

**2092 SEABROOK DR.**

2 STOREY + BASEMENT SINGLE FAMILY DWELLING

- LOT COVERAGE: 2,802 SF (260.31M<sup>2</sup>)
- BASEMENT: 2,278 SF (211.63M<sup>2</sup>)
- FIRST FLOOR: 1,684 SF (156.45M<sup>2</sup>)
- SECOND FLOOR: 1,952.25 SF (181.37M<sup>2</sup>)
- TOTAL RESIDENTIAL FLOOR AREA : 3,636.25 SF (337.82M<sup>2</sup>) (BASEMENT, PORCH, GARAGE, DECK & FOYER NIC)

**ZONING INFORMATION (RL3-0) :**

**LOT WIDTH:**

- REQUIRED: 59.05' (18M)
- PROVIDED: 60.66' (18.49M)

**LOT AREA:**

- REQUIRED: 6,000.88 SF (557.5M<sup>2</sup>)
- PROVIDED: 8,105.22 SF (753M<sup>2</sup>)

**LOT COVERAGE:**

- REQUIRED: 35% MAX (263.55M<sup>2</sup>)
- PROVIDED: 34.57% (260.31M<sup>2</sup>)

**RESIDENTIAL FLOOR AREA RATIO:**

- REQUIRED: 40% MAX (301.2M<sup>2</sup>)
- PROVIDED: 44.86% (337.82M<sup>2</sup>)

**BUILDING HEIGHT:**

- REQUIRED: 9M
- PROVIDED: 9M

**FRONT YARD SETBACK:**

- REQUIRED: 8.23M
- PROVIDED: 8.35M

**INTERIOR SIDE YARD SETBACK:**

- REQUIRED: 1.2M
- PROVIDED: 1.55M
- EAST: 1.55M
- WEST: 1.88M

**REAR YARD SETBACK:**

- REQUIRED: 7.5M
- PROVIDED: 7.18M

**MINOR VARIANCES REQUIRED:**

(6.4.1) RESIDENTIAL FLOOR AREA RATIO:

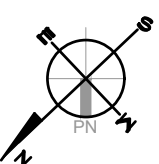
- REQUIRED: 40% MAX (301.2M<sup>2</sup>)
- PROVIDED: 44.86% (337.82M<sup>2</sup>)

(4.3) ALLOWABLE ENCROACHMENTS AND PROJECTIONS:

WINDOW WELLS WIDTH:

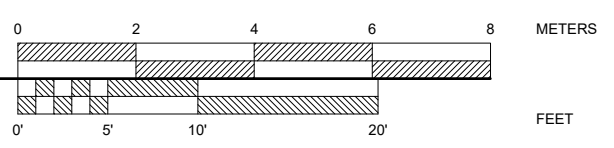
- REQUIRED: 1.8M MAXIMUM
- PROVIDED: 4.27M

MINOR VARIANCE REQUIRED FOR A SECOND FLOOR BALCONY



**SITE PLAN**

SCALE :  $\frac{1}{32}'' = 1'-0''$



AI  
DWG No.:

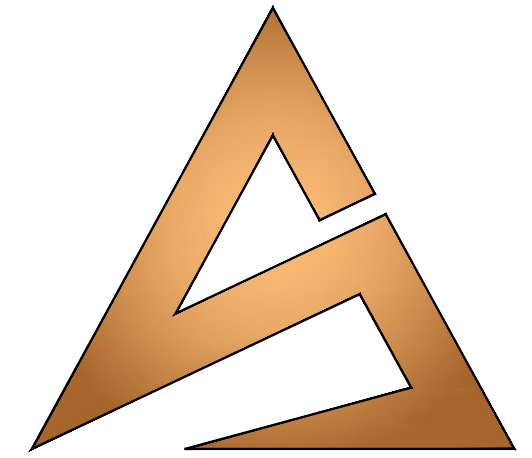
DATE:	2023-07-17
CHECKED:	AS
DWG BY:	AS

PROJECT NO.:	2023-02
1 FLOOR PLANS	2023-09-08
2 REVIEW	2023-09-20
3 FLOOR PLANS	2023-09-28
4 REVIEW	2023-10-14
5 FLOOR PLANS	2023-10-16
6 REVIEW	2023-10-16
7 ELEV & 3D	2023-10-16
8 PLANNING	2023-12-10
9 PLANNING REVIEW	2023-12-10

**2092 SEABROOK DR**

**PROJECT TITLE**

AS Design Company Inc.  
The Division of Design  
A 32 Incumbent Street, Ottawa,  
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Tel: (613) 700-0087  
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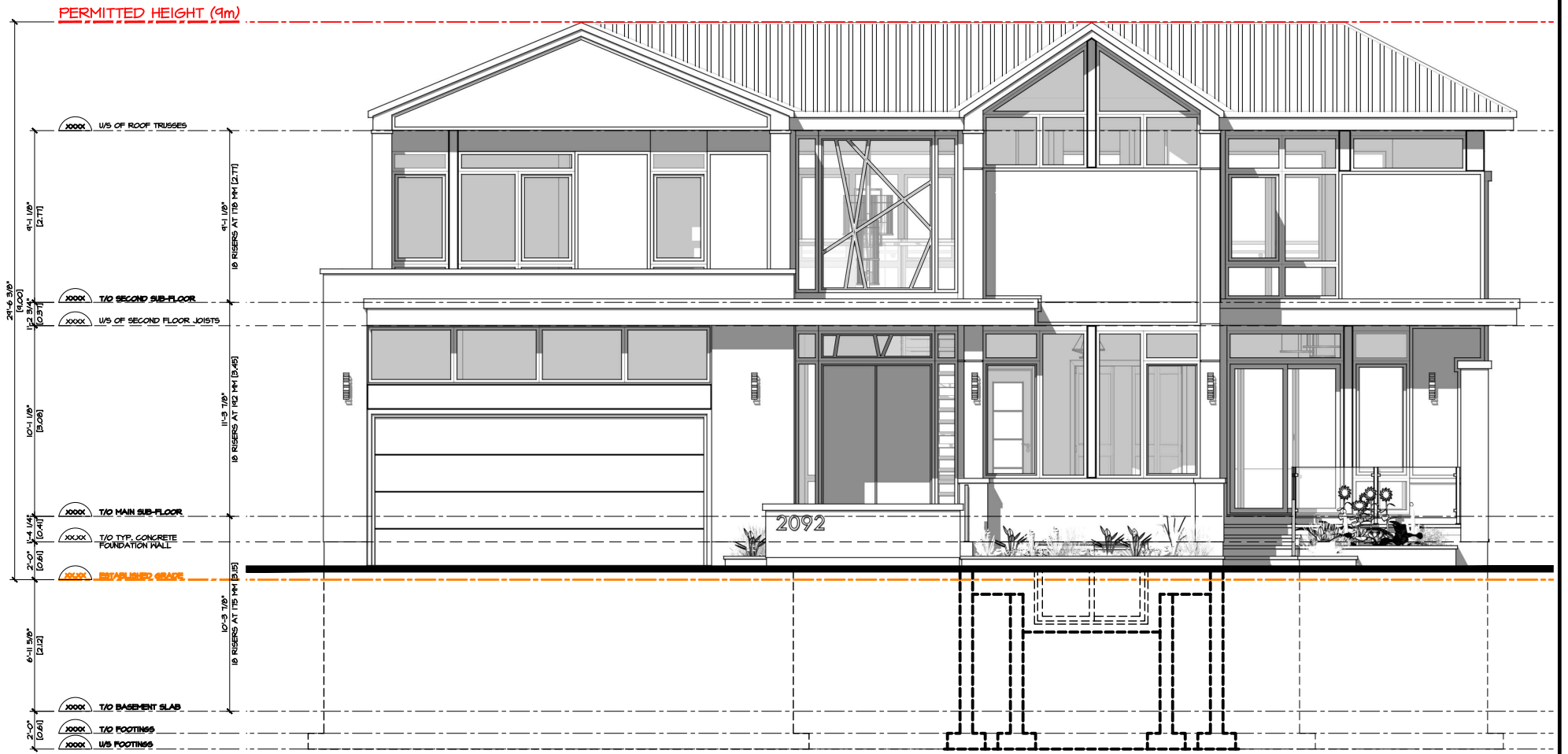


2092 SEABROOK DR  
SINGLE FAMILY DWELLING

8  
2023-02  
2023-12-11  
2092 SEABROOK DR  
RL3-0- RESIDENTIAL LOW

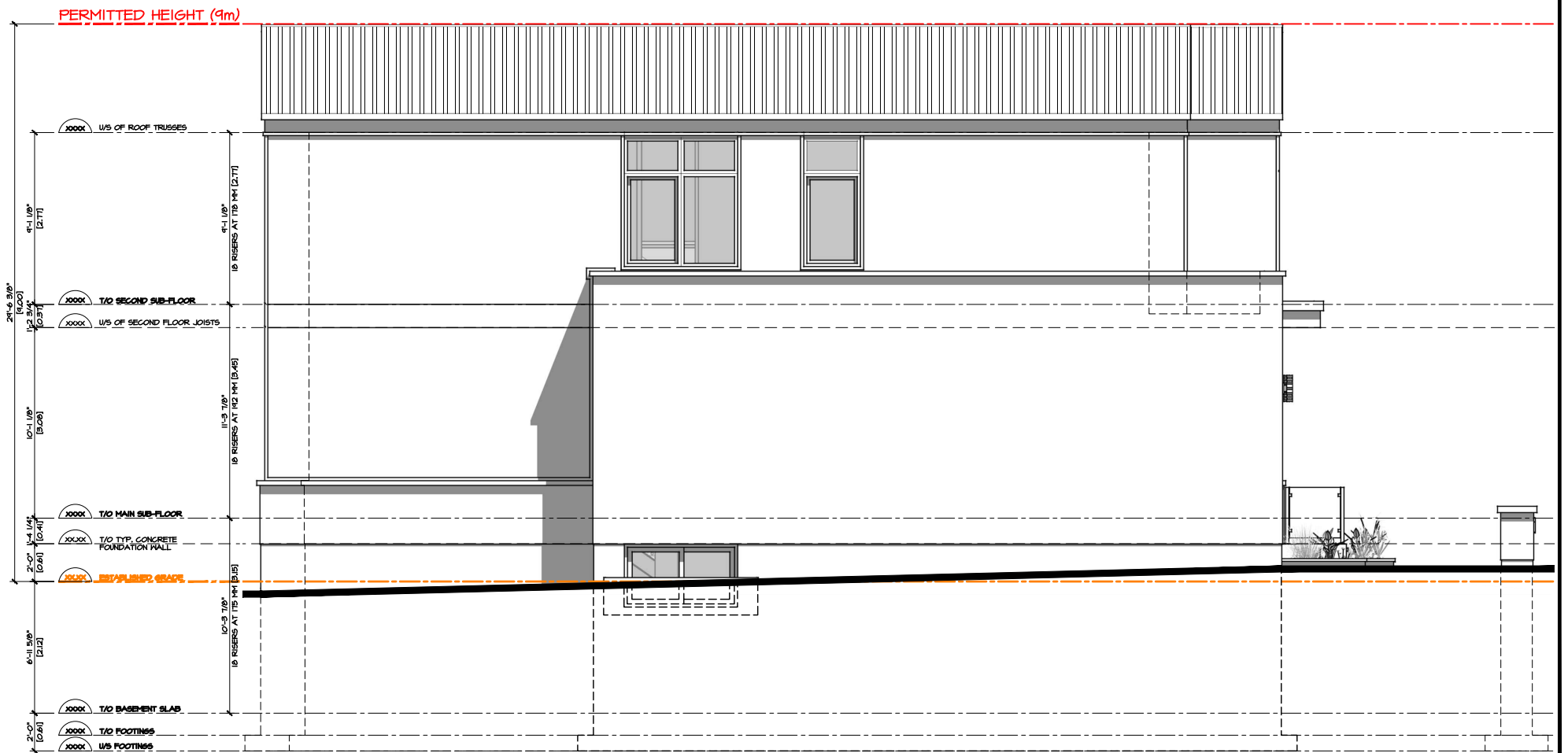
REV. NO.  
PR. NO.  
DATE  
LOCATION  
ZONING





# NORTH ELEVATION

SCALE :  $\frac{1}{8}'' = 1'-0''$



# EAST ELEVATION

SCALE :  $\frac{1}{8}'' = 1'-0''$

A2  
DWG No.:

DATE: 2023-07-17  
CHECKED: AS  
DWG BY: AS

PROJECT No.:  
2023-02

8	PLANNING REVIEW	2023	12-10
7	PLANNING REVIEW	2023	10-16
6	ELEV & 3D REVIEW	2023	10-14
5	FLOOR PLANS REVIEW	2023	09-28
4	FLOOR PLANS REVIEW	2023	09-20
3	FLOOR PLANS REVIEW	2023	09-08

2092 SEABROOK DR

PROJECT TITLE

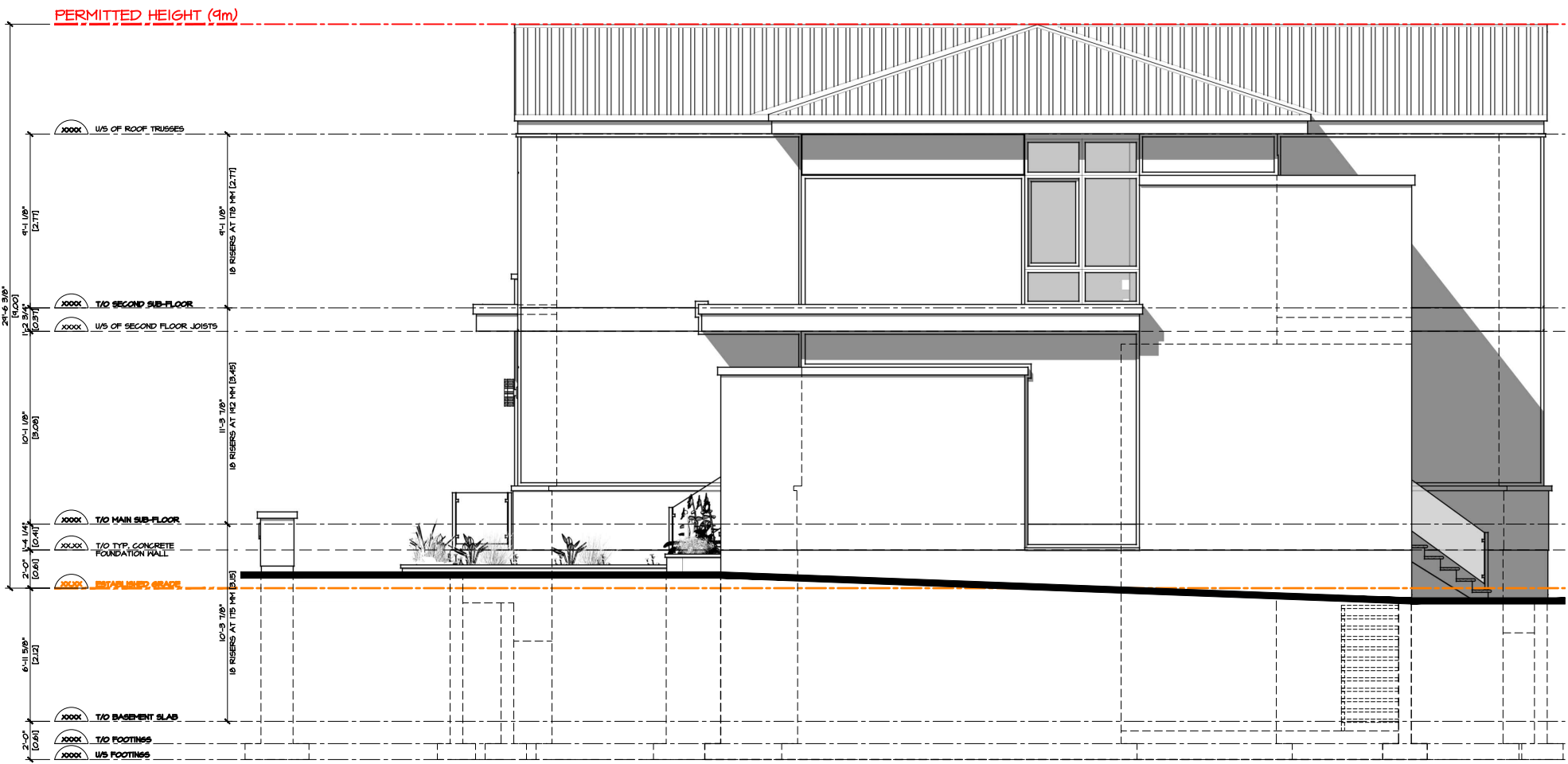


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# SOUTH ELEVATION

SCALE :  $\frac{1}{8}'' = 1'-0''$



# WEST ELEVATION

SCALE :  $\frac{1}{8}'' = 1'-0''$

A3  
DWG No.:

DATE: 2023-07-17  
CHECKED: AS  
DWG BY: AS

PROJECT No.:  
2023-02

1	PLANNING REVIEW	2023	12-10
2	PLANNING REVIEW	2023	10-16
3	ELEV & 3D REVIEW	2023	10-14
4	FLOOR PLANS REVIEW	2023	09-28
5	FLOOR PLANS REVIEW	2023	09-20
6	FLOOR PLANS REVIEW	2023	09-08

2092 SEABROOK DR

PROJECT TITLE



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**Planning Justification Report**

**Proposed Single Detached Dwelling  
2092 Seabrook Drive, Oakville, ON**

**Prepared for:**

**The Town of Oakville  
March 2024**

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## A. Introduction

I (Michael Barton) am a Registered Professional Planner (RPP) and full member of the Ontario Professional Planners Institute (OPPI). I am the President and Founder of MB1 Development Consulting Inc. (“MB1”) and a highly qualified land use planning and real estate development professional with extensive and diverse experience in all aspects of commercial and residential real estate development. I have practiced land use planning for over 20 years in communities across Ontario and Canada. I have been qualified as an expert in land use planning by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal (LPAT) and Ontario Municipal Board (OMB)), as well as the Toronto Local Appeal Body (TLAB).

I have been retained by the Owners of 2092 Seabrook Drive in the Town of Oakville (the “Subject Property”) to prepare this Planning Justification Report with respect to the development proposal for the Subject Property. This report has been prepared to analyze the land use planning rationale for the development proposal with consideration for the following:

- The existing context based on current uses and built form on the Subject Property, adjacent properties and surrounding neighbourhood; and
- The broader planned context set out by the applicable Provincial and municipal planning policies, including the Planning Act tests for minor variances.

## B. Executive Summary

- The Subject Property is known municipally as 2092 Seabrook Drive in the Town of Oakville. This property has lot width of 18.49 metres along Seabrook Drive and area of 753 m<sup>2</sup>. The property has an irregular, pie-shape configuration that increases in width towards the rear. The Subject Property is currently occupied by a 1-storey single detached dwelling with no garage. The property is accessed by an existing driveway running along the east side of the property.
- The Subject Property is surrounded on all sides by individual residential lots that are occupied by single detached dwellings. The Subject Property is located within the stable residential community northwest of Third Line/Rebecca Street that is designated “Low Density Residential” under the Livable Oakville Plan and zoned “Residential Low (RL3-0)”.
- The properties in this community are characterized by 1 and 2-storey single detached dwellings on individual residential lots, with and without attached garages. While many of the dwellings in this community appear to be original construction, there are a number of examples of replacement dwellings that have been constructed and updated the housing stock.
- The proposal involves demolition of the existing 1-storey dwelling and construction of a new 2-storey dwelling with an attached (integral) garage on the east side. The proposed dwelling has been designed to comply with the maximum permitted height, maximum lot coverage and all minimum

building setbacks. The dwelling will have no ground floor windows on the east or west side and only a limited number of windows on the second floor of the east and west side elevations. The dwelling has also been situated in order to align with the front wall of the existing dwelling abutting the Subject Property to the east.

- The proposal requires the following minor variances to the prevailing zoning regulations:
  1. To permit a maximum floor area ratio of 44.86% while 40% is permitted.
  2. To permit a window well with width of 4.27 metres to encroach into the minimum rear yard setback while window wells with width of 1.8 metres or less are permitted to encroach 0.6 metres into any minimum setback.
  
- It is my opinion that the development proposal and requested minor variances, individually and cumulatively, will maintain the general intent and purpose of the Livable Oakville Plan for the following reasons:
  - The proposal is for a 2-storey single detached dwelling with a building envelope, including height, setbacks and lot coverage that comply with the prevailing zoning performance standards and are respectful of, and compatible with, the existing new and original dwellings in the neighbourhood;
  - The proposed dwelling has been designed with consideration for its context on an irregular lot configuration, including minimum side yard setbacks that exceed the minimum requirements even where the lot narrows towards front in area of existing and proposed building footprint;
  - The dwelling has been designed to taper down the height and massing towards the side lot lines and incorporates a minimal number of windows on the side elevations to mitigate the potential for any adverse impacts to the neighbouring properties;
  - The proposed building scale and massing is fully incorporated within the building envelope established by the maximum height, maximum lot coverage and minimum building setback performance standards;
  - The additional floor area requested through the minor variance to the maximum floor area ratio will be fully accommodated within this building envelope and will not contribute to any additional built form scale or massing beyond that which can be achieved through the as-of-right performance standards; in other words, this additional floor area will be experienced only within the walls of the dwelling with no exterior adverse impacts to neighbouring properties or the public realm;
  - The proposed dwelling has been sited to align the front wall with the neighbouring dwelling to the east while providing front, rear and side yard setbacks that exceed the minimum requirements; and



- The proposed window well requiring minor variance is located in the rear yard and is required due to its width as opposed to the degree of encroachment into the rear yard setback.
- It is my opinion that the requested minor variances, cumulatively and individually, will facilitate built form that is respectful of, and compatible with, the existing and planned context of the neighbouring properties and surrounding neighbourhood.
  - The intent of regulations floor area ratio is to control floor area as a ratio of lot area to ensure a proposed dwelling is not constructed to scale and density that is incompatible with, and adversely impacts, adjacent properties and generally represents overdevelopment of the lot. This regulation combines with standards for maximum height, maximum lot coverage and minimum building setbacks to establish a maximum building envelope, which is effectively the permitted scale and massing. The proposed dwelling has been designed to comply with the maximum building height while exceeding the requirements for the front, rear and side yard setbacks and maximum lot coverage. On this basis, the proposed floor area is accommodated within a building envelope that is smaller than permitted under the prevailing zoning regulations and will not contribute to building scale or massing that is incompatible with the surrounding neighbourhood. In addition to the spatial separation and buffering provided by the setbacks, the building has also been designed with articulation and reduction of height towards the side lot lines, in conjunction with side wall elevations that include no windows on the ground floor and limited windows above grade.
  - Only a small corner portion of the proposed 4.27-metre wide window well encroaches into the rear yard setback, and encroaches in a location towards the central portion of the property. The minor variance for this proposed encroachment is required due to the width of the window well and will not result in adverse impacts to the neighbouring properties or public realm.
- It is my opinion that the variances will not materially change the built form that can be constructed on the Subject Property relative to the current performance standards. The proposed building envelope fits within the permitted height, lot coverage and setback requirements even when the gross floor area that exceeds the maximum permitted floor area ratio is taken into consideration. This additional floor area will not result in overbuilding relative to the current standards in terms of height, scale and massing. On this basis, reducing the floor area of the proposed dwelling would not result in reduction to massing, height and scale currently permitted. The proposed dwelling also incorporates design features that mitigate the massing and scale relative to neighbouring properties and public realm. It is important to keep in mind that the minor variance requested to the maximum floor area ratio is a function of the lot area, which is reduced by the irregular shape of the lot relative to a regular lot with the same frontage at the front as the rear lot line. With this in mind, the dwelling has been designed to exceed the minimum side yard setbacks where the lot narrows towards the front lot line and exceeds the required front and rear yard setbacks and maximum lot coverage standards. On this

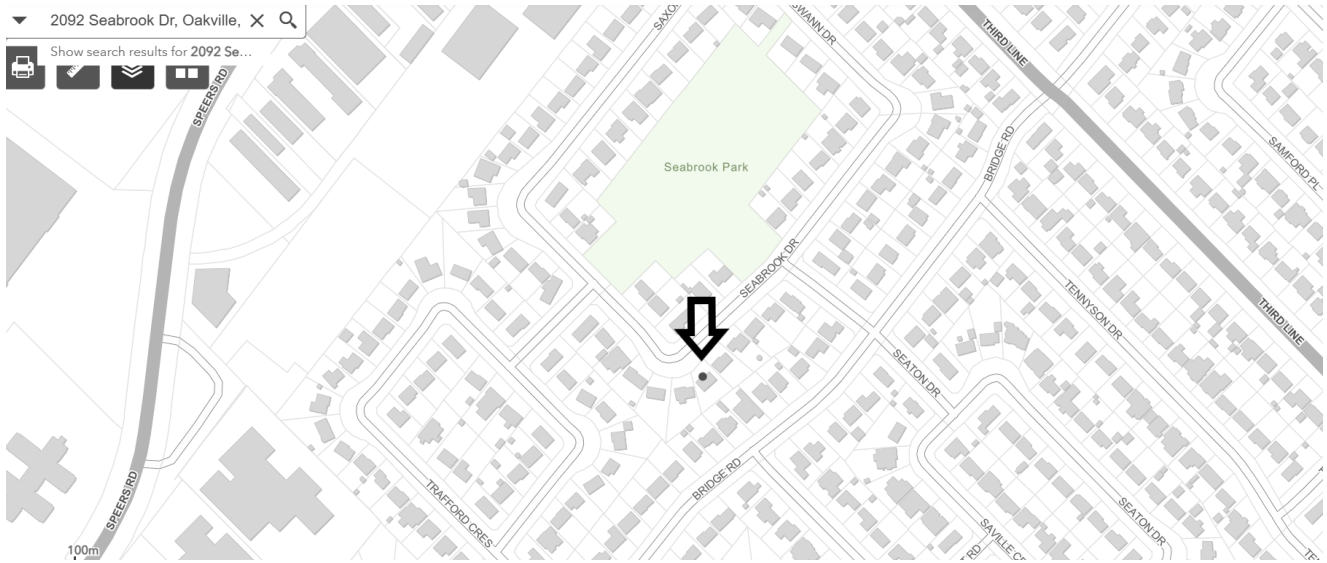
basis, the requested floor area is fully incorporated into the permitted massing of the dwelling and does not combine with other variances that would contribute to building scale or massing.

- It is my opinion that the requested minor variances, individually and cumulatively, are desirable and appropriate for the development and use of the Subject Property. These variances are also not being requested in conjunction with variances for lot coverage, building height and setbacks that would serve to facilitate construction of a dwelling out of character with the neighbourhood and the purpose and intent of the Zoning By-Law regulations. The proposal and requested minor variances will update housing on the Subject Property to a 2- storey dwelling with attached garage that complies with height, lot coverage and building setbacks. The dwelling will be consistent in character with other new dwellings in the neighbourhood and includes spatial separation and buffering features to ensure compatibility with adjacent properties. The dwelling has been designed to provide appropriate setbacks to neighbouring properties and include design features that mitigate height and massing to adjacent lands, including the public realm. These features include the limited windows on second floor and no ground floor windows of the east and west side elevations and side yard setbacks that exceed the minimum requirements in order to provide greater spatial separation to neighbouring properties.
- It is my opinion that the proposal and requested minor variances satisfy the tests set out in section 45(1) of the Planning Act and that Committee of Adjustment should approve these minor variances to allow for construction of the proposed dwelling.

## C. Background and Overview

### *C.1 Site Location and Existing Conditions*

The Subject Property is known municipally as 2092 Seabrook Drive in the Town of Oakville, as illustrated on **Figure 1**. The Subject Property has lot width of 18.49 metres along Seabrook Drive and area of 753 m<sup>2</sup>. The irregular, pie-shape configuration of this property that increases in width towards the rear is illustrated in **Figure 2**. The Subject Property is currently occupied by a 1-storey single detached dwelling with no garage. The property is accessed by an existing driveway running along the east side of the property. Aerial and street views of the Subject Property are included in **Figure 3** and **Figure 4** respectively.



**Figure 1 – Location of Subject Property**



**Figure 2 – Lot Configuration for Subject Property**





**Figure 3 – Aerial View of Subject Property**



**Figure 4 – Street View of Subject Property**

## C.2 Surrounding Land Use and Built Form (Existing Context)

### C.2.1 Adjacent Properties

As illustrated in the aerial map in **Figure 5**, the Subject Property is surrounded on all sides by individual residential lots that are occupied by single detached dwellings, including the following:

- To the west (2094 Seabrook Drive): residential lot occupied by a 2-storey single detached dwelling with driveway along the west side of the property (**Figure 6**);
- To the east (2088 Seabrook Drive): residential lot occupied by 1-storey single detached dwelling with driveway on east side of the property (**Figure 7**);
- To the south (2091 and 2095 Bridge Road): residential lots occupied by single detached dwellings (**Figure 8**); and
- To the north (2089 Seabrook Drive): residential lot occupied by 2-storey single detached dwelling with an attached garage and driveway along the east side of the property (**Figure 9**).



**Figure 5 – Aerial View of Subject Property and Adjacent Properties**





**Figure 6 – Property to West of Subject Property (2094 Seabrook Drive)**



**Figure 7 – Property to East of Subject Property (2088 Seabrook Drive)**





**Figure 8 – Properties to South of Subject Property (2095 and 2091 Bridge Road)**



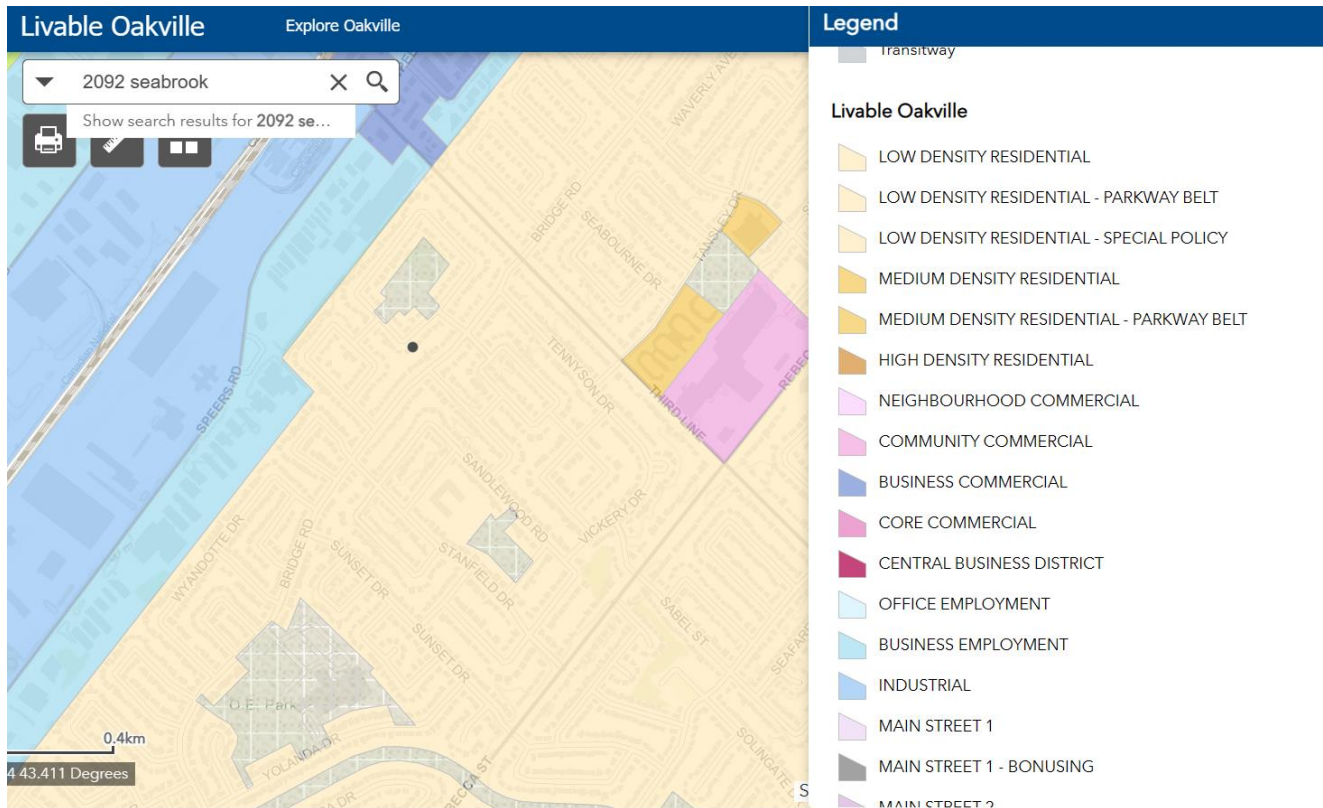
**Figure 9 – Property to North of Subject Property (2089 Seabrook Drive)**

## C.2.2 Surrounding Community

The Subject Property is located within the stable residential community northwest of Third Line/Rebecca Street that is designated “Low Density Residential” under the Livable Oakville Plan (**Figure 10**) and zoned “Residential Low (RL3-0)” (**Figure 11**). The properties in this community are characterized by 1 and 2-storey single detached dwellings on individual residential lots, with and without attached garages. While many of the dwellings in this community appear to be original construction, there are a number of examples of replacement dwellings that have been constructed and updated the housing stock, including the following:

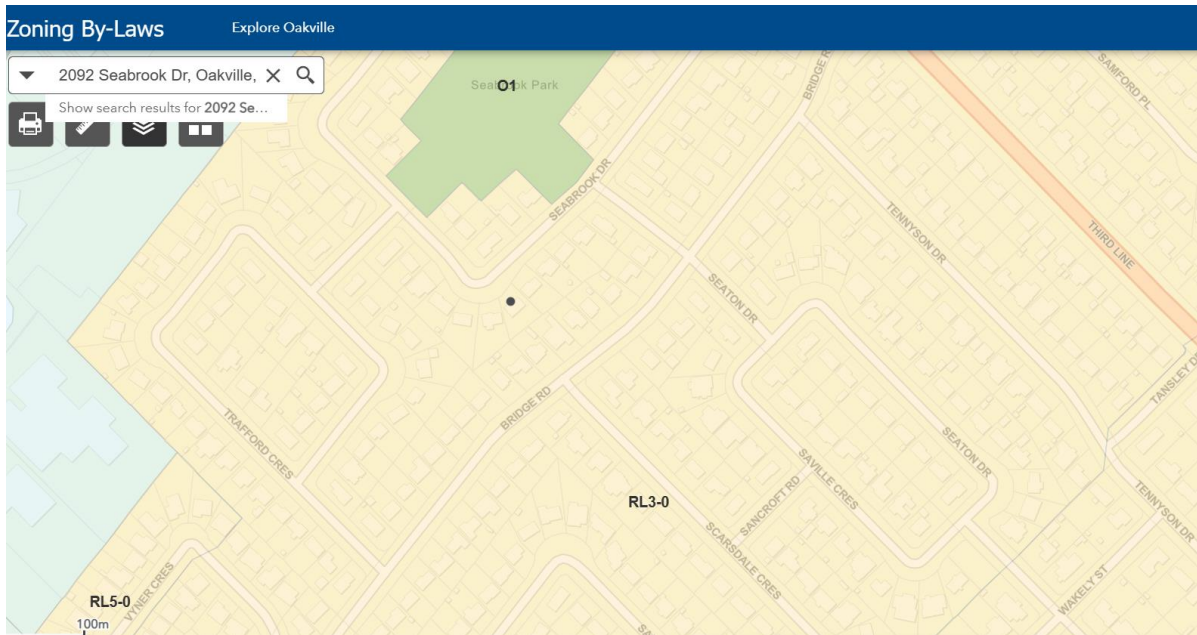
- 2096 Seabrook Drive (**Figure 12**);
- 2100 Seabrook Drive (**Figure 13**); and
- 2039 Seabrook Drive (**Figure 14**).

These dwellings have also been constructed immediately next to original 1-storey single detached dwellings.



**Figure 10 – Livable Oakville Plan Land Use Designations**





**Figure 11 – Zoning By-Law 2014-014 Mapping**



**Figure 12 – New Dwelling Constructed at 2096 Seabrook Drive**





**Figure 13 – New Dwelling Constructed at 2100 Seabrook Drive**



**Figure 14 – New Dwelling Constructed at 2039 Seabrook Drive**



### ***C.3 Existing Land Use Planning Framework (Planned Context)***

The existing land use planning framework established by the applicable Provincial and Municipal planning policy documents sets out the planned context, which is effectively the land use and built form strategy and intent for the Subject Property, surrounding community and broader municipality.

#### **C.3.1 Provincial Land Use Planning Policy Framework**

- **C.3.1.1 Matters of Provincial Interest**

The Planning Act requires all planning decisions to have regard to the matters of Provincial interest listed in Section 2, including the following:

- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

- **C.3.1.2 Provincial Policy Statement, 2020**

The Provincial Policy Statement, 2020 (PPS 2020) is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. In the preamble to PPS 2020, it is indicated that “Municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies.” This section of PPS 2020 also states “Zoning and development permit by-laws are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.”

The Town of Oakville has adopted the Livable Oakville Plan and Zoning By-Law 2014-014, which are consistent with and support the objectives and policies of PPS 2020, including the provision of land use policies and regulations intended to protect provincial interests and direct development to suitable areas. Given that the proposal includes minor variances to facilitate construction of one new single detached dwelling, it is my opinion that the specific minor variance tests set out in the Planning Act are relevant and will ensure consistency with PPS 2020, particularly the purpose and intent of the Livable Oakville Plan and Zoning By-Law.

- C.3.1.3 A Place to Grow - Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe 2019 was prepared and approved under the Places to Grow Act, 2005. As set out in Section 1.2.2 of this Plan, all decisions in respect of the exercise of any authority that affects a planning matter will conform with this Plan. The Growth Plan is intended to build upon the policies of PPS 2020 and provide more detailed land use planning policies for specific regions and municipalities. As noted in the previous section of this report, the Town of Oakville has adopted an Official Plan and Zoning By-Law that conform to and implement the policies and objectives of the Growth Plan. On this basis, my land use planning analysis focuses on the specific minor variance tests set out in the Planning Act as opposed to directly analyzing conformity with the Growth Plan, as would be appropriate in applications for amendments to the Official Plan and/or Zoning By-Law.

### C.3.2 Municipal Land Use Planning Policy Framework

- C.3.2.1 Region of Halton Official Plan

The designations on Map 1 (Regional Structure) of the Region of Halton Official Plan confirm that the Subject Property is in the “Urban Area”. The information provided on Map 1A also confirms that the Subject Property is not located in any Provincial Plan Areas, including the Parkway Belt West Plan, Niagara Escarpment Plan and Greenbelt Plan.

Among the development criteria set out in the Regional Plan is section 57, which indicates that “Development is directed to environmentally suitable areas with the appropriate land use designation in accordance with the goals, objectives and policies of this Plan”.

Section 72 includes the objectives for the Urban Area, which include the following:

- (1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.
- (2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
- (3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.
- (4) To ensure that growth takes place commensurately both within and outside the Built Boundary.

(5) To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities, and is consistent with the policies of this Plan.

(6) To identify an urban structure that supports the development of Intensification Areas.

(9) To facilitate and promote intensification and increased densities.

- C.3.2.2 Livable Oakville Plan

The Subject Property and surrounding area are designated “Low Density Residential” under the Livable Oakville Plan. The matrix in **Figure 15** outlines the applicable policies of the Livable Oakville Plan as they relate to the development proposal.

**Figure 15 - Livable Oakville Plan Policy Matrix**

Policy Section	Policy Details
<p><b>2. POLICY FRAMEWORK</b></p> <p><i>2.2 Guiding Principles</i></p>	<p>2.2.1 Preserving and creating a livable community in order to:</p> <p>a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;</p> <p>b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,</p> <p>c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.</p> <p>2.2.3 Achieving sustainability in order to:</p> <p>a) minimize the Town’s ecological footprint;</p> <p>b) preserve, enhance and protect the Town’s environmental resources, natural features and areas, natural heritage systems and waterfronts; and,</p> <p>c) achieve sustainable building and community design.</p>
<p><b>3. URBAN STRUCTURE</b></p> <p><i>3.9 Residential Areas</i></p>	<p>Residential Areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town. Some growth and change may occur in the Residential Areas provided the character of the area is preserved and the overall urban structure of the Town is upheld. The character of the Residential Areas will be significantly influenced by their relationship to the Natural Heritage System, parks and open space areas.</p>
<p><b>6. URBAN DESIGN</b></p>	<p><b>6.1 General</b></p> <p>6.1.1 Objectives</p> <p>The general objectives for urban design are to provide for:</p> <p>a) diversity, comfort, safety and compatibility with the existing community;</p>

	<p>b) attractive, barrier-free, and safe public spaces, such as streetscapes, gateways, vistas and open spaces;</p> <p>c) innovative and diverse urban form and excellence in architectural design.</p> <p><b>6.9 Built Form</b></p> <p>6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.</p> <p>6.9.2 Building design and placement should be compatible with the existing and planned surrounding context and undertaken in a creative and innovative manner.</p> <p>6.9.3 To achieve compatibility between different land uses, development shall be designed to accommodate an appropriate transition through landscape buffering, spatial separation, and compatible built form.</p> <p>6.9.9 New development shall ensure that proposed building heights and form are compatible with adjacent existing development by employing an appropriate transition of height and form from new to existing development, which may include setbacks, façade step backs or terracing in order to reduce adverse impacts on adjacent properties and/or the public realm.</p>
<p><b>11. RESIDENTIAL</b></p>	<p>The lands identified as Residential Areas on Schedule A1, Urban Structure, represent the areas that provide for stable residential communities. A variety of residential uses is accommodated through the three Residential land use designations: Low Density Residential, Medium Density Residential and High Density Residential. These designations provide for a full range of housing types, forms and densities. The majority of intensification and development within the Town is to occur within the Growth Areas as described in Part E. Intensification outside of the Growth Areas within the stable residential communities will be subject to policies that are intended to maintain and protect the existing character of those communities. Special Policy Areas may be defined on lands or areas which are designated Residential and which require further study and/or additional policies as set out in Part E.</p> <p>The following objectives shall apply to all Residential Areas:</p> <p>a) maintain, protect and enhance the character of existing Residential Areas;</p> <p>b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;</p> <p>c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;</p> <p>d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;</p> <p>e) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities; and,</p> <p>f) discourage the conversion of existing rental properties to condominiums or to other forms of ownership in order to maintain an adequate supply of rental housing.</p>

<p><b>11.1 General</b></p>	<p>11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:</p> <ul style="list-style-type: none"> <li>a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.</li> <li>b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.</li> <li>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.</li> <li>d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.</li> <li>e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</li> <li>f) Surface parking shall be minimized on the site.</li> <li>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.</li> <li>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.</li> <li>i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.</li> <li>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.</li> <li>k) The transportation system should adequately accommodate anticipated traffic volumes.</li> <li>l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.</li> </ul>
<p><b>11.2 Low Density Residential</b></p>	<p>11.2.1 Permitted Uses: The Low Density Residential land use designation may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes.</p> <p>11.2.2 A density of up to 29 dwelling units per site hectare may be permitted in areas designated Residential Low Density.</p>

- C.3.2.3 Town of Oakville Zoning By-Law 2014-014

As outlined in the Town of Oakville’s User’s Guide to the Zoning By-Law, the Zoning By-Law is intended to implement the Livable Oakville Plan. The Zoning By-Law translates the vision and policies of the Livable Oakville Plan regulations and permissions. Section 28.1.1 of Part F of the Livable Oakville Plan indicates the following: *“Zoning by-laws shall be used to implement the objectives and policies of this Plan by regulating the use of land, buildings or structures in accordance with the provisions of the Planning Act and may be more restrictive than the provisions of this Plan. It is not intended that the full range of uses or densities permitted*



*by this Plan will be permitted by the Zoning By-law in all locations.*” In other words, the Zoning By-Law implements the Livable Oakville Plan through specific regulations and permissions, and may be more restrictive than the Livable Oakville Plan where appropriate.

The Subject Property and surrounding residential properties are zoned “Residential Low (RL3-0)” under Zoning By-Law 2014-014, which permits detached dwellings and accessory dwelling units. Additional permitted uses include a bed and breakfast establishment, conservation uses, day care, emergency service facility, home occupation, lodging house, public park, short-term accommodation and stormwater management facility. Table 6.3.1 of the Zoning By-Law includes the regulations for lots and uses in this designation. Also applicable are the additional regulations in Section 6.4 for the -0 Suffix Zone.

## **C.4 Development Proposal**

### C.4.1 Details of Proposal

The proposal involves demolition of the existing 1-storey dwelling and construction of a new 2-storey dwelling with an attached (integral) garage on the east side. The proposed site plan is included in **Figure 16**. The proposed building elevations are provided in **Figures 17 through 20**.

The proposed dwelling has been designed to comply with the maximum permitted height, maximum lot coverage and all minimum building setbacks. The dwelling will have no ground floor windows on the east or west side and only a limited number of windows on the second floor of the east and west side elevations. The dwelling has also been situated in order to align with the front wall of the existing dwelling abutting the Subject Property to the east. **Figure 21** includes a table comparing the proposed site statistics of the modified dwelling to the prevailing zoning regulations.

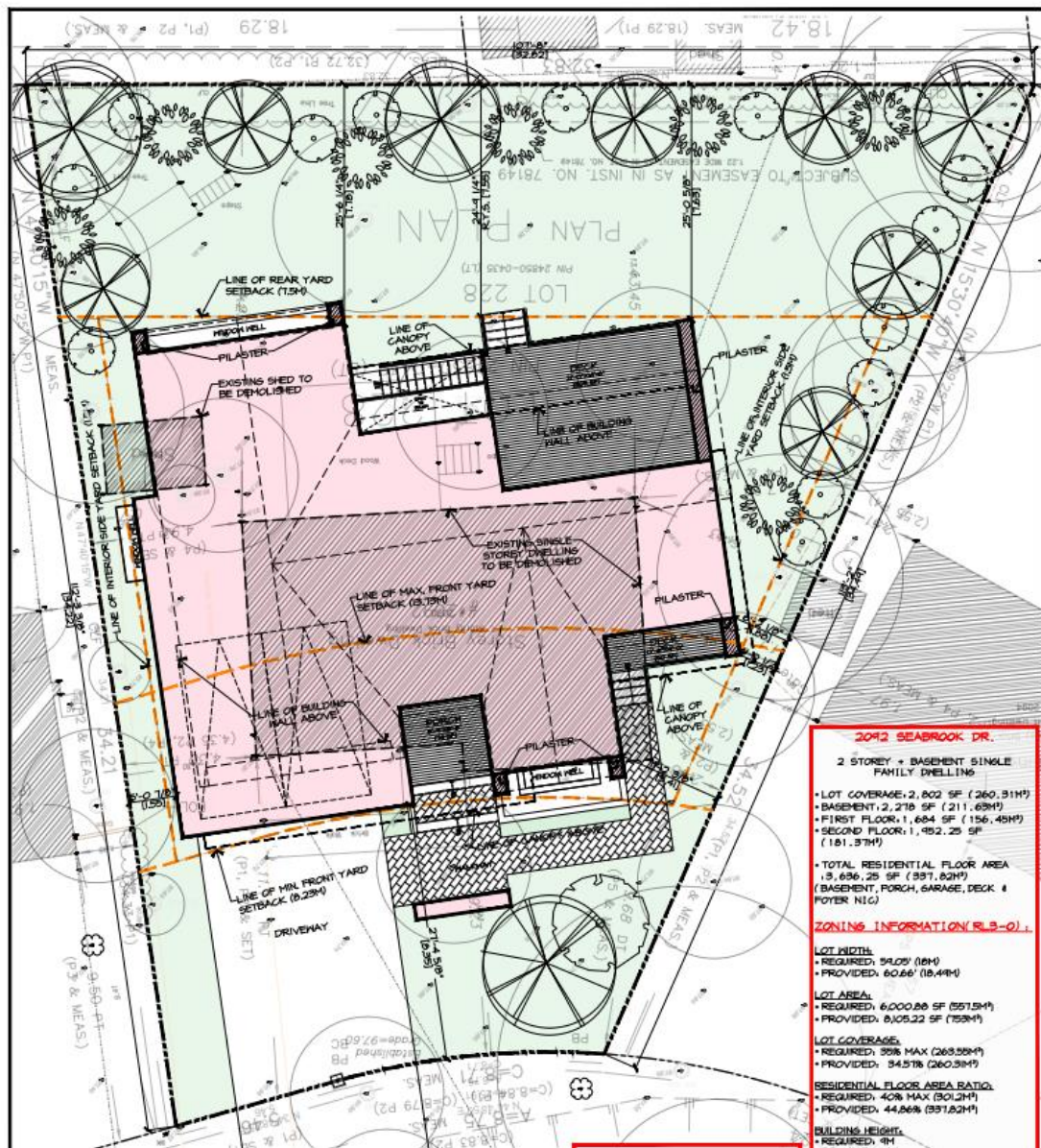


Figure 16 – Proposed Site Plan

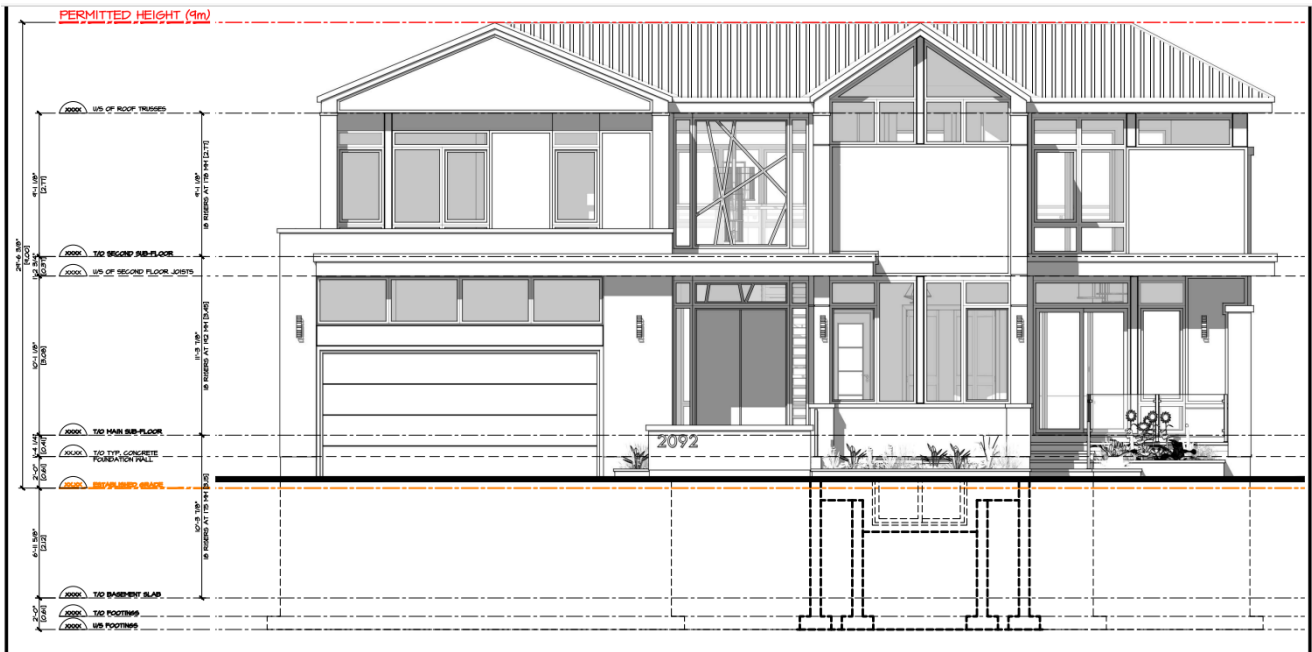


Figure 17 – Proposed Front (North) Elevation

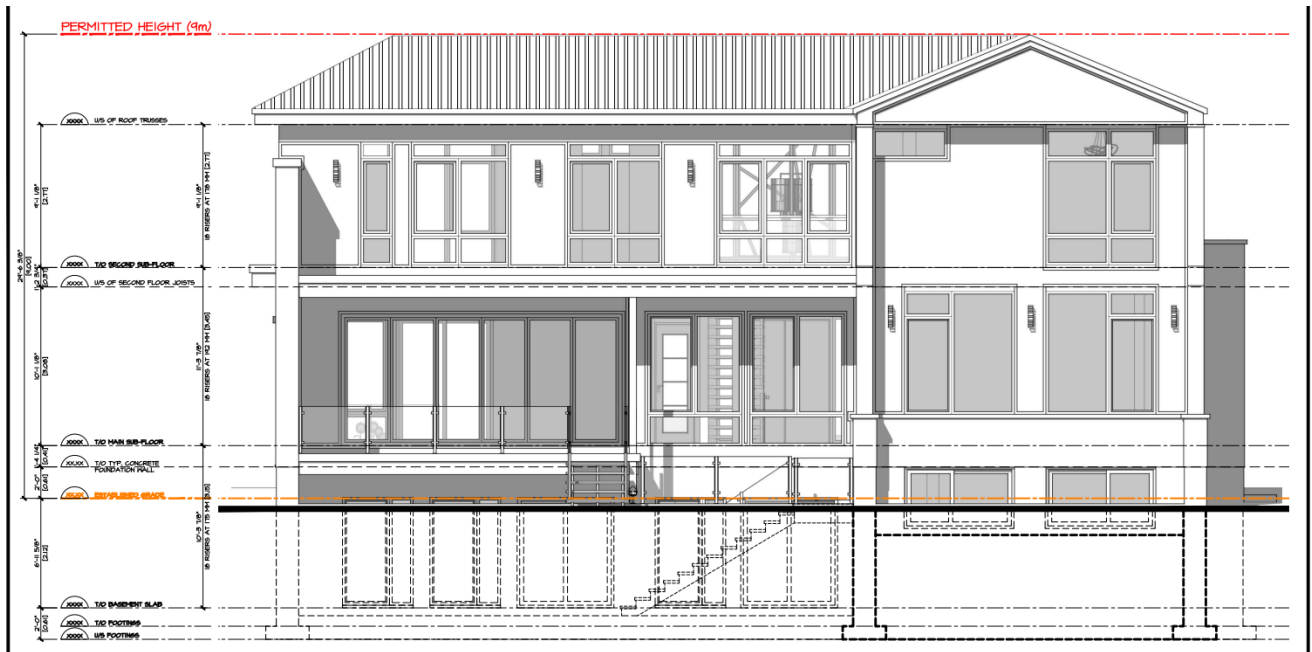


Figure 18 – Proposed Rear (South) Elevation



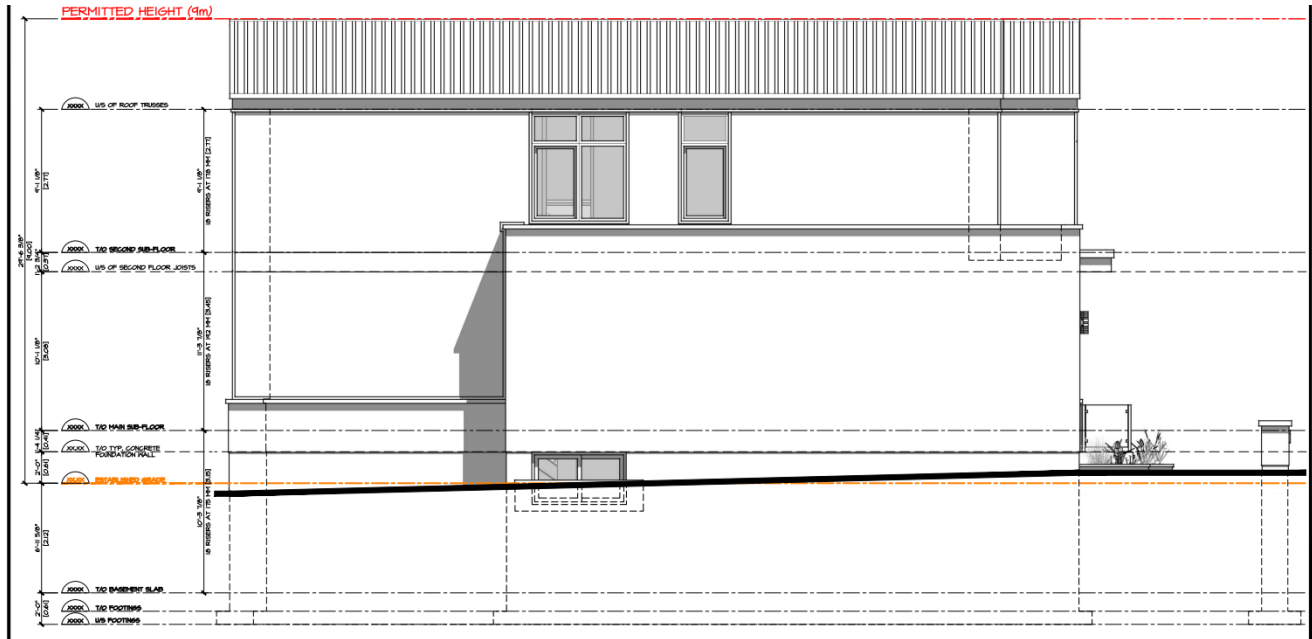


Figure 19 – Proposed East Side Elevation

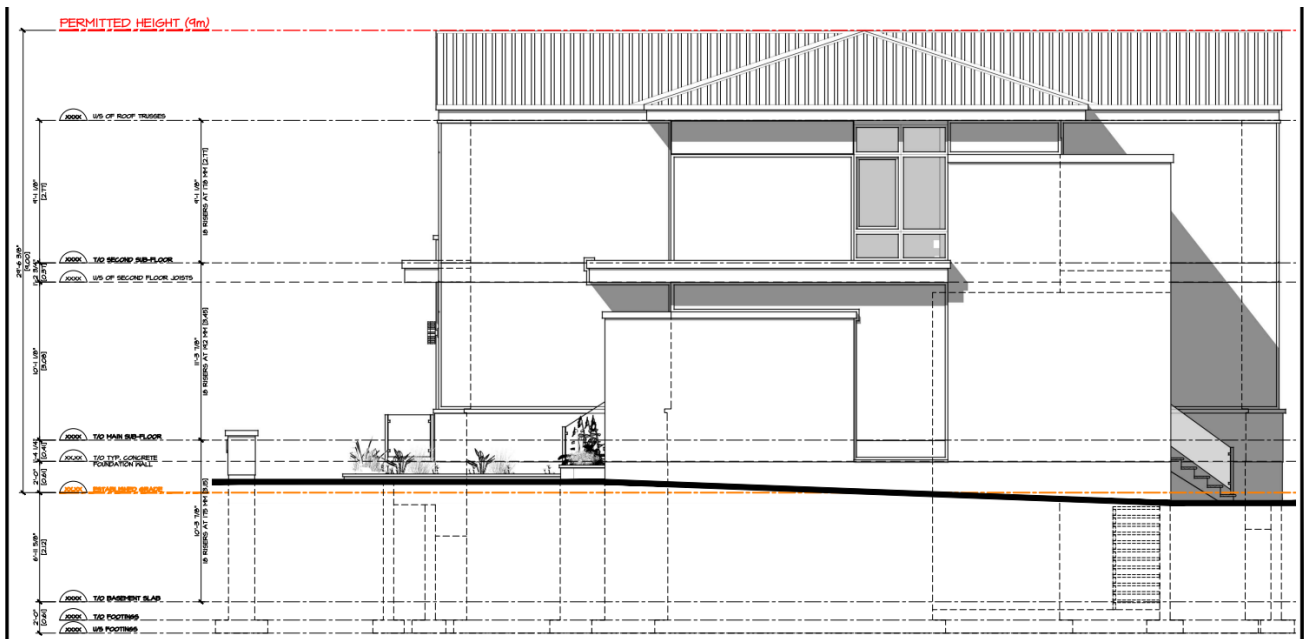


Figure 20 – Proposed West Side Elevation

**Figure 21 – Proposed Site Statistics Compared to Prevailing RL3-0 Zoning Regulations**

Site Statistic	Zoning Requirement	Proposed Modified Dwelling
Minimum Front Yard	Front yard legally existing on the effective date of this By-law less 1.0 metre (8.23 m)	8.35
Minimum Rear Yard	7.5 m	7.78 m
Minimum Interior Side Yard	1.2 m/1.2 m	1.55 m/1.58 m
Maximum Lot Coverage	35%	34.57%
Maximum Floor Area Ratio	40%	44.86% (*variance required)
Maximum Building Height	9 m	9 m

## C.4.2 Planning Applications

The proposal requires the following minor variances to the prevailing zoning regulations:

**1. To permit a maximum floor area ratio of 44.86% while 40% is permitted.**

- Based on lot area of 753 m<sup>2</sup>, which reflects the pie-shaped configuration of the lot, the proposed floor area of 337.82 m<sup>2</sup> represents a floor area ratio of 44.86%. The maximum permitted floor area is 301.2 m<sup>2</sup>.
- The proposed floor area is 36.62 m<sup>2</sup> (12.2%) greater than permitted.
- This additional floor area will be fully accommodated within a structure that complies with the maximum height, maximum lot coverage and minimum setbacks, which are the performance standards that effectively regulate building massing and scale.
- The proposed dwelling incorporates articulation and variability in height, including reduction in height towards the side lot lines, to mitigate the massing and scale. The proposed side yard setbacks also exceed the minimum requirements in order to provide additional spatial separation for the neighbouring properties.

**2. To permit a window well with width of 4.27 metres to encroach into the minimum rear yard setback while window wells with width of 1.8 metres or less are permitted to encroach 0.6 metres into any minimum setback.**

- A small portion of the proposed 4.27-metre wide window well encroaches into the rear yard setback, with the considerable majority complying.

## D. Land Use Planning Analysis

### ***D.1 General Intent and Purpose of the Livable Oakville Plan***

It is my opinion that the general intent and purpose of the Livable Oakville Plan is to achieve growth and development in neighbourhoods that preserves and enhances the land use and built form character and is compatible with neighbouring properties, including the public realm. It is my opinion that the development proposal and requested minor variances, individually and cumulatively, will maintain the general intent and purpose of the Livable Oakville Plan for the following reasons:

- The proposal is for a 2-storey single detached dwelling with a building envelope, including height, setbacks and lot coverage that comply with the prevailing zoning performance standards and are respectful of, and compatible with, the existing new and original dwellings in the neighbourhood;
- The proposed dwelling has been designed with consideration for its context on an irregular lot configuration, including minimum side yard setbacks that exceed the minimum requirements even where the lot narrows towards front in area of existing and proposed building footprint;
- The dwelling has been designed to taper down the height and massing towards the side lot lines and incorporates a minimal number of windows on the side elevations to mitigate the potential for any adverse impacts to the neighbouring properties;
- The proposed building scale and massing is fully incorporated within the building envelope established by the maximum height, maximum lot coverage and minimum building setback performance standards;
- The additional floor area requested through the minor variance to the maximum floor area ratio will be fully accommodated within this building envelope and will not contribute to any additional built form scale or massing beyond that which can be achieved through the as-of-right performance standards; in other words, this additional floor area will be experienced only within the walls of the dwelling with no exterior adverse impacts to neighbouring properties or the public realm;
- The proposed dwelling has been sited to align the front wall with the neighbouring dwelling to the east while providing front, rear and side yard setbacks that exceed the minimum requirements; and
- The proposed window well requiring minor variance is located in the rear yard and is required due to its width as opposed to the degree of encroachment into the rear yard setback.

### ***D.2 General Purpose and Intent of Zoning By-Law 2014-014***

The general purpose and intent of the Zoning By-Law is to implement the policies of the Livable Oakville Plan through specific permissions and regulations. The Zoning By-Law provides direction on location, orientation and form of buildings, as well as density, height, parking requirements and coverage, among other considerations. It is my opinion that the requested minor variances, cumulatively and individually, will



facilitate built form that is respectful of, and compatible with, the existing and planned context of the neighbouring properties and surrounding neighbourhood.

The intent of regulations floor area ratio is to control floor area as a ratio of lot area to ensure a proposed dwelling is not constructed to scale and density that is incompatible with, and adversely impacts, adjacent properties and generally represents overdevelopment of the lot. This regulation combines with standards for maximum height, maximum lot coverage and minimum building setbacks to establish a maximum building envelope, which is effectively the permitted scale and massing. The proposed dwelling has been designed to comply with the maximum building height while exceeding the requirements for the front, rear and side yard setbacks and maximum lot coverage. On this basis, the proposed floor area is accommodated within a building envelope that is smaller than permitted under the prevailing zoning regulations and will not contribute to building scale or massing that is incompatible with the surrounding neighbourhood. In addition to the spatial separation and buffering provided by the setbacks, the building has also been designed with articulation and reduction of height towards the side lot lines, in conjunction with side wall elevations that include no windows on the ground floor and limited windows above grade.

Only a small corner portion of the proposed 4.27-metre wide window well encroaches into the rear yard setback, and encroaches in a location towards the central portion of the property. The minor variance for this proposed encroachment is required due to the width of the window well and will not result in adverse impacts to the neighbouring properties or public realm.

### ***D.3 Minor in Nature***

It is my opinion that each of the requested minor variances will facilitate construction of a new dwelling in a stable neighbourhood that respects and reinforces the land use and built form character of this neighbourhood. The degree of relief sought from the as-of-right zoning standards will facilitate land use and built form that is consistent and compatible with the existing properties in the neighbourhood and will not result in undue adverse impacts to neighbouring properties or the broader community relative to the as-of-right permissions of the prevailing zoning regulations.

It is my opinion that the variances will not materially change the built form that can be constructed on the Subject Property relative to the current performance standards. The proposed building envelope fits within the permitted height, lot coverage and setback requirements even when the gross floor area that exceeds the maximum permitted floor area ratio is taken into consideration. This additional GFA will not result in overbuilding relative to the current standards in terms of height, scale and massing. On this basis, reducing the floor area of the proposed dwelling would not result in reduction to massing, height and scale currently permitted. The proposed dwelling also incorporates design features that mitigate the massing and scale relative to neighbouring properties and public realm.

It is important to keep in mind that the minor variance requested to the maximum floor area ratio is a function of the lot area, which is reduced by the irregular shape of the lot relative to a regular lot with the same frontage at the front as the rear lot line. With this in mind, the dwelling has been designed to exceed the minimum side yard setbacks where the lot narrows towards the front lot line and exceeds the required front and rear yard setbacks and maximum lot coverage standards. On this basis, the requested floor area is fully incorporated into the permitted massing of the dwelling and does not combine with other variances that would contribute to building scale or massing.

#### ***D.4 Desirable for Appropriate Use or Development of Land***

It is my opinion that the requested minor variances will facilitate enhanced use and built form on the Subject Property and support the Zoning By-Law in effectively implementing the Livable Oakville Plan by establishing regulations that facilitate built form that is consistent and compatible with the existing and planned built form character of the community. It is my opinion that the requested minor variances, individually and cumulatively, are desirable and appropriate for the development and use of the Subject Property. These variances are also not being requested in conjunction with variances for lot coverage, building height and setbacks that would serve to facilitate construction of a dwelling out of character with the neighbourhood and the purpose and intent of the Zoning By-Law regulations.

The proposal and requested minor variances will update housing on the Subject Property to a 2-storey dwelling with attached garage that complies with height, lot coverage and building setbacks. The dwelling will be consistent in character with other new dwellings in the neighbourhood and includes spatial separation and buffering features to ensure compatibility with adjacent properties. The dwelling has been designed to provide appropriate setbacks to neighbouring properties and include design features that mitigate height and massing to adjacent lands, including the public realm. These features include the limited windows on second floor and no ground floor windows of the east and west side elevations and side yard setbacks that exceed the minimum requirements in order to provide greater spatial separation to neighbouring properties.

#### **E. Conclusions and Recommendations**

It is my opinion that the proposal and requested minor variances satisfy the tests set out in section 45(1) of the Planning Act, specifically that:

- The variances maintain the general purpose and intent of the Livable Oakville Plan;
- The variances maintain the general purpose and intent of Zoning By-Law 2014-014;

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- The variances are minor; and
- The variances are desirable for the appropriate development of the Subject Property.

It is my recommendation that the Committee of Adjustment approve these minor variances to allow for construction of the proposed dwelling.

Regards,



Michael Barton, MCIP, RPP