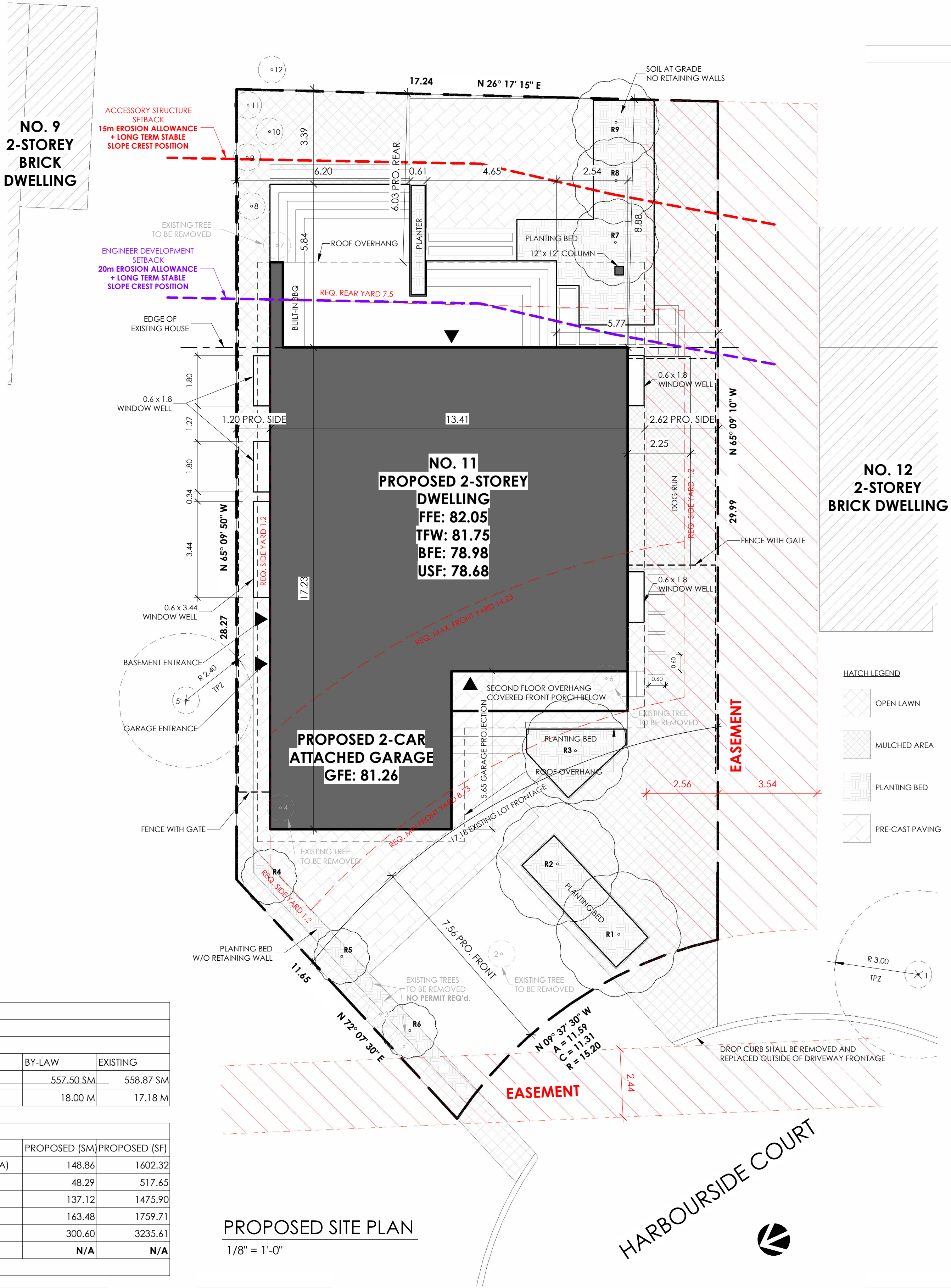


PROJECT STATISTICS		
ADDRESS:	11 HARBOURSIDE CRT	
ZONING:	RL3-0	
	BY-LAW	EXISTING
MIN. LOT AREA:	557.50 SM	558.87 SM
MIN. LOT FRONTAGE:	18.00 M	17.18 M

RESIDENTIAL FLOOR AREA (RFA)		
	PROPOSED (SM)	PROPOSED (SF)
BASEMENT FLOOR (NOT INCLUDED IN RFA)	148.86	1602.32
GARAGE (NOT INCLUDED IN RFA)	48.29	517.65
GROUND FLOOR	137.12	1475.90
SECOND FLOOR	163.48	1759.71
TOTAL RFA:	300.60	3235.61
MAX. ALLOWABLE RFA:	N/A	N/A
MAX. ALLOWABLE RFA RATIO: N/A		

SETBACKS		
	BY-LAW	PROPOSED
FRONT (MIN)	8.73 M	7.56 M
FRONT (MAX)	14.23 M	N/A
REAR	7.50 M	6.03 M
INTERIOR (RIGHT)	1.20 M	2.62 M
INTERIOR (LEFT)	1.20 M	1.20 M

ZONING REQUIREMENTS		
	BY-LAW	PROPOSED
MAX. BUILDING HEIGHT	9.00 M	9.79 M
MIN. LENGTH OF MAIN WALL WITHIN MIN. AND MAX. FRONT YARD	50.00%	65.55%
MAX. LOT COVERAGE	N/A	41.69%



TREE REPLACEMENT PLAN		
R1 & R2	- 50mm WB	- BETULA NIGRA (RIVER BIRCH)
R3	- 50mm WB	- GINKGO BILOBA PRINCETON SENTRY (PRINCETON SENTRY MAIDENHAIR TREE)
R4, R5 & R6	- 50mm WB	- LIRIODENDRON TULIPIFERA 'FASTIGIATA' (COLUMNAR TULIP TREE)
R7, R8 & R9	- 50mm WB	- LIQUIDAMBAR STYRACIFLUA 'SLENDER SILHOUETTE' (SLENDER SILHOUETTE SWEETGUM)

\*REFER TO ARBORIST REPORT FOR ALL TREE INFORMATION\*

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2025 03 17	01	ISSUED FOR PERMIT REVIEW
DATE	NO.	DESCRIPTION

**DA DESIGN INC.**  
1185 Queensway E  
Unit 3A  
Mississauga ON  
L4Y 0G4  
permits@dadesigninc.ca

CONSULTANT'S STAMP: ENGINEER'S STAMP:

HVAC CONSULTANT: STRUCTURAL CONSULTANT:

OWNER CONTACT INFORMATION:

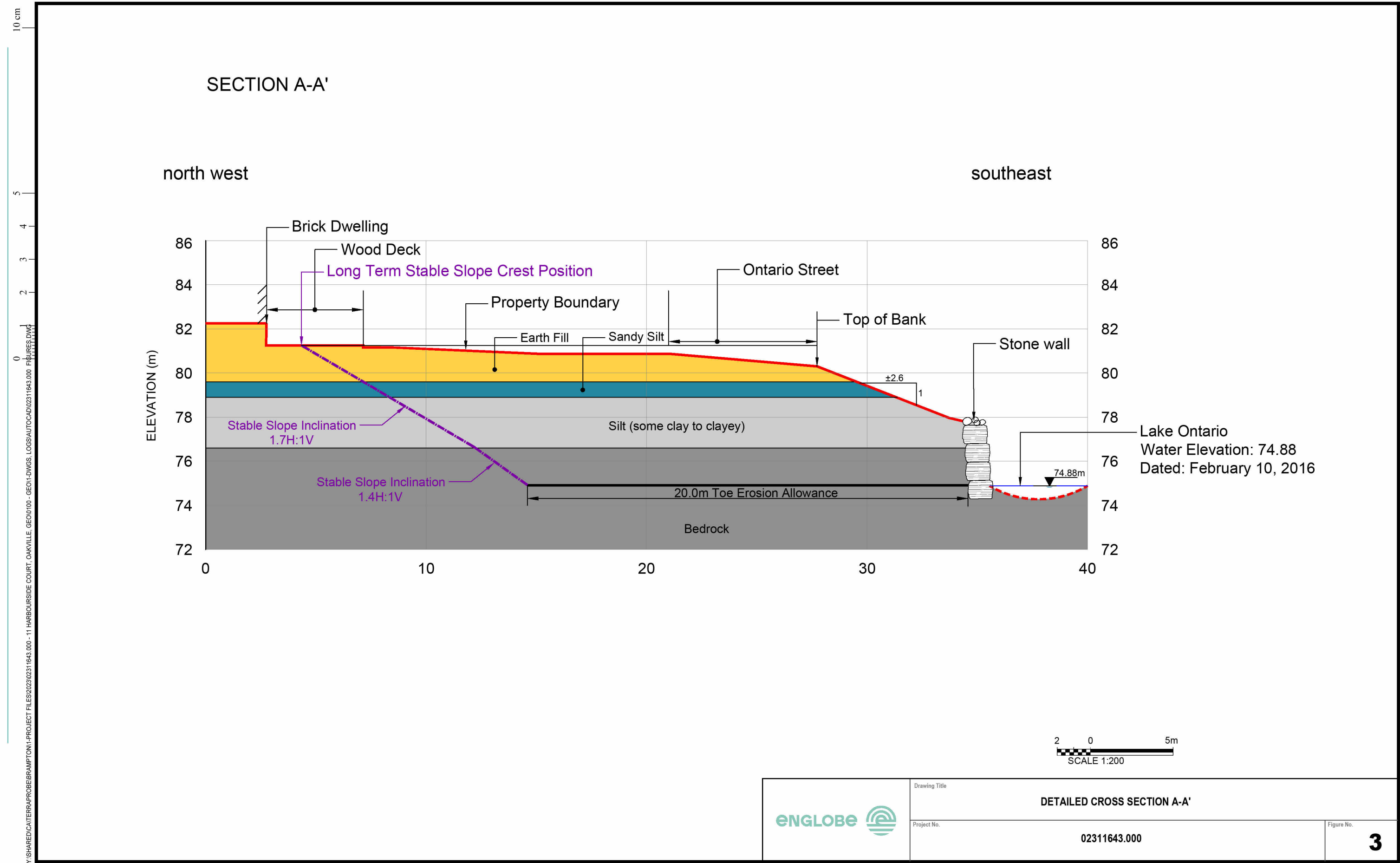
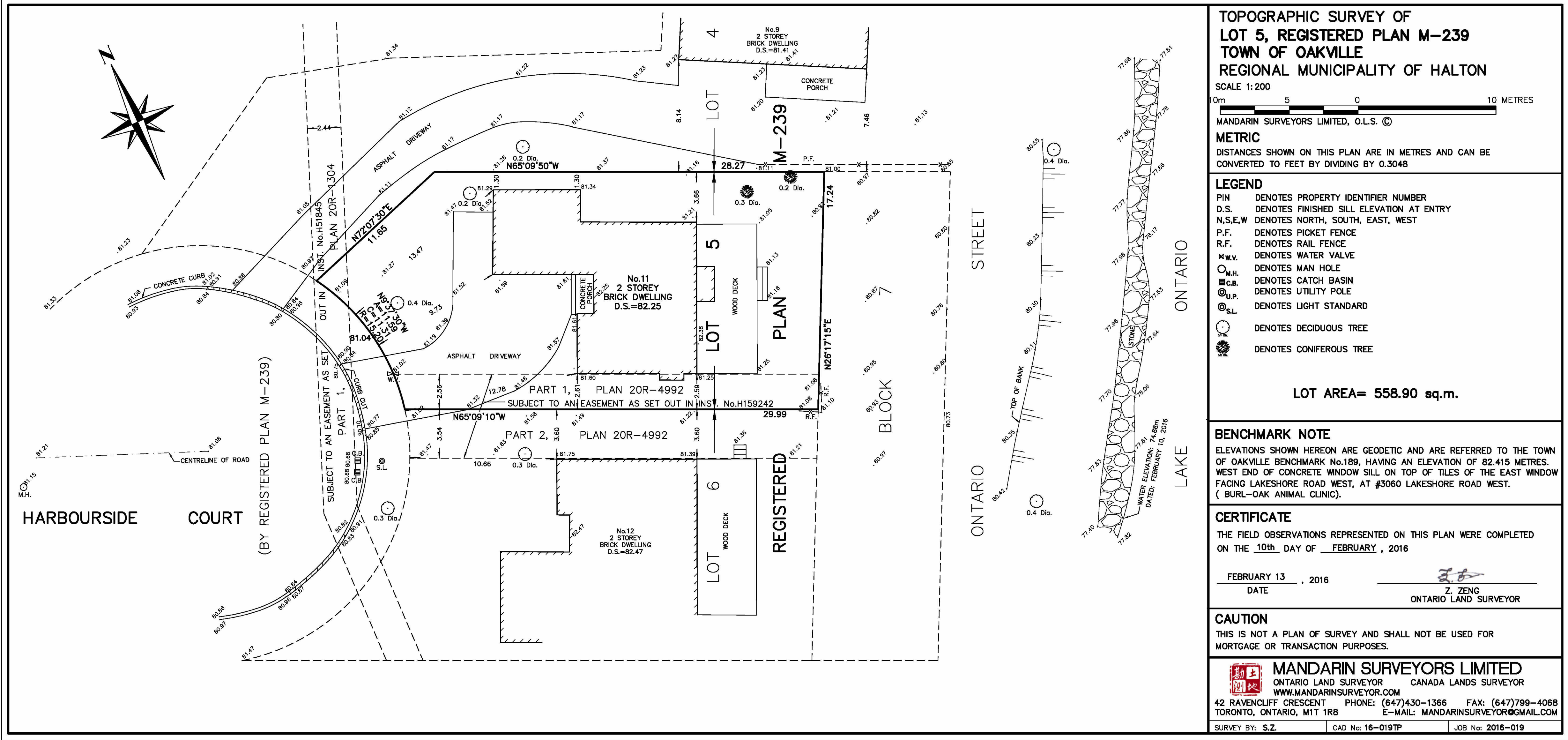
11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

PROJECT:  
**NEW 2-STOREY DWELLING**  
11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

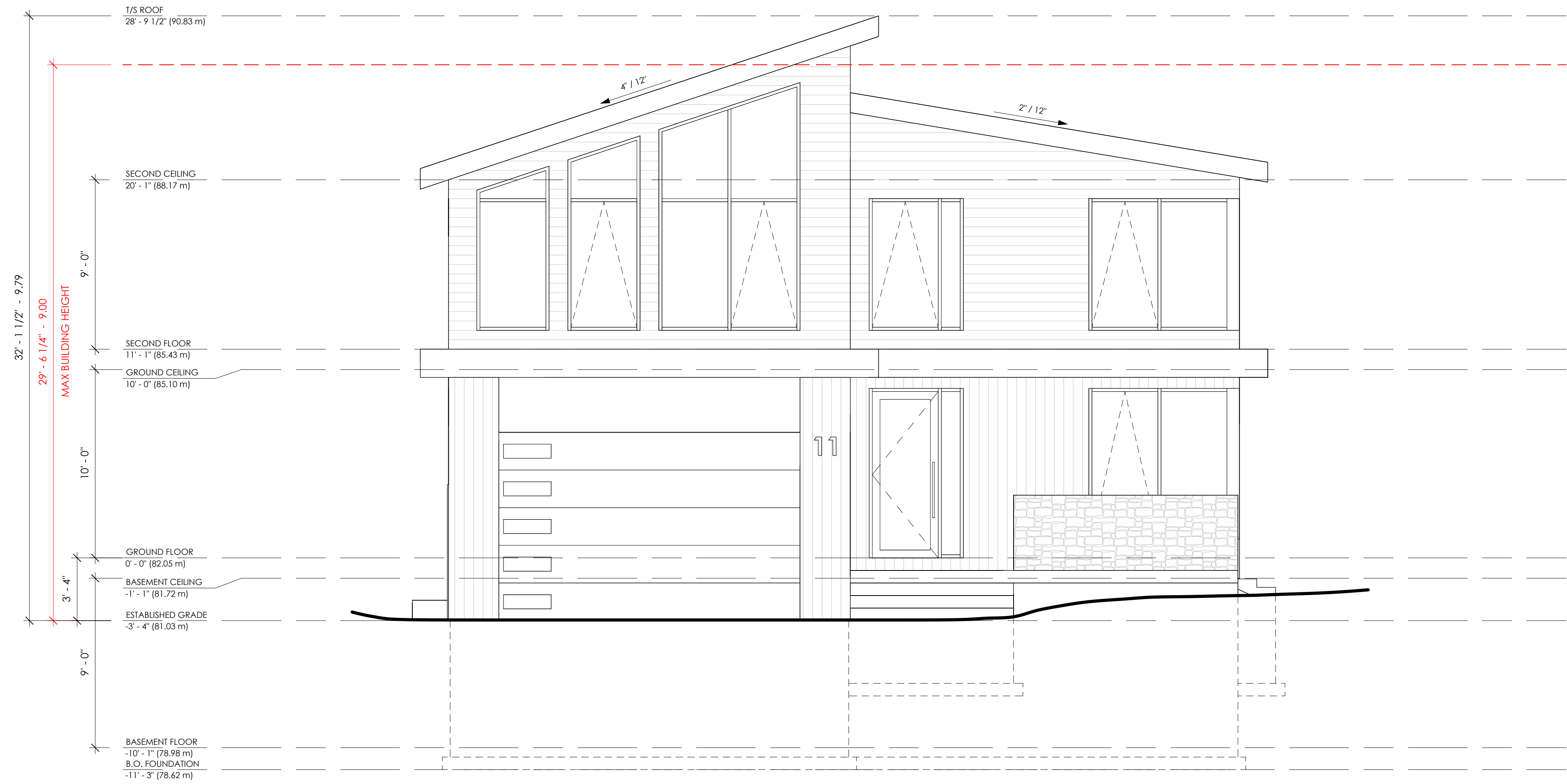
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SITE PLAN



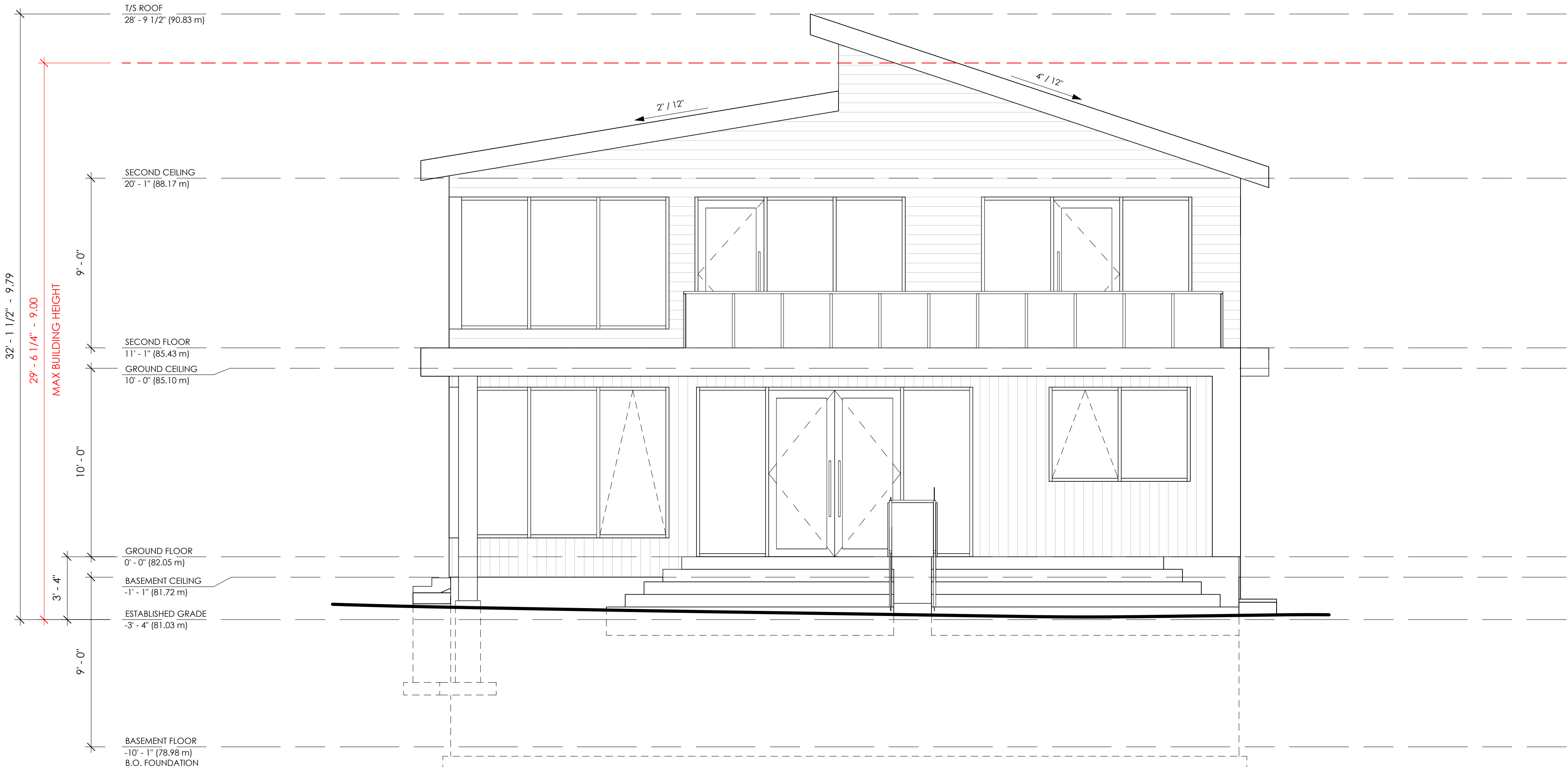






FRONT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

1/4" = 1'-0"

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DATE	NO.	DESCRIPTION



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CONSULTANT'S STAMP: ENGINEER'S STAMP:

HVAC CONSULTANT: STRUCTURAL CONSULTANT:

OWNER CONTACT INFORMATION:  
[Redacted]

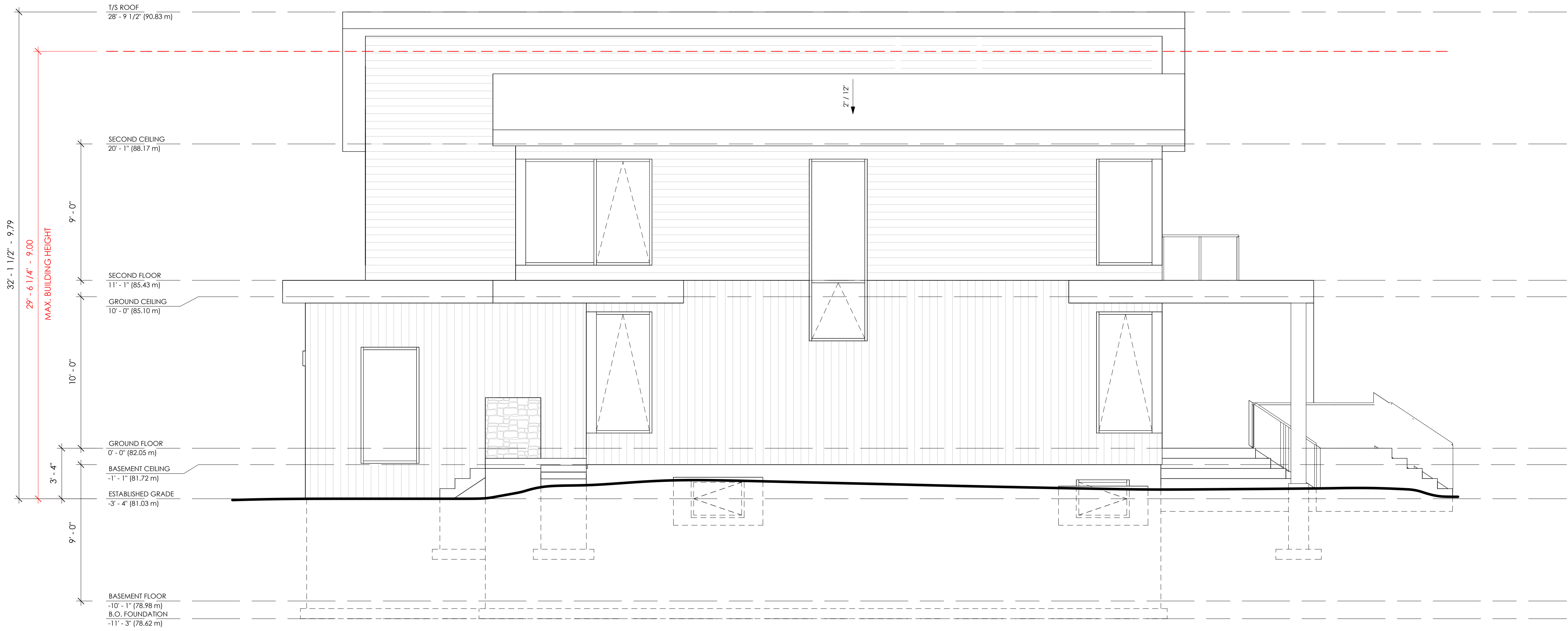
11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

PROJECT:  
**NEW 2-STOREY DWELLING**

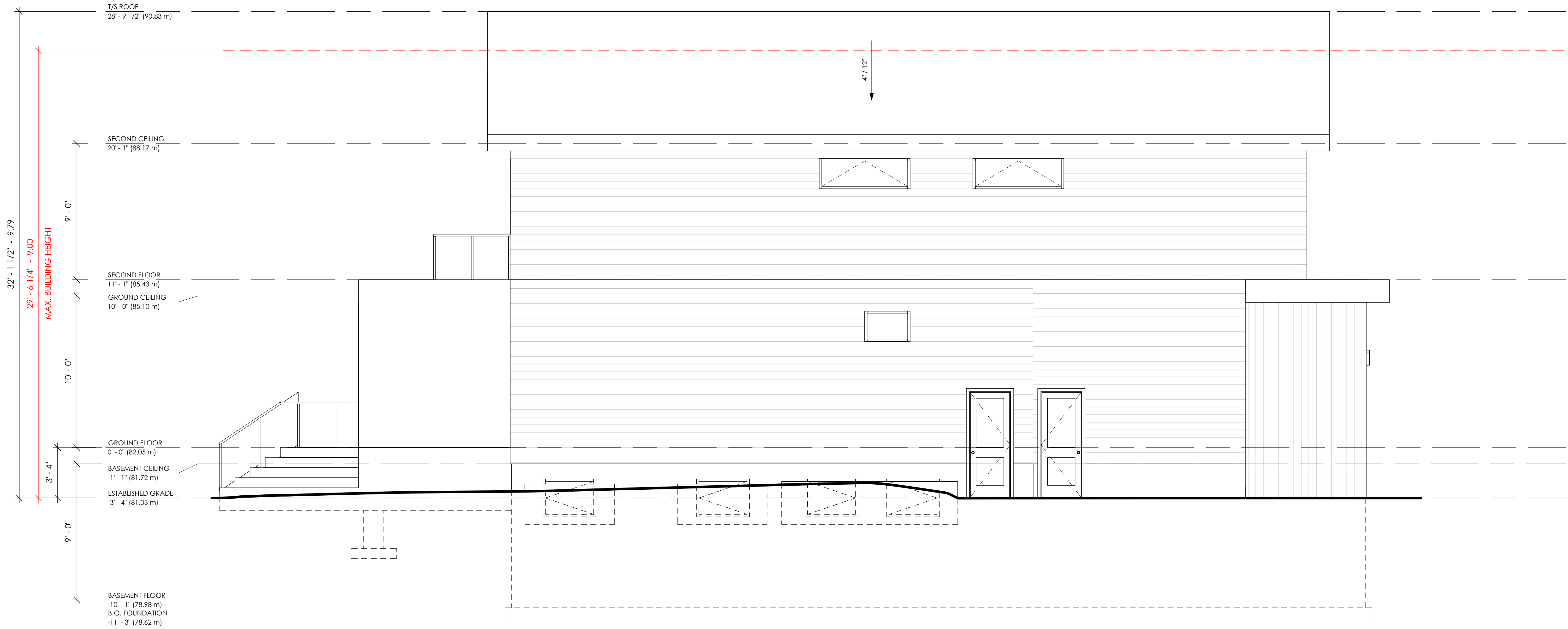
11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

DATE	SCALE
2025 03 17	1/4" = 1'-0"

ELEVATIONS



RIGHT ELEVATION  
1/4" = 1'-0"



LEFT ELEVATION  
1/4" = 1'-0"

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OWNER CONTACT INFORMATION:  
[Redacted]

11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

PROJECT:  
**NEW 2-STOREY DWELLING**

11 HARBOURSIDE CRT  
OAKVILLE L6L 5V4

DATE	SCALE
2025 03 17	1/4" = 1'-0"

ELEVATIONS





PROPOSED FRONT VIEW



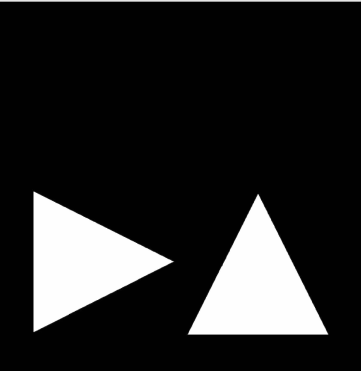
PROPOSED REAR VIEW



PROPOSED FRONT BIRDSEYE VIEW



PROPOSED REAR VIEW WITH LAKE



**NEW 2-STOREY DWELLING**

11 HARBOURSIDE CRT OAKVILLE L6L 5V4  
2025 03 17



## **Planning Justification Report**

**Proposed Single Detached Dwelling  
11 Harbourside Court  
Town of Oakville**

**April 2025**

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## A. Introduction and Summary of Opinion

The Subject Property is known municipally as 11 Harbourside Court in the Town of Oakville. The proposal involves demolition of the existing two-storey single detached dwelling and construction of a new two-storey single detached dwelling. The proposed dwelling has been designed and situated on the property to provide a similar footprint and relationship to the street, waterfront and adjacent properties, including the proposed front and rear yard setbacks, floor area and lot coverage. The proposed dwelling has been designed with an articulated roof line that adds architectural character and variability to the built form height and massing, a front garage projection that is incorporated into the overall building mass and character, and a second floor rear balcony.

The proposal requires the following minor variances to the prevailing zoning performance standards to facilitate construction of the new dwelling:

1. To permit maximum height of 9.79 metres while 9.0 metres is permitted;
2. To permit a minimum rear yard setback of 6.03 metres while 7.5 metres is required;
3. To permit a minimum front yard setback of 7.56 metres 8.73 metres is required;
4. To permit maximum floor area ratio of 53.8% while 42% is permitted;
5. To permit maximum lot coverage of 41.69% while 35% is permitted;
6. To permit a second floor rear balcony where balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -O Suffix Zone; and
7. To permit a front garage projection of 5.65 metres from the face of the longest portion of the main wall containing the residential floor area that is on the first storey of the dwelling oriented toward the front lot line while 1.5 metres is permitted

MB1 Development Consulting Inc. ("MB1") was retained to prepare this Planning Justification Report with respect to the minor variance application required to facilitate the proposal for the Subject Property. It is my opinion that the requested minor variances, individually and cumulatively:

- Maintain the general intent and purpose of the Official Plans of the Region of Halton and Town of Oakville;
- Maintain the general intent and purpose of the Zoning By-Law;
- Are minor; and
- Are desirable for the appropriate development and use of the Subject Property.



## B. Background and Context

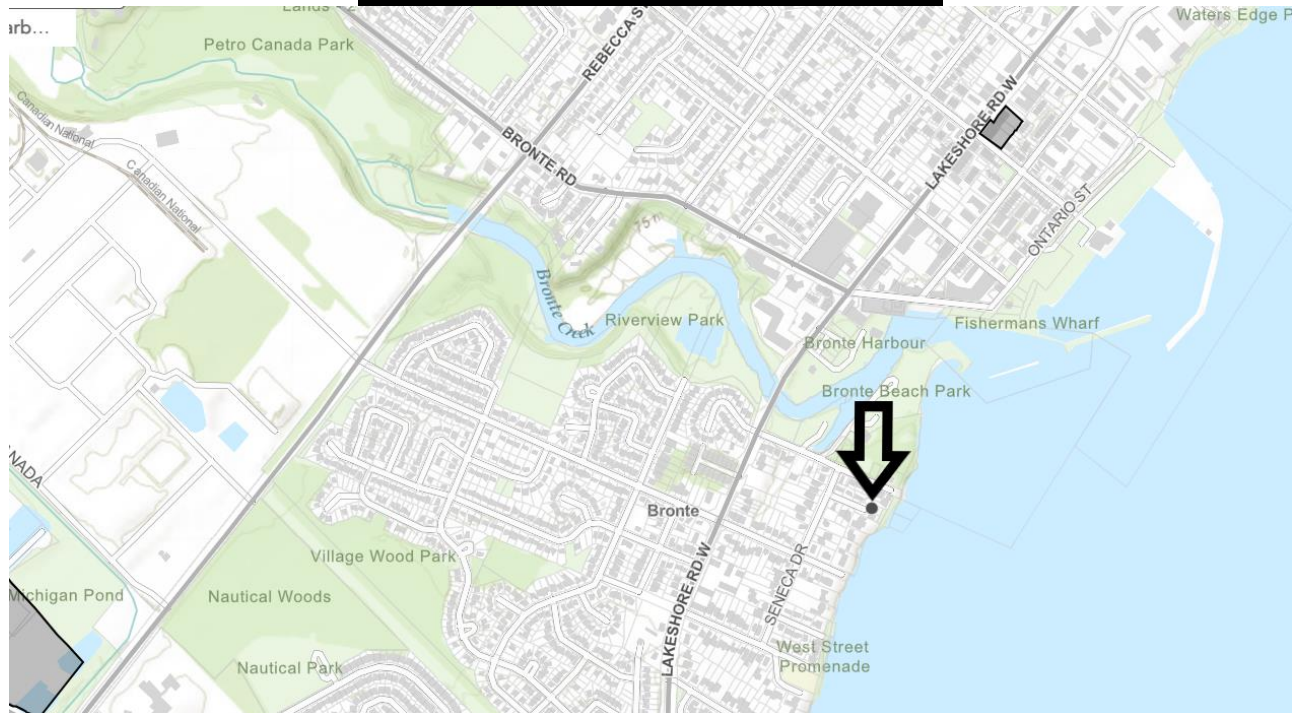
### B.1 *The Subject Property*

The Subject Property is located at 11 Harbourside Court in the Town of Oakville as illustrated in **Figure 1**. An aerial view of the Subject Property is provided in **Figure 2** and a street view is provided in **Figure 3**. As illustrated in the existing property survey in **Figure 4**, Subject Property is irregular in shape with curvilinear frontage of 17.18 meters on Harbourside Court and area of 558.87 m<sup>2</sup>. The depth of the Subject Property is shallower than adjacent lot to the north (9 Harbourside Court) due to a block having been severed from the Subject Property and the adjacent property to the south (12 Harbourside Court) and dedicated as part of the Harbourside Promenade. There is an existing easement running along the south side of the Subject Property that provides access to this block. There is also an easement running over a small portion of the northwest corner of the Subject Property. There are no structures located in either easement.

The Subject Property has vehicular access from Harbourside Court via a curved driveway that provides access to the attached garage doors, which are oriented perpendicularly to the street. There is surface parking available in the driveway and a parking space on the west side of the garage. As a result, a considerable amount of the front yard is paved for parking and vehicular access. The existing 2-storey dwelling has a front yard setback of 9.73 metres and rear yard setback of 8.86 metres. In addition, the existing north and south side yard setbacks are 1.3 metres and 2.56 metres respectively. There is also an existing second floor rear balcony running along the entire rear wall of the dwelling.

The Subject Property is designated as “Low Density Residential” on Schedule F (South West Land Use) of the Livable Oakville Plan and zoned “Residential Low (RL3-0)” under Zoning By-Law 2014-014.





**Figure 1 – Site Location**



**Figure 2 – Aerial View of Subject Property**





Figure 3 – Street View of Subject Property

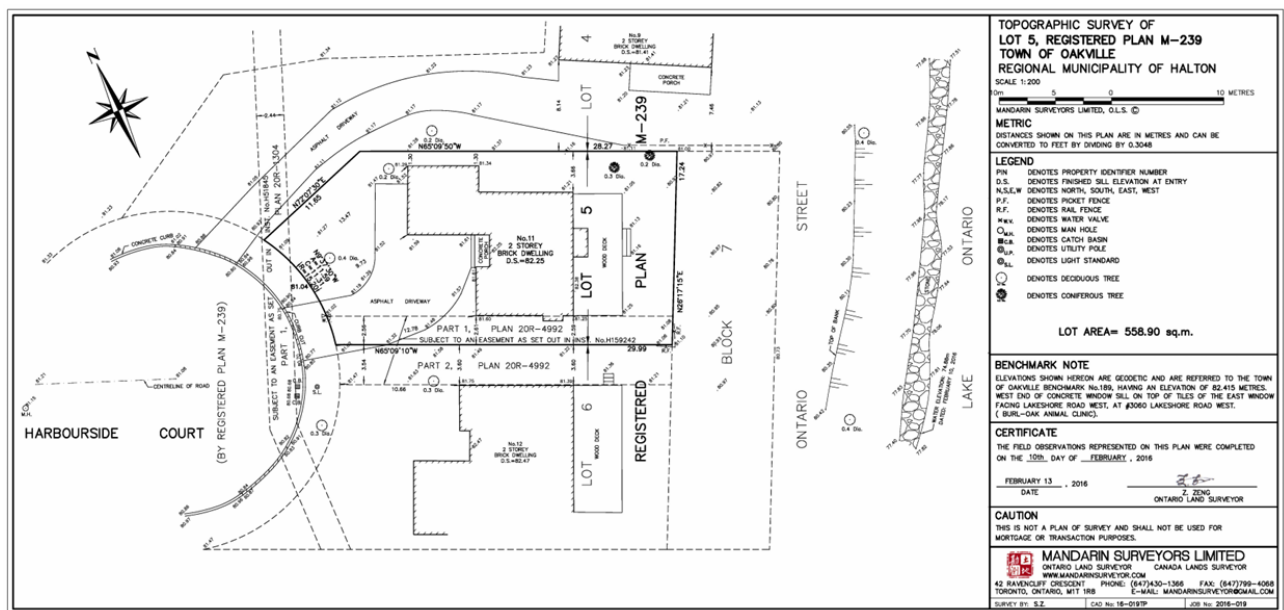


Figure 4 – Existing Survey of Subject Property



## ***B.2 Surrounding Context***

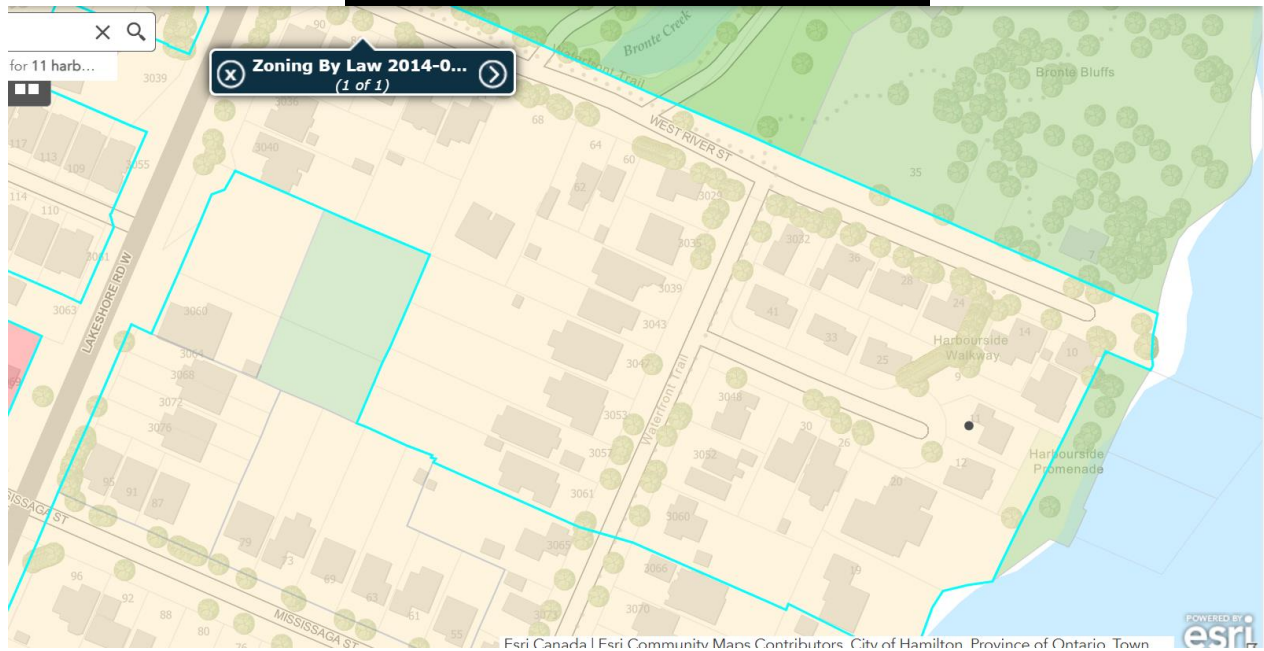
The Subject Property is generally located within the low-density residential neighbourhood zoned “Residential Low (RL3-0)” and generally bound by Lake Ontario to the east, Lakeshore Boulevard to the west, West River Street to the north as illustrated in **Figure 5**. The more immediate neighbourhood context includes the properties fronting onto Harbourside Court as illustrated in **Figure 6** and **Figure 7**. The surrounding neighbourhood is characterized by single detached dwellings on individual lots. However, there is significant variability in the lot frontage, depth, area and configuration characteristics, as well as the size, scale and density of the existing dwellings.

Given the location of the Subject Property on a court and backing onto Lake Ontario, there are no neighbouring properties to the rear or across the street, and only the following two adjacent properties:

- 9 Harbourside Court: This is a very irregularly shaped property with the existing dwelling set back from the street significantly further than the dwelling on the Subject Property. This configuration provides substantial spatial separation and physical buffering from the dwelling on the Subject Property, including the rear outdoor amenity area, which is almost completely screened by the dwelling. The existing dwelling is also not readily visible from the public realm and provides no front yard setback or public realm interface characteristics.
- 12 Harbourside Court: As illustrated in the street view provided in **Figure 8**, the two-storey dwelling on this property is similar in height and scale to the existing dwelling on the Subject Property and includes no windows on the north side elevation. The existing dwelling also includes an attached garage projection that is greater than 1.5 metres and similar to that of the existing dwelling on the Subject Property.

The surrounding neighbourhood also includes a number of existing dwellings with garage projections similar to the existing dwelling on the Subject Property and exceeding the 1.5-metre zoning performance standard, including 26 and 30 Harbourside Court. In addition to the second floor rear balcony on the existing dwelling on the Subject Property, there are also second floor rear balconies at 20 Harbourside Court and 17 Mississauga Street, both of which back onto the waterfront and have multiple immediately adjacent dwellings.





**Figure 5 – Surrounding Neighbourhood Context**



**Figure 6 – Immediate Neighbourhood Context**





**Figure 7 – Aerial View of Immediate Context**



**Figure 8 – Street View of 11 and 12 Harbourside Court**



### C. Development Proposal

---

The proposal involves demolition of the existing two-storey single detached dwelling and construction of a new two-storey single detached dwelling. The proposed dwelling will be located outside of the existing easements on the Subject Property. The proposed site plan is included in **Figure 9** and **Figure 10**. Perspective views of the front and rear of the dwelling are included in **Figure 11** and **Figure 12** respectively. **Figures 13 through 16** include the proposed building elevations while **Figures 17, 18 and 19** include the proposed floor plans.

Due to the irregular lot shape that results in the lot narrowing towards the frontage along Harbourside Court, the proposed dwelling has been designed with an attached garage that projects forward from the main wall of the dwelling, which is consistent with the existing dwelling and other dwellings in the immediately surrounding neighbourhood. However, the prominence of the garage projection is reduced by the extension of the second floor over the garage and the incorporation of large second floor windows that incorporate the garage into the overall dwelling form and massing. The garage is also oriented towards the street to provide more direct vehicular access and less front yard area occupied by driveway and parking areas than under existing conditions.

The proposed dwelling has been designed and situated on the property to provide a similar footprint and relationship to the street, waterfront and adjacent properties, including the proposed front and rear yard setbacks, floor area and lot coverage. The garage projection is located on the same side of the property as the existing garage in order to maintain the existing built form character and provide separation from the adjacent dwelling to the south. This configuration results in the minimum front yard setback being to the corner to the attached garage as opposed to the main front building wall. Therefore, only small portions of the proposed dwelling will not comply with the minimum front and rear yard setbacks.

The proposed dwelling has been designed with an articulated roof line that adds architectural character and variability to the built form height and massing. The majority of the dwelling complies with the maximum permitted height of 9 metres with only the central peak exceeding this maximum. The design includes no windows or openings in area above maximum height.

The proposed dwelling has been designed to maintain a rear second floor balcony overlooking the waterfront but has been reduced to only a portion of the rear wall closest to north property line shared with dwelling that has significant spatial separation and screening while the existing dwelling has rear balcony across entire dwelling width. This second floor balcony is oriented towards waterfront with no rear neighbour and only limited exposure to neighbouring lots.

The “Residential Low (RL3-0)” permits single detached dwellings subject to the following performance standards:



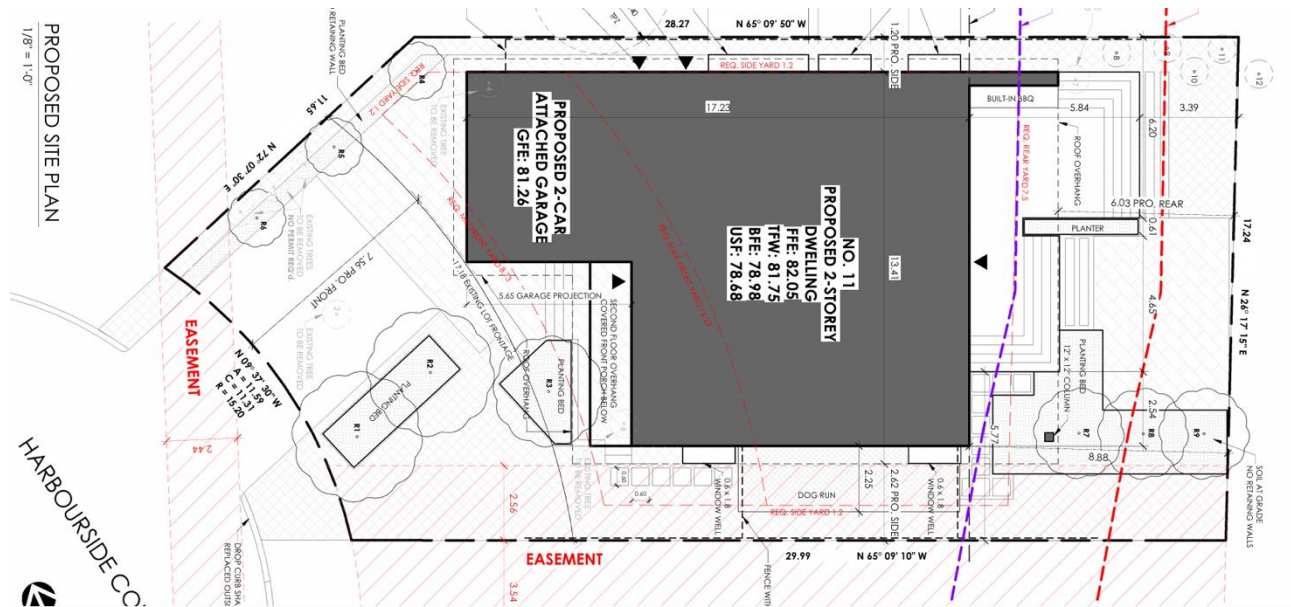
Regulation	Required	Proposed
Minimum interior side yard:	1.2 metres on both sides where an attached private garage meeting the minimum dimension requirements of Section 5.2.3(b)	2.62 m and 1.2 m (complies)
Minimum rear yard:	7.5 m	6.03 m ( <b>variance required</b> )
Maximum floor area ratio:	42%	53.8% ( <b>variance required</b> )
Maximum lot coverage:	35%	41.69% ( <b>variance required</b> )
Minimum front yard:	The yard legally existing on the effective date of this By-law less 1.0 metre (8.73 m)	7.56 m ( <b>variance required</b> )
Main wall proportionality:	A minimum of 50% of the length of all main walls oriented toward the front lot line shall be located within the area on the lot defined by the minimum and maximum front yards	Complies
Balcony and Deck Prohibition:	Balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone.	Second floor rear balcony proposed ( <b>variance required</b> )
Maximum Height:	a) The maximum number of storeys shall be 2. b) Floor area is prohibited above the second storey. c) The maximum height shall be 9.0 metres.	2 storeys (complies) No floor area above second storey (complies) 9.79 m ( <b>variance required</b> )
Private Garage Projection:	Attached or detached private garages shall not project more than 1.5 metres from the face of the longest portion of the main wall containing residential floor area that is on the first storey of the dwelling oriented toward the front lot line or flankage lot line.	5.65 m ( <b>variance required</b> )

The proposal requires the following minor variances to the prevailing zoning performance standards to facilitate construction of the new dwelling:

1. To permit maximum height of 9.79 metres while 9.0 metres is permitted;
2. To permit a minimum rear yard setback of 6.03 metres while 7.5 metres is required;
3. To permit a minimum front yard setback of 7.56 metres 8.73 metres is required;
4. To permit maximum floor area ratio of 53.8% while 42% is permitted;
5. To permit maximum lot coverage of 41.69% while 35% is permitted;
6. To permit a second floor rear balcony were balconies and uncovered platforms are prohibited above the floor level of the first storey on any lot in the -0 Suffix Zone; and



7. To permit a front garage projection of 5.65 metres from the face of the longest portion of the main wall containing the residential floor area that is on the first storey of the dwelling oriented toward the front lot line while 1.5 metres is permitted.



### Figure 9 – Proposed Site Plan



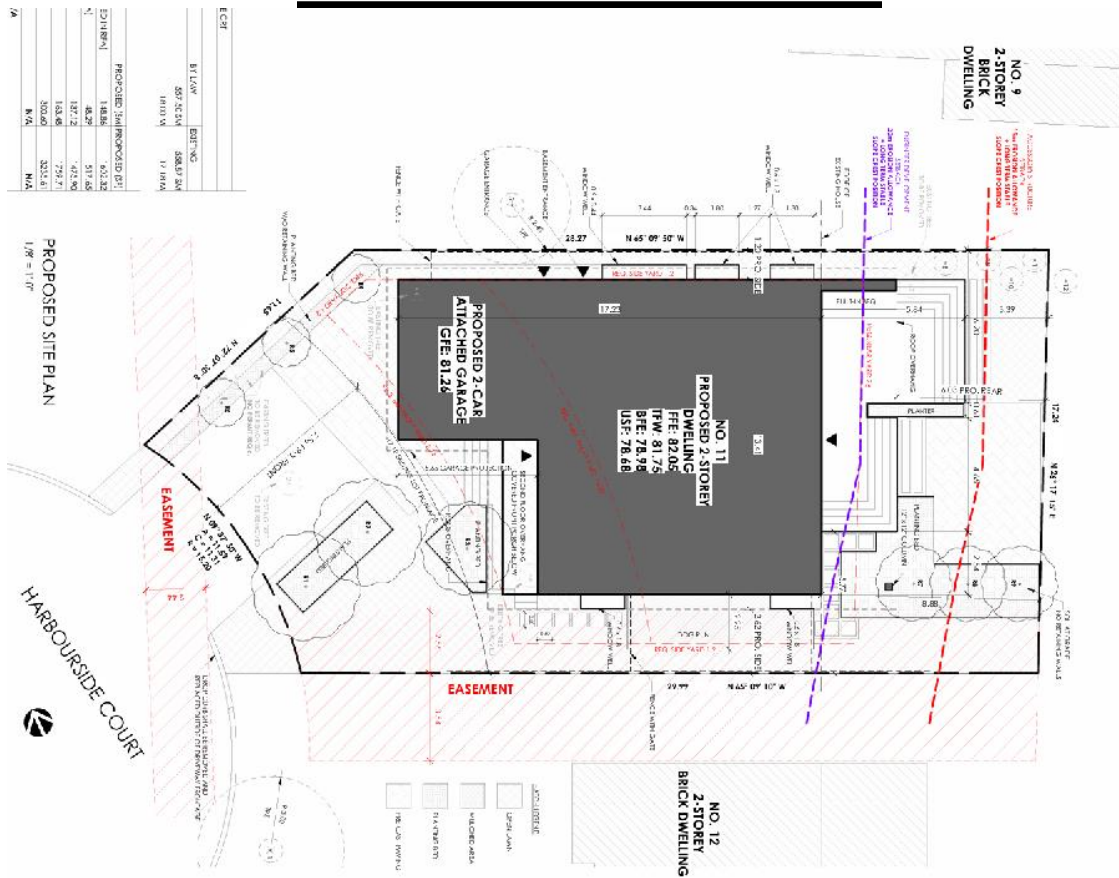


Figure 10 – Proposed Site Plan (including adjacent properties)





**PROPOSED FRONT VIEW**



**PROPOSED FRONT BIRDSEYE VIEW**

**Figure 11 – Perspective Views of Front of Dwelling**





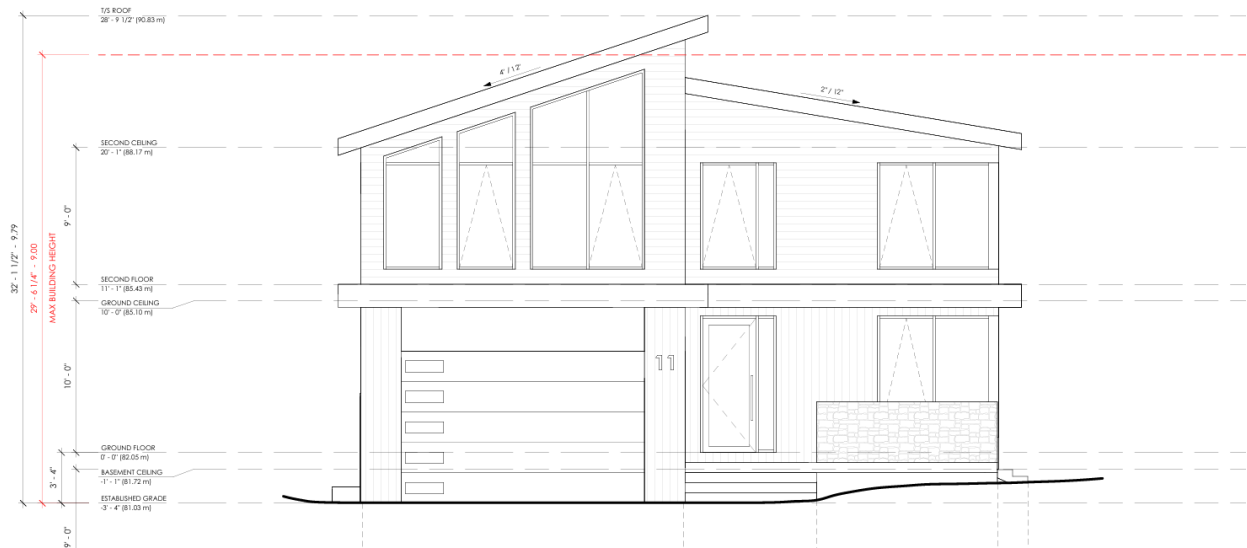
PROPOSED REAR VIEW



PROPOSED REAR VIEW WITH LAKE

**Figure 12 – Perspective Views of Rear of Dwelling**



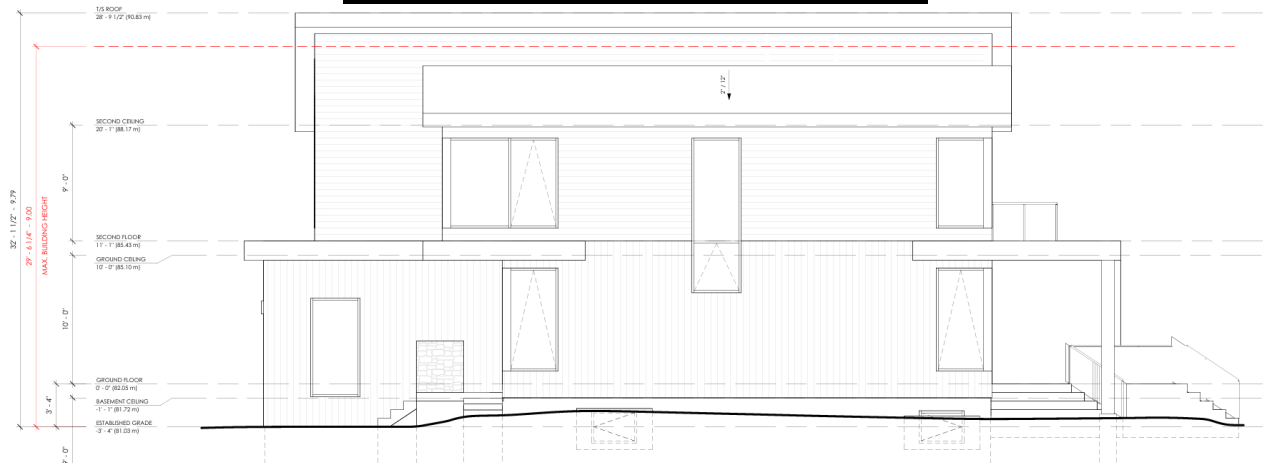


**Figure 13 – Front Elevation**

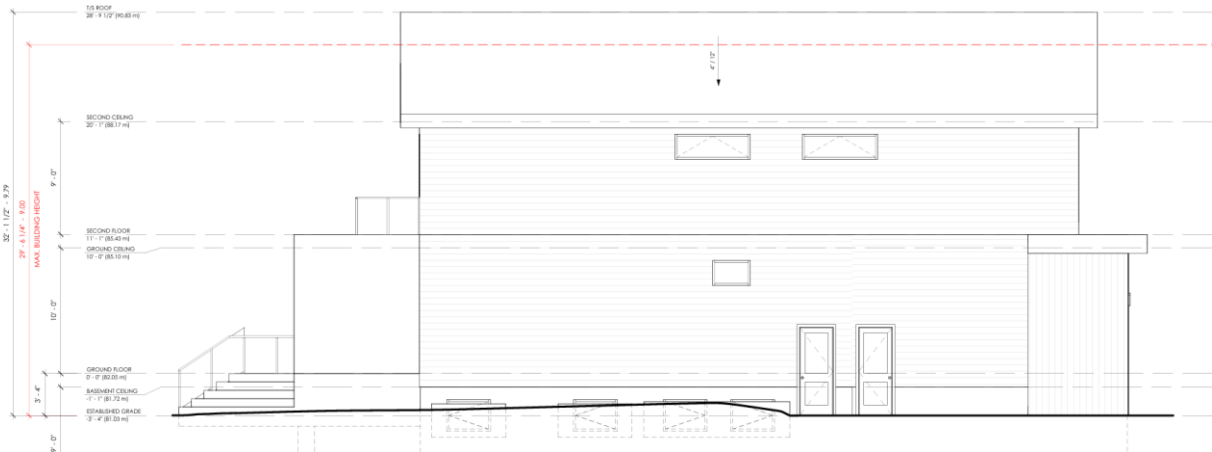


**Figure 14 – Rear Elevation**



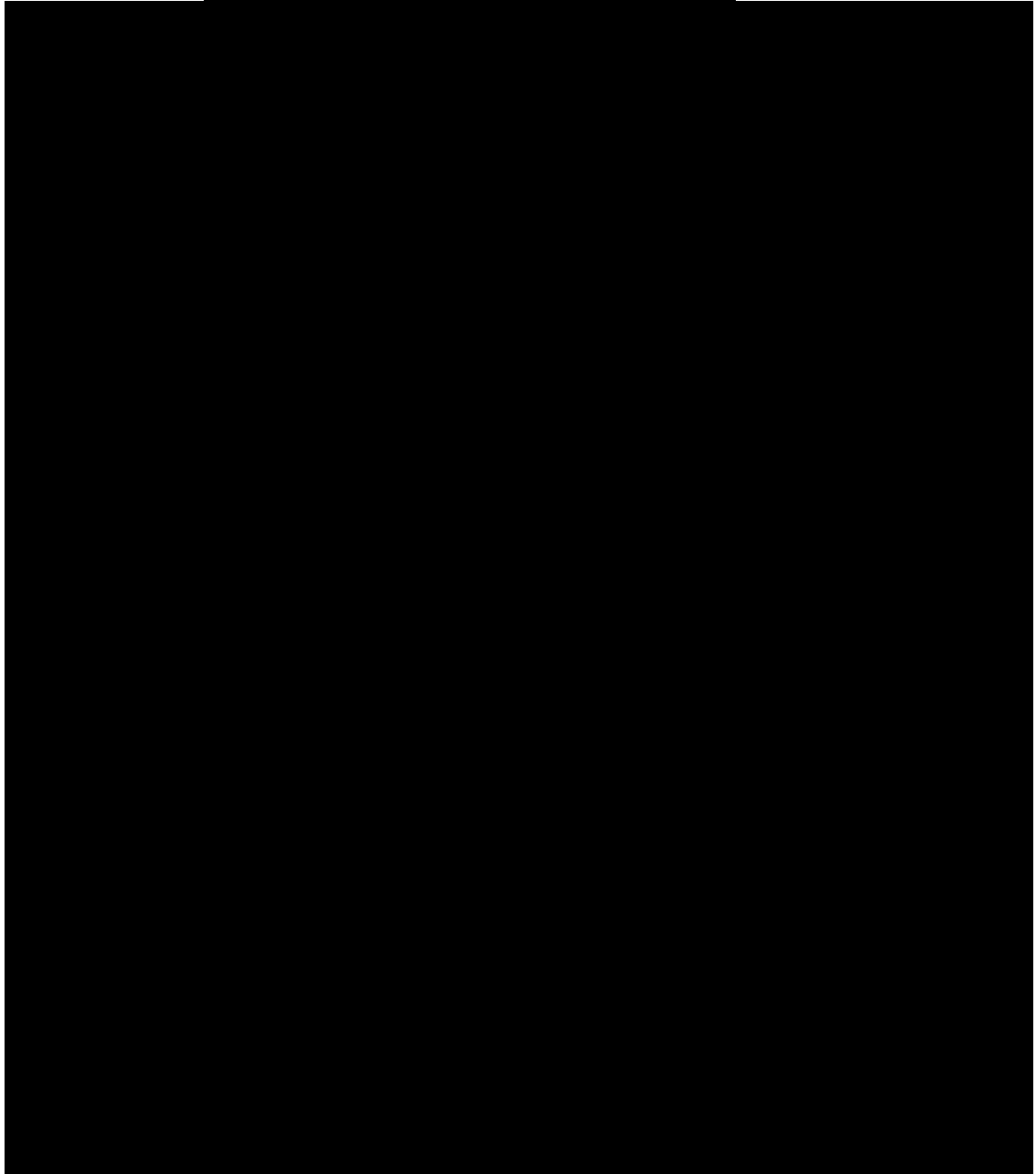


**Figure 15 – Right Side Elevation**



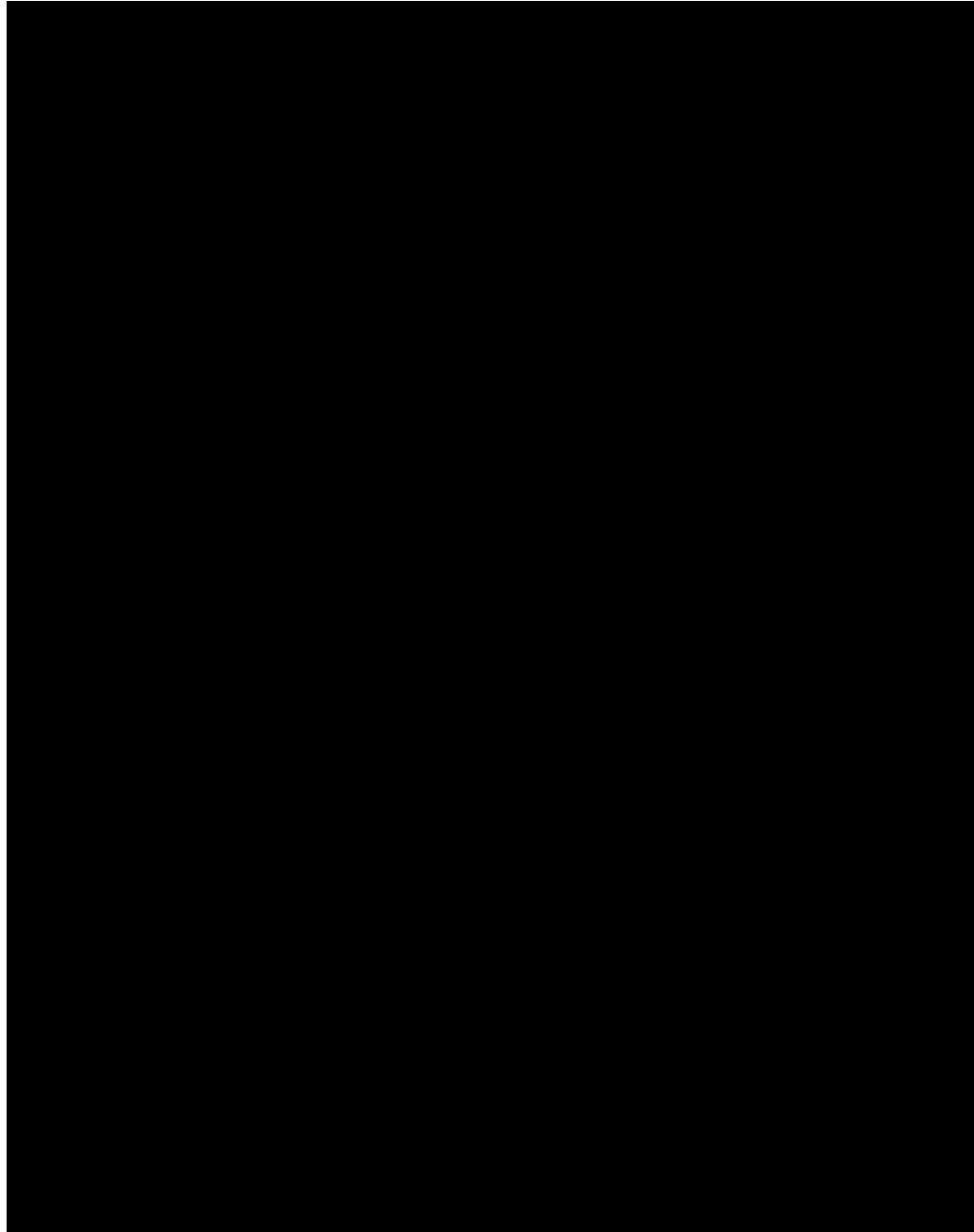
**Figure 16 – Left Side Elevation**





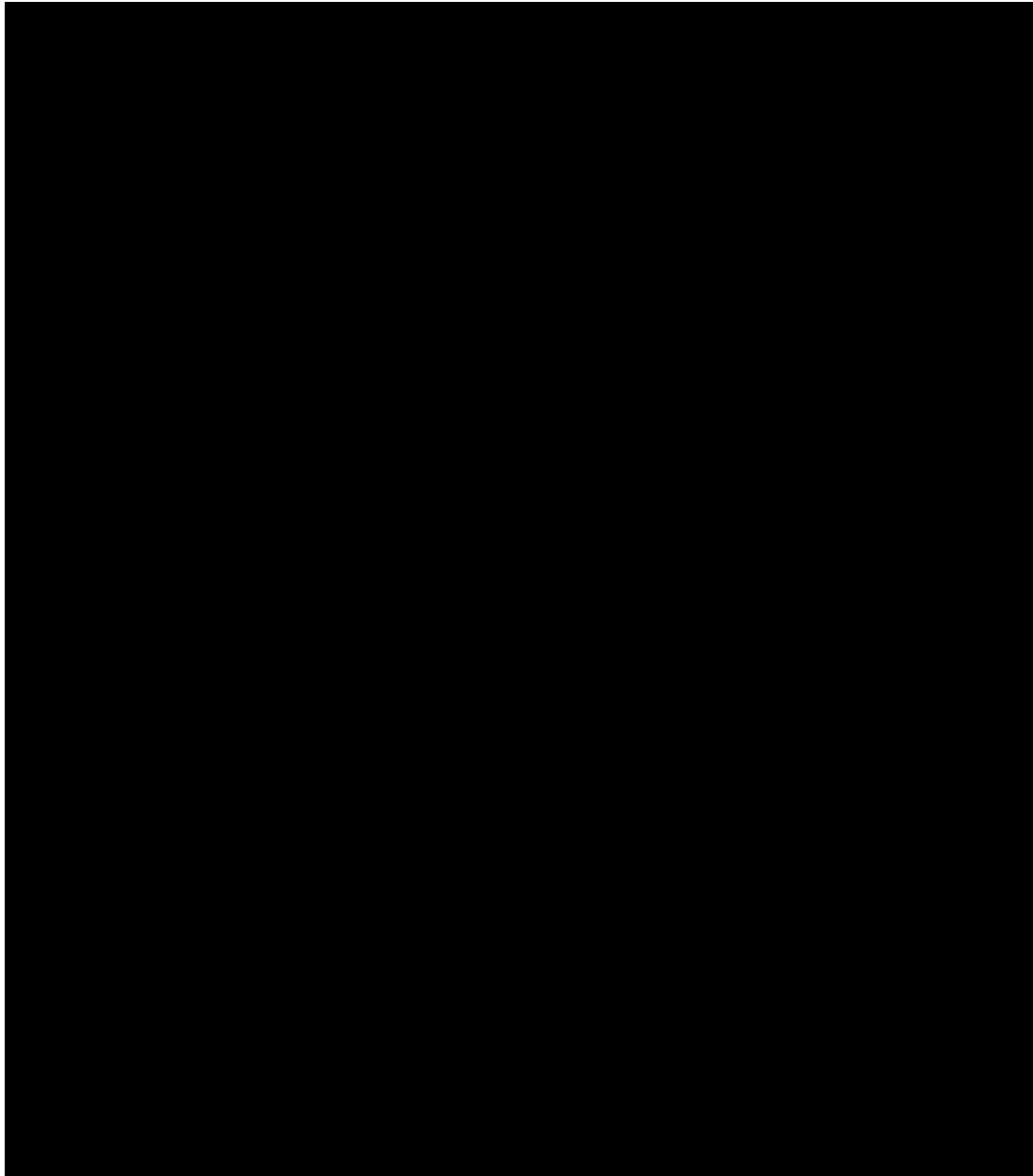
**Figure 17 – Proposed Basement Floor Plan**





**Figure 18 – Proposed Ground Floor Plan**





**Figure 19 – Proposed Second Floor Plan**

#### **D. Land Use Planning Analysis**

This Planning Justification Report has been prepared to analyze requested minor variances within the context of the following four tests of the Planning Act:

- Do the variances maintain the general intent and purpose of the Official Plan?
- Do the variances maintain the general intent and purpose of the Zoning By-Law?
- Are the variances minor?



- Are the variances desirable for the appropriate development and use of the Subject Property?

## **D.1 Region of Halton Official Plan**

### **D.1.1 Policy Overview**

As of July 1, 2024, the Region of Halton Official Plan (RHOP) was deemed an official plan of each of the local municipalities in the Region, including the Town of Oakville, until such time as it is revoked or amended by the Town. The Subject Property is part of the “Urban Area” designated under Map 1.

Section 72.1 includes the following objectives for the Urban Area:

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

Section 85 includes the following objectives for Housing:

- (4) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.
- (9) To encourage the Local Municipalities to maintain the quality of the existing housing stock.

Per section 86(11), it is also the policy of the Region to “Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.”

### **D.1.2 Land Use Planning Opinion**

It is my opinion that the general intent and purpose of the Region of Halton Official Plan with respect to residential areas in Urban Areas that are outside of Strategic Growth Areas and Major Transit Station Areas is to promote locally-appropriate growth and intensification, including infill and redevelopment, that maintains and enhances the quality of existing housing and the physical character of existing neighbourhoods. The intent and purpose are to be implemented in more detail at the local level through the Livable Oakville Plan and Zoning By-Law performance standards.



It is my opinion that the requested minor variances, individually and cumulatively, will maintain the general intent and purpose of the Region of Halton Official Plan on the following basis:

- The significant majority of the proposed dwelling will be under the maximum permitted height of 9 metres and the proposed height will be consistent with the two-storey residential character of the existing dwellings on the adjacent properties and in the surrounding neighbourhood;
- The proposed front and rear yard setbacks, lot coverage and floor area will establish a similar building footprint and built form massing to the existing dwelling and maintain the existing relationship to the public realm, waterfront and adjacent properties;
- The proposed second floor rear balcony is consistent with the existing condition on the Subject Property and will be smaller in size and proportion to the dwelling than currently exists; there are also existing second floor rear balconies on waterfront properties in the surrounding neighbourhood; and
- The proposed garage projection is in a similar location to the existing garage and the dwelling has been designed to better incorporate the garage into the overall massing of the dwelling in order to reduce its prominence and appearance from the public realm and adjacent properties.

#### **D.4 Livable Oakville Plan**

##### **D.4.1 Policy Overview**

Section 2 includes the Guiding Principles of the Livable Oakville Plan, including the following:

- 2.2.1 Preserving and creating a livable community in order to: a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;
- 2.2.2 Providing choice throughout the Town in order to: c) foster the Town's sense of place through excellence in building and community design.

Section 3.9 provides the following direction for Residential Areas: "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."

Section 6.9 includes the following Built Form policies:

- 6.9.1 Buildings should be designed to create a sense of identity through massing, form, placement, orientation, scale, architectural features, landscaping and signage.
- 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.

- 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.
- 6.9.7 Development should be designed with variation in building mass, façade treatment and articulation to avoid sameness.
- 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.
- 6.9.10 Continuous streetwalls of identical building height are discouraged. Variety in rooflines should be created through subtle variations in roof form and height.

Section 11 includes the following objectives for all Residential Areas:

- a) maintain, protect and enhance the character of existing Residential Areas;
- b) encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;
- c) promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;
- d) promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;
- e) encourage the conservation and rehabilitation of older housing in order to maintain the stability and character of the existing stable residential communities; and,
- 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.

Section 11.1.9 directs that 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.
- b) Development should be compatible with the setbacks, orientation and separation distances within the surrounding neighbourhood.
- 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.
- d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.
- e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.
- f) Surface parking shall be minimized on the site.



- 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.
- 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.
- i) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.
- 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.
- k) The transportation system should adequately accommodate anticipated traffic volumes.
- l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.

Section 11.2 confirms that the Low Density Residential land use designation may permit a range of low density housing types including detached dwellings, semi-detached dwellings and duplexes at a density of up to 29 dwelling units per site hectare.

#### D.4.2 Land Use Planning Opinion

It is my opinion that the requested minor variances, individually and cumulatively, will maintain the general intent and purpose of the Livable Oakville Plan on the following basis:

- The proposed dwelling will preserve, enhance and protect the land use and built form character along the waterfront and the interior of the low-density residential neighbourhood along Harbourside Court;
- The proposal represents change to the Subject Property that preserves the character of the surrounding residential area, including its relationship to the public realm, waterfront and adjacent properties;
- The proposed dwelling will be of height, massing, form, placement and orientation that maintains the character of the Subject Property and its relationship to its surrounding context;
- The location of the Subject Property on the waterfront with only two adjacent properties, including the dwelling to the north that has substantial spatial separation and buffering from the Subject Property, allows for appropriate transition from the Subject Property to the surrounding neighbourhood;
- The proposed building height and design, including the garage projection and second floor area constructed over the garage, provides variation in building mass and facade treatment while also mitigating the overall scale of the dwelling;
- The proposed second floor rear balcony carries forward an existing condition on the Subject Property and on other waterfront properties in this neighbourhood; the proposed balcony will also be smaller in proportion to the dwelling than the existing balcony and will be spatially and visually separated from the adjacent properties to the north and south; and

- The proposed dwelling will be compatible with the height, massing, density and scale of the existing and planned character of the surrounding neighbourhood even with the requested relief to the prevailing zoning performance standards.

#### **D.5 Zoning By-Law 2014-014**

The general intent and purpose of the Zoning By-Law is to apply permissions and performance standards that implement the Livable Oakville Plan.

The general intent and purpose of regulating the maximum building height is to ensure that the height of the building is compatible with, and will not result in adverse impacts to, neighbouring dwellings, and protects and enhances the character of the neighbourhood. The requested minor variance to the maximum building height is for 0.79 metres for a limited portion of the overall dwelling height. There will be no windows or openings in the area above the maximum permitted height that would contribute to undue adverse impacts associated with privacy and overlook. The central peak of the roof that is contributing to the additional building height also provides variability in the roofline and facade of the building.

The general intent and purpose of regulating the front yard setback is to provide a relatively consistent and harmonious setbacks among properties fronting onto the same street in the same low density residential neighbourhood, as well as to provide for spatial separation and buffering from the dwelling to the public realm. The surrounding neighbourhood is characterized by a variety of front yard setbacks and building orientations, but the proposed front yard setback is relatively consistent with the existing setback on the Subject Property and aligns with the front yard setback of the adjacent dwelling at 12 Harbourside Court. It is also only a portion of the attached garage that is within the minimum required setback.

The general intent and purpose of regulating the rear yard setback is to provide a relatively uniform and harmonious rear wall face for adjacent and neighbouring properties, and also to ensure an appropriate rear yard amenity space is provided. In this case, the Subject Property has only the dwelling to the south at 12 Harbourside Court and the proposed rear yard setback will be relatively consistent with the existing setback on the Subject Property. The available outdoor open space is complemented by the adjacency of Harbourside Promenade and the waterfront.

The general intent and purpose of regulating floor area ratio and lot coverage is to ensure that an appropriate built form scale and massing is constructed relative to the size of the lot. Under this proposal, the new dwelling will be of similar height, massing, density and scale to the existing dwelling on the Subject Property and dwellings on properties in the surrounding neighbourhood context. There are also examples of existing dwellings of considerably greater scale and massing that form part of the existing built form context. The floor area ratio and lot coverage are driven by the lot area that has been reduced through the dedication of land at the rear of the property. If this area were included in the lot, the floor area ratio and lot coverage would be significantly reduced without any change to the appearance of the dwelling from the public realm or adjacent lands.



The general intent and purpose of regulating the projection of an attached garage from the main front wall is to prevent the garage from appearing as the most prominent feature of the front facade and dominating the building form massing and character. The proposed dwelling has been designed with a garage projection similar to the existing condition but mitigated by the extension of the second floor over the garage to reduce its prominence relative to the main wall and the overall building mass. The inclusion of large second floor windows above the garage significantly mitigates the visual impact of the garage to the overall front facade.

The general intent and purpose of prohibiting second floor balconies is to mitigate privacy and overlook impacts to the public realm and adjacent properties. The Subject Property benefits from its rear yard being located on the waterfront and having no neighbour across the street. The dwelling on the adjacent property to the north has substantial spatial separation and buffering from the Subject Property with its rear yard amenity area significantly screened from view on the Subject Property. The proposed balcony extends only for a portion of the rear wall and terminates before reaching the south side wall adjacent to the property to the south, as opposed to extending along the entire rear wall as under existing conditions. The second floor balcony is also characteristic of existing built form conditions on properties in the surrounding neighbourhood with waterfront location.

In general, the prevailing performance standards are intended to ensure that proposed built form is compatible with surrounding land use and structures, and preserves and protects the neighbourhood character. These performance standards are also intended to mitigate adverse impacts to adjacent properties, including privacy, overlook and shadow.

It is my opinion that the requested minor variances, individually and cumulatively, will maintain the general intent and purpose of the Zoning By-Law.

#### **D.6 Minor in Nature**

It is my opinion that the minor variances, individually and cumulatively, are minor. The requested relief will not adversely impact the neighbourhood built form character, in terms of building height, scale, density and massing, relative to the existing conditions and the as-of-right performance standards. The increases in building height, lot coverage, floor space index and front garage projection, in conjunction with reductions to the minimum front and rear yard setbacks, will not result in adverse privacy, overlook or shadow impacts relative to the prevailing zoning performance standards. Moreover, it is my opinion that proposed second floor rear balcony will not result in adverse privacy or overlook impacts given the context of the Subject Property, including having no rear neighbouring property and substantial spatial separation from the dwelling at 9 Harbourside Court, in conjunction with limiting the proportion of the rear wall facade along which the second floor balcony will extend. It is also my opinion that the difference in scale of the proposed dwelling relative to a dwelling permitted as-of-right will be practically indiscernible from the public realm and adjacent properties.

**D.7 Desirability for the Development and Use of the Subject Property**

It is my opinion that the requested minor variances will facilitate appropriate redevelopment of the Subject Property in a manner that enhances, and is compatible with, the existing and permitted residential uses in this neighbourhood. The minor variances seek to achieve built form height, scale and massing that is relatively consistent with the existing dwelling on the Subject Property and compatible with the surrounding neighbourhood. The relationship of the Subject Property to the public realm and neighbouring properties, which is part of the existing context of the neighbourhood, will be effectively maintained. The proposed variances will facilitate revitalization of the existing residential use on the Subject Property in a manner that respects and reinforces the existing land use and built form character.

**E. Conclusions and Recommendations**

- It is my opinion that the requested minor variances, individually and cumulatively:
  - Maintain the general intent and purpose of the Official Plans of the Region of Halton and Town of Oakville;
  - Maintain the general intent and purpose of the Zoning By-Law;
  - Are minor; and
  - Are desirable for the appropriate development and use of the Subject Property.

On this basis, it is my recommendation that the requested minor variances be granted by the Committee of Adjustment.

Regards,



Michael Barton, MCIP, RPP