to

s. 45 (12) of the *Planning Act* ("Act"). The Tribunal convened a settlement hearing on the appeal on February 18, 2021. The application was refused by the C of A on August 25, 2020.

[2] Counsel for the Town, Dennis Perlin, advised that the Town does not oppose the approval of the appeal subject to requested conditions being imposed by the Tribunal found in Exhibit 3.

[3] The Appellant proposes to demolish an existing single detached dwelling ("SDD") and construct a new two storey SDD on property known municipally as 196 Elton Park Road ("subject property") in the Town. The Appellant requested two variances being:

a. an increase in dwelling depth from 20 metres ("m") to 21.18 m; and

3.8'

b. an increase in the Floor Area Ratio ("FAR") from 29% to 31.95% ("proposal").

2.95%

+ 434

12000 +
LOT

[4] Although this is considered a settlement hearing, the variance requests are the same as found in the original application to the C of A and the Tribunal must be satisfied that the application satisfies all legislative tests.

[5] Counsel for the Appellant, Russell Cheeseman, advised the Tribunal that the planner for the Town (in the planning report to the C of A) was of the opinion the proposal met the four tests of s 45 (1) of the Act. He went on to note that there were no persons indicating their opposition to the proposal either by attending the C of A hearing or by correspondence.

[6] Steven Qi provided planning evidence to the Tribunal on behalf of the Appellant. Mr. Qi is qualified to give expert land use planning evidence in this matter.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 25, 2020

CASE NO(S): PL190436

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Wayland Chau et al
Applicant:	Rania Boutros and Shérif Gendy
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	1201 Stirling Drive
Municipality:	Town of Oakville
Municipal File No.:	A/098/2018
LPAT Case No.:	PL190436
LPAT File No.:	PL190436
LPAT Case Name:	Chau v. Oakville (City)

Heard: February 13, 2020 in Oakville, Ontario

APPEARANCES:

Parties

Annabelle Lyn Labenski,
Richard Labenski (not attending)
and Wayland Chau (not attending)

Rania Boutros and
Shérif Gendy (not attending)

Town of Oakville

Counsel*/Representative

Self-represented

Self-represented

Dennis Perlin*

DECISION DELIVERED BY MARGOT BALLAGH AND ORDER OF THE TRIBUNAL**OVERVIEW**

[1] Rania Boutros and Shérif Gendy (the "Applicants") are the owners of property known municipally as 1201 Stirling Drive and legally described as Plan 1005, Lot 2 (the "subject property") in the Town of Oakville ("Town").

[2] The Applicants applied for variances from the requirements of Zoning By-law No. 2014-014 ("Zoning By-law") to permit the construction of a new two-storey detached dwelling on the subject property as follows:

No.	Zoning By-law No. 2014-014 requirements RL1-0	Variance Requested
1	Section 5.8.6 c) For <i>lots</i> located within the Residential Low (RL1) Zone the maximum total floor area for a <i>private garage</i> shall be 56.0 square metres.	To permit the maximum <i>total floor area</i> of the <i>private garage</i> to be 70.0 square metres. ✓
2	Table 6.3.1 (Row 5, Column RL1) The <i>minimum interior side yard</i> shall be 4.2 metres ("m")	To permit a <i>minimum</i> (southerly) <i>interior side yard</i> of 3.04 m and a <i>minimum</i> (northerly) <i>interior side yard</i> of 1.92 m. ✓
3	Table 6.3.1 (Row 9, Column RL1) The maximum <i>dwelling depth</i> shall be 20.0 m.	To permit a maximum <i>dwelling depth</i> of 25.66 m. ✓

[3] The Town's Planning Staff recommended approval of the minor variances 1 and 3 in

M 10

[20] He opined that the proposal:

1. is consistent with the Provincial Policy Statement, 2014 ("PPS"), noting that the proposed intensification as defined in the PPS is an efficient use of land (Tab 17, Exhibit 3);
2. conforms to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan") as the subject lands are located within the Built-Up Area of the Settlement Area (Tab 18, Exhibit 3); and
3. conforms with the policies of the Regional Municipality of Halton Official Plan as the lands are designated Urban Area and meets the objectives of s. 72 (Tab 19, Exhibit 3);

[21] Mr. Hassan then proceeded to address the four specific tests for a minor variance.

General Intent and Purpose of the Town's Official Plan

[22] Details of the evidence and reasoning behind Mr. Hassan's opinion that the proposal meets this test are provided in paragraphs 46-71, Tab 2, Exhibit 3.

[23] Section 11.1.9 a), b) and h) were particularly relevant and are reproduced below:

11.1.9 *Development* within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood *character*.

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.

h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.

[24] It is Mr. Hassan's opinion that the intent and purpose of the urban design policies of the Town's Official Plan as it applies to new development in general are to aid the sculpting

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: November 04, 2020

CASE NO(S).:

PL190147

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Renee Carlson
Applicant:	Mark Liptok
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	164 Douglas Avenue
Municipality:	Town of Oakville
Municipal File No.:	A/036/2019
LPAT Case No.:	PL190147
LPAT File No.:	PL190147
LPAT Case Name:	Carlson v. Oakville (Town)

WITHDRAWN
RENEWATION
PL-3-0
SP

Heard: October 28, 2020 by video hearing

APPEARANCES:

Parties

Renee Carlson
Mark Liptok
Town of Oakville

Counsel

Denise Baker
Izaak de Rijcke
Dennis Perlin

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
OCTOBER 28, 2020 AND ORDER OF THE TRIBUNAL**

[7] The Appellant further submitted that the statutory considerations and tests are significantly different for subsections 45(1) versus subsection 45(2) of the Act. She added that with nearly half of the hearing already completed, allowing the requested motion is severely prejudicial and the Tribunal cannot allow this as a minor change.

[8] Based on these discussions, the Applicant's counsel informed the Tribunal that his client will, without prejudice, withdraw his application as previously approved by the COA. He stated that the Applicant will bring a new application before the COA under s. 45(2) of the Act.

[9] The Appellant consented to Applicant's proposed without prejudice withdrawal of the application. The Appellant requested that the Appeal thus be allowed.

[10] The Tribunal noting that the Applicant does not wish to proceed with his application orders that; the appeal is allowed, and the variances are not authorized.

[11] So orders the Tribunal.

"Jatinder Bhullar"

JATINDER BHULLAR
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: July 11, 2019

CASE NO(S):

PL180829

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Donna Edgar
Applicant:	Stephen Aghaei
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	448 Drummond Road
Municipality:	Town of Oakville
Municipal File No.:	A/102/2018
LPAT Case No.:	PL180829
LPAT File No.:	PL180829
LPAT Case Name:	Edgar v. Oakville (Town)

Heard:

February 12, 2019 in Oakville, Ontario

APPEARANCES:

Parties

Donna Edgar
Stephen Aghaei
Town of Oakville

Counsel*/Representative

Ted Edgar
Meaghan Barrett*
Dennis Perlin*

**DECISION DELIVERED BY ANNE MILCHBERG AND ORDER OF THE
TRIBUNAL**

TOTAL LOT
10.700 ☒
LOT AREA
7.860
ALLOWED
GFA
4329
2.47

All the other properties have been redeveloped with larger dwellings.

[7] Lands on the west side of Drummond Road, including the subject property, back onto the Lower Wedgwood Creek. The rear portion of the subject property is within the floodplain and is under the jurisdiction of Conservation Halton ("CH"). The Town Planning Report on the proposed variances (Exhibit 2, Tab 9) indicated that the CH had no issue with the proposal, on condition that "prior to the initiation of works, a Permit pursuant to Ontario Regulation 162/06 be obtained from [CH] ... for development on site".

[8] Side lot lines on the west side of Drummond Road between Cairncroft Road and Ario Road are not perpendicular to the street, resulting in the siting of dwellings in a staggered pattern. This has relevance to front-yard setback standards and variances thereto.

VARIANCES

[9] Under Zoning By-law No. 2014-014 ("the ZBL"), part of the subject property nearest the street is zoned "RL-3-0", and the rear of the site is zoned "N" (Natural Area), which is an environmental conservation type of zone. New construction is permitted only on the RL-3-0 portion of the lands.

[10] Variances are sought from the RL-3-0 performance standards in the ZBL:

1. to permit the attached private garage to project not more than 2.16 metres ("m") from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line, whereas the ZBL limits the projection to not more than 1.5 m ("Variance 1");
2. to permit a maximum residential gross floor area ratio ("FAR") of 60.59%, whereas the ZBL limits the FAR to not more than 42% ("Variance 2");

3. to permit a maximum lot coverage of 36.28% (213.45 m²), whereas the ZBL limits the maximum lot coverage to not more than 35% ("Variance 3"); and
4. to permit a minimum front-yard setback of 4.52 m, whereas the ZBL states that "[t]he minimum front yard [setback] on all lots shall be the yard legally existing on the effective date of this By-law less 1.0 metre (Existing 9.44 m – 1.0 m = 8.44 m minimum)" ("Variance 4").

ISSUES

[11] The Appellant testified that her major concern was with Variance 4, which would permit a minimum front yard setback of 4.52 m instead of 8.44 m as specified by the ZBL, and would result in a long, south-facing side wall that faces onto her property and is visible from the street because of the saw-tooth front-yard setbacks.

[12] She was also concerned about the FAR (Variance 2) and the maximum lot coverage (Variance 3), but focused on the potential breach of the front-yard setback (Variance 4) because of the role it would have in increasing FAR and lot coverage (Variances 2 and 3).

[13] Of note, the Appellant testified that she had no issue with Variance 1, which would increase the garage projection by 0.66 m.

[14] The Appellant's concerns with Variances 2, 3 and 4 relate to compatibility and fit in the neighbourhood.

[15] Exhibit 6, the Appellant's evidence outline, appeared to raise two other issues. Firstly, the Appellant maintained that the numerical magnitude of the requested increases were not minor in nature. Secondly, she maintained that the proposal was taking density from the 'N'-zoned portion of the subject lands and transferring it to the 'RL-3-0'-zoned portion.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
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ISSUE DATE: October 23, 2018

CASE NO(S): PL180598

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Emad Almashat
Appellant:	The Corporation of the Town of Oakville
Applicant:	Josephine Bruno
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	485 English Rose Lane
Municipality:	Town of Oakville
Municipal File No.:	CAV A/083/2018
OMB Case No.:	PL180598
OMB File No.:	PL180598
OMB Case Name:	Almashat/Town Of Oakville v. Oakville (Town)

Heard: September 25, 2018 in Oakville, Ontario

APPEARANCES:

Parties

Counsel*/Representative

Town of Oakville	Dennis Perlin*
Emad Almashat	Self-represented
Josephine Bruno	David Lee

DECISION DELIVERED BY HELEN JACKSON AND ORDER OF THE TRIBUNAL

[1] Josephine Bruno (the "Applicant") applied for relief from Zoning By-law No. 2014-014 in order to construct a new sunroom at the rear of her two storey dwelling at 485

English Rose Lane. The variance relief requested is for rear yard setback and residential floor area.

[2] The Town of Oakville (the "Town") Planning staff were not supportive of this application; however, the Committee of Adjustment (the "COA") approved the requested minor variance application. Both the Town and the immediately adjacent neighbour, Emad Almashat, appealed the COA's decision.

[3] At the commencement of the hearing, the Tribunal member canvassed the parties as to whether it would be beneficial for the parties to have a few moments to discuss amongst themselves the issues and to explore how they would like to proceed at the hearing. Following this discussion, the Tribunal was advised that the parties had come to an agreement wherein the Applicant would abandon her requested variances for the purposes of constructing a sunroom attached to her home, and instead would pursue building an accessory structure within the zoning by-law provisions.

[4] On that basis, the Town requested that the Tribunal: i) allow the appeals by the Town and Mr. Almashat of the COA decision; and ii) not authorize the requested variances. The parties were all in agreement with this approach.

[5] Based on the foregoing, the Tribunal is satisfied that with the Applicant agreeing that she will abandon the requested variances, it is appropriate to allow the appeals and not authorize the variances.

ORDER

[6] The Tribunal allows the appeals. The requested variances are not authorized.

"Helen Jackson"

HELEN JACKSON
MEMBER

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 07, 2018

CASE NO(S).: PL180009

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	The Corporation of the Town of Oakville
Applicant:	Julie & Michael Soragnese
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	305 Felan Avenue
Municipality:	Town of Oakville
Municipal File No.:	A/198/2017
OMB Case No.:	PL180009
OMB File No.:	PL180009
OMB Case Name:	The Corporation of the Town of Oakville v. Oakville (Town)

APPEARANCES:

Parties

Counsel*/Representative

Town of Oakville

J. Huctwith*

Michael and Julie Soragnese

Self-represented

AMENDING DECISION OF THE TRIBUNAL DELIVERED BY S. JACOBS

[1] Subsequent to the Tribunal's issuance of the Memorandum of Oral Decision in this matter on April 23, 2018 (the "Decision"), the parties advised the Tribunal of errors in the conditions they provided to the Tribunal, which were reflected in the Decision.

[2] In accordance with Rule 24.04 of the Tribunal's *Rules of Practice and Procedure*, the Tribunal may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order. The Decision is hereby amended as follows:

[3] By deleting Conditions 3 and 4 in paragraph [5] from the Decision and replacing them with the following:

- 3. That the south-eastern exterior knee wall in Bedroom 2 on the second floor of the new dwelling be a maximum height of 1.78 metres and that the "crawl" space created in the attic over the garage beyond the exterior walls of Bedroom #3 not be used or converted into "living space" as per the Revised Plans in the Amended Application; and
- 4. That pursuant to subsections 45(9), (9.1), and (9.2) of the *Planning Act*, the Owners/Applicants shall enter into an agreement with the Town/Appellant satisfactory to the Town Solicitor requiring that the "crawl space" created in the attic over the garage and beyond the exterior walls of Bedroom #3 not be used or converted into "living space" as per the Revised Plans in the Amended Application with such agreement to be registered on a first priority basis against the title to the property known municipally as 305 Felan Avenue, Oakville.

[4] These amendments in no way affect the analysis in the Tribunal's Decision; in all other respects the Decision remains the same.

"S. Jacobs"

S. JACOBS
MEMBER

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ISSUE DATE: April 23, 2018

CASE NO(S):

PL180009

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	The Corporation of the Town of Oakville
Applicant:	Julie & Michael Soragnese
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	305 Felan Avenue
Municipality:	Town of Oakville
Municipal File No.:	A/198/2017
OMB Case No.:	PL180009
OMB File No.:	PL180009
OMB Case Name:	The Corporation of the Town of Oakville v. Oakville (Town)

Heard: April 16, 2018 by telephone conference call

APPEARANCES:

Parties

Counsel*/Representative

Town of Oakville

J. Huctwich*

Michael and Julie Soragnese

Self-represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. JACOBS ON
APRIL 16, 2018 AND ORDER OF THE TRIBUNAL**

[1] Michael and Julie Soragnese (the "Applicants") applied to the Committee of Adjustment (the "Committee") for the Town of Oakville (the "Town") for a minor variance in order to construct a new two-storey dwelling at their property located at 305 Felan Avenue in Oakville (the "subject property"). The variance requested is to permit a maximum residential floor area of 47.6%, whereas the Town Zoning By-law No. 2014-014 (the "Zoning By-law") allows a maximum residential floor area of 42%. The Committee authorized the application and the Town appealed the Committee's decision to the Ontario Municipal Board, now continued as the Local Planning Appeal Tribunal (the "Tribunal"), pursuant to s. 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "Act").

GFA ALLOWED
2.762

LOT SIZE 6.577
CFA GIVEN 3.130 = 368

[2] The Town and the Applicants subsequently reached a settlement and the Tribunal convened this telephone conference call ("TCC") as a settlement hearing. The Town served notice of this TCC to all those who were on the notice list for the Committee's decision, and no one aside from representatives of the Town and Applicants attended the TCC. Prior to the TCC, the parties provided the Tribunal with an Affidavit of Terrance Glover, a planner retained by the Applicants, and the Minutes of Settlement between the parties (filed as Exhibits 1 and 2, respectively).

[3] The Tribunal qualified Mr. Glover to provide opinion evidence in the area of land use planning and accordingly relied on his uncontested written affidavit evidence. Mr. Glover explained that, as a result of the settlement between the parties, the Applicants amended their original plans that were submitted to the Committee, as shown in revised plans attached to the Minutes of Settlement, mainly to lower the roof on two elevations. These revisions result in no change to the variance requested, and the Tribunal is satisfied, based on Mr. Glover's evidence, that the revisions are minor such that the Tribunal, pursuant to s. 45(18.1.1) of the Act, is not required to provide notice of these revisions.

$$\begin{aligned} & 6.577 \div 3.130 \\ & = 2.10 \end{aligned}$$

[4] The Tribunal is further satisfied, based on Mr. Glover's uncontested evidence, that the application is consistent with the *Provincial Policy Statement, 2014*, conforms with the *Growth Plan for the Greater Golden Horseshoe, 2017*, and, in accordance with s. 45(1) of the Act, maintains the general intent and purpose of the Town's Official Plan and Zoning By-law, is desirable for the appropriate development of the land, and is minor. The Tribunal will therefore authorize the variance, subject to the conditions recommended by Mr. Glover.

ORDER

[5] The Tribunal orders that the appeal is allowed in part. The variance to Town of Oakville Zoning By-law 2014-014 is authorized subject to the following conditions:

1. That the approval will expire two years from the date of issuance of the decision of the Tribunal if the proposed development does not proceed and/or a building permit is not issued;
2. That the proposed new two-storey detached dwelling be constructed in accordance with the plans attached as Schedule 2 to the Minutes of Settlement filed as Exhibit 2;
3. That the "crawl" space created by the low knee wall height of 1.78 metres in Bedroom 2 on the second floor of the new dwelling shall not be used or converted into "living space"; and
4. That pursuant to subsections 45(9), (9.1), and (9.2) of the *Planning Act*, the Owners/Applicants shall enter into an agreement with the Town/Appellant satisfactory to the Town Solicitor requiring that the "crawl space" created by the low knee wall height of 1.78 metres in Bedroom 2 on the second floor of the new dwelling, as per the Revised Plans in the Amended Application, shall not be used or converted into "living space", with such agreement to be registered on a first priority basis against the title to the property known municipally

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: November 15, 2016

CASE NO(S):

PL160776

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Town of Oakville
Applicant:	Julie Wallace
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	1204 Cynthia Lane
Municipality:	Town of Oakville
Municipal File No.:	A/118/2016
OMB Case No.:	PL160776
OMB File No.:	PL160776
OMB Case Name:	Oakville (Town) v. Oakville (Town)

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

Heard: October 20, 2016 by telephone conference call

APPEARANCES:

Parties

Town of Oakville

Julie Wallace

Counsel

D. Perlin

D. Baker

MEMORANDUM OF ORAL DECISION DELIVERED BY K. J. HUSSEY ON OCTOBER 20, 2016 AND ORDER OF THE BOARD

[1] The Corporation of the Town of Oakville (the "Town") appealed the decision of the Committee of Adjustment which granted, with conditions, an application for minor variance with respect to the property located at 1204 Cynthia Lane. The Applicant, Julie Wallace, sought relief from the two zoning by-laws that were in force when the application was made, Zoning By-laws No. 1984-63 and No. 2014-014, for an increase in the residential floor area for the purpose of rejuvenating an existing dwelling, by various additions, including an added storey.

[2] The Town objected to the proposal on the grounds that it introduced massing and scale that had a negative impact on the character of the neighborhood and the abutting properties.

[3] Prior to the hearing the Board was informed that the parties had settled and Minutes of Settlement were executed. The Board received the affidavit evidence of land use planner Mark Simeoni in support of the settlement. In summary, the Applicant submitted to the Town a revised design that resulted in a reduction of the variance sought to Zoning By-law No. 2014-014. The variance to By-law No. 1984-63 was eliminated as that By-law is no longer in effect.

[4] The Applicant sought an amendment to the application to reflect the terms of settlement. The Board considers these amendments to be minor and will not order re-circulation of the application pursuant to s. 45(18.1.1) of the *Planning Act* (the "Act").

[5] It was Mr. Simeoni's opinion that the revised design and the reduction in the variance requested, that is, maximum residential floor area of 44.82%, whereas the required maximum under the zoning by-law is 41%, meets the four tests set out under s. 45(1) of the Act for the variance to be approved: it maintains and protects the character of the existing neighborhood, and therefore the general intent and purpose of the Official Plan is met; it meets the general intent and purpose of the zoning by-law; it is

minor and results in no adverse impact on the surrounding properties; and the proposed variance is appropriate for the development of the land.

[6] The Board has carefully considered Mr. Simeoni's affidavit evidence and the Minutes of Settlement, appended to this decision as Attachment 1 (the Board notes that the case number is incorrectly stated as PL160676 instead of PL160776 but the contents without doubt refer to the latter). The Board is satisfied that the four tests under s. 45(1) of the Act have been met.

[7] By an oral decision delivered on October 20, 2016, the Board authorized the settlement and allowed the variance from the provisions of Zoning By-law No. 2014-014, subject to the following conditions:

- a) that the approval expires two years from the date of the issuance of this decision if the proposed development does not proceed and/or a building permit is not issued;
- b) that the proposed additions be constructed in accordance with the plans attached as Schedule 2 to the minutes of settlement.

[8] This is the Order of the Board.

"K. J. Hussey"

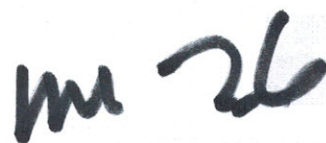
K. J. HUSSEY
VICE CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1



PL160676

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l' Ontario

PROCEEDING COMMENCED UNDER subsection 45(12) of the Planning Act,
R.S.O. 1990, c P. 13, as amended

Appellant:	The Corporation of the Town of Oakville
Applicants:	Julie Wallace
Variance from By-law Nos:	2014-014 and 1984-63
Property Address/Description:	1204 Cynthia Lane
Municipality:	Town of Oakville
OMB Case No.:	CAV A/118/2016
OMB Case No.:	PL160676
OMB File No.:	PL160676
OMB Case Name:	Wallace vs Oakville (Town)

AFFIDAVIT OF MARK SIMEONI

I, Mark Simeoni, of the Town of Oakville, the Region of Halton, MAKE OATH AND SAY AS
FOLLOWS:

QUALIFICATIONS

1. I am a professional land use planner, a member of the Canadian Institute of Planners (MCIP) and a Registered Professional Planner (RPP) in good standing.
2. I am the Planning Director in the Town of Oakville and have held that position for a period of 1 year and 3 months. Prior to being with the Town of Oakville I was the Director of Planning, Acting, for the City of Greater Sudbury for a period of 2 years. A copy of my Curriculum Vitae and executed Acknowledgement of Experts Duty Form is attached hereto as Exhibit "A".

M 27

3. I have previously been qualified to provide expert evidence in the field of land use planning before the Ontario Municipal Board.
4. This affidavit is prepared in support of the Minutes of Settlement entered into October 17, 2016 between the Applicant, and the Corporation of the Town of Oakville as Appellant, with respect to Committee of Adjustment (the "Committee") Application CAV A/118/2016 (the "Application") for 1204 Cynthia Lane (the "Property"). A copy of the Consent and Minutes of Settlement is attached hereto as Exhibit "B".
5. Prior to the execution of the Minutes of Settlement, I met with the Applicant and their Architect to discuss opportunities to modify the design of the proposed dwelling on the Property to address some of the comments provided by staff on the Application.
6. Based on the foregoing, I have knowledge of the matters to which I hereinafter depose.

OVERVIEW

7. The Application under Section 45(1) of the *Planning Act*, was filed with the Town of Oakville Committee of Adjustment on June 21, 2016. The Application was to permit additions to and existing one storey detached dwelling on the Property with the following variances:

#	Zoning By-law 2014-014 requirements – RL3-0	Variance request
1	Section 6.4.1 The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> shall be 41%.	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 45%.
	Zoning By-law 1984-63 as amended requirements – R03	Variance request
2	Section 40.3)b) The maximum total Floor Area to Lot Ratio shall be 36%.	To permit a maximum total Floor Area to Lot Ratio of 40.56%

8. Staff did not support the proposed variances before the Committee, however the Committee approved the variances on July 12, 2016 subject to two conditions. A copy of the Decision is attached as Schedule 1 to the Minutes of Settlement.

M 28

9. The Town of Oakville appealed the Decision to the Ontario Municipal Board pursuant to section 45(12) of the *Planning Act*.
10. The Appellant and the Applicant have reached a settlement of the Town's appeal to the Ontario Municipal Board as set out in the Minutes of Settlement, and summarized as follows:
- a. The Applicant submitted to the Town a revised design of the proposed additions (the "Revised Design"). The Revised Design is attached as Schedule 2 to the Minutes of Settlement. The Revised Design results in a reduction to the first variance as follows:

#	Zoning By-law 2014-014 requirements – RL3-0	Variance request
1	Section 6.4.1 The maximum <i>residential floor area ratio</i> for a <i>detached dwelling</i> shall be 41%.	To permit the maximum <i>residential floor area ratio</i> for the <i>detached dwelling</i> to be 44.82%.

41% - 44.82% = 3.82%

- b. The second variance, being a variance to by-law 1984-63, has been eliminated as a result of By-law 2014-014 coming into full force and effect as it relates to the RL3-0 zone effective August 25, 2016. Therefore a variance to By-law 1984-63 is no longer required.
11. It is my opinion that the Revised Redesign introduced a number of changes which are listed below and that those changes demonstrate the improvements shown in *italics* under each of the changes

- a. Proposed GFA/RFA has been reduced 3,457.88 sf to 3,443.80 sf under By-law 2014-14.

-By reducing the overall GFA of the proposed dwelling, the overall mass/scale of the building has been reduced particularly on the west side. The proposed dwelling appears to be "subdivided into various building elements" (from all sides now) which is consistent with section 3.1.3 of the guidelines.

m 29

- b. The resulting RFA ratio has been reduced from 45.0% to 44.82% under By-law 2014-14.

-As above, the built area of the proposed dwelling has been reduced as a ratio of the lot area which results in a reduction in the perceived scale of the dwelling.

- c. The removal of + 14 sf occurs on the second floor plan only. Coverage for the dwelling remains the same and is well under the permitted by both zoning by-laws.

-The increased setbacks from the permitted under both By-laws remain under the revised proposal. The indentation on the second floor increases the setback on the west side for that portion of the building creating additional separation from the adjacent property which is consistent with 3.2.1(2) of the guidelines.

- d. The west elevation has been revised to include the indentation on the second floor with additional windows providing relief in the former flat wall.



-The revised west elevation has a recess in the second floor approximately half way in the building length which provides relief in the wall plane creating visual interest. The resultant mass of the building is reduced using this indentation, breaking the building into different elements consistent with section 3.2.1 of the guidelines.

- e. The front (north elevation) west corner of the garage has been redesigned to meet the ground as a column; with the recessed garage wall returning on the west elevation that is clad in horizontal siding which is a different material from the main wall.

M30

-The revisions in plan and elevation help to break down the mass of the proposed dwelling in several ways. The introduction of the opening between the recessed garage wall and front façade creates a new opening in the west elevation. The garage wall return (west elevation) uses horizontal siding (to de-emphasize the mass) which adds to the variation of building materials and colour which is consistent with 3.2.1(1) of the guidelines.

12. It is my opinion that the Revised Design and the reduction in the needed variance meets the four tests established under section 45 of the *Planning Act* as follows:

- a. The proposed variance meets the general intent and purpose of the Local Official Plan; *Livable Oakville*. The Official Plan policy 11.1.9 states that development within stable residential communities shall maintain and protect the character of the existing neighbourhood. The Revised Design results in a dwelling that maintains and protects the neighbourhood character.
- b. The proposed variance meets the general intent and purpose of the zoning by-law 2014-014. The zoning by-law implements the policies of the Official Plan to protect the character of the existing neighbourhood. The requested variance results in a dwelling that meets the general intent and purpose of the Zoning By-law and protects the character of the existing neighbourhood.
- c. The proposed variance is minor in that it results in no adverse impact on the surrounding properties.
- d. The proposed variance is appropriate for the development of the land.

13. As such, it is my opinion that the Revised Design and resulting reduction in the requested variance is good planning.

CONCLUSION

m 31

14. It is my opinion that the amended application should be approved subject to the following conditions:

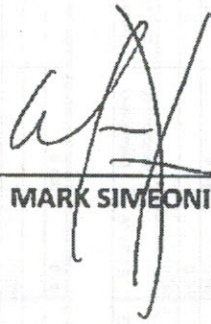
- a. That the approval expire two years from the date of the decision of the Ontario Municipal Board if the proposed development does not proceed and/ or a building permit is not issued;
- b. That the proposed additions be constructed in accordance with the plans attached as Schedule 2 to the Minutes of Settlement.

SWORN before me at the Town of
Oakville, in the Province of Ontario, this
18th day of October, 2016.



Commissioner for Taking Affidavits

Ryan Maynard



MARK SIMEONI

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: April 30, 2018

CASE NO(S): PL171405

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	The Corporation of the Town of Oakville
Applicant:	Tomislav and Mare Kotarac
Subject:	Minor Variance
Variance from By-law No.:	2014-014
Property Address/Description:	2450 Meadowood Crescent
Municipality:	Town of Oakville
Municipal File No.:	A/161/2017
OMB Case No.:	PL171405
OMB File No.:	PL171405
OMB Case Name:	The Corporation of the Town of Oakville v. Oakville (Town)

Heard: April 12, 2018 by telephone conference call

APPEARANCES:

Parties

Tomislav and Mare Kotarac
("Applicants")

Town of Oakville ("Town" and
"Appellant")

Counsel/Representative*

Terrence Glover*

Dennis Perlin

MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAW ON APRIL 12, 2018 AND ORDER OF THE TRIBUNAL

INTRODUCTION

LOT 5120 7.214

GTA-ALLOWED

41% = 2.957

46.3% = 3.340

2.17
RATIO

[1] The Applicants propose to construct a new dwelling at 2450 Meadowood Crescent for which they received approval of three minor variances from Zoning By-law 2014-014 from the Town's Committee of Adjustment ("CoA"). The Town appealed the CoA's decision to the Ontario Municipal Board, now the Local Planning Appeal Tribunal ("Tribunal").

[2] The parties reached a settlement to resolve the appeal. This settlement hearing was conducted by Telephone Conference Call ("TCC"). Only the parties participated on the TCC. Notice of the settlement, amended application and TCC had been circulated to area residents but no-one participated. This result was not surprising given that no opposition had been voiced to the CoA at its hearing on the original application.

[3] Kate Mihaljevic, a Registered Professional Planner with the Town, had provided a written affidavit to the Tribunal, and was qualified on the TCC to provide opinion evidence. Ms. Mihaljevic responded to questions of clarification from the Tribunal.

[4] Terrance Glover, a Registered Professional Planner retained by the Applicants, was also qualified and provided additional clarification to the Tribunal.

[5] The amended application seeks an increase to the maximum floor area for a garage from 45 square metres to 48.7 square metres, an increase to the maximum residential floor area ratio from 41% to 46.33%, and a reduction to the minimum front yard from 13.87 metres to 8.55 metres.

41% - 46.33 % = 5.33%
INCREASE

[6] The only change from the original application to the amended application was a small reduction in the variance to residential floor area ratio, but the substantial improvement, according to Ms. Mihaljevic, was the removal of the large chimney at the

side of the proposed dwelling. Ms. Mihaljevic concludes that this change improves the height, massing and side yard of the dwelling and enhances its compatibility with adjacent dwellings in accordance with the Town's residential design guidelines.

[7] Ms. Mihaljevic concludes that the amended application satisfies all four tests of s. 45(1) of the *Planning Act*, has regard for provincial interests, is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe. Thus, she considers the amended application to represent good planning and recommends that the amended application be approved, subject to conditions.

[8] The Tribunal accepted the evidence of Ms. Mihaljevic and approved the variances requested in the amended application as set out in the order below.

ORDER

[9] The Tribunal orders that the amendment to the original application is minor and that, pursuant to s. 45 (18.1.1) of the *Planning Act*, no further notice is required.

[10] The Tribunal orders that the appeal is allowed in part, and the minor variances requested in the amended application are authorized in accordance with the table contained in paragraph 12(c) of Kate Mihaljevic's affidavit and set out in Attachment 1 to this Order, subject to the following conditions:

- That the approval expire two years from the date of the Tribunal's Decision (April 12, 2018) if the proposed development does not proceed and/or a building permit is not issued; and
- That the proposed dwelling be constructed in accordance with the plans contained in Schedule 2 of Kate Mihaljevic's affidavit as set out in Attachment 2 to this Order.

m 3 r

*"S. Tousaw"*S. TOUSAW
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248