

# Addendum to Comments

May 03rd, 2022

Committee of Adjustment

## **BY VIDEO-CONFERENCE AND LIVE-STREAMING ON TOWN WEBSITE** **OAKVILLE.CA**

1)

**CAV A/024/2022**

**1 ENNISCLARE DRIVE EAST**

PLAN 397 LOT 14 & WATER LOT

***Proposed***

**Under Section 45(1) of the *Planning Act***

**Zoning By-law 2014-014 requirements – RL1-0**

1. To permit the maximum width of the *driveway* to be 16.67 metres for a *lot* having a *lot frontage* equal to or greater than 18.0 metres.
2. To permit the maximum width of the walkway to be 2.28 metres.
3. To permit a maximum *dwelling depth* of 27.03 m.
4. To permit the maximum *residential floor area ratio* for the *detached dwelling* to be 34.37% (830.11m<sup>2</sup>).
5. To permit a *minimum front yard* of 21.23 metres.
6. To permit a maximum *height* of 10.49 metres.

### **Comments from:**

Agent's Justification Report



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRE  
BURLINGTON

March 1, 2022

Secretary Treasurer (Heather McCrae)  
Town of Oakville  
Secretary - Treasurer of the Committee of Adjustment  
Town Hall  
1225 Trafalgar Road  
Oakville, Ontario  
L6H 0H3

Email: [heather.mccrae@oakville.ca](mailto:heather.mccrae@oakville.ca)

Dear Ms. McCrae:

**RE: PLANNING JUSTIFICATION LETTER - APPLICATION FOR MINOR VARIANCES FOR  
1 ENNISCLARE DRIVE EAST, OAKVILLE  
OUR FILE NO. 21515A**

On behalf of our client, Jacossi Investments Inc. (the "Owner"), we are pleased to submit this application for minor variances with respect to the property municipally addressed as 1 Ennisclare Drive East, in the Town of Oakville (the "Subject Property").

In support of this application, please find enclosed the following:

- One (1) copy of the completed Minor Variance Application Form; and,
- One (1) copy of the Architectural Package, including the Site Plan, Elevations, Floor Plans, Survey and Landscape Plans prepared by Richard Wengle.

Payment to Town of Oakville in the amount of \$3,809.00, being the municipal application fee, will be submitted following confirmation of application receipt, as well as the applicable fees to the Region of Halton in the amount of \$37.08 and Conservation Halton fee of \$153.00.

This letter provides a description of the Subject Property, the surrounding area and the proposed site plan and requested variances. This letter also provides an overview of the applicable policy and regulatory framework and an assessment and justification of the requested variances in accordance with the required tests under the *Planning Act*.

## A. SITE CONTEXT

### PROPERTY DESCRIPTION

The Subject Property is located in southeast Oakville and is municipally addressed as 1 Ennisclare Drive East (see **Figure 1: Location Map**). The lot is located on the south side of Ennisclare Drive East and backs onto Lake Ontario. A two storey, detached home currently exists on the property. The lot has an approximate area of 0.44 ha (land area is 0.2415 ha and water lot is 0.194 ha). The lot has 24.38 metres of frontage along Ennisclare Drive East (approximately 25.61 metres measured 7.5m from the front lot line). The lot has access from a circular driveway (5.46 metres in width) with access from both the east and west sides of the lot.

The current home is located 30.67 metres from Ennisclare Drive East. The current side yard setbacks are approximately 3.07 metres and 2.45 metres on the west and east sides respectively. The existing house is currently setback 24.98 metres from the rear lot line. There are existing detached homes located to the east (3 Ennisclare Drive East) and west (6 Ennisclare Drive West) of the Subject Property.

The photographs provided in **Appendix 1: Site and Area Photographs** illustrate front, side and rear views of the existing property, the two neighbouring properties, as well as other properties in the immediate neighbourhood.

### NEIGHBOURHOOD CONTEXT

The Subject Property is located in southeast Oakville within the larger neighbourhood area known as Eastlake which is one of the older, established stable residential areas in Oakville. Within the broader neighbourhood area, there are several lots that were developed as a result of registered plans providing for linear or looped roads extending from Lakeshore Road down to Lake Ontario. In the case of the Subject Property, Ennisclare Drive West and East were part of Registered Plan 397 which was created in 1949 and includes lots on both the east and west sides of the road as well as 8 lots that back onto Lake Ontario.

The broader area to the west includes the Town of Oakville's Gairloch Gardens Park and the Oakville Galleries. Residential lots and homes are located to the west along Cox Drive. Residential lots and homes are also located further north, on the north side of Lakeshore Road East.

Ennisclare Drive East is the eastern portion of the crescent shaped street that intersects the south side of Lakeshore Boulevard. The western portion of the crescent is Ennisclare Drive West. The change from Ennisclare Drive East to Ennisclare Drive West occurs one lot to the west of the Subject Property.

The immediate neighbourhood area is illustrated on **Figure 2: Neighbourhood Area** and can be characterized by large lots, mature trees, well-landscaped and maintained lawns and gardens, and detached houses. The houses are typically have two or three car garages, upgraded design elements such as stone facades, elaborate cornices, with the lots containing significant landscaping. Mature trees line the road in some front yards as well as between the houses. The street does not have an urban cross section and contains drainage ditches. There are no sidewalks on Ennisclare Drive East or West.

Houses located on these large lots are architecturally diverse in terms of design and several of the original homes have been replaced and/or renovated with newer, larger and more efficient homes. Within the immediate neighbourhood, the lots backing onto Lake Ontario are also distinctive due to the rear lake condition and their orientation onto the street as they face side lot lines of properties to the north. The lake lots are also larger and deeper than the average lot areas within the immediate neighbourhood.

There have also been several minor variance applications approved that are associated with updated and replacement homes that have been approved in the area. A summary of the immediate neighbourhood lot and housing characteristics and associated variances is provided in **Appendix 2: Summary of Immediate Neighbourhood Characteristics and Variances** attached herein. This summary provides the context of the changes occurring within the neighbourhood area.

## **B. SITE PLAN AND PROPOSED VARIANCES**

### **PROPOSED SITE PLAN**

An application for Site Plan Approval for a new proposed single detached, two-storey dwelling (French Provincial architectural style) with an accessory pool cabana building and in-ground pool, on the Subject Property, was submitted in June 2021 (File No. SP 1707.015). Comments on the site plan were provided and reviewed by the applicant. On December 3, 2021, MHBC met with planning and urban design staff to review the proposed site plan and the related variances. The site plan was subsequently revised and resubmitted on December 22, 2021 to address comments and highlight the changes that were made. The following is a summary of the comments that were addressed with the revised site plan and the resulting requested variances.

- **Driveway Width** –The proposed driveway path of travel meets the maximum width requirement with the exception of one portion of the driveway which extends at the turning radius towards the garage access and to the east. This portion of the driveway exceeds the maximum 9.0 metres and a minor variance is therefore required. The pathways associated with the driveways are also landscaped and exceed the maximum width.
- **Floor Area Ratio** – the revisions to the design still requires relief from the maximum allowable Floor Area Ratio provision as it exceeds 29% of the Lot Area. However, the proposal meets the maximum lot coverage provision.
- **Front Yard Setback** - relief is required as the new home is proposed to be setback beyond the existing home but remains generally in alignment with the home to the east and west.
- **Building Height** – the proposed design has been amended to reduce the overall height to address concerns raised regarding height. The proposed building height is reduced to 10.49 metres from the 10.85 metres.
- **Accessory Structure** – previously concerns were raised about the possible use of the pool cabana for human habitation. The pool cabana will not be used for human habitation in terms of a living

spaces or as a secondary dwelling but will be useable space. Staff define human habitation as useable space and as such a technical variance is required to address the use of the pool cabana.

- **Dwelling Depth** – additional relief from the maximum 20 metre dwelling depth provision is required.
- **Balconies** – the design has been revised to remove the rear balconies and provide for Juliette style balconies on the front elevation that will be further revised to reduce depth of the features and as such they will not constitute defined balconies under the Zoning By-law and therefore relief will not be required.

Additional comments from urban design were also addressed as they related to the Entry Gate Detail to ensure compliance with the Oakville Fence By-law 2002-034 and in relation to the Planting and Canopy Cover Plan to increase canopy cover on the site by proposing additional canopy trees and preserving additional existing trees wherever possible. Comments from Development Engineering related to grading and servicing have also been addressed with the revised submission.

The two storey design of the new house continues to integrate a garage entrance which is accessed from a new driveway more centrally located at the front of the lot. The access connects to a roundabout driveway with the garage access on the west side of the home. Surrounding the driveway area are landscaped areas consisting of trees and vegetative plantings and a landscaped pathway along the westerly side yard. Both side yards are further landscaped beyond the main front wall of the house and are fenced down to the lake. The westerly side of the house is also designed with graduated stepbacks from the rear to the front of the house. The front elevation provides for a distinctive central entrance feature and Juliette balconies provide an architectural feature on the upper floor windows. The rear yard will provide for a large landscaped and lawn area, in ground pool, and pool cabana. Based on the revised submission, the site plan, is in our opinion is at a satisfactory stage to address the required variances.

## REQUESTED RELIEF – VARIANCES REQUIRED

The Subject Property is subject to the Town of Oakville Zoning By-law 2014-014. The property is zoned **Residential Low (RL 1-0)** which sets out a number of provisions applicable to the Subject Property.

The following chart illustrates the current zoning provisions and the proposed site provisions, noting compliance and the areas where variances are required.

Zoning By-law 2014-14 RL 1-0 Provisions	Required	Provided – Revised Site Plan	Compliance
6.3.1 Minimum Lot Area	1,393.5 m <sup>2</sup>	Lot Area = 4,355.21 m <sup>2</sup> (Land 2415.21 m <sup>2</sup> + Water Lot 1940 m <sup>2</sup> )	Yes
6.3.1 Minimum Lot Frontage	30.5 m	+/- 25.61 m	Legal Non- Conforming
6.3.1 Maximum Dwelling Depth	20 m	23.88 m excluding front porch projection  27.08 m including front porch projection	No
6.3.1 Minimum Interior Side Yard	4.2 m	4.23 m (east) 5.0 m (west)	Yes
6.4.3 Minimum Front Yard Setback	29.66 m  (The yard legally existing on the effective date of this By-law less 1.0 metre; Existing front yard setback to the dwelling is 30.67 m)	21.23 m	No
6.3.1 Minimum Rear Yard	10.5 m	28.98 m	Yes
6.4.1 d) Maximum Residential Floor Area Ratio	29%	34.37%	No
6.4.2 Maximum Lot Coverage	25%	24.97%	Yes
6.4.5 Balcony and Deck Prohibition	Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone	Juliette Balconies are revised and proposed as an architectural feature	No
6.4.6 Height and storeys a) Maximum number of storeys b) Floor area c) Maximum height	a) 2 storeys b) Prohibited above the second storey c) 9.0 m	a) 2 storeys b) N/a c) 10.49 m	No

5.8.2 c) iii) Maximum Width of Driveway	9.0 m	11.99 m	No
5.8.2 g) Walkway Access	1.8 m	2.28 m	No
6.5.1 Accessory Buildings and Structures	a) An accessory building or structure shall be located on the same lots as primary use to which it is associated  b) An accessory building or structure shall not be used for human habitation or an occupation for gain or profit, unless otherwise permitted by this By-law	a) Pool house/cabana is located on the same lot (rear yard) as the residential dwelling  b) The pool house/cabana will be heated	No

In order to facilitate the new home as proposed in the updated site plan, the following variances are therefore required:

Variance No.	Zoning By-law Section	Provision	Requested
1	6.4.6 Maximum Height	9.0 m	10.49 m
2	6.4.1 Residential Floor Area	29%	34.37%
3	6.4.3 Minimum and Maximum Front Yard	29.66 m	21.23 m
4	6.3 Dwelling Depth	20 m	23.88 m excluding front porch; 27.08 m including the front porch
5	5.8.2 c) iii) Maximum Width of Driveway	9.0 m	11.99 m
	5.8.2 g) Maximum Width of Driveway – Walkway Access	1.8 m	2.28 m
6	6.5.1 Accessory Buildings and Structures – General Provisions	Shall not be used for human habitation or an occupation for gain or profit	Pool house/cabana requested

A copy of the site plan is provided as **Figure 3: Requested Variances** and illustrates the locations for the associated variances for reference.

## C. POLICY AND REGULATORY FRAMEWORK

### *Livable Oakville Official Plan*

The Subject Property is designated **Low Density Residential** on Schedule G – South East Land Use, with a Special Policy Area overlay. Schedule B – Natural Features and Hazard Lands identifies the lot line along Lake Ontario as a shoreline flood limit.

The policies for residential land uses are set out in Section 11 of the Livable Oakville Plan. The objectives are stated as follows:

- a) Maintain, protect and enhance the character of existing Residential Areas;*
- c) Promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;*
- d) Promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups.*

The permitted uses for the **Low Density Residential** designation are set out in Section 11.2 and include a range of low density housing types including detached dwellings. The permitted density for Low Density Residential areas allows up to 29 units per site hectare. The Special Policy Area overlay limits density to up to 10 units per site hectare.

Section 11.1.9 of the Residential policies details criteria used to evaluate **development** within all stable residential communities to maintain and protect the existing neighbourhood character:

- a) Built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding development;*
- 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.*

Development is defined as “the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act”.

“Compatible” is defined as “the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.”

“Character” is defined by Livable Oakville as “the collective qualities and characteristics that distinguish a particular area or neighbourhood.”

The proposal includes replacing the existing single detached dwelling on the Subject Property. It reflects replacement housing that is appropriate for the site context, is in keeping with the character of the neighbourhood and is compatible with the surrounding neighbourhood. The setbacks and development scale and massing proposed are appropriate and are compatible with the surrounding area. The development meets or exceeds the required side yard setbacks and the increase to height proposed has no visual or adverse impact. The height is also softened by a low sloping roof with articulation on the front façade to reduce massing. Any potential impacts to the adjacent properties have been minimized through the orientation of the house on the lot, the architectural design and materials for the new home and extensive landscaping. The proposed new single detached dwelling can coexist with the adjacent neighbouring lots without any unacceptable adverse impacts related to overlook or privacy, grading, drainage or access.

As noted, the property is also subject to Special Policy Area Policy 26.2.1 of the Livable Oakville Official Plan which states its intention *“to protect the unique character of this area within the own. Due to the special attributes of the large lots and related homes in this Special Policy Area, intensification shall be limited to development which maintains the integrity of the large lots. Densities in the Special Policy Area shall not exceed 10 units per site hectare notwithstanding the Low Density Residential designation”* The proposed replacement home is to be developed on the existing large lot and does not impact or alter the integrity of the large lots in the area. It does not increase or alter density on the site.

### ***Oakville Design Guidelines for Stable Residential Communities***

The Oakville Design Guidelines for Stable Residential Communities acts as a framework to guide design based decision-making and direction for new residential development within Oakville, such as layout, massing, functionality, and relationships between surrounding areas and adjacent communities. The Design Guidelines work in conjunction with the Livable Oakville Official Plan by helping to implement the urban design and residential policies of the Official Plan.

The design guidelines provide direction on the criteria set out in Policy 11.1.9. The Guidelines are in place to ensure new development is compatible with the surrounding neighbourhood characteristics and patterns. The proposal responds to the relevant guidelines as follows:

#### **3.1.1 Character**

- 1. New development should positively contribute to the surrounding neighbourhood character by incorporating building and site elements that provide a visual reference to existing neighbourhood features and that complement the qualities of the surrounding residential community.*
- 2. New development should be designed to maintain and preserve the scale and character of the site and its immediate context and to create compatible transitions between the new dwelling and existing dwellings in the surrounding neighbourhood.*

**The proposal positively contributes to, and is compatible with, the neighbourhood character in terms of building design, siting, scale and character. The home maintains the same orientation on**



**the lot as the existing dwelling and is designed with a unique architectural style (French Provincial architecture) with significant landscaping and is compatible with the surrounding neighbourhood.**

#### 3.1.2 Lotting Pattern

1. *New development should be compatible with the predominant pattern of lot width, lot depth and lot area as the adjacent properties to maintain and preserve the existing neighbourhood lotting pattern.*
2. *New development should maintain the setback or average of setbacks from the street frontage as the existing dwellings in the immediate area.*

**The proposal is generally in keeping with the front yard setbacks established in the neighbourhood and generally maintains the consistent setbacks for homes and along the lake properties.**

#### 3.1.3 Scale

1. *New development should not have the appearance of being substantially larger than the existing dwellings in the immediate vicinity. If a larger massing is proposed, it should be subdivided into smaller building elements that respond to the context of the neighbourhood patterns.*

**The proposed single detached dwelling does not have the appearance of being substantially larger than adjacent houses as it incorporates a design that articulates a centralized front entrance and attached garage accessed by a central and circular driveway. The front yard maintains landscaping and an entry features consistent with the surrounding area.**

#### 3.1.5 Rear Yard Privacy

2. *New development, which projects beyond the established rear setback of adjacent dwellings, should be designed so that the placement of doors, decks and balconies do not directly overlook onto adjacent properties.*
3. *New development should not include second storey decks and balconies, which may create an undesirable overlook conditions onto adjacent properties.*
4. *New development is encouraged to incorporate appropriate fencing, screening, landscaping and other mitigative design measures that can assist in maintaining the privacy of adjacent dwellings and rear yards.*

**The proposed development includes front facing Juliette balconies that do not project for useable balcony space. The proposed Juliette balconies are an important architectural feature in order to maintain the integrity of the design. The proposed design does not create any privacy or overlook concerns. The landscape and fencing plan also provide for appropriate screening to the rear yards.**

#### 3.2.3 Setbacks

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

3. *New development may slightly vary the front yard setback, provided the change accommodates site constraint(s) and makes effort to maintain existing natural features and mature trees.*

**The house is to be sited to provide appropriate setbacks from the street as well as from the side and rear lot lines and maintains an appropriate setback consistent with the required zoning and setbacks established for yards in the surrounding area**3.2.6 Garages and Accessory Structures

1. *New development with an attached garage should make every effort to incorporate this feature into the design of the building to achieve compatibility with the overall massing, scale and style of the dwelling and the immediate surroundings.*
5. *New development which includes an accessory structure(s), such as a detached garage, carport, cabana, gazebo and/or storage structure, should design the structure(s) to be compatible with the quality, style, materials and colours of the primary dwelling.*

**The proposed garage has been designed to be architecturally incorporated into the main building and provide adequate parking. A heated and insulated pool cabana is proposed in the rear yard which meets the zoning requirements for accessory structures.**

#### **D. ASSESSMENT AND JUSTIFICATION OF VARIANCES**

Section 45(1) of the *Planning Act* identifies four tests which must be satisfied in order for the requested minor variances to be approved. The proposed variances both individually and cumulatively meet the four tests, as demonstrated in the analysis below.

##### ***a) The variance maintains the general intent and purpose of the Official Plan***

**Variance #1: Maximum Height** - The Applicant is seeking relief from By-law 2014-014 to permit an overall building height of 10.49 metres whereas a maximum height of 9 metres is permitted.

Section 11.1.9 of the Livable Oakville Plan provides policies with criteria related to development which require the existing neighbourhood character to be maintained and protected. The dwelling heights that exist in the neighbourhood range from 9.3 metres to 10.5 metres. When viewed in relation to other houses in the Ennisclare neighbourhood, the proposed height is not out of place and is compatible with the adjacent houses causing no undue shadow or privacy issues. The character of the neighbourhood is maintained.

**Variance #2: Residential Floor Area Ratio** - The Applicant is requesting relief from By-law 2014-014 to permit a higher residential floor area than what is permitted. In By-law 2014-014, the permitted maximum residential floor area ratio is 29% whereas 34.37% is proposed.

The proposed residential floor area ratios in the immediate area range from 30.95% to 39%. When viewed in relation to other houses in the Ennisclare neighbourhood, the proposed residential floor area ratio is reflective of updated replacement homes and is not out of character with the evolving nature of the newer

homes in the area. The new home also meets the coverage and side and rear yard setback provisions of the Zoning By-law.

**Variance #3: Minimum and Maximum Front Yard** - The Applicant is requesting relief from By-law 2014-014 to reduce the minimum front yard setback. The purpose of establishing a minimum front yard setback is to provide a buffer between the street and the dwelling, while the maximum front yard setback is intended to create a consistent streetscape. In By-law 2014-014, the permitted minimum front yard setback is 29.66 metres (existing setback) whereas the proposed front yard setback is 21.23 metres.

The current residential policies note that development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood. The proposed front yard setback is within the range of setbacks in the Ennisclare neighbourhood and maintains a consistent setback along Ennisclare Drive East and West given the bend to the road. The orientation of the home and the integrated garage also ensure consistent placement of the home between the two neighbouring lots recognizing the narrower and deeper lot. The property to the west, 6 Ennisclare has a front yard setback of 22.11 metres and the property to the east, 3 Ennisclare has a front yard setback of 30.94 metres. The proposed front yard setback for the Subject Property is 21.23 metres, which is an appropriate front yard setback given the lot orientation of adjacent lots along Ennisclare Road. of both neighbouring properties.

**Variance #4: Dwelling Depth** - The Applicant is requesting relief from By-law 2014-014 to permit an increased overall dwelling depth from 20 metres to 27.08 metres including the front porch projection or 23.88 metres excluding the front porch projection.

The Livable Oakville Plan states that impacts on adjacent properties shall be minimized in relation to privacy. The minor increase to dwelling depth does not create any privacy issues and the proposed home is also adequately screened from the neighbouring homes through increased landscaping and fencing. The porch located to the west is integral to the design of the proposed house. No overlook or shadow impacts are created through the additional depth of the dwelling. Within the Ennisclare neighbourhood, additional dwelling depths up to 34.83 metres have been approved. It is also important to note that the lot backs onto the Lake and has no impact to the rear. The existing home is also further back than the proposed new home.

**Variance #5: Driveway Width and Driveway Walkways** – The Applicant is requesting relief from By-law 2014-014 to permit an increased driveway width from 9.0 metres to 11.99 metres. The width of the walkway access is proposed at 2.2.8 metres whereas 1.8 metres is permitted.

The maximum width of the driveway is 9.0 metres for a lot frontage equal to or greater than 18.0 metres. The lot frontage of the Subject Lands is 24.38 metres and 25.61 measured 7.5 metres from the front lot line. The increased driveway width is for a portion of the driveway measured from the centre of the turning radius. All other portions of the driveway meet the maximum 9 metre width. The maximum width of the walkway access at the point of attachment is to be 1.8 metres whereas the proposed pavers located on the easterly side of the driveway exceed 1.8 metres in width at the connection of the driveway.

The driveway and walkway areas are well designed and appropriate and provide centralized access. They are compatible and appropriate for the neighbourhood and do not create any adverse impacts.

**Variance #6: Accessory Buildings & Structure** – The Applicant is requesting relief from By-law 2014-014 to permit an accessory building to be used for human habitation based on the Town staff interpretation of the definition of human habitation.

The proposal includes a cabana located on the west side of the rear of the Subject Property. The accessory structure is heated, therefore it is deemed for “human habitation” by Town staff. The cabana will not be used as a secondary dwelling and meets all other Zoning By-law provisions for an accessory structure.

**Based on the above assessment, the variances both individually and cumulatively maintain the general intent and purpose of the Official Plan.**

***b) The variance maintains the general intent and purpose of the Zoning By-law***

**Variance #1: Maximum Height** - The Applicant is seeking relief from By-law 2014-014 to permit an overall building height of 10.49 metres whereas a maximum height of 9 metres is permitted.

The general intent and purpose of the maximum height provision is to ensure that the massing and scale of each dwelling generally fits with the surrounding streetscape and that issues of shadowing or overlook are not created. These performance standards must be evaluated in light of the context specific to the residential neighbourhood and the adjacent lots. As noted, the proposed increase to height is softened by a low sloping roof with articulation on the front façade to reduce massing. Impacts to the adjacent properties have been minimized through the architectural design and materials for the new home and extensive landscaping. The proposed height of the new single detached dwelling does not create any unacceptable adverse impacts and is appropriate for a large lakefront lot.

**Variance #2: Residential Floor Area Ratio** - The Applicant is requesting relief from By-law 2014-014 to permit a higher residential floor area greater than what is permitted. In By-law 2014-014, the permitted maximum residential floor area ratio is 29% whereas 34.37% is proposed.

The intent of the residential floor area ratio is to control overall volume of the interior of the home and ensure overall massing and scale are further controlled. The proposed floor area ratio proposed is not out of keeping with other homes in the area and the building footprint maintains the required side and rear yard setbacks as well as the maximum coverage for the home. Given the size and location of the lot along the lakefront, the additional floor area is not incompatible with the surrounding area.

**Variance #3: Minimum and Maximum Front Yard** - The Applicant is requesting relief from By-law 2014-014 to reduce the minimum front yard setback. The purpose of establishing a minimum front yard setback is to provide a buffer between the street and the dwelling, while the maximum front yard setback is intended to create a consistent streetscape. In By-law 2014-014, the permitted minimum front yard setback is 29.66 metres (existing setback) whereas the proposed front yard setback is 21.23 metres.

The intent of the front yard provisions of the by-law are to ensure a consistent placement of homes along a street. The proposed house is sited and oriented to maintain this general intent.

**Variance #4: Dwelling Depth** - The Applicant is seeking relief from By-law 2014-014 to permit an increased overall dwelling depth from 20 metres to 27.08 metres respectively including the front porch projection or 23.88 metres respectively excluding the front porch projection.

The intent of the provisions for dwelling depth are to maintain a consistency of the placement of dwellings and the maintenance of rear yard privacy. Given the size and orientation of the subject lot along the lake, the design and extensive landscaping, the additional requested depth maintains this intent and does not create any adverse impacts. The existing dwelling is also further setback than the proposed new dwelling is located behind the current dwelling.

**Variance #5: Driveway Width** - The Applicant is requesting relief from By-law 2014-014 to permit an increased driveway width from 9.0 metres to 11.99 metres at its widest part. The width of the walkway access is also being requested to be increased from 1.8 metres to 2.28 metres.

The maximum width for a single driveway shall be 9.0 metres for a lot having a lot frontage equal to or greater 18.0 metres. The proposed new driveway is to be centrally located at the front of the lot. The access connects to a roundabout driveway with a garage access on the west side of the home. Surrounding the driveway area are landscaped areas consisting of trees and vegetative plantings and a landscaped pathway along the westerly side yard. One walkway access may be connected to each side of a driveway and the maximum width of the walkway access at the point of attachment is to be 1.8 metres. The additional walkway area is proposed to be 2.28 metres.

The intent of the maximum driveway and walkways are to ensure an appropriate balance between paved or hardscaped areas and landscaped areas. As noted, there are currently two driveway accesses to the existing house which are to be replaced by one central driveway. This driveway maintains the 9 metre width with the exception of one portion that extends from the centre of the turning radius. The variance maintains the intent of the by-law.

**Variance #6: Accessory Buildings & Structure** - The Applicant is requesting relief from By-law 2014-014 to permit an accessory building to be used for human habitation.

The definition of 'Accessory Building or Structure' in the Zoning By-law is: *a building or structure used for an accessory purpose, including a detached private garage, that is: a) located on the same lot as the primary use, building, or structure; and, b) is not used for human habitation or an occupation for gain or profit unless otherwise permitted by this By-law.* The proposal includes a cabana located on the west side of the rear of the Subject Property. The accessory structure will be heated and is therefore deemed by Town staff as useable for "human habitation." The pool cabana will not be used as a secondary dwelling or for occupation and maintains the intent of the zoning provision.

**Based on the above assessment, the variances both individually and cumulatively maintain the general intent and purpose of the Zoning By-law.**

***c) The variance is desirable and appropriate for the development and use of the land.***

The proposed increase to height facilitates the development of the new home in a compatible scale and massing without adverse impacts and is compatible with the surrounding area. The increased floor area ratio is desirable and appropriate as it facilitates the development of the new home while maintaining the required side yard setbacks and is compatible with the floor area ratios in the surrounding area.

The proposed front yard setback is desirable and appropriate as it provides for a consistent dwelling placement along the Ennisclare streetscape. The proposed dwelling depth is desirable as it provides for the development of the new home without adverse impact and is appropriate given the context of the lakefront lot. The proposed driveway width and walkway width are desirable and appropriate for the front yard of the dwelling. The proposed accessory structure is desirable as it provides usage in the rear yard and will not be used as a secondary dwelling.

**Based on the above assessment, the variances both individually and cumulatively are desirable and appropriate for the development and use of the land.**

***d) The variance is minor in nature***

The requested variances to the maximum building height, floor area ratio, front yard setback, dwelling depth, maximum driveway width/walkway width, and the inclusion of the accessory structure use by the homeowners as a pool cabana are minor in nature, and will not result in any unacceptable adverse impacts on the surrounding lots or area. The proposed variances are specific to the site and its location and conditions and are needed to implement the proposed design and will not create a precedent. The variances will serve to permit the proposed new home which will be compatible with the surrounding area.

**Based on the above assessment, the variances both individually and cumulatively are considered minor in nature.**

**CONCLUSION**

In conclusion, the requested variances both individually and cumulatively conform to the general intent and purpose of the Official Plan and Zoning By-law, are desirable for the use of the Subject Lands, and are minor in nature. For the reasons set out above, it can be concluded that the requested variances satisfy the four tests set out in Section 45 (1) of the *Planning Act* and should be approved.

We are pleased to submit additional information as required and respond to any questions you may have.

14

Sincerely,  
MHBC



Dana Anderson, MA, FCIP, RPP  
Partner



Aleksandra Skrzat, BA  
Planner



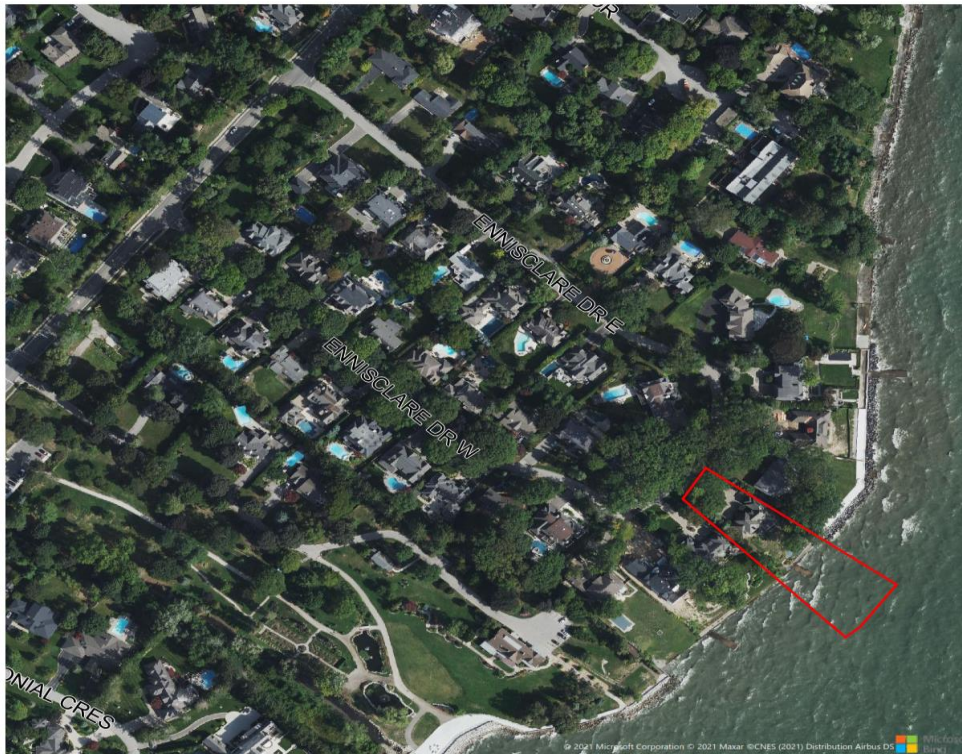


Figure 1  
**LOCATION MAP**  
1 Ennisclare Dr E

Oakville, Ontario

**LEGEND**

Subject Lands

Date: March 1, 2022

Scale: 1:2500

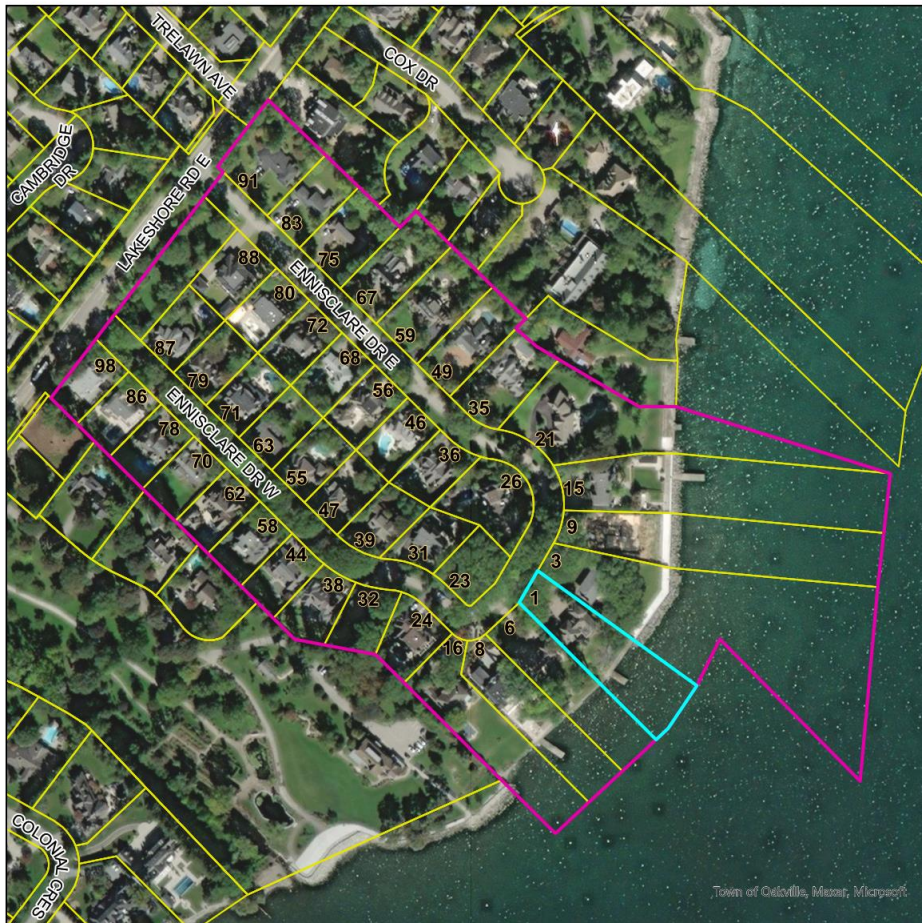


Figure 2  
**NEIGHBOURHOOD MAP**  
of the Ennisclare Neighbourhood

1 Ennisclare Dr E  
Oakville, Ontario

**Legend**

Subject Lands  
 Parcel Fabric  
 Ennisclare Neighbourhood

Date: Mar 01, 2022

File: 21515A

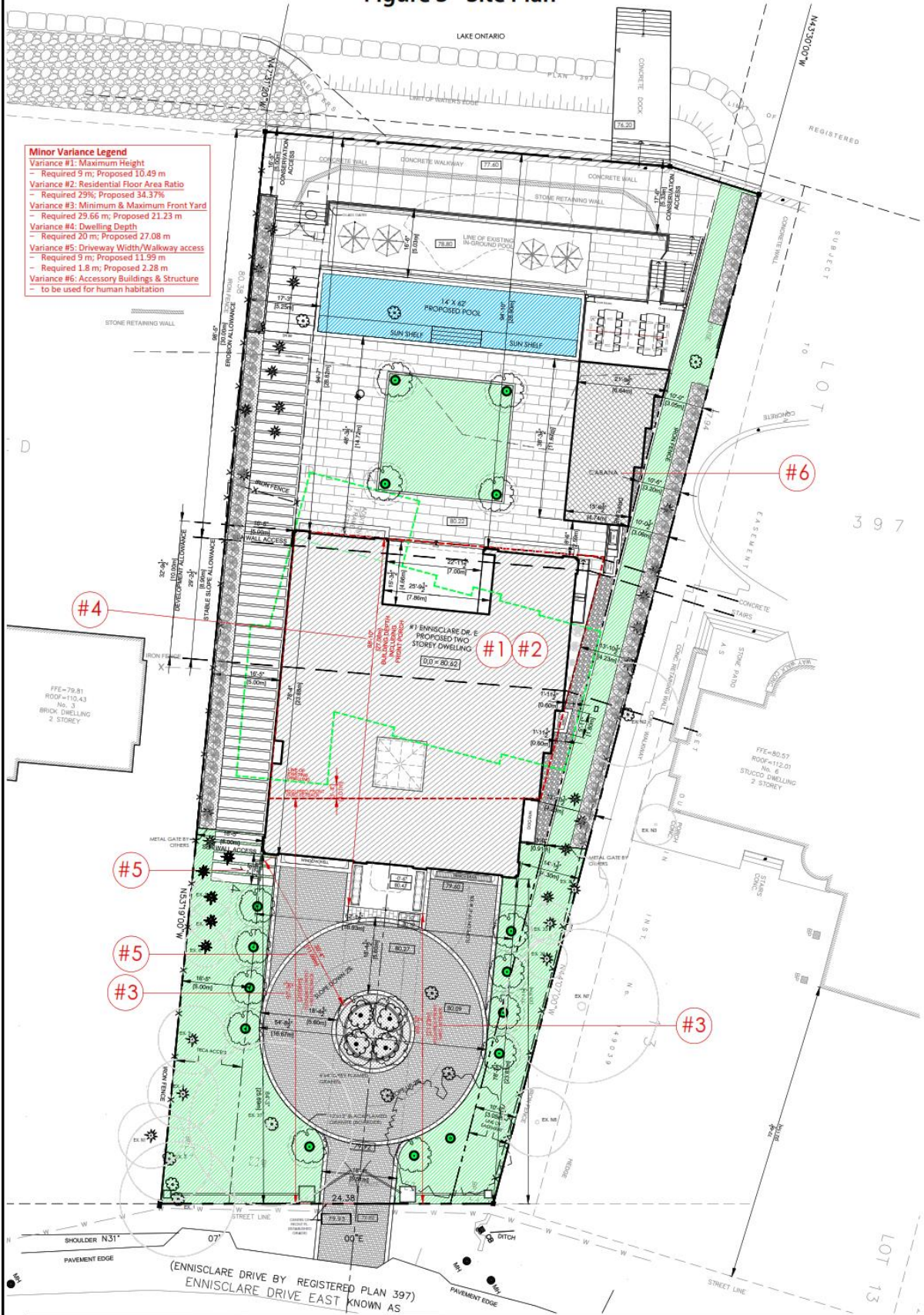
Drawn By: RM

Scale: 1:3,000





Figure 3 - Site Plan





Appendix 1: Site and Area Photographs



View of the front of the Subject Property taken from Ennisclare Drive East



View of the side yard located to the West



View of the side yard located to the East



View from the rear yard facing east



View from the rear yard facing west





View of the backyard of the Subject Property facing Lake Ontario



View of the rear of the Subject Property taken from the rear lot



View of the neighbouring property to the east of the Subject Property (3 Ennisclare Drive East)



View of the property further east of the Subject Property (9 Ennisclare Drive East)





View of the neighbouring property to the west of the Subject Property (6 Ennisclare Drive West)



View of the property further west of the Subject Property (8 Ennisclare Drive West)



View of the property to the north east across the Subject Property (26 Ennisclare Drive East)

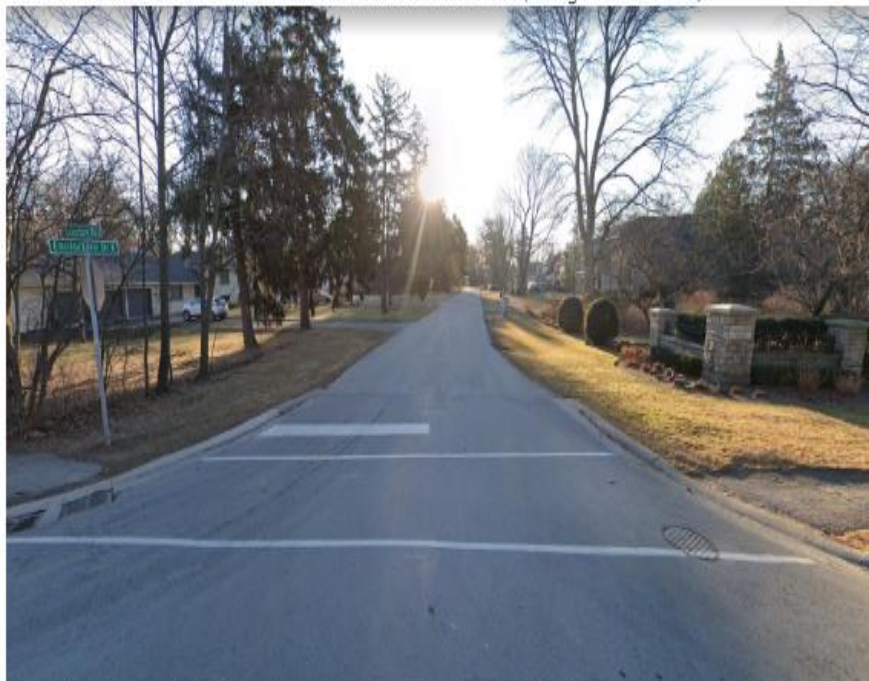


View of the property to the north-west across the Subject Property (23 Ennisclare Drive West)





View of Ennisclare Drive West from Lakeshore Road East (Google Streetview)



View of Ennisclare Drive East from Lakeshore Road East (Google Streetview)

## Appendix 2: Summary of Neighbourhood Area Characteristics and Variances

ADDRESS	LOT AREA (from Vu Map data)	APPROX. LOT FRONTAGE (measured using VuMap tool – linear frontage estimates)	Committee of Adjustment Variances (Town of Oakville)
1 Ennisclare Drive East	4355.21 m <sup>2</sup>	24.38 m	
6 Ennisclare Drive West	3911.04 m <sup>2</sup>	30.6 m	<p>Date: May 2001</p> <p><b>C.A.V. A/078/2001:</b> APPROVED: To permit the construction of a new 459.86 m<sup>2</sup> (4,950 sq ft) 2 storey dwelling on the subject property with the following variances:</p> <ol style="list-style-type: none"> <li>1. To permit a <b>front yard setback of 22.55 m (74.0 ft)</b> whereas the Zoning By-law requires the front yard shall be within 2 m of the average of the front yards of the nearest buildings on either side of the property. The average is 31.2 m (102.37 ft).</li> <li>2. To permit a <b>minimum easterly side yard setback of 2.74 m (9 ft) and a minimum westerly side yard setback of 3.35 m (11 ft)</b> whereas the Zoning By-law requires minimum side yard setbacks of 4.2 m (13.77 ft) on either side.</li> </ol>
8 Ennisclare Drive West (Formerly 10 Ennisclare)	3886.15 m <sup>2</sup>	13 m	<p>Date of Meeting: April 9, 2019</p> <p><b>CAV/ A/048/2019</b></p> <p>APPROVED: To permit the proposed construction of a new two storey detached dwelling on the subject property with the following (minor) variances:</p> <ol style="list-style-type: none"> <li>1. To permit a <b>maximum driveway width of 14.72 metres</b> for a lot having a lot frontage equal to or greater than 18.0 metres</li> <li>2. To permit the <b>maximum total floor area of the private garage to be 69.98 square metres.</b></li> <li>3. To <b>permit the attached private garage to project</b> not more than 11.98 metres 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.</li> <li>4. To permit a <b>maximum dwelling depth of 35.18 m.</b></li> <li>5. To permit a <b>minimum front yard of 18.87 metres.</b></li> </ol>

			<p>6. To permit a <b>maximum front yard of 27.01 metres.</b> (18.87 + 8.14 = 27.01)</p> <p>7. To permit a <b>maximum height of 9.26 metres.</b></p> <hr/> <p>-----<b>CAV A/139/2016:</b> Appealed and approved, as amended, by the OMB as follows:</p> <p>Zoning By-law 2014-014:</p> <ol style="list-style-type: none"> <li>1. Max. Residential Area of 36.70%</li> <li>2. Max. Garage Area of 62.43 m<sup>2</sup></li> <li>3. Max. Building Depth of 33.64 m</li> <li>4. Max. Height of 10.2 m</li> <li>5. Max. Projection of Garage of 11.53 m</li> <li>6. Min. Side Yard of 2.87 m</li> <li>7. Min. Front Yard of 19.74 m</li> <li>8. Max. Front Yard of 25.68 m</li> <li>9. To permit Second Floor Balcony</li> <li>10. To permit 23.2% of the main wall that face the frontage to be located within the min. and max. front yard</li> </ol>
16 Ennisclare Drive West	4633.65 m <sup>2</sup>	11.5 m	
24 Ennisclare Drive West	1603.03 m <sup>2</sup>	43.9 m	
32 Ennisclare Drive West	1437.81 m <sup>2</sup>	31 m	<p>Date of Meeting: August 24, 2021</p> <p><b>CAV A/129/2021:</b> To permit the proposed two storey dwelling on the subject property with the following variances:</p> <ol style="list-style-type: none"> <li>1. To permit a <b>maximum dwelling depth of 22.35 m.</b></li> <li>2. To permit the <b>maximum residential floor area ratio for the detached dwelling to be 31.84% (447.51 m<sup>2</sup>)</b></li> <li>3. To permit the <b>maximum lot coverage to be 28.19% (412.67 m<sup>2</sup>)</b> for the detached dwelling which is greater than 7.0 metres in height.</li> </ol>
38 Ennisclare Drive West	1568.03 m <sup>2</sup>	24.9 m	
44 Ennisclare Drive West	1454.79 m <sup>2</sup>	28.8 m	
58 Ennisclare Drive West	1490.85 m <sup>2</sup>	30.2 m	
62 Ennisclare Drive West	1490.74 m <sup>2</sup>	30.2 m	<p>Date of Meeting: March 3, 2020</p> <p><b>CAV A/027/2020:</b> Approved to permit the proposed construction of a proposed addition to the existing</p>

			<p>dwelling on the subject property with the following variances:</p> <ol style="list-style-type: none"> <li>1. To permit the <b>maximum total floor area of the existing detached private garage to be 56.86 square metres</b>. To permit the <b>maximum total floor area of the proposed attached private garage to be 58.5 square metres</b>.</li> <li>2. To permit the <b>existing dwelling to remain with a minimum interior side yard of 3.05 m</b></li> <li>3. To permit the <b>maximum residential floor area ratio for the detached dwelling to be 37.61% (1118.99 m2)</b></li> <li>4. To permit a <b>lot coverage of 27.63% (821.87 m2)</b> for the detached dwelling which is greater than 7.0 m in height.</li> <li>5. To <b>permit the existing accessory building to be used for human habitation</b>.</li> <li>6. To permit a <b>maximum height for the existing accessory building to remain at 6.4 metres</b>, measured from grade.</li> </ol>
70 Ennisclare Drive West	1490.58 m2	30.5 m	<p>Date of Meeting: March 3, 2020</p> <p><b>CAV A/028/2020:</b> Approved to permit the proposed construction of an addition to the existing dwelling on the subject property with the following variance:</p> <ol style="list-style-type: none"> <li>1. To permit the <b>maximum total floor area of the existing detached private garage to be 56.86 square metres</b>. To permit the maximum total floor area of the proposed attached private garage to be 58.5 square metres.</li> <li>2. To <b>permit the existing dwelling to remain with a minimum interior side yard of 3.05 m</b></li> <li>3. To permit the <b>maximum residential floor area ratio for the detached dwelling to be 37.61% (1118.99 m2)</b></li> <li>4. To permit a <b>lot coverage of 27.63% (821.87 m2)</b> for the detached dwelling which is greater than 7.0 m in height.</li> <li>5. To permit the <b>existing accessory building to be used for human habitation</b>.</li> </ol>

			6. To permit a <b>maximum height for the existing accessory building to remain at 6.4 metres</b> , measured from grade.
78 Ennisclare Drive West	1490.39 m2	30.5 m	
86 Ennisclare Drive West	1490.2 m2	30.6 m	
94 Ennisclare Drive West	1343.72 m2	30.6 m	
87 Ennisclare Drive West	1567.71 m2	30.4 m	
79 Ennisclare Drive West	1490.62 m2	30.6 m	
71 Ennisclare Drive West	1490.49 m2	30.6 m	
63 Ennisclare Drive West	1490.34 m2	30.3 m	
55 Ennisclare Drive West	1490.22 m2	30.6 m	
47 Ennisclare Drive West	1490.05 m2	30.5 m	
39 Ennisclare Drive West	1537.91 m2	32.5 m	
31 Ennisclare Drive West	1433.35 m2	37.4 m	
23 Ennisclare Drive West	1419.13 m2	31.2 m	
3 Ennisclare Drive East	14710.9 m2	21.3 m	
9 Ennisclare Drive East	7204.39 m2	22.5 m	<p>Date of Meeting: November 9, 2021</p> <p><b>CAV A/165/2021</b> – Approved to permit the construction of a one-storey rear addition to an existing dwelling on the subject property proposing the following variances:</p> <p>1. To permit a <b>min. (easterly) interior side yard of 3.77 m</b></p> <p>2. To permit a <b>max. dwelling depth of 34.83 m</b></p> <hr/> <p>Date of Meeting: September 10, 2019</p> <p><b>CAV A/113/2019</b> – Approved to permit the proposed additions and renovations to the existing dwelling on the subject property with the following variances:</p>



			<p>1. To permit the <b>maximum total floor area of the private garage to be 64.07 square metres.</b></p> <p>2. To permit the <b>attached private garage to project not more than 8.57 metres from the face</b> 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.</p> <p>3. To permit a <b>minimum (southerly) interior side yard of 2.44 m.</b></p> <p>4. To permit a <b>minimum (northerly) interior side yard of 3.03 m.</b></p> <p>5. To permit a <b>maximum dwelling depth of 30.83 m.</b></p> <p>6. To permit a <b>minimum front yard of 19.84 metres.</b></p>
15 Ennisclare Drive East	8312.69 m2	31.1 m	
21 Ennisclare Drive East	6979.12 m2	45.1 m	
35 Ennisclare Drive East	2321.05 m2	39.1 m	
49 Ennisclare Drive East	2195.12 m2	30.4 m	
59 Ennisclare Drive East	2737.49 m2	38 m	
67 Ennisclare Drive East	2386.12 m2	33.1 m	
75 Ennisclare Drive East	2153.12 m2	38.2 m	
83 Ennisclare Drive East	1710.52 m2	30.3 m	
91 Ennisclare Drive East	2741.76 m2	45.9 m	
88 Ennisclare Drive East	1721.5 m2	36.7 m	
80 Ennisclare Drive East	1490.57 m2	30.6 m	<p>Date of Meeting: May 18, 2021</p> <p><b>CAV A/067/2021</b> – Approved to authorize a minor variance to permit the construction of an accessory building (pool cabana) as well as, additions and alterations to the existing two storey dwelling on the subject property.</p> <p>Variance Requests:</p> <ol style="list-style-type: none"> <li>1. To permit a <b>rooftop terrace</b> in a Residential Low -0 Suffix Zone.</li> </ol>

			<ol style="list-style-type: none"> <li>2. To permit the outer boundary of a rooftop terrace to be defined using a <b>barrier with a minimum height of 1.07 m.</b></li> <li>3. To permit <b>a rooftop terrace in a Residential Low Zone on the first storey</b> of the dwelling with a <b>maximum depth 3.05 m</b> of measured from the main wall.</li> <li>4. To permit the <b>maximum lot coverage to be 29.19% (433.84 m<sup>2</sup>)</b> for the detached dwelling which is greater than 7.0 metres in height.</li> <li>5. To <b>permit an accessory building located in the rear yard with a minimum interior side yard of 0.60 m</b> and a minimum separation distance of 1.84 metres from the dwelling</li> </ol>
72 Ennisclare Drive East	1490.45 m <sup>2</sup>	30.5 m	
68 Ennisclare Drive East	1490.32 m <sup>2</sup>	30.7 m	
56 Ennisclare Drive East	1490.19 m <sup>2</sup>	30.4 m	
46 Ennisclare Drive East	1490.04 m <sup>2</sup>	30.3 m	
36 Ennisclare Drive East	1457.53 m <sup>2</sup>	32.5 m	
26 Ennisclare Drive East	2437.45 m <sup>2</sup>	90.7 m	
<b>Averages</b>	2,656.50 m <sup>2</sup>		