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REF. No. :

UPDATED :

ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3)















 EAST [RIGHT] SIDE SPATIAL SEPARATION CALCULATION:		
PART 1: EXPOSED BLDG. FACE: LIMITING DISTANCE: PERMITTED GLAZED AREA: PROPOSED GLAZED AREA: PERMITTED PERCENTAGE: ACTUAL PERCENTAGE:	1671.09 FT ² 212.23 FT ² 201.04 FT ² 12.70% 12.03%	155.25 M ² 4.20 M 19.72 M ² 18.68 M ²





295 Robinson Street, Suite 200 Oakville, ON L6J 1G7 info@hicksdesignstudio.ca

PLANNING RATIONAL STATEMENT 309 BALSAM DRIVE

This report shall be our rational in support of the variances being sought for a new home to be constructed on Balsam Drive in Oakville. Please read this report in conjunction with the additional report titled "Exhibits A-I-Planning Rational-Variances" which has been provided.

THE SURROUNDING AREA CONTEXT

The surrounding area is characterized by homes on larger lots than one might find elsewhere in the vicinity. As such many of them can be described as estate lots with substantially sized houses located on them

The size of homes in the area may range from 5,000 sq ft to over 18,000 sq ft for some of the larger estates.

It is an area of predominantly two storey houses set well back from the street in many cases and in others further forward where there are smaller lots. In general, all are well landscaped and maintained meticulously.

There are a large number of houses that have sought variances for new homes including ones at the following addresses. While not all records were pulled, we use the towns data mapping services to confirm some depths of buildings in the vicinity as it is very accurate to within 0.5 M

- 275 Balsam Depth 41.8 M including an immediately adjacent accessory building
- 319 Balsam Depth 23.7 m and height 9.43 m Measures 40% m in depth
- 327 Balsam Depth 36.4 M depth
- 253 Balsam Depth 57 M including adjacent accessory structure
- 125 Chartwell Depth 29.38 M Height 10.63 M
- 155 Chartwell Depth 33 m Height 12.42 m
- 263 Chartwell Depth 25.75 m
- 210 Chartwell Depth 27.7 M
- 276 Chartwell Depth 27.1 M plus an adjacent accessory building to a depth of 39.2
- 294 Chartwell Depth 48M

SEE EXHIBIT A SHOWING LOTS WITH INCREASED DEPTH OF HOUSE

As such in our past dealing with these larger estate lots we find that the bylaw for RL1-0 did not contemplate houses of this scale and the bylaw seems to be more applicable to a 30.0 M x 45.0 M lot whereas this lot is over 3 times that size.

It is interesting to see that all of these increased lot depths are related to deep lots so there is some degree of consistency in the neighbour

LOT DESCRIPTION

This lot is one of those unique lots in Oakville, which is very large, well treed and unique in some respects to the area in general but more importantly it is consistent with the lots adjacent to it and behind it as there are 7 to 9 large lots found side by side.

It is a lot with a frontage dimension of over 47.46M in width and it has a depth of over 99.06 M with an area of over 50,000 sq ft which exceeds 4,645 M2.

The lot is heavily treed on the south border, it backs onto Post Park with a substantial tree buffer between the lot and the park and on the north side it is bound by a lot with a unique siting of a large garage/coach house in the front part of the property and a house that sits behind the garage but is positioned at the back of the property.

The lot size well exceeds the typical lot size that might be found in this overall neighbourhood which includes an average lot of 30 M of frontage and feet of depth or 1,393 M2 of site area and thus this lot is equivalent to more than three of those lots and has a depth over two times the normal lot in the neighbourhood in general.

Having been the Architect for many of these estate lots including Chelster Hall and Fontenay on Lakeshore, we always find ourselves asking for variances for building depth, garage size, front yard setbacks and usually height.

SEE EXHIBIT B SITE AERIAL

PROJECT DESCRIPTION

The new house is located at 309 Balsam, and it is a large, beautiful lot that can accommodate a house of over 1,356 M2.

The proposed new home is influenced by French inspired design vocabulary which is in fact not uncommon on this street and on Chartwell behind this lot.

It might be described as a one and one half storey home with a roof line meant to mimic a one to one and one half storey look and feel so that it sits sensitively on the lot. There is a portion of the house that is two storey but it is contained within that roof line that is has a one storey eave height.

The house itself is setback from the street by a distance of approximately 30.0 M to the porte cochere and over 34.0M to the house itself and it is well screened with street trees and the planned landscape for the site.

The back of the house is also setback over 23.5M (80') from the back lot line and up to 30.14M (99') from the back on the north side.

The side yards for the house are over 4.5M to 5.5M on each side whereas the Bylaw requires 4.2M.

The house is only two storeys for half the depth of the house at the front of the house and it has a porte cochere that brings character and functionality to the home providing a dry drop off covered entry for guests. One of the reasons for adding the porte cochere was so we could balance the setbacks of the houses on either side and still meet the required front yard setback

The building has been designed to minimize the need for separate accessory structures on the site, by attaching some of the commonly contained uses onto the back of the house which results in part for the depth variances we are seeking. It does however prevent the impact of otherwise large accessory structures which at times can impact neighbours given they only require a 2' side yard setback.

EXHIBIT C AS OF RIGHT SETBACKS / ACCESSORY STRUCTURES & HOUSES.

VARIANCES NOT REQUIRED

The house design will require the following variances. It is also relevant to note those variances we have been careful to avoid

GROSS FLOOR AREA / FLOOR AREA/LOT RATIO

The Bylaw permits a gross floor area to lot ratio of 29% and we are proposing 23%. There are no variances for gross floor area.

We are well under the maximum allowable floor area based on lot size with our house aiming for a total GFA of just under **1,074 M2**.

We do not require a variance for floor area / lot ratio, and we are under the required by 30%

The house is certainly compatible with the neighbourhood.

COVERAGE

The Bylaw permits a coverage of 25% and we are proposing only 23.3%. There are no variances for coverage

The permitted coverage at 25% allows about 1,169.1 m2 of area and we are at or just over 1,004 m2 or 23.3%

Thus, we do not require a variance for coverage.

Again, the house is certainly compatible with the neighbourhood.

SETBACK FRONT, SIDE AND REAR

The required setbacks on front rear and both sides have been complied with fully

In fact, on Schedule B we have noted the permitted minimum setbacks for the lot and we have highlighted how we comply with all of these setbacks. In fact, the Bylaw allows a building to be built upwards of 10.5 M from the back lot line.

ACCESSORY STRUCTURES

We have not sought any variances for cabanas and have in fact chosen to effectively attach the pool cabana to the building thus increasing its depth but moving the cabana 4.2m from the property line versus the 0.6 required as the neighbours will be much happier with this

On **EXHIBIT C** we have also noted the permitted minimum setbacks for accessory structures which need to be separated from the main structure by only 2M to comply, so in this instance even had we complied with the 23M depth permitted, we could have added an accessory structure 14 M deep and left it separate from the house by 2.0 M.

VARIANCES REQUIRED

We are seeking 5 variances two of which we feel are technical in nature and have no impact on the application or the neighborhood

BUILDING HEIGHT EXHIBIT (SEE EXHIBIT E, F)

The permitted height is 9.0 M, and we are proposing 10.95 M

It permits only 9.0 M which on a house of this scale looks odd to say the least but, in this case, we have managed to keep the height to 10.95 M, and this only applies to the middle segment of the house which is a long way from the side lot lines and thus has no impact on light and shadowing.

The closest point of any roof that is adjacent to a lot line on the side is 9.0 M, which assists with the transition of house height as one moves towards the side lot lines.

SEE EXHIBIT E, F

The additional height is also minimized by the front and rear yard setback to the house which is approximately 36.6 m from the front lot line and 29.0 M from the rear lot line, and thus there is no impact on the streetscape caused by this additional height variance.

The side wings of the house and the longest portions of the house on the side all meet the required height limits for the zone and in fact we have reduced the height of the side wings to 8.6M all within a one and one half storey look and feel of the house

The question of height quite often is a concern with neighbours and with the Planning department, but it is my position that given the unique size of this lot, the increased height has no impact on neighbours homes from the perspective of privacy or overshadowing.

In fact, if one looks at angular planes this Bylaw allows a house of 9M in height setback only 10.5M and this is deemed to be appropriate, and we are set back 3 x that dimension and thus the angular plane is reduced substantially

SEE EXHIBIT G

This notes the portion of roof we are seeking a variance for and also where we are under the required height. It also notes the setback of the higher roof line from side lot lines.

BUILDING DEPTH SEE EXHIBIT D

The permitted depth is 20 M plus an additional 3M if one storey in height. The proposed building depth is 42.72M

In this case we quite often see that the maximum depth provision does not work on these large lots as they can easily accommodate additional depth and in most cases by expanding the main floor footprint and thus the depth, we reduce the impact on the street and adjacent neighbours.

In this instance, the building depth is 42.72 M including the open Porte cochere and the covered porches at the back of the house.

This segment of the Bylaw is to ensure that adequate amenity space exist for lots and that there are no overlook and privacy issues. In this case, there is an internally focused courtyard with minimal windows facing side neighbours but at the same time, we have maintained a beautiful well articulated side façade so neighbours at not looking at a blank wall.

The extended length portions of the house are also only one storey in height, and they are well articulated. There is certainly no issue of overlook or privacy with adjacent neighbours.

In fact, the house to the north is behind our house almost fully so the back of our home does not go as far back as this does.

On the opposite side the second storey portion of the house aligns with the back of the house to the south so the only portion of house that is deeper is one storey in height and does not require any variances for height. It is also well screened from this neighbour, and they are supportive of our application.

If one looks at the depth of the true house excluding the Porte-cochere which is 5.9M deep it is only 35.58M in depth.

Of this increased depth 5.5M relates to open porches and uses at the back of the house so in reality the house is only 30.38M in depth.

The depth is increased by the desire to create a courtyard for privacy from neighbors and thus the design has a recessed courtyard at the back of the house.

We have also elected to have less second floor and to increase the house depth which we feel is more appropriate for this lot.

The depth of the house in the centre of the house is only 14.6m without the Porte cochere.

The second floor of the house falls within the 20 M depth provision.

Thus, in our opinion the increased depth while numerically large has in fact no impact on neighbours, it is invisible to surrounding neighbours, it is not visible from the street and most of it is only one storey in height thus reducing any overshadowing or privacy concerns.

The house and its siting have in fact tried to maintain and reinforce the rhythm of the street in terms of front yard setback and rear yard amenity apace.

NUMBER OF GARAGES REFER TO EXHIBIT H

The Bylaw states that there should be only one garage on a site.

One three car garage is permitted, and we are proposing three separate garages.

As stated above, one of the garages on the right or south side of the lot is in fact an elevator leading to the lower main garage. The Bylaw and Zoning officers have deemed this to be a garage even though it is simply an elevating device. The door to this elevator is not recognizable as a garage door and it looks like any other large window in the house.

While we could have elected to use a ramp down, we felt this was far more obtrusive to the site as the visible ramps can be an eyesore. In fact, with landscaping this door to the elevator it is not visible to the street and thus has no impact.

The Porte cochere in front of the house even though it is not a car port has been deemed to be a garage by the Zoning officers. While we disagree with this interpretation, we believe that it is a technical variance and thus we have made our application reflect this.

The garage on the north side of the lot is entered from the side and is once again not visibly recognized as a garage.

The only indication that there are additional garage spaces are the driveways and with landscaping and the substantial front yard setback these re not visible.

GARAGE PROJECTION REFER TO EXHIBIT H

The permitted projection of a garage beyond the front face of the main wall of the home is 1.5M and we are proposing a projection of 11.13M.

The Bylaw deems the Porte cochere to be a garage, so it is used for this calculation. In other ways the actual garages themselves on the north side projects by 6.4m but this is not visible to the street and has a second floor on top of it so it does not look like a garage projection.

The actual garage elevator and main garage project beyond what zoning deems to be the main wall of the house, even though we would say the main front wall of the house is the wall of the living room and thus the garages do not project and there are second floor spaces on top of these garages, so they are really part of the main wall of the house

FRONT WALL PROPORTIONALITY SEE EXHIBIT I

The Bylaw requires that 50% of the houses front wall should fall within the required setback allowance for the front setback. In this case only 23.5% falls within these limits.

We will not conform to this requirement due to the Porte cochere etc. We can improve this percentage but then due to the Porte cochere being considered a garage we would need a front yard variance and it is our position that the house is sited so it is perfectly proportioned with adjacent neighbours.

This varied depth of the front wall in this case however improves the visual and spatial characteristics of the house and thus in our opinion it is a technical variance.

COMPLIANCE WITH THE 4 TESTS FOR VARIANCES.

The Planning Act states that there are four tests to be considered in determining if a variance or combination of variances meets these tests.

1. Does the application comply with the intent of the Official Plan

The house is a single-family home on a large unique lot, but it does maintain and reflect the policies of the Official Plan in terms of use and density etc. The general policies of the Official Plan suggest that any development must certainly promote excellence in architectural design, and to provide through design for the diversity, amenity, comfort and compatibility with the existing community. In other words, it must fit and reinforce the character of the community.

The Official Plan is implemented through the application of the design guidelines for stable residential communities. As such it must comply with the policies of Section 11.1.9 which has 4 policy statements that are applicable to this infill development.

- a. The built form of the development including scale height, massing and architectural character and materials is to be compatible with the surrounding neighbourhood.
 Compatible does not mean the same as but simply that it must be compatible with and not cause adverse impacts on the surrounding community.
- b. Development should be compatible with setbacks, presentation, and separation distances within the neighbourhood.

h. Impacts on adjacent properties shall be minimized in relation to grading, drainage, location of services, access, circulation, privacy, and microclimate conditions such as overshadowing.

It is my position that the proposed development meets and easily exceeds each of these policy objectives as we have described in our presentation above.

2. Does the application meet the intent of the Zoning Bylaw.

The proposed development certainly meets the intent of the Bylaw in terms of floor area, coverage, front yard setback, side yard setbacks, landscape coverage, garage size and driveway widths.

It requests an increased length of the main building from 20 M which is generally meant to apply to lots of 120' depth and we are almost three times that depth.

The policies of the infill guidelines in section 3.1.5 speaks to rear yards and the importance of not encroaching on people privacy by careful placement of windows, doors openings etc.

The Bylaw in fact allows a rear yard setback of 10.5 M for this zone and we are proposing a read yard setback of 3 x that dimension and thus it can not be said that we are imposing on any privacy in the yard facing the back of the property, which is in fact a park so there is no impact at all.

On the side lots, where in fact both neighbours have supported this application the extended length of the house is only one storey in height so there is no impact on privacy or overshadowing.

In fact, the house is designed with an inner courtyard where the vast majority of the windows face this courtyard so as not to imposed on neighbors.

In addition, there are substantial trees along neighboring properties and the sight of this home where it extends beyond the maximum depth is fully screened from view.

The Infill Design Guidelines (Section 3.1.1) also speak to the importance of maintaining and contributing to the community character. The adjacent lots to this lot are all large lots with substantial rear yard setbacks and we fit right into that pattern of development in this community.

Notwithstanding the above the rear property abuts a public park with substantial trees so it can easily be shown that there is no impact on any property.

The application also seeks to request an increase in height.

As has been noted there are other houses in the area that exceed the bylaw, the only portion of our house that exceeds the bylaw is located some12.31M from the side lot lines.

The height of the house that is closer to the lot lines is in fact less than what is required.

The maximum height of roof only occurs on a small portion of the house in the centre of the house.

The house is setback over 30M from the road and it can easily be shown that the Bylaw contemplates houses of 9 M in height only 10.0M from the front lot line and deems these to be acceptable.

This house is setback three times that dimension so if one was to look at the angular plane of what one sees from the street this house has far less impact than what is permitted by the Bylaw.

The applicant also seeks permission for three garages on the site.

One of these suggested garages is a Porte cochere which Zoning deems to be a garage. It is our submission that it is not a garage as it is not used for storing vehicles and thus this is a technical variance

The second garage is simply an elevator, and the main garage does not face the street.

The intent of the Bylaw is to limit the size and exposure of garages to the street and in our submission, you can't tell where the garage even is other than through paved areas leading to them and it is our submission that with landscaping and setbacks you can't even see these paved surfaces

Thus, we believe our proposal meets the intent of the Zoning Bylaw and improves on the intent and thus creates a product more in keeping with the neighbourhood.

3. Are the variances deemed to be minor in nature

While on the surface, before one understands the unique characteristics of the lot, it might be said that the variances by simple numerical value may not be considered minor but it is out position that these are not merely numerical tests and that each of them has to be considered within the context of the lot and neighbourhood and whether there is any adverse impact caused by these variances

As noted in our description above we do not believe that the variances cause any adverse impacts in any way on the neighbourhood, direct neighbours, or to the streetscape.

The largest numerical one, that being building depth is not visible or recognizable to anyone on the street and it is only seen from the adjacent neighbours both of whom support this application and there are numerous trees that screen all of the increased depth, and the depth is largely for a one storey segment of the home.

The height while approximately 1.95M greater than what is permitted is only increased in the centre of the house and it has no impact on neighbours. In fact, the house is setback so far from the street it is our position that this increased height is not apparent to any person on the street.

The Bylaw allows a house to be 9 m high and only setback 10.5 M from the street and thus as of right one can build a house that has a much greater visual impact on the street versus our house setback 30 M or more from the street.

4. Is the design and variances deemed to be desirable in the context of the neighborhood.

It is our belief that the proposed residence easily meets this test. It is surrounded by houses similar in scale, some which are closer to the street, some which are larger. The setback of the proposed house and the character of the design certainly can be shown to be compatible with the neighbourhood character and it will fit in easily on the street especially given the large front yard setback and substantial landscape.

The infill design guidelines speak to a number of relevant policies Massing Height Setbacks Primary Façade Architectural Elements and Materials

Without going into each one of these policies in detail I can state unequivocally that we meet and exceed all the policy statements in this document.

This new house will be an asset and a positive addition to the neighbourhood and it does all of this in such a manner that has no impact on anyone in the neighbourhood

IT IS OUR POSITION THAT WE COMPLY WITH EVERY ONE OF THESE POLICIES

We have also found that after going our due diligence with surrounding neighbors that they all support this application and that they do not feel it has any negative impact on the neighbourhood.

With the above being provided as our evidence we believe the proposed variances meet the four tests and the resulting house will be an asset that contributes to the character of the neighbourhood.

Thank you for your consideration of the above evidence.

William R. Hicks B.E.S., B.Arch., MRAIC. OAA

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EXHIBIT A • LOTS WITH INCREASED DEPTHS







EXHIBIT C • AS-OF-RIGHT SETBACKS FOR HOUSES & ACCESSORY STRCUTURES



EXHIBIT D • TWO STOREY VS ONE STOREY • AS-OF-RIGHT DEPTHS







EXHIBIT F • HEIGHT VARIANCE





EXHIBIT G



EXHIBIT H • GARAGES



EXHIBIT I • FRONT WALL PROPORTIONALITY

