

## REPORT

### Planning and Development Council

Meeting Date: September 13, 2021

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**FROM:** Planning Services Department

**DATE:** August 31, 2021

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

**LOCATION:** 3194 Shoreline Drive

**WARD:** Ward 1

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#### 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<sup>2</sup>

### 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.

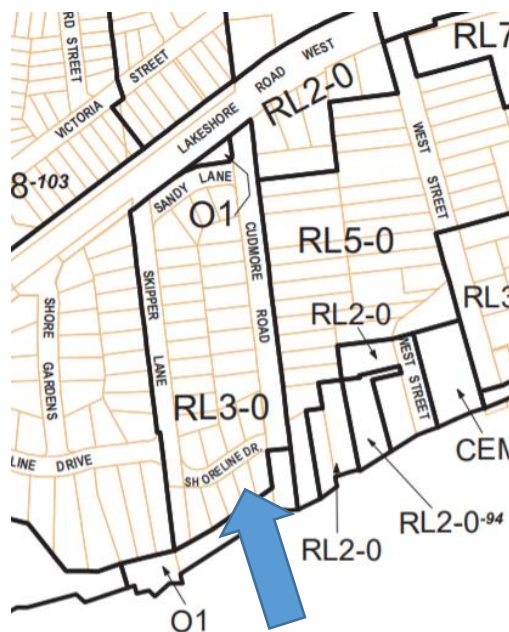


Figure 3 – Zoning By-law (By-law 2014-014)

#### 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

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 <sup>2</sup> )
5	To permit a <i>lot coverage</i> of 37.81% (188.36 m <sup>2</sup> ) 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.

## **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

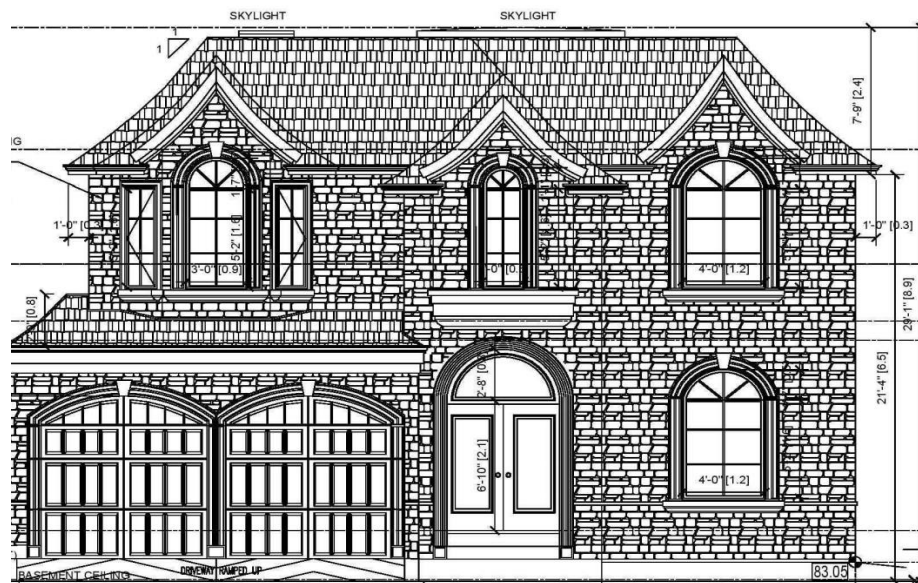
The existing dwelling to be demolished is a two storey dwelling with a projecting garage (photo below).

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



Proposed Elevation

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.



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.

The design mitigates any potential impacts on adjacent properties.

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

#### 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.

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.

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).

## 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.

**(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

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