

ZONING SCHEDULE FOR 3308 LAKESHORE		
ZONING DESIGNATION: RL2-0		
SITE DATA		
ZONING REGULATION	REQUIRED	PROPOSED
MAX. FLOOR AREA RATIO	29%	21.40%
MAX. LOT COVERAGE	25% INCLUDING GARAGE	12.05%
MIN. FRONT YARD SETBACK	1 m LESS THAN EXISTING (20.92 - 1.0) = 19.92 m	20.87 m
MAX. FRONT YARD SETBACK	MIN. PLUS 5.5 m (25.42 m)	23.76 m
MAIN WALL PROPORTIONALITY	50% OF ALL MAIN WALL IN FRONT	65.56%
BALCONY AND DECK PROJECTION	0	0 m
DWELLING HEIGHT	2 STOREYS AND 9.0 m	9.23 m
ACCESSORY BUILDING COVERAGE	INCLUDED IN 25%	N/A
MAX. HEIGHT FOR ACC. BLDG.	4 m	N/A
SET BACK FOR ACC. BLDG.	2.4 m	N/A
MIN. LOT AREA	836 m²	4206.82 m²
SIDE (SOUTH) YARD SETBACK	2.4 m	4.88 m
SIDE (NORTH) YARD SETBACK	2.4 m	5.25 m
REAR YARD SETBACK	7.5 m	44.21 m
MIN. SETBACK FROM STABLE TOP OF BANK OF LAKE ONTARIO	15 m	31.34 m
MAX. DWELLING DEPTH	N/A	N/A
PARKING	2 (1 UNDER COVER)	3
STALL SIZE IN A GARAGE	5.7 x 5.8 m FOR DOUBLE	6.18 x 9.35 m
MIN. WIDTH OF DRIVEWAY	2.4 m	3.8 m
MAX. WIDTH OF DRIVEWAY	9 m	10.31 m
LOCATION OF DRIVEWAY	2.4 m	4.79 m
MAX. PROJECTION BEYOND FACE OF DWELLING	1.5 m	N/A
MAX. DRIVEWAY COVERAGE IN FRONT YARD	50% OF FRONT YARD	33.18%

CALCULATIONS & ADDITIONAL INFORMATION		
ITEM	REQUIRED	PROPOSED
ESTABLISHED GRADE		80.96 m
BASEMENT FLOOR AREA		439 m²
WALKOUT		59.22 m²
1ST FLOOR AREA, EXCLUDING GARAGE & COVERED PORCH*		397.36 m²
GARAGE		64.28 m²
COVERED PORCH		45.55 m²
2ND FLOOR AREA, EXCLUDING OPEN TO BELOW*		354.14 m²
OPEN TO BELOW		84.73 m²
GROSS FLOOR AREA (TOTAL OF AREA WITH "*" SUFFIX)		751.50 m²
FLOOR AREA RATIO (GFA/LOT AREA) 751.50m²/4206.82m²	29%	17.86%
LOT COVERAGE ((1ST FLOOR AREA + PARKING SPACE + COVERED PORCH) / LOT AREA) 507.19m²/4206.82m²	25%	12.05%
MAIN WALL PROPORTIONALITY	50%	65.56%
MAIN WALL LENGTH = 34.35m	17.175m	22.52m

FRONT YARD LANDSCAPING CALCULATION		
FRONT YARD AREA		1239.87m²
DRIVEWAY / ASPHALT	50%	33.18%
	619.93m²	411.38m²
SOFTSCAPE		797.13m²
HARDSCAPE		31.50m²

REAR YARD LANDSCAPING CALCULATION		
REAR YARD AREA		2294.72m²
SOFTSCAPE		72.8%
		1670.88m²
HARDSCAPE		623.83m²

SOFT LANDSCAPING	
HARD LANDSCAPING	
DRIVEWAY	

JASON CUTAJAR  
ARCHITECTURAL DESIGN

P 416-277-0179 F 416-241-8125  
39 BRAYWIN DRIVE  
TORONTO, ONTARIO  
M9P 2N9  
CANADA

3308 LAKESHORE RD W  
OAKVILLE, ON  
CANADA

10		
9		
8		
7		
6		
5	LANDSCAPING REVISIONS	05/24/22
4	GARAGE LOWERED & MAIN FACADE DORMERS	04/25/22
3	HOUSE RAISED .15m FOR GRADING	12/24/21
2	SITE PLAN APPROVAL APPLICATION	12/03/21
1	ZONING REVIEW SUBMITTAL	06/16/21
NO.	REVISIONS	DATE

SHEET TITLE:

SITE PLAN

DRAWN BY: M.V.	CHECKED BY: J. CUTAJAR
DATE: 06/04/2021	SCALE: 1:200
PROJECT NO.:	DRAWING NO.:
A0	



MATERIAL SCHEDULE	
◇	ASPHALT SHINGLES
◇	ZINC GUTTER / FLASHING
◇	STUCCO MOULDING
◇	STUCCO
◇	SHOT SAWN LIMESTONE
◇	SMOOTH CUT LIMESTONE
◇	LIMESTONE WASHCOURSE
◇	ALUMINUM CLADDING
◇	PARGING



JASON CUTAJAR  
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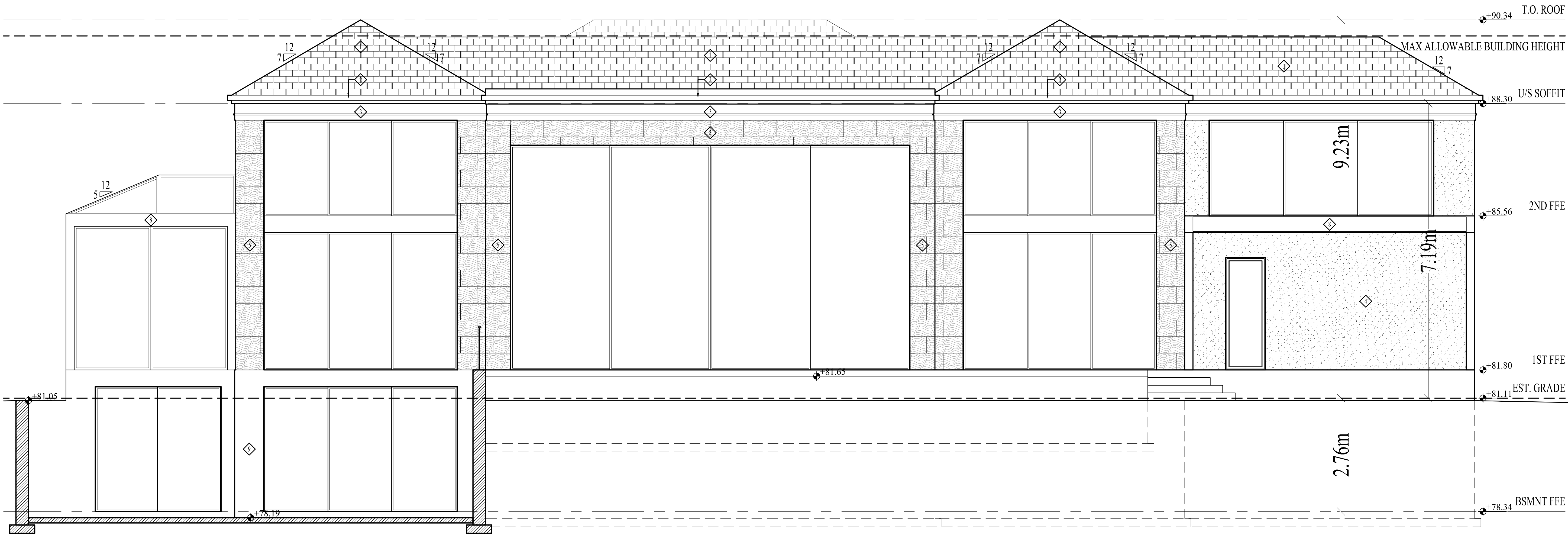
SHEET TITLE:

FRONT (WEST)  
ELEVATION

DRAWN BY: M.V.	CHECKED BY: J. CUTAJAR
DATE: 06/04/2021	SCALE: 1:50
PROJECT NO.:	DRAWING NO.:

A5

MATERIAL SCHEDULE	
◇	ASPHALT SHINGLES
◇	ZINC GUTTER / FLASHING
◇	STUCCO MOULDING
◇	STUCCO
◇	SHOT SAWN LIMESTONE
◇	SMOOTH CUT LIMESTONE
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◇	ALUMINUM CLADDING
◇	PARGING



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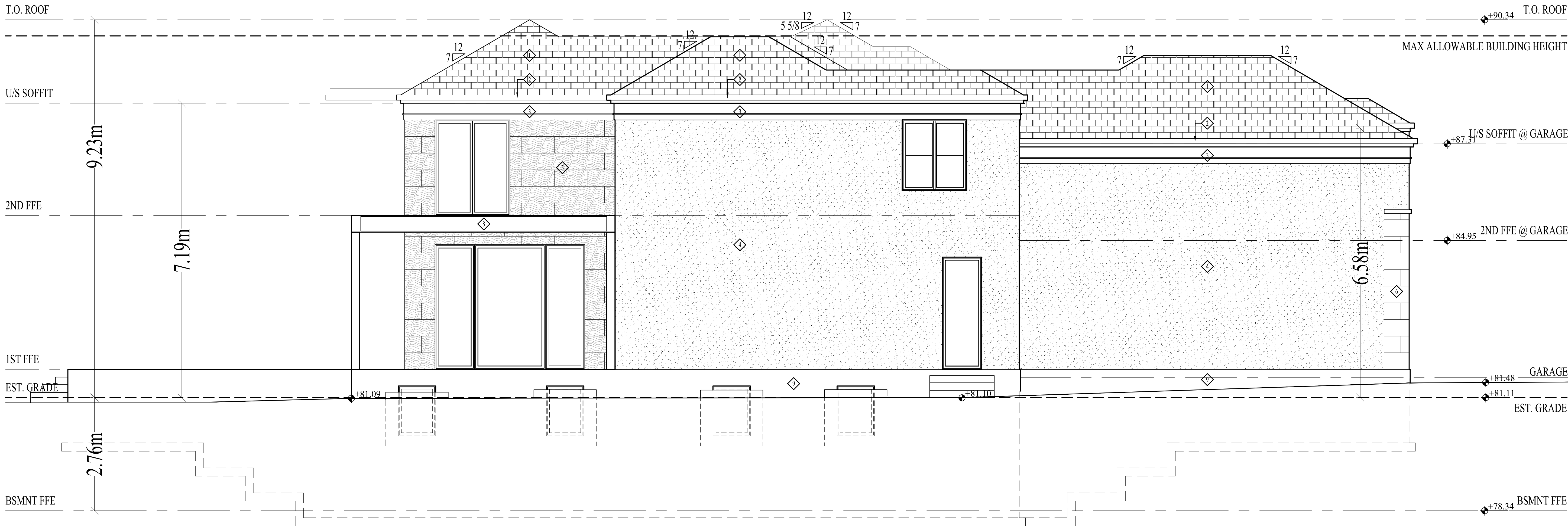
SHEET TITLE:

REAR (EAST)  
ELEVATION

DRAWN BY: M.V.	CHECKED BY: J. CUTAJAR
DATE: 06/04/2021	SCALE: 1:50
PROJECT NO.:	DRAWING NO.:

A7

MATERIAL SCHEDULE	
◇	ASPHALT SHINGLES
◇	ZINC GUTTER / FLASHING
◇	STUCCO MOULDING
◇	STUCCO
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◇	SMOOTH CUT LIMESTONE
◇	LIMESTONE WASHCOURSE
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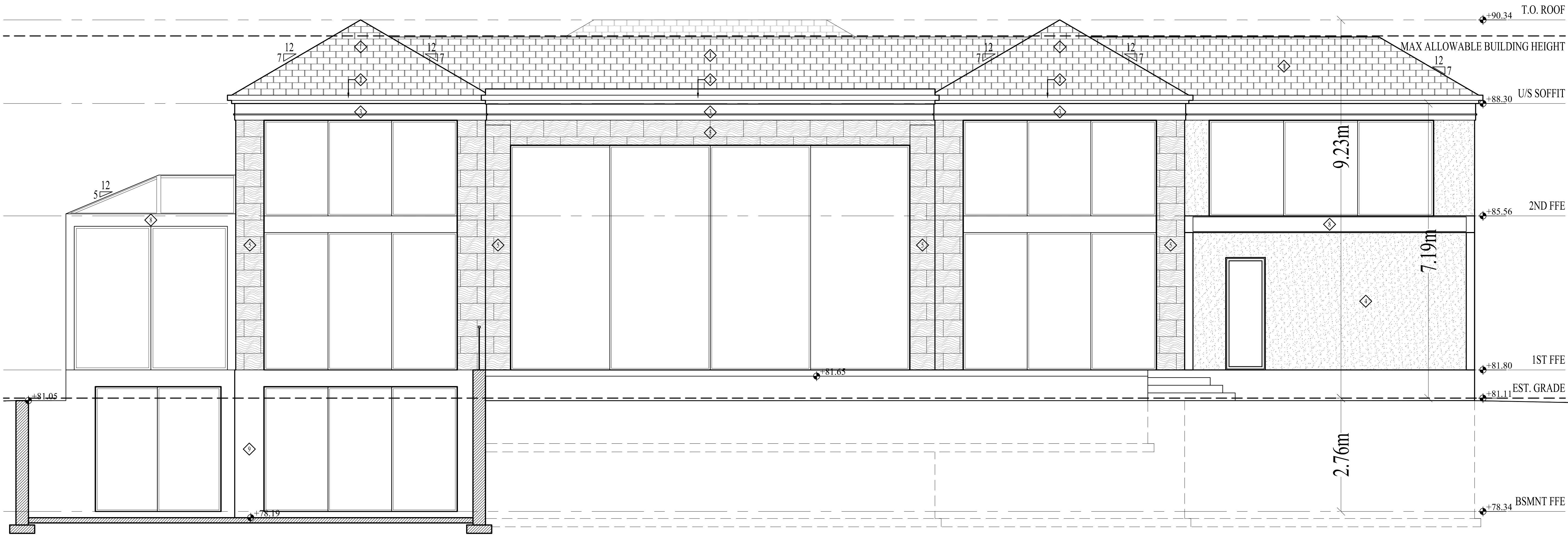
LEFT (NORTH)  
ELEVATION

DRAWN BY: M.V.	CHECKED BY: J. CUTAJAR
DATE: 06/04/2021	SCALE: 1:50
PROJECT NO.:	DRAWING NO.:

A8



MATERIAL SCHEDULE	
◇	ASPHALT SHINGLES
◇	ZINC GUTTER / FLASHING
◇	STUCCO MOULDING
◇	STUCCO
◇	SHOT SAWN LIMESTONE
◇	SMOOTH CUT LIMESTONE
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SHEET TITLE:

REAR (EAST)  
ELEVATION

DRAWN BY: M.V.	CHECKED BY: J. CUTAJAR
DATE: 06/04/2021	SCALE: 1:50
PROJECT NO.:	DRAWING NO.:

A7

**PLANNING JUSTIFICATION REPORT  
3308 LAKESHORE ROAD WEST  
COMMITTEE OF ADJUSTMENT APPLICATION**



Prepared June 27, 2022  
By Ruth Victor & Associates



## Introduction

Ruth Victor and Associates has been retained by Doctor Khan to assist with the Site Plan Approval and the application for minor variances at 3308 Lakeshore Road West. Based on the review of the site plan application, we have confirmed with staff that there are four variances which are the subject of the application. These are:

- Building height of 9.23 m whereas 9 m is permitted.
- Projection of garage beyond main wall of dwelling of 11.72 m whereas 1.5 m is permitted;
- Garage floor area of 62.28 m<sup>2</sup> whereas 45 m<sup>2</sup> is permitted.
- Minimum front yard of 20.87 m whereas 22.86 m required.

Through the Site Plan Approval process, the proposed design of this home has evolved in response to the comments received from the Town. We have worked with Site Plan, Urban Design, and other Planning Department staff to develop this design that addresses the Stable Residential Urban Design Guidelines as well as the Livable Oakville Official Plan policies.

Significant shoreline works have been completed. This work was completed under a Conservation Halton permit. We have worked with Conservation Halton staff to ensure all their issues have been addressed as part of the site plan approval process.

## Planning Context

### Provincial Policy Statement

#### Part V Policies

##### 1.0 Building Strong Healthy Communities

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

##### 1.1.1 Healthy, livable, and safe communities are sustained by:

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*;

*The subject lands are located within the Bronte Community and the existing dwelling was likely constructed in the 1980's. No new lot is being created so development and land use patterns are not impacted by this proposal to construct a new dwelling on an existing lot. There are no environmental issues on this property which has been used for residential purposes only. The property abuts Lake Ontario and shoreline works have been completed under a permit from Conservation Halton.*

##### 1.1.3 Settlement Areas

**1.1.3.1** Settlement areas shall be the focus of growth and development. Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

*The subject lands are located within the boundaries of the Town of Oakville and specifically within the Built-Up Area as determined by the Province, Region of Halton, and the Town of Oakville for the purpose of administering the Growth Plan which is discussed in a separate section below. This proposal is a redevelopment of the subject lands. The subject lands are located within an easy commute to the Bronte GO Transit Station and within proximity for shopping for daily needs in a local shopping centre in Burlington. Infrastructure in the form of sanitary sewers and water mains is available on Lakeshore Road and will be reused.*

## **2.1 Natural Heritage**

2.1.1 Natural features and areas shall be protected for the long term.

*As noted above works on the site have been undertaken through a permit issued by Conservation Halton.*

## **2.2 Water**

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved, or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve, or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

*There are no sensitive surface water features located on the subject lands, but the lands do abut Lake Ontario. Stormwater management to control runoff from the site will be dealt with during the review of the Development Engineering Permit.*

## **2.6 Cultural Heritage and Archaeology**

2.6.1 *Significant built heritage resources* and *significant cultural heritage landscapes* shall be *conserved*.

2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources* or *areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

2.6.3 Planning authorities shall not permit *development and site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development and site alteration* has



been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

*The subject lands are located within an area that has been disturbed so it is unlikely that archaeological materials would be found within the surface strata of the soils on the property. The property does not abut any designated properties or a Heritage Conservation District.*

### **3.1 Natural Hazards**

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.

*Shoreline works have been completed by the owner under a Conservation Halton permit. This work and the related studies provided in support of that application addresses these policy areas.*

### **Conclusion**

Our review of the policies contained within the PPS and a review of the proposed plans for the replacement dwelling indicates that the proposed variances are consistent with the PPS.

### **A Place to Grow**

#### **2.2.2 Delineated Built-Up Areas**

Subsection 1 a) speaks to minimum targets achieved through *development* which is defined in the Growth Plan as:

#### **Development**

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

1. a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
2. b) works subject to the Drainage Act.

(Based on PPS, 2020 and modified for this Plan)

*Construction of the new dwelling on the subject lands requires a Planning Act approval under Section 45(1) so meets the essence of the definition. This proposal is a replacement of an existing home in accordance with the Official Plan permitted uses.*

## 2.2.6 Housing

Policies in this section are aimed at upper and lower tier governments for incorporation into municipal Plans. The policies speak to *complete communities* which are defined in the Growth Plan.

### Complete Communities

Places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* are age-friendly and may take different shapes and forms appropriate to their contexts.

*The subject lands are located within a complete community described as Southwest Oakville. The commercial uses in Bronte and those uses located along the Speers Road corridor and neighbouring Burlington provide the stores and services and access to the necessities for daily living. Public service facilities are located elsewhere in the Southwest Community within driving distance of the subject lands. The proposed dwelling represents a modernization of housing stock.*

### Conclusion

Our review of the policies contained in the Growth Plan and the plans for redevelopment of the subject lands establishes that the proposed application for minor variances under Section 45(1) of the Planning Act is in conformity with the policies contained in the Growth Plan.

### The Four Tests of the *Planning Act*.

Section 45(1) of the Planning Act provides for a Committee of Adjustment to approve applications for minor variances to regulations in a Zoning By-law provided that the application in the committee's opinion meets the four tests which are:

- Does the variance meet the general intent and purpose of the official plan;
- Does the variance meet the general intent and purpose of the zoning by-law;
- Is the variance desirable for the appropriate development or use of the land
- Is the variance minor.



## Region of Halton Official Plan

Map 1 of the Regional Official Plan designates the subject lands as Urban Area. The following regional policies have been reviewed to determine conformity of the proposal with the Regional Plan.

57. Uses are permitted as specified for each land use designation provided that:

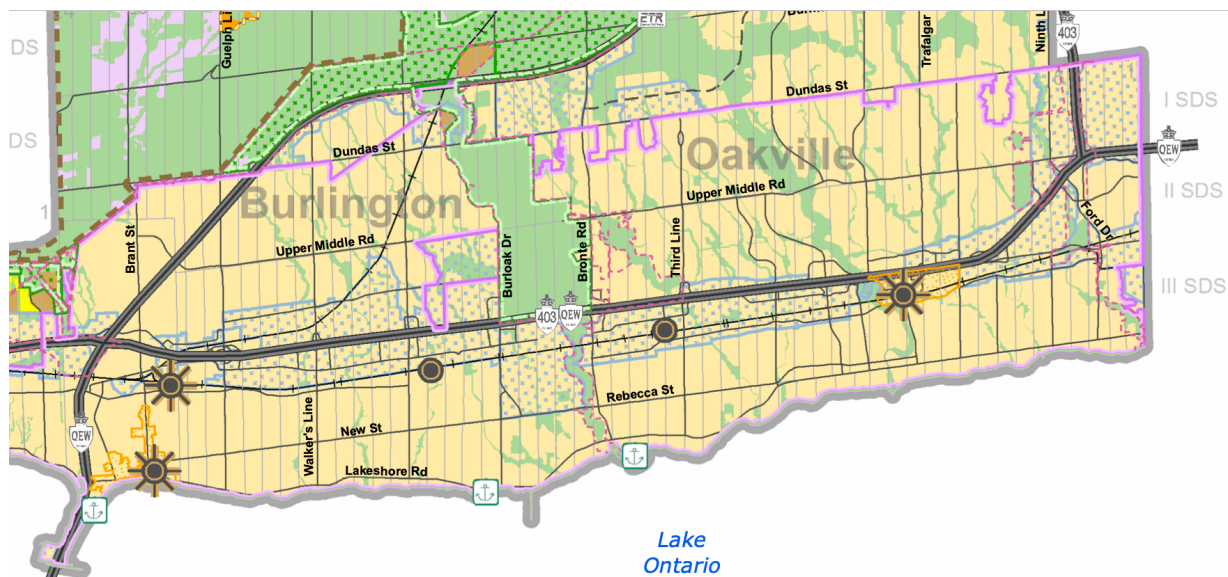
(1) the site is not considered hazardous to life or property due to conditions such as soil contamination, unstable ground or soil, erosion, or possible flooding;

(1.1) adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region; and

(2) development meets all applicable statutory requirements, including regulations, Official Plan policies, zoning by-laws, and municipal by-laws.

59. No building permits should be issued by a Local Municipality until Section 58 has been complied with.

*The proposal meets these requirements as there are no hazardous conditions on the property, adequate water and treatment of wastewater is available and the development would meet all applicable statutory regulations once the variances have been approved.*



Extract from Regional Official Plan

76. The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this Plan.

*The proposed use is a replacement dwelling on an existing lot which is in conformity with the Town of Oakville Official Plan regarding the type of use. The minor variances are required to permit development as designed.*

89. it is the policy of the Region to:

(3) Require that approvals for all new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan.

(8) Limit development in the Urban Area to the ability and financial capability of the *Region* to provide *urban services* in accordance with its approved financing plan under Section 77(15) of this Plan

*These policies are met as the applicant intends to reuse the existing municipal services. No financial plan is required as new local services are not required to service the existing lot.*

147. It is the *policy* of the *Region* to:

(17) Require that, prior to the *Region* or Local Municipality considering any *development* proposals, the proponent undertake a process in accordance with the *Region's* Guidelines (Protocol) for reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites and any applicable Provincial legislation, regulations and guidelines to determine whether there is any potential contamination on the site and the steps necessary to bring the site to a condition suitable for its intended use.

*Table 1 in the 2014 Protocol states that Minor Variance applications are not subject to the requirements specified above.*

## Conclusion

Our review of the regional policies and the proposal before the Town of Oakville Committee of Adjustments indicates that the application meets the purpose and intent of the Regional Official Plan and is in conformity with the Regional Official Plan as noted above.

## Town of Oakville Official Plan

Schedule F, South West Land Use designates the subject lands as Low Density Residential. Part D, subsection 11.2.1 permits a range of low-density housing types including detached dwellings, semi-detached dwellings, and duplexes with a maximum density of 29 units per site hectare.

*The density is calculated at 2 units per site hectare based on a lot area of 4602 m<sup>2</sup>.*

The review of this application for minor variance approval is subject to the policies contained in Part D, Section 11.1.9 and the Design Guidelines for Stable Residential Communities.



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.

*The proposed height of the dwelling is 9.23 m. in a small portion of the roof and is an architectural element to provide variation in the roof line. The visual impact is minimal. Materials compatible with and used elsewhere in the neighbourhood are proposed for the dwelling.*

*Regarding the variance to permit the projection of the garage beyond the main wall, the dwelling has been designed to allow the garage entrance to be perpendicular to the front lot line reducing the visual impact of garage doors on the streetscape. Living space is provided above the garage. This design adds articulation to the front of the dwelling. This home design is similar to the design of the home immediately to the east and is appropriate in the context of this streetscape and the spaciousness of this lot.*

*Regarding the increase in minimum garage floor area, the owner requires space for three cars. Under the by-law one car can be parked on the driveway but the owner prefers to keep his vehicles under cover. The current home being demolished has three garage spaces. The number of garage spaces on this property now and under this proposal is the same and is appropriate in the context of the design of this house and the larger property size.*

b) *Development* should be *compatible* with the setbacks, orientation, and separation distances within the surrounding neighbourhood.

*A variance to the front yard setback is required due to a road widening which will be provided to the Town through the Site Plan Approval. Section 4.12.4 of the Zoning By-law states that the front yard must be calculated from the new front lot line established through the conveyance of lands to the Town. The existing front yard is 23.86 m. Under the zoning regulations the required front yard is 22.86 m. The proposed widening is 2.94 m and the resulting front yard after the taking is 20.48 from the new lot line. An overhead view from aerial photography indicates that the proposed dwelling maintains the current streetscape relative to the abutting dwellings.*

*All other the requirements of the Zoning By-law with respect to setbacks and separation distances have been met. The building is oriented perpendicular to the street line which is the predominant orientation on this streetscape.*

c) Where a *development* represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent *development*.

*This requirement is not applicable as there is no transition between different types of land use.*

d) Where applicable, the proposed lotting pattern of *development* shall be *compatible* with the predominant lotting pattern of the surrounding neighbourhood.

*The existing lotting pattern is maintained.*

e) Roads and/or municipal *infrastructure* shall be adequate to provide water and wastewater service, waste management services and fire protection.

*Lakeshore Road West is an existing municipal road which currently meets the requirements for municipal services and emergency services. A potential road widening is shown on the Site Plan.*

f) Surface parking shall be minimized on the site.

*The Zoning By-law requires the provision of two parking spaces one of which must be under cover. A garage is proposed for this building.*

g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.

*There is no proposal to extend the public street network, so this requirement has been met.*

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.

*Side yards of 5.25 m and 4.88 m are proposed so there is adequate space for access to the rear yard without impacting neighbours. This spacing meets the requirements for grading and drainage and the needs of Conservation Halton for an access easement to the lakefront for future maintenance of the new shoreline protection.*

i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.

*There are no heritage structures on the site or in the immediate area.*

j) *Development* should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks, and community centres, and existing and/or future public transit services.

*Nothing is changing under this application for minor variances in terms of access to neighbourhood commercial and community facilities. Shell Park is within walking distance.*

k) The transportation system should adequately accommodate anticipated traffic volumes.

*There is no increase in traffic volumes under this application.*

l) *Utilities* shall be adequate to provide an appropriate level of service for new and existing residents.

*The existing utilities are being reused and are adequate to service the new home.*

In determining conformity with these policies, the definition of development must be considered. The construction of the proposed dwelling requires an approval under the *Planning Act*, specifically a minor variance under Section 45(1) so the project meets the definition below.

**Development** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process
- b) works subject to the *Drainage Act*
- c) any other activity deemed by the Director of Planning Services to be minor in nature, which has negligible impact to the natural environment and meets the intent of this Plan.

## Conclusion

The proposed minor variances meet the purpose and intent of the Official Plan as set out above.

## Urban Design Guidelines

We have reviewed the design guidelines contained in the guidelines for construction in stable residential communities. This document has been prepared based on policy contained in Part 6 of the Official Plan and is used by staff in the analysis of development applications to determine conformity with Plan policies.

### 3.1 Neighbourhood Context

“New development should be compatible with the dwellings in the surrounding neighbourhood; that is, designed to respond to the basic neighbourhood patterns and reoccurring characteristics, such as lot patterns, street edges, placement and orientation of dwellings, existing vegetation, topography, and other common or distinctive elements. The continuation and enhancement of these patterns and characteristics can be accommodated in new development, while still maintaining cohesive neighbourhoods.”

*Basic neighbourhood patterns are being maintained as there is no change to lotting patterns or street edges. The placement and orientation of the dwelling on this lot is like the current home being demolished. The rotation of the garage perpendicular to the home will minimize the visual impact of the garages on the streetscape. Existing vegetation is to be protected in*



*accordance with an Arborist Report and lot grading will not be changed to impact abutting properties*

### 3.1.3 Scale

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 home has a similar scale of footprint of the existing home. The height and massing of the proposed home reflect a more modern interpretation of design. The owner has worked with Town staff to refine the design of the home to ensure that the proposal is appropriate and responds to the context of the neighbourhood,*

### 3.1.5 Rear Yard Privacy

1. New development, which projects beyond the established rear setback of adjacent dwellings, should be designed such that the height and massing of the projection does not cast significant shadows onto amenity space in the rear yards of adjacent properties.
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 adjacent rear and side yards.
3. New development should not include second storey decks and balconies, which may create an undesirable overlook condition 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

*There are no rear yard projections proposed under this application.*

### 3.2.1 Massing

As per the guidelines, second storey living spaces in the new dwelling are to be incorporated into the roof structure by the use of dormers thus reducing overall massing.

*The Owner has worked with staff to revise the interface of the roof and second floor to develop a design approach which addresses this requirement. The eaves of the roof have been lowered and articulated around the windows for the living space over the garage to minimize the visual impact of that portion of the dwelling.*

### 3.2.2 Height

*The height is generally in conformity with the Zoning By-law with the increased height restricted to the portion of the building encompassing the front entrance. This is an architectural design element to allow for articulation of the roof line.*

### 3.2.3 Setbacks

“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.”

*The setbacks meet the requirements of the Zoning By-law in the side and rear yards. The intent of the design guidelines is met. The front yard variance is required due to the road allowance taking requirement.*

### 3.2.4 Primary Facade

1. New development should incorporate a front facade that is well- articulated through the use of compatible architectural elements. Blank walls which face the street are strongly discouraged.
2. New development should incorporate a prominent primary entrance on the front facade to provide a clear sense of arrival. A connection/walkway between the primary entrance and the municipal sidewalk is encouraged, where appropriate.
3. New development should make every effort to position interior living spaces directly behind the primary facades(s) and incorporate ample window openings to establish an “eyes on the street” condition. New development should make every effort to incorporate exterior living spaces that can be extensions of the primary facade.

*Articulation is provided in the front facade by stepping the garage forward of the ground floor living and through several steps in the building facade. A prominent primary entrance is provided with a new walkway and garden area.*

### 3.2.5 Architectural Elements and Materials

1. New development is encouraged to design all accessory elements on the building and the site, such as porches, balconies, verandahs, decks, fences, and screens, to be compatible with the quality, style, materials and colours of the main dwelling.
2. New development is encouraged to incorporate adequate window openings on the primary facade to add visual interest and to maximize light penetration and views, while minimizing overlook conditions onto neighbouring properties. Window openings are encouraged to be designed in proportion and scale with the facade.
3. New development is encouraged to incorporate durable and quality building and accent materials which are compatible with the materials found on dwellings within the neighbourhood. Incorporating recycled-content materials, recycled materials and local sustainable renewable resources is also encouraged.

*The architect has designed all components to be compatible providing a pleasing streetscape view. As noted elsewhere materials have been chosen to be compatible with materials used in the neighbourhood.*

### 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.
2. New development with an attached garage on the front facade should position the garage flush with or recessed behind the front facade of the dwelling. Where applicable, additional building elements, such as porches or trellises, are encouraged to extend along the garage face and primary facade to lessen the visual prominence of the garage.
3. New development with an attached garage on the front facade is encouraged to incorporate glazed panels within the doors and to apply a neutral colour that blends the doors into the facade.
4. New development with an attached or detached double vehicle garage is encouraged to design the garage openings with separated overhead doors to decrease the visual impact of the garage door on the streetscape.

*As set out within this report, the 3-car garage on this site has been reoriented perpendicular to the home to minimize the visual impact of the garage doors. The design of the garage incorporates design elements to minimize its massing. Extensive vegetation is proposed within the front yard to minimize the visual impact of the garage and driveway area. Separate overhead doors are proposed.*

### 3.3.1 Landscaping and Tree Preservation

1. New development should make every effort to retain established landscaping, such as healthy mature trees and existing topography, by designing new dwellings and building additions around these stable features.
2. New development is encouraged to incorporate landscaping and existing and proposed trees into the design and development of the site for compatibility with the surrounding landscape patterns.
3. New development is encouraged to incorporate soft and hard landscaping elements that are commonly found in the character and layout of the cultural landscape of the neighbourhood.

*The Arborist report will provide for the protection of existing vegetation. Extensive front yard and lot line planting is proposed as part of the site plan approval process. The proposed landscaping for the front yard maintains the context of the neighbourhood.*

### 3.3.2 Driveways and Walkways

1. New development should be designed with minimal paved areas in the front yard. These paved areas should be limited in width to accommodate a driveway plus a pedestrian walkway.
2. New development should be designed with widest part of the driveway positioned directly in front of the garage door(s). The driveway width should be minimal at the



property line to reduce the impact on the pedestrian environment and on street trees in the boulevard.

3. New development is discouraged to place the driveway in close proximity to the property line shared with an adjacent lot which contains a driveway adjacent to that same property line. This guideline is not applicable for properties that share a common driveway access.

*It is noted that the proposed driveways and areas for turning movements constitute approximately 33% of the areas of the front yard. The additional driveway width is to accommodate a landscaped island to complement the front yard landscaping and to minimize the amount of hardscaped area in the front yard.*

## Conclusion

Based on the comments and observations above, the proposal meets the intent of the design direction outlined in the Stable Residential Urban Design manual.

The general intent and purpose of the official plan relative to development within stable residential neighbourhoods is expressed in Part D, Section 11.1.9 of the approved plan and through the urban design guidelines prepared under the policy in the Plan. Our analysis of the section 11.1.9 policy and a review of the Urban Design Guidelines for development within stable residential neighbourhoods demonstrates in our opinion that the requested variances meet the general intent and purpose of the Plan. The scale and massing of the proposed development is compatible with the neighbourhood.

## Zoning By-law

By-law 2014-014 zones the subject lands RL2-0. A comparison of zone regulations and site statistics is provided in the chart below.

Zoning Regulation	Required	Provided
Minimum Lot Frontage	22.5 m	51.45 m
Minimum Lot Area	836 m <sup>2</sup>	4206.82 m <sup>2</sup>
Minimum Front Yard	22.86 m	20.87 m
Maximum Front Yard	25.42 m	23.76 m
Minimum Side Yard	2.4 m	4.88 & 5.25 m
Minimum Rear Yard	7.5 m	44.21 m
Maximum Lot Coverage	25%	12.05%
Maximum Building Height	9 m	9.23 m
Minimum Setback from Stable top-of-bank	15 m	31.34 m
Main Wall Proportionality	50% of all main front walls	65.56%
Maximum Floor Area Ratio	29%	21.40%

Maximum Cumulative Width of Entrances for Circular Driveway	9 m	7.6 m
Location of Driveway	2.4 m	4.79 m
Maximum Projection of Garage Beyond Main Wall of Dwelling	1.5 m	11.72 m
Garage Floor Area	45 m <sup>2</sup>	64.28 m <sup>2</sup>
Maximum Driveway Coverage in Front Yard	50%	31.18%

As noted previously, the proposal requires 4 variances to the Zoning By-law. These are highlighted in yellow.

### *Zoning By-law*

The general intent and purpose of the zoning by-law is to provide regulations that permit the development of consistent lotting patterns, size of buildings and setbacks within a particular zoning category.

The applicant proposes to construct a two-storey dwelling containing 751.5 m<sup>2</sup> with attached garage having a floor area of 64.28 m<sup>2</sup>. This total floor area results in a coverage of 12.06% which is well within the maximum range permitted under the Zoning By-law.

Under By-law 2014-014 the garage floor area must be included in the residential floor area calculation under two circumstances as set out below.

*“Where any dwelling having more than one storey has an attached private garage, an area equal to the floor area of the private garage shall be residential floor area if:*

- i) the attached private garage has a height equal to or greater than 6.0 metres, measured from the finished floor level of the private garage to the highest point of the structure containing the private garage; and,*
- ii) the residential floor area located directly above the private garage is greater than 25% of the private garage floor area below. “*

Our review of the drawings shows that the garage floor area is not included in the residential floor area calculation as the two requirements of the definition are not met in this case.

### *Variance Number 1, Building Height*

The subject development proposal is currently under review through the Site Plan Application process as the property abuts Lake Ontario. Planning staff has reviewed that application and has provided comments that guide the application for minor variances. The increase in height

of 0.23 m in a limited area of the building allows for an architectural element to provide variation in the roof line.

#### *Variance Number 2, Garage Projection*

The dwelling has been designed to allow the garage entrance to be perpendicular to the front lot line reducing the visual impact of garage doors on the streetscape. Living space is provided above the garage. This design adds articulation to the front of the dwelling. This home design is similar to the design of the home immediately to the east and is appropriate in the context of this streetscape.

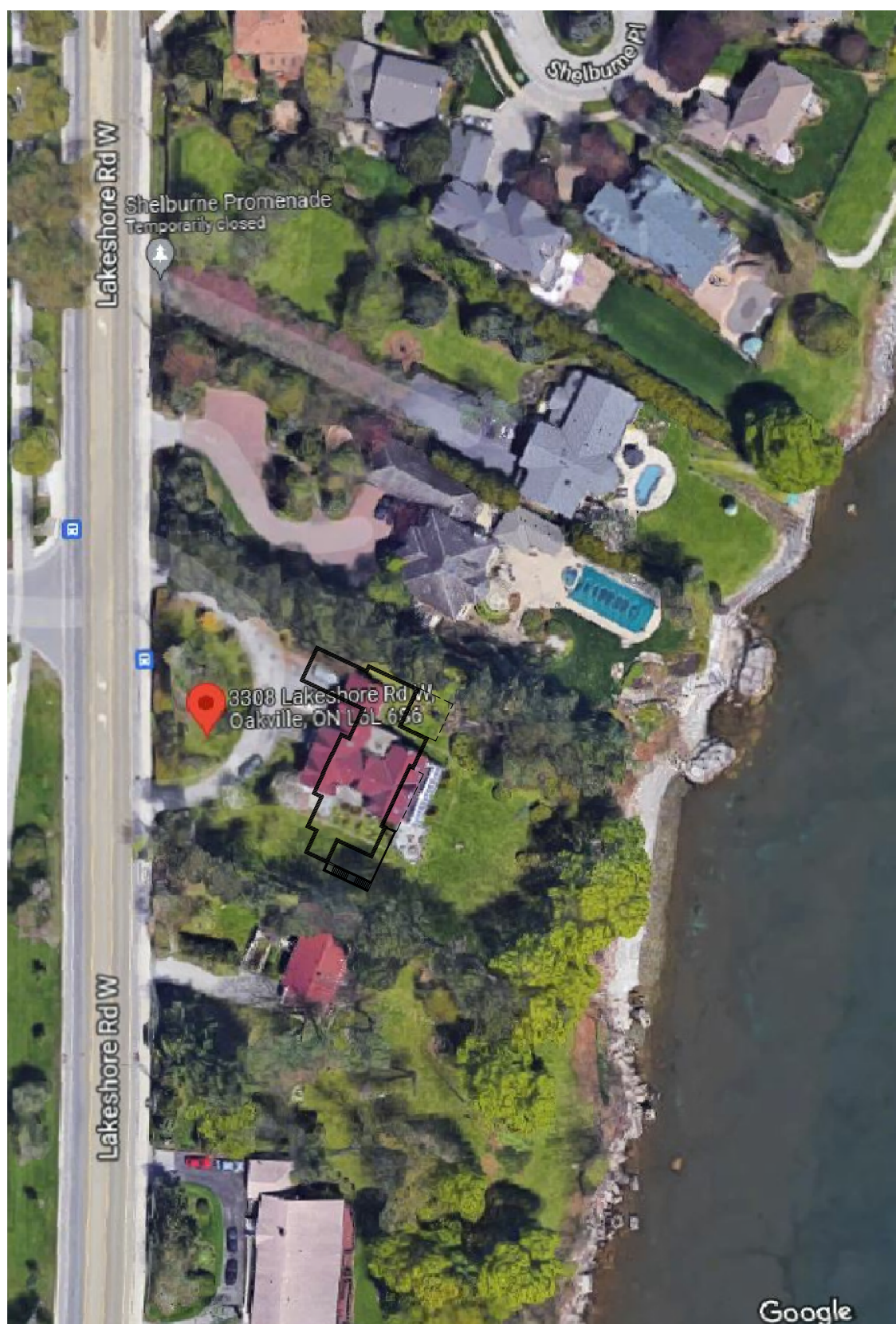
#### *Variance Number 3, Garage Floor Area*

The owner requires space for three cars. Under the by-law one car can be parked on the driveway but the owner prefers to keep his vehicles under cover. The current home being demolished has three garage spaces. The number of garage spaces on this property now and under this proposal is the same.

#### *Variance Number 4, Minimum Front Yard*

This variance arises due to a road widening which will be provided to the Town through the Site Plan Approval. Section 4.12.4 of the Zoning By-law states that the front yard must be calculated from the new front lot line established through the conveyance of lands to the Town. The existing front yard is 23.86 m. Under the zoning regulations the required front yard is 22.86 m. The proposed widening is 2.94 m and the resulting front yard after the taking is 20.48 from the new lot line. An overhead view from aerial photography indicates that the proposed dwelling maintains the current streetscape relative to the abutting dwellings.





The 4 proposed variances meet the purpose and intent of the zoning by-law.

#### Appropriate for Development

The massing and scale of the proposed dwelling is compatible and is in context with the streetscape and other development in the general area. We consider that the approval of the variances permits a built form that is compatible with existing development and appropriate for the subject lands.

#### Minor in Nature

The variances are minor in nature as there is no undue adverse impact on abutting properties and therefore minor in nature.

#### Public Participation

The owner of the property reached out to immediate neighbours to explain the nature of the application for minor variances. No concerns were identified by the neighbours regarding this minor variance application.

#### Conclusion

The requested variances maintain the general intent and purpose of the Official Plan and Zoning By-law as they result in a dwelling design that is in keeping with existing development in the area in terms of scale, massing height and setbacks. There is no undue adverse impact on abutting properties or on the streetscape and the proposed variances are minor in nature. This application meets the four tests under the Planning Act.

Yours truly,

A handwritten signature in black ink, appearing to read "Ruth Victor". The signature is fluid and cursive, with the first name "Ruth" and last name "Victor" clearly distinguishable.

**Ruth Victor MCIP, RPP, MRTPI**