Wellings
Planning Consultants Inc.

Planning Justification Report

Application to Amend
City of Burlington Zoning By-law 2020

Michael Joel Kam
105 Avondale Court
City of Burlington

December 2024



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Lot 24, Judge's Plan 1233
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Introduction

Wellings Planning Consultants Inc. was retained by the owner, Michael Joel Kam ("Applicant") to provide planning advice and prepare and submit an application to amend the City of Burlington Comprehensive Zoning By-law 2020 ("Zoning By-law"). The purpose of the Zoning By-law Amendment ("Application") is to rezone the subject property located at 105 Avondale Court to facilitate the construction of a new, larger single-detached dwelling. The existing single-detached dwelling on the property will be demolished and will be replaced by the new home. This Planning Justification Report has been prepared in support of the Application.

Property Description

The subject property is generally located south of Lakeshore Road east of the Paletta Lakefront Park and west of Appleby Line. More specifically, the property is located at the southwest terminus of Avondale Court. The property presently contains a two (2) storey single-detached dwelling with driveway access from Avondale Court. The property has approximately 16 metres of frontage on Avondale Court and approximately 103 metres of shoreline along Lake Ontario.

The property is approximately 0.91 hectares (2.25 acres) in size. The high point of the property is on the north portion, where the existing dwelling is located. The property gradually slopes to low points at the Avondale Court frontage and along the Lake Ontario shoreline. The east side of the property contains a treed area with a valley slope.

Attached as **Schedule 1** is an air photo illustrating the location of the subject property.

Surrounding Land Uses

The subject property is surrounded by existing single-detached dwellings to the north, east and west. The existing dwellings to the north and west have access to Lakeshore Road from Blue Water Place and Secord Lane. The surrounding area is characterized by low density, single-detached dwellings with a mix of modest and larger size homes. Lake Ontario is situated to the south.

Background

On July 11, 2018, the former Local Planning Appeal Tribunal ("LPAT") refused a rezoning to permit a development proposal by a previous owner First Urban Inc. consisting of 26, three (3) storey townhouse units. The proposed development included the properties located at 105 Avondale Court and 143 Blue Water Place. The City's position was that the proposed townhouse development represented an over intensification of a stable low-density residential neighborhood and that the proposed development was incompatible in that it did not satisfy the intensification criteria of the City's Official Plan. LPAT accepted the City's evidence that the townhouse development would result in adverse impacts in the form of privacy and overlook and was out of character for the area.

In April 2019, the City received subsequent applications from a new owner, Bloomfield Developments Inc., to amend the Zoning By-law and for Draft Plan of Subdivision for the 105 Avondale Court and 143 Blue Water Place properties. The new proposal sought approval of eight (8) residential lots fronting onto a proposed public road (i.e. Blue Water Place) with blocks for parkland and stormwater management. City Planning staff through Staff Report PB-69-19 recommended approval of the proposal to the City's Planning and Development Committee on November 5, 2019. City Council endorsed the proposal on November 18, 2019.

The Council approval included the enactment of Zoning By-law 2020.417 to rezone the property to R1.2-502 and O2 Zones and the draft approval of the subdivision for a three (3) year period until December 12, 2022. Subsequently, a one (1) year extension of draft approval was granted at the request of the Applicant until December 12, 2023, to allow a further assessment of the current planning approvals and the feasibility of the proposed development. The draft approval has since lapsed.

On June 10, 2020, the subject property located at 105 Avondale Court was purchased by the Applicant for the purpose of building a new single-detached dwelling on the property coupled with the removal of the existing dwelling. The Applicant has no intention of proceeding with the previously approved eight (8) lot plan of subdivision or pursuing a more intensified development.

Proposal

The Application proposes to amend the Zoning By-law to facilitate the construction of a new, larger single-detached dwelling on the 105 Avondale Court property. The Application does not include the adjacent 143 Blue Water Place property. The existing single-detached dwelling on the property is to be demolished.

The Application specifically seeks to return the zoning of the subject property to the previous R1.2 (Low Density Residential) Zone with site-specific zone provisions including recognition of the existing lot width at the Avondale Court frontage and for an increase in building height to facilitate the proposed dwelling.

Attached as **Schedule 2** is a Site Plan showing the layout of the proposed dwelling on the subject property.

Pre-Consultation

An initial pre-consultation meeting was held with City, Region of Halton and Conservation Halton staff on October 26, 2022. Due to the time that had elapsed since the initial pre-consultation meeting and the evolution of the Application, the pre-consultation meeting form and notes were revised in August 2024 and December 2024 respectively.

The pre-consultation process identified the submission requirements including various technical reports that were required in support of the Application. The materials identified as part of the pre-consultation process have been completed and submitted with the Application.

Pre-Application Consultation Meeting

A Pre-Application Consultation Meeting ("Meeting") was held virtually via the City's Zoom platform on November 28, 2024. The Meeting was attended by City Planning staff and the Ward Councillor along with the Applicant and consulting team. Presentations were made by City Planning staff on the planning process. The Applicant then introduced and presented the Application. There were two (2) residents in attendance at the meeting, however there were no questions and/or concerns raised by the public.

Planning Framework

The subject property and the Application are governed by the Provincial Planning Statement, 2024, the Region of Halton Official Plan, the City's Official Plans (1997 and 2020) and City Zoning By-law 2020. A review of the applicable policy framework is outlined in the following sections below.

Provincial Planning Statement, 2024

The Provincial Planning Statement (2024) hereinafter referred to as the "PPS" recently came into effect on October 20, 2024. The PPS replaces the former Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020) which has been repealed.

The PPS is a higher order planning document that provides policy direction to municipalities on matters of provincial interest related to land use planning and development. The subject lands are located within a designated settlement area (i.e., urban area). Settlement areas are the focus of growth and development where development and future growth is promoted by the PPS (Policy 2.3.1 – Settlement Areas).

Policy 2.1 (Planning for People and Homes) of the PPS requires provision of an appropriate range and mix of housing options and densities required to meet the projected requirements of current and future residents of the regional market area.

Planning authorities are required to support the achievement of complete communities by accommodating an appropriate range and mix of housing options.

Policy 2.2 (Housing) requires planning authorities to permit an appropriate range and mix of housing options and densities and all housing options required to meet the social, health, economic and well-being requirements of current and future residents. As the Application will effectively result in a replacement single-detached dwelling, the proposal would not constitute residential intensification as defined in the PPS.

Policy 4.1 (Natural Heritage) requires that natural features shall be protected for the long term. The eastern portion of the property consists of a natural feature in the form of a valley containing a drainage channel. A Geotechnical Assessment and Engineering Review of the Slope Stability was prepared by Englobe Corp. dated October 31, 2024. The Assessment demarcated the Long Term Stable Top of Slope along with a 6.0 metre regulatory setback. The proposed dwelling will be positioned outside of the regulatory setback. These constrained lands would remain in an O2 Zone as private open space. There will be no negative impacts on the existing natural features or ecological function.

Policy 5.2 (Natural Hazards) requires that planning authorities in collaboration with conservation authorities (i.e., Conservation Halton) identify hazardous lands and hazardous sites and manage development in these areas. Development is to be directed outside of hazardous lands. A Natural Hazards Assessment was prepared by Shoreplan Engineering Limited dated July 13, 2022. The Assessment reviewed the dynamic beach, flood and erosion hazards along with appropriate development setbacks. The Assessment, prepared in support of proposed shoreline protection works, identified the existing hazard limit based on a 30 metre erosion analysis, the engineered development setback (“EDS”) based on new shoreline protection works and maintenance access and stable slope setback for accessory buildings and structures (e.g., pool). The proposed dwelling will be located outside of the EDS.

A Conservation Halton Permit (Permit No. 8813) was issued on March 5, 2024, for the aforementioned shoreline protection works. These works are expected to occur sometime between July 16 – September 30, 2025. The shoreline works are expected to take approximately 6 weeks to complete.

In addition, with respect to the Natural Hazards policies and the existing access from Avondale Court, Water’s Edge Environmental Solutions Team Ltd. (Water’s Edge) prepared a Preliminary Hydrology and Hydraulics Report for Channel Rehabilitation and Culvert Replacement dated December 17, 2024. Water’s Edge assessed the channel that currently passes under the driveway that is the principal access to the subject property. The existing culvert, upstream headwall and existing gabions have deteriorated causing the existing channel to be constricted. During intense rainfall events, overtopping of the culvert has been observed.

Water’s Edge has recommended the rehabilitation of approximately 50 metres of channel and culvert replacement. The design would include the removal of the existing

culvert, gabions, wooden retaining walls and some trees. The recommended design modifications will ensure safe access is achievable.

Region of Halton Official Plan

Effective July 1, 2024, the ROP is no longer an Official Plan of an upper tier municipality with planning authority. Instead, it became part of the City's Official Plan. Nevertheless and for ease of reference, I will refer to the document as the Region of Halton Official Plan ("Regional Plan").

Map 1 of the Regional Plan identifies the subject property as being within the "Urban Area" designation. There are no mapped natural heritage features on the subject property.

Development within the Urban Area and how such development should occur is largely left to the Local Official Plans and Zoning By-laws, subject to conformity with the higher order policies of the Regional Plan. Policy 76 reads as follows:

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

The policies of the Regional Plan require that all new development be connected to full municipal services. Policy 89(3) reads as follows:

> **"89.(3) Require that approvals for all new *development* be on the basis of connection the *Halton's* municipal water and wastewater systems, unless otherwise exempt by other *policies* of this Plan."**

The existing dwelling is presently serviced by a private well and private sewage disposal (i.e., septic system). The proposed dwelling is planned to connect to full municipal services through the extension of water and wastewater services from Avondale Court.

Although there are no mapped Regional Natural Heritage System ("RNHS") features on the subject property, Policy 115.2 of the Regional Plan considers the shoreline along Lake Ontario to be part of the RNHS. Section 113 of the Regional Plan directs development to locations outside hazard lands, seeks to protect or enhance fish habitats and fauna and flora, and preserve the aesthetic character of natural features.

The existing shoreline was reviewed by Shoreplan Engineering and found to be insufficient to support a reduction of the erosion hazard. As previously noted, Conservation Halton issued Permit No. 8813 to undertake shoreline protection works with a design life of at least 35 years together with provision of access to maintain the structure. An EDS has been established based on these proposed shoreline protection works. The proposed dwelling setback from the shoreline respects the modified engineered setback as established by Shoreplan. Shoreplan has also established a

recommended pool setback in conjunction with the proposed shoreline protection works.

Policy 115.3 quantifies the RNHS as a systems approach to protecting and enhancing natural features and functions. While the valley feature on the east side of the subject property is not in itself considered “significant valleylands”, the valley feature and associated channel forms part of the Conservation Halton regulated area and should be protected. The valley and associated channel would appear to be considered a Key Feature forming part of the RNHS. As previously noted, the Long Term Stable Top of Slope together with a 6.0 metre regulatory setback was identified by Englobe Corp. The proposed dwelling will be outside of the regulatory setback.

The subject property also contains five (5) butternut trees which are considered endangered under the Endangered Species Act, 2007. The existing butternut trees have been evaluated by the Project Arborist (Ron Koudys Landscape Architects Inc.). The recommendations of the Arborist Report will be reviewed later in this report.

<u>City of Burlington Official Plan (1997)</u>

The 1997 Burlington Official Plan (“1997 BOP”) identifies the subject property as “Residential Areas” on Schedule A – Settlement Pattern. The property is designated “Residential-Low Density” and “Greenlands” on Schedule B – Comprehensive Land Use Plan – Urban Planning Area. The Greenlands designation affects the portion of the property along the Lake Ontario shoreline.

Part III, Section 2.0 addresses policies dealing with Residential Areas. The Residential Areas policies recognize that housing may take on many forms. The BOP provides opportunities for a broad range of residential uses to satisfy the City’s housing requirements and for compatibility issues to be suitably addressed. Three categories of residential land use have been identified on Schedule B (i.e., Low, Medium and High) based on function, permitted uses, location, density and scale of development.

Section 2.1 (Principles) of the Residential Areas is to provide a broad, diverse range of housing types which is consistent with the upper tier planning documents.

Section 2.2.1 a) (Objectives) seeks to encourage new residential development and residential intensification within the Urban Planning Area while recognizing that the amount and form of intensification must be balanced with other planning considerations such as infrastructure capacity, compatibility and integration within existing residential neighbourhoods. The BOP defines intensification under Part VIII as:

> **“Intensification – *Development* or *re-development* of a property or site within an existing developed area which is proposed to be undertaken at a higher density or intensity than permitted under the existing zoning, and which *may* include *re-development,* (including the re-use of *brownfield* sites), *development* on vacant and/or underutilized lands, expansion or conversion of existing buildings, addition of *dwelling units,* or creation of new *lots.”***

The Application would not be captured by the above definition of Intensification as it is not proposing a higher density and/or intensity of development than permitted under the present zoning, and the proposal will not result in additional dwelling units or the creation of new lots.

Further, The BOP also defines Infill as:

> **"Infill – Development or re-development within an existing developed area which is proposed to be undertaken in conformity with the existing zoning, and which may include development on vacant lands, the addition of dwelling units, or the creation of new lots."**

The Application does not meet the definition of Infill as a rezoning is necessary, the lands are not vacant and additional units and the creation of new lots is not proposed.

The objectives under Section 2.2.1 b) and g) require the provision of housing opportunities that are compatible with the protection of the natural environment and that new residential development be compatible with surrounding properties. The BOP defines Compatible as:

> **"Compatible – Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals."**

A further assessment of conformity to the definition of Compatible will occur in the planning opinion section of this report.

Section 2.2.2 a) (General Policies) specifies that within Residential Areas, a broad range of residential dwelling types shall be permitted including assisted and special needs housing, retirement homes and long-term care facilities. Uses compatible with, complementary to and serving the primary residential use of the land are also permitted. This could include home occupations, cottage industries, neighbourhood parks and offices.

Section 2.2.2 c) and g) contain policies pertaining to Residential-Low Density areas. In the Residential-Low Density designation, single-detached and semi-detached housing units to a maximum density of 25 units per net hectare shall be permitted. In addition, other forms of ground oriented housing units such as townhouses are permitted at the same density provided that these forms are compatible with the scale, urban design and community features of the neighbourhood.

Based on my reading of the above policy, it appears that single and semi-detached dwellings are not specifically subject to the same compatibility test as other forms of ground oriented housing such as townhouses. The density of development for the proposed dwelling on the existing lot of record equates to approximately 2 units per net hectare if you deduct the erosion allowance and regulatory setbacks.

As the Application proposes a replacement dwelling on the subject property, it is my opinion that the Housing Intensification policies under Part III, Section 2.5 of the 1997 BOP would not apply. The 1997 BOP does not appear to have specific criteria and/or policies that directly address the replacement of an existing single-detached dwelling with a larger single-detached dwelling. As noted above, I will provide an assessment of compatibility in the planning opinion section of this report.

Section 6.2 contains objectives and policies with respect to the Greenlands designation. The objectives seek to preserve and protect natural features including hazard lands and Lake Ontario and to generally direct development away from Greenlands. The Application will include the Greenlands designation (i.e., Lake Ontario shoreline) within an O2 (Open Space) Zone to ensure long-term recognition and protection. As the Lake Ontario shoreline is regulated by Conservation Halton, any future development along the shoreline would require a permit from Conservation Halton. As previously noted, Conservation Halton has issued a permit for shoreline protection works to establish an appropriate EDS for the proposed dwelling.

City of Burlington Official Plan (2020)

The 2020 Burlington Official Plan ("2020 BOP") remains largely under appeal including the land use schedules. However, there are pertinent policies including policies for Residential Neighbourhood Areas and the Residential-Low Density designation which have been approved. The definitions of "Compatible or Compatibility" and "Intensification" remain under appeal.

The 2020 BOP includes the subject property within the "Residential Neighbourhood Areas" designation on Schedule B (Urban Structure). The Lake Ontario shoreline is designated "Natural Heritage System, Major Parks and Open Space". On Schedule B-1 (Growth Framework), the property is located within an "Established Neighbourhood Area". Schedule C (Land Use - Urban Area) designates the property "Residential-Low Density" with the Lake Ontario shoreline being considered part of the "City's Natural Heritage System".

The subject property is not located within the "Neighbourhood Character Area" of Shoreacres nor is the subject property and surrounding area identified as a Primary or Secondary Growth Area. Primary and Secondary Growth Areas are intended to accommodate the bulk of future growth and intensification within the City.

Residential Neighbourhood Areas

Within Residential Neighbourhood Areas, it is anticipated that new residential will be accommodated through intensification of existing areas, where compatible. “Compatible or Compatibility” is defined in the 2020 BOP as:

> **“Development which may not necessarily be the same as or similar to existing or planned development in the vicinity, but nonetheless can co-exist without causing adverse impacts to the surrounding area.”**

Similar to the 1997 BOP, the Application to facilitate a replacement dwelling would not meet the definition of Intensification which is defined in the 2020 BOP as:

> **“The development of a property, site or area at a higher density (people and/or jobs) than currently exists through:**
>
> **1. Redevelopment, including the reuse of brownfields;**
>
> **2. The development of vacant and/or under-utilized lots within previously developed areas;**
>
> **3. Infill development; or**
>
> **4. The expansion or conversion of existing buildings.”**

The Application is not development at a higher density, a brownfield site, a vacant or under-utilized lot, infill development (i.e., development at a higher density) or the expansion or conversion of an existing building.

General Objectives

Some of the key General Objectives within the Residential Neighbourhood Areas (Section 8.3.1) are as follows:

a) To encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.

b) To provide housing in a form and location that supports the existing, and the expansion of, the city’s transportation network, with emphasis on public transit and active transportation.

e) To provide, where compatible, housing opportunities in proximity to Employment Areas and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and neighbourhood amenities with a

reduced dependence on private automobiles.

g) To encourage the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including assisted and special needs housing, affordable housing and rental housing.

h) To ensure that development within the Residential Neighbourhood Area is compatible with surrounding properties.

The above objectives are implemented by specific policies in the 2020 BOP. These policies are contained in Section 8.3.2 (General Policies) and Section 8.3.3 (Residential-Low Density).

General Policies

The General Policies address the neighbourhood supportive uses permitted within the Residential Neighbourhood Area, and the preservation, enhancement and removal of trees.

Regarding tree removal, Section 8.3.2 e) anticipates that development may result in the loss of on-site trees and vegetation and that appropriate compensation shall be provided. The Arborist Report prepared by Ron Koudys Landscape Architects Inc. ("Koudys") identifies a total of 193 individual trees on the subject property and within 3 metres of the property boundary. A total of 87 trees are identified for preservation with 106 trees recommended for removal. The Landscape Plan, also prepared by Koudys illustrates significant future landscaping and tree planting on the property as a means of compensation. It is expected that the owner will exceed the compensation requirements of the City.

Residential-Low Density

The Residential-Low Density policies are contained in Section 8.3.3. The policies permit single-detached and semi-detached units within the Residential-Low Density designation consistent with the 1997 BOP. The policies also include the consideration of townhouses within the Residential Low-Density designation subject to specific criteria in accordance with the maximum density provisions.

Consistent with the 1997 BOP, the 2020 BOP provides for a maximum density of twenty-five (25) units per net hectare. "Net" is defined to include the overall developable area of a site excluding public road allowances and private laneways, community uses such as parks and schools, and natural heritage and hazardous lands. Based on the above definition, the Application proposes a density of approximately 2 units per net residential hectare based on exclusion of the delineated natural heritage (i.e., valley and channel) and natural hazard (i.e., shoreline and erosion setback) features.

The maximum height within the Residential Low-Density designation is established through the implementing Zoning By-law. The designation does not include specific policies to address the height, size, scale and massing of the proposed dwelling.

Further commentary regarding compatibility, scale and massing and mitigation will be addressed later in this report.

Natural Heritage System

The shoreline of Lake Ontario is designated as “City’s Natural Heritage System”. Some of the key objectives within Section 8.4.1(1) of the 2020 BOP pertinent to the Application are as follows:

a) To maintain, restore and enhance the long-term ecological health, integrity and biodiversity of the Natural Heritage System in the Urban Area and its ecological and hydrologic functions.

b) To maintain, restore and enhance Key Natural Features.

c) To maintain, restore and enhance the continuity of linkages and functional interrelationships among natural heritage features, ecological functions, surface and groundwater features and hydrologic functions.

d) To direct development to locations outside hazardous lands and hazardous sites.

e) To avoid increased flooding, erosion and sedimentation.

Section 4.2 provides many of the same objectives as noted above, with additional objectives seeking to direct development to locations outside hazardous lands and hazardous sites (Objective 4.2.1 i)) and to avoid increased flooding, erosion and sedimentation (Objective 4.2.1 k)).

The General Policies for the Natural Heritage System are set out in Section 4.2.2 of the 2020 BOP. Section 4.2.2 e) identifies the City’s Natural Heritage System as an embodiment of a systems approach to protecting and enhancing natural heritage features and areas and ecological and hydraulic functions. The Natural Heritage System comprises various components including the shoreline and valley that are regulated by Conservation Halton.

Through the work undertaken by Shoreplan Engineering and Englobe Corp., the natural heritage and hazard features have been reviewed and satisfactorily addressed. Shoreplan has identified the shoreline protection works necessary in support of an EDS for the proposed dwelling and a setback for the proposed pool. Englobe has identified Long Term Stable Top of Slope and regulatory setback along the east side of the property which, similar to the EDS, will inform the location of the proposed new dwelling.

The Arborist Report identified five (5) butternut trees on the subject property. These trees are classified as endangered in accordance with the Endangered Species Act, 2007. Two (2) of these butternuts are proposed for removal. These butternuts are in serious decline and classified as Category 2 butternuts which are exempt from the

provisions of the Endangered Species Act. The Ministry of the Environment, Conservation and Parks ("MECP") has been notified of the removal of the Category 2 butternuts.

Comprehensive Zoning By-law 2020

The Zoning By-law presently zones the subject property R1.2-502 (Low Density Residential) and O2 (Open Space). As earlier noted, the present zoning implements a previously approved subdivision development consisting of eight (8) residential lots and a public park. The subdivision includes the subject property (105 Avondale Court) and 143 Blue Water Place.

The Application proposes to revert to the previous R1.2 Zone for the subject property with special exceptions including recognition of the existing dwelling lot width (i.e., frontage along Avondale Court) and a proposed increase in building height for the new proposed single-detached dwelling.

Draft Zoning By-law

Attached as **Schedule 3** to this report is a Draft Zoning By-law ("DZB") prepared in support of the Application.

The DZB proposes to rezone a portion of the subject property back to the original R1.2 Zone with site specific regulations for lot width, setbacks and building height. The DZB proposes to retain the valley and channel lands on the east side of the property including the regulatory setback in an O2 Zone consistent with the current zoning. The shoreline and pool setback as established by Shoreplan Engineering would remain within the O2 Zone. The lot width or frontage on Avondale Court is slightly greater than 16 metres whereas the R1.2 Zone requires 24 metres in lot width. It is proposed that the DZB recognize a lot width of 16 metres based on the existing condition. With respect to building height, it is proposed that the DZB permit a building height of three (3) storeys or 23.5 metres based on the height measurement taken from the fixed grade at the Avondale Court frontage. The building height would exclude any rooftop mechanical, or attic space constructed into the roof of the proposed dwelling.

In regard to the required setbacks, enhanced setbacks to the north, south and west side yards are proposed based on the size of the dwelling. More details regarding these setbacks and the rationale for these enhancements will be provided later in this report.

The DZB also proposes to identify the EDS limit similar to the present zoning. The EDS would establish the constraint line/limit for the proposed dwelling. The lands within the EDS (i.e., below), however could be used for non-habitable accessory buildings and structures including pool subject to approval by Conservation Halton.

Key Technical Studies

There are several key reports and assessments which were critical for my planning assessment and to formulate a planning opinion on the Application. A summary of these key technical reports and assessments is outlined below.

Natural Hazards Assessment

As earlier noted, a Natural Hazards Assessment was prepared by Shoreplan Engineering Limited dated July 13, 2022. The purpose of the Assessment was to evaluate the natural hazards including erosion, flooding and dynamic beach hazards. Shoreplan also considered the policies of Conservation Halton.

Through its Assessment, Shoreplan determined that shoreline erosion hazards can be modified with the implementation of protection works designed to prevent shoreline erosion. The construction of new protection along the shoreline with a design life of a minimum 35 years would allow for a reduction of the erosion hazard. Shoreplan has established an EDS and provision for a maintenance access. The EDS has been reflected in the DZB. The proposed dwelling lies outside (i.e., above) of the EDS. Lands within (i.e., below) the EDS are proposed for accessory uses and structures, including a pool. Shoreplan also recommended a Stable Slope Allowance to govern an appropriate pool setback from the Lake Ontario shoreline. The land between the Stable Slope Allowance and the shoreline will remain in an O2 Zone.

As previously noted, Conservation Halton has issued a permit for the proposed shoreline protection works.

Arborist Report

An Arborist Report was prepared by Ron Koudys Landscape Architects Inc. (“Koudys”) dated December 12, 2024. Koudys prepared a tree assessment with recommendations regarding tree preservation and removal based on tree health, the proposed site plan and anticipated grading. A total of 193 trees were identified on the property and within 3 metres of the property boundary. Five (5) of the trees were identified as butternut which is considered endangered under the Endangered Species Act, 2007.

Koudys recommends that 87 trees located on the property be preserved. There are 106 trees proposed for removal to accommodate the proposed dwelling. The two (2) butternut trees proposed for removal have been identified as infected with butternut canker since 2019. Over the past five years, these trees have consistently exhibited symptoms of the disease. There is no cure for butternut canker, and as the trees continue to grow, the progression of the canker will also advance. In time, the disease will kill the trees. These Category 2 trees are exempt from the provisions of the Endangered Species Act. The MECP have been notified of the removal. Koudys has recommended several construction impact mitigation recommendations in their Report.

It is noted that many of the perimeter trees that currently provide effective screening between the subject property and the adjacent properties will be preserved.

Functional Servicing Report

A Functional Servicing and Stormwater Management Report ("FSR") was prepared by KWA Site Development Consulting Inc. ("KWA") dated December 2024. KWA assessed the water, wastewater and stormwater services for the proposed single-detached dwelling.

With respect to water and wastewater services, the intent is to service the proposed dwelling from Avondale Court. There is presently an existing 150 mm watermain and 200 mm sanitary sewer on Avondale Court. It is proposed that a new sanitary forcemain connection be connected to an existing sanitary manhole approximately 200 metres from the subject property. Water would be extended through a new 50 mm diameter water connection to the existing watermain at the south end of Avondale Court. A hydrant flow test performed confirmed that the flow rate was acceptable for fire demands.

Regarding stormwater management, stormwater is presently conveyed to Lake Ontario to the east between 105 and 111 Avondale Court and to the west through a swale between the subject property and 136 Secord Lane. The proposed grading design proposes to direct the majority of site stormwater flows to the south directly to Lake Ontario. Drainage directly to Lake Ontario can be accommodated without the need for any quality controls or attenuation.

Geotechnical Assessment

As previously referenced, a Geotechnical Assessment and Engineering Review of Slope Stability was prepared by Englobe Corp. (formerly Terraprobe) dated October 31, 2024. The Assessment provided an analysis of the subsurface soil, rock and ground water conditions and included a slope stability assessment on the east side of the property to determine the Long Term Stable Top of Slope coupled with the 6.0 metre regulatory setback. The Assessment also determined the existing Erosion Hazard Limit based on current conditions (i.e., without shoreline protection works).

The 6.0 metre regulatory setback from the Long Term Stable Top of Slope has been used to define the development limit on the east side of the property between the proposed R1.2-XXX Zone and the O2 Zone. The development limit appears consistent with the existing zoning affecting the subject property.

Channel Rehabilitation and Culvert Replacement

As previously mentioned, Water's Edge prepared a Preliminary Hydrology and Hydraulics Report for Channel Rehabilitation and Culvert Replacement dated December 17, 2024. Water's Edge conducted hydrologic and hydraulic assessments of the channel that currently passes under the driveway which is the principal access to the subject property. The culvert and the associated upstream headwall are showing signs of deterioration. The existing gabions have detached from the adjacent slope and are

constricting channel flow. During intense rainfall events, overtopping of the culvert has been observed.

Water's Edge has recommended the rehabilitation of approximately 50 metres of channel and culvert replacement. The recommended design would necessitate the removal of the existing culvert, gabions, wooden retaining walls and some trees. The recommended design modifications show that safe access is achievable with the estimated 100-year flow and the extent of flooding is significantly reduced.

Planning Opinion

General

The existing policy framework, including the 1997 and 2020 BOP and City Zoning By-law permit single-detached dwellings as a right. The performance standards for single-detached dwellings are established through the implementing Zoning By-law. Therefore, consideration of the Application is not a matter of assessing the appropriateness of land use but rather an assessment of the fit of the proposed dwelling in terms of scale, height and massing on the property in the context of the surrounding area. A large home on a sizable property (i.e., 0.91 hectares or 2.25 acres) is not unprecedented in the Lakeshore area of the City along the Lake Ontario shoreline.

With respect to the natural heritage and natural hazard features, these features have been appropriately identified and demarcated through the technical reports. This would include the valley slope affecting the east portion of the property and shoreline development setbacks for the proposed dwelling and accessory buildings and structures (e.g., pool) based on future shoreline protection works. These natural heritage and hazard lands will be appropriately zoned to ensure that the key features associated with these lands remain protected and/or regulated over the long-term.

I will provide in the following sections my planning opinion and assessment with respect to compatibility, scale and massing of the proposed dwelling and proposed mitigation measures.

Compatibility

The definitions of Compatible in the 1997 and 2020 BOP were previously addressed in this report. Compatibility is a fundamental consideration in the evaluation of any planning application.

In order to assess compatibility, a review of the character of the area is important. Generally, the Lakeshore area of Burlington is predominantly single-detached and is characterized by some of the largest homes in the City, especially along the Lake Ontario shoreline. The more immediate neighbourhood is characterized by single-detached dwellings of a variety of sizes from very large to more modestly sized dwellings. A large home on the 105 Avondale Court property would not be out of character with the broader neighbourhood and the size of the property provides the opportunity for a larger home without adverse impact on the surrounding properties.

In the previously noted LPAT decision, the Tribunal, in consideration of the townhouse proposal, cited a commonly used definition of compatible previously established by the Ontario Municipal Board (OMB) which was deemed appropriate by the planning witnesses in the hearing. The definition reads as follows:

> **"Being compatible with is not the same thing as being the same as. Being compatible with is not even the same thing as being similar to. Being similar to implies having a resemblance to another thing; they are like one another, but not completely identical. Being compatible with implies nothing more than being capable of existing together in harmony."**

The definition is clear that compatible is not a measurement of being the same or even similar to. As noted in the definition, "…. being compatible implies nothing more than being capable of existing together in harmony." There are many instances in The City where small and large homes co-exist without issue.

The City's definition in the 1997 BOP is similar in part as it references the capability of co-existing in harmony. The City's definition further indicates that development will not have an undue physical or functional adverse impact on existing and proposed development or pose an unacceptable risk to environment and/or human health. The definition identifies specific evaluation criteria for compatibility which includes aesthetics, noise, vibration, dust, odours, traffic, safety, sun-shadowing and the potential for serious adverse health impacts on humans or animals.

The definition in the 2020 BOP is more consistent with the LPAT definition noted above.

In evaluating compatibility based on the above referenced definitions, it is my opinion that the Application to facilitate a new, larger single-detached dwelling on the subject property is compatible. A single-detached dwelling is permitted within the Low Density Residential designations in the City Official Plans (1997 and 2020). A larger single-detached built form is consistent with the character of the immediate neighbourhood which is predominantly single-detached residential homes having a variety of lot and dwelling sizes. It is acknowledged that the house is significantly larger than many of the homes in the area but, as previously mentioned, this is not uncharacteristic or unprecedented on larger properties along Lakeshore Road and/or Lake Ontario shoreline.

In considering the various definitions of compatible noted above, it is my opinion that the proposed dwelling is compatible and capable of existing together in harmony with existing homes without adverse impact. There are many examples in the City, especially in the Lakeshore area, where large homes co-exist within neighbourhoods containing smaller homes. There is no evidence that the proposed larger home will present an unacceptable risk to the environment and/or human health. Further, there is no demonstrated adverse impact in terms of aesthetics, noise, vibration, dust odours, traffic, safety and sun-shadow.

Scale and Massing

The scale and mass of the proposed dwelling in the context of the surrounding neighbourhood is also a measure of compatibility. The size of the proposed dwelling is approximately 2,500 square metres (26,000 square feet) with a proposed height of three (3) storeys. The dwelling is proposed on a property (i.e., subject property) that is significantly larger than most of the properties in the immediate neighbourhood. The property size of 0.91 hectares (2.25 acres) can accommodate a sizable dwelling without adverse impact and continue to meet the vast majority of the zone provisions of the R1.2 Zone. The proposed dwelling will satisfy and, in many instances, exceed the performance standards of the R1.2 Zone. This would include zone standards for minimum lot area, front, side and rear yard setbacks, and lot coverage. A table showing the existing and proposed zone standards is shown in Table 1 below.

Table 1: R1.2 Zone Provisions

R1.2 Zone	**Required**	**Provided**
Lot Width*	24 m	16.54 m* (existing condition)
Lot Area	925 m²	9,130 m^2
Front Yard	9 m	N/A
Rear Yard	9 m	N/A
Side Yards	1.8 m	North – 14.12 m South – 38.9 m West – 16.78 m East – 24.4 m
Street Side Yard	N/A	N/A
Building Setback to* Creek Block	7.5 m	N/A*
Lot Coverage (with attached garage)	35%	13.53%
Building Height*	2 ½ storeys	3 storeys (23.39 m)*
Balconies*	No balcony above first storey on wall facing side and rear yards.	Balconies above first storey permitted on north and south side yards only. North side yard restricted to second storey.*

*Variation to R1.2 Zone.

The only variations to the R1.2 Zone standards would be a recognition of the existing lot width (i.e., frontage) at Avondale Court, building height and permission for balconies above the first storey. The building setback to the creek block has been removed as the regulatory setback has been included in the O2 Zone.

The building height of the proposed dwelling would be three (3) storeys or approximately 23.5 metres. The R1.2 Zone permits a maximum building height of 2.5 storeys without a metre equivalent. Amending Zoning By-law 2020.417 which implemented the current R1.2-502 Zone provides for a maximum building height of two (2) storeys or 11.5 metres. Height is measured based on the definition of Fixed Grade in the parent Zoning By-law. Fixed Grade measured from the elevation of the ground at the street line (i.e., Avondale Court) to the midpoint of a lot. The Avondale Court frontage is the low point of the lot with the location of the proposed dwelling being the highest point of the property. The surrounding dwellings most impacted by the proposed dwelling are built from a different Fixed Grade at an elevation consistent with the high point of the subject property. The proposed dwelling height in metres is inflated as a result of Fixed Grade definition in the Zoning By-law.

In considering increases in building height, an assessment of impact is necessary. Matters such as sun-shadowing, overlook and landscaping/buffering are typical matters to be considered in assessing impact. In addition, based on the definition of compatible in the 1997 BOP, matters such as aesthetics, noise, vibration, dust, odours, traffic, safety and the potential for serious adverse health impacts on humans or animals are to be considered.

There is no evidence that a larger replacement home on the subject property at an increased height would result in adverse impacts with respect to noise, vibration, dust, odours, traffic, safety and health impacts on humans and animals. City staff did not require technical studies to specifically address these matters. There was no requirement for a traffic impact study or noise assessment in the consideration of the Application.

Further, given the position of the proposed dwelling on the subject property with enhanced setbacks as detailed in the following section, and the retention of perimeter trees to maintain screening, there will be no impact in regard to sun-shadow impact and overlook onto abutting properties.

Mitigation Measures

Despite the proposed dwelling not creating any adverse impacts on the neighbourhood, a number of mitigation measures have nevertheless been proposed.

The DZB prepared in support of the Application includes enhanced setbacks exceeding the R1.2 Zone standards. With respect to the west property line, which is considered a side yard, an increase in the building setback from 1.8 metres (required by R1.2 Zone) to 16 metres is proposed. It is noted that the west property is also well screened by existing mature trees and vegetation and separated by an existing right-of-way that is

approximately 3.0 metres in width. The mature trees and vegetation will be retained as part of the Application.

The north property line similarly has existing mature trees that are proposed to be retained. An increase in the northerly side yard setback from 1.8 metres to 13.5 metres is proposed for the proposed dwelling to mitigate the impact of the increased scale, massing and building height.

The existing single-detached dwelling to the east is accessed through a right-of-way from Avondale Court over the existing driveway to the subject property. Due to the valley feature and extensive tree cover and vegetation separating the existing and proposed dwellings, no modification to the minimum 9.0 metre front yard setback is necessary.

A Landscape Plan has been prepared by Koudys. The Landscape Plan illustrates extensive planting throughout the property including additional planting around the perimeter of the property notably along the west and north property lines. The new plant materials will enhance the screening from the abutting properties.

Protection of Natural Heritage and Hazard Features

As discussed throughout this report, a complete assessment of the boundaries of the natural heritage and hazard features has been undertaken by Shoreplan Engineering and Englobe Corp. Through their work, the limits of development have been determined and appropriately delineated. Englobe identified the Long Term Stable Top of Slope along with the regulatory setback. Shoreplan established the EDS for the proposed dwelling based on the proposed shoreline protection works. Shoreplan also established a stable slope setback for accessory buildings and structures (e.g., pool). The proposed development will respect the development setbacks established by Englobe and Shoreplan and this work has influenced the DZB.

Given the above natural heritage and hazard constraints which dictated the siting of the proposed dwelling on the subject property, and the size of the proposed dwelling, tree preservation was a challenge. The Arborist recommended the preservation of 87 trees with the removal of 106 trees including two (2) diseased butternut trees. The Landscape Plan provided identifies robust planting to compensate for the proposed removals.

Conclusions

Based on my detailed review of the current and proposed planning policies (i.e., 2020 BOP), and in consideration of the recommendations of the various technical reports and assessments, it is my opinion that the Application to facilitate a larger, three (3) storey replacement home on the subject property represents good planning and is compatible and appropriate.

It is my planning opinion and recommendation that the Application be approved for the following reasons:

1. The Application has appropriate regard for matters of Provincial interest set out in Section 2 of the *Planning Act.* Some of the key matters include protection of ecological systems, including natural areas, features and functions, adequate provision for a full range of housing, the protection of public health and safety, and promotion of a well-designed built form.

2. The Application is consistent with the 2024 PPS including the protection of key natural heritage and hazard features through the implementing Zoning By-law and/or appropriate setbacks.

3. The Application conforms to the Regional Plan.

4. The Application conforms to the 1997 and 2020 BOP. The single-detached built form is a permitted use, and the proposed single-detached dwelling satisfies the definitions of compatible in both Plans.

5. Mitigation measures for a larger single-detached dwelling on the subject property are proposed including enhanced setbacks along the north and west property lines, preservation of mature trees along the north, east and west property lines, and significant proposed landscaping as detailed on the Landscape Plan provided.

6. The proposed single-detached dwelling will achieve a high-quality built form and design that will complement the existing neighbourhood.

7. The technical reports/assessments prepared in support of the Application do not raise any significant technical concerns and the recommendations of these reports/assessments have been relied upon to appropriately locate the dwelling on the subject property and modify the existing access from Avondale Court.

8. Approval of the DZB attached as **Schedule 3** to this report represents good planning. The proposed DZB is consistent with and conforms to the relevant planning documents including the 1997 BOP presently in effect. The site-specific exceptions requested in the draft DZB are appropriate for the proposed dwelling and to mitigate its impact on the surrounding neighbourhood context.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.





Glenn J. Wellings, MCIP, RPP.



PROJECT:
105 AVONDALE COURT
BURLINGTON, ONTARIO

AERIAL PHOTO

PROJECT No:
2022/04

DATE:
OCTOBER 2022

SCALE:
1:2500

Wellings *Planning Consultants Inc.*
513 Locust Street, Unit B - Burlington, Ontario
t - 905-681-1769 e - Glenn@WellingsPlanning.ca

SCHEDULE 1

SITE PLAN GENERAL NOTES:

1. WHERE POSSIBLE, NO EXCAVATION SHOULD BE CARRIED OUT WITHIN THE DRIP LINES OF THE TREES TO BE SAVED, ROOT LOSS MUST BE MINIMAL

2. THE CONTRACTOR (BUILDER) TO CHECK AND VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES (CONNECTIONS) PRIOR TO CONSTRUCTION.

3. ALL DISTURBED AREAS WITHIN EXISTING ROADS AND BOULEVARDS TO BE RECONSTRUCTED TO THE SATISFACTION OF THE CITY OF BURLINGTON WORKS DEPARTMENT.

4. ROOF DOWN SPOUTS TO SPILL ONTO GROUND VIA SPLASH PADS.

5. A SNOW FENCE OR OTHER BARRIER SHOULD BE ERECTED AROUND THE TREE TO AT LEAST THE DRIP LINE. THE SMALL FIBROUS ROOTS, WHICH FEED THE TREE ARE IN MOST CASES LOCATED PRIMARILY AT THE EXTREMITIES OF THE ROOT SYSTEM AND THEREFORE, MUST BE PROTECTED.

6. DO NOT BURN WASTE OF FLUSH CONCRETE TRUCKS OR CEMENT MIXERS OVER NEAR THE ROOT SYSTEM. ANY AND ALL DAMAGED TREES MUST BE IMMEDIATELY REPAIRED AT THE CONTRACTORS EXPENSE.

7. THE STRUCTURAL DESIGN OF ANY RETAINING WALL OVER 600 mm. IN HEIGHT OR ANY RETAINING WALL LOCATED ON A PROPERTY LINE IS TO BE SHOWN ON THE SITE GRADING PLAN FOR THIS PROJECT AND IS TO BE APPROVED BY THE CONSULTING ENGINEER FOR THE PROJECT.

8. THE OWNER IS RESPONSIBLE FOR ENSURING THAT THE TREE PROTECTION HOARDING IS MAINTAINED THROUGHOUT ALL PHASES OF DEMOLITION AND CONSTRUCTION IN THE LOCATION AND CONDITION AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. NO MATERIALS (CONSTRUCTION MATERIALS, SOIL, ETC.) MAY BE STOCKPILED WITHIN THE AREA OF HOARDING. FAILURE TO MAINTAIN THE HOARDING AS ORIGINALLY APPROVED, OR THE STORAGE OF MATERIALS WITHIN THE HOARDING WILL BE CAUSE FOR THE TREE PRESERVATION LETTER OF CREDIT TO BE HELD FOR 2 (TWO) YEARS FOLLOWING COMPLETION OF SITE WORKS.

SIGNATURE OF HOMEOWNER:

9. SEDIMENT CONTROLS AS PER CITY STANDARD ARE TO BE IMPLEMENTED DURING CONSTRUCTION.

10. ALL DAMAGED LANDSCAPE AREAS ARE TO BE REINSTATED WITH TOPSOIL AND SOD PRIOR TO THE RELEASE OF SECURITIES.

11. ANY EXCESS EXCAVATED MATERIAL IS TO BE REMOVED FROM THE SITE

12. EXISTING DRAINAGE PATTERN IS TO BE MAINTAINED.

13. THE PORTIONS OF THE DRIVEWAY WITHIN THE MUNICIPAL BOULEVARD WILL BE PAVED BY THE APPLICANT.

14. AT THE ENTRANCES TO THE SITE, THE MUNICIPAL CURB WILL BE CONTINUOUS THROUGH THE DRIVEWAY AND A CURB DEPRESSION WILL BE PROVIDED FOR EACH ENTRANCE.

15. ALL PROPOSED CURBING AT THE ENTRANCES TO THE SITE IS TO STOP AT THE PROPERTY LINE OR AT THE MUNICIPAL SIDEWALK. CURB RETAINS SHALL MAINTAIN A MINIMUM CLEARANCE OF 1.2M FROM ABOVE GROUND UTILITIES (EG. HYDRO POLES, HYDRANT)

16. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A SECURITY/ LETTER OF CREDIT IS REQUIRED (TREES, SHRUBS, SOD, FENCING) TO BE SUBMITTED TO THE BUILDING OF FINANCE DEPT. ONCE SITE WORK IS DONE, CONTACT ENGINEERING STAFF TO ARRANGE A SITE INSPECTION, TO ALLOW RELEASE OF SECURITIES.

17. ALL EXTERIOR LIGHTING WILL BE DIRECTED ONTO THE SITE AND WILL NOT INFRINGE UPON THE ADJACENT PROPERTIES.

18. IF A WELL IS DISCOVERED, IT WILL BE DECOMMISSIONED IN ACCORDANCE WITH THE ONTARIO WATER RESOURCES ACT REGULATION 903 (formerly 612/84) AND ANY OTHER APPLICABLE REGULATIONS AND GUIDELINES.

19. THE HOARDING MUST BE INSPECTED PRIOR TO REMOVAL OF ANY TREE PROTECTION HOARDING FROM THE SITE.

20. ALL DISTURBED DRIVEWAY AREAS ARE TO BE RE-ASPHALTED PRIOR TO SECURITIES RELEASE.

21. PRIOR TO ANY CONSTRUCTION TAKING PLACE, HOARDING ADJACENT TO EXISTING PROPERTIES TO PROTECT FROM CONSTRUCTION ACTIVITIES AND ALL REQUIRED HOARDING IN ACCORDANCE WITH THE ONTARIO OCCUPATIONAL HEALTH AND SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS MUST BE ERECTED AND THEN MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION.

22. THE APPLICANT WILL BE RESPONSIBLE FOR THE COST OF ANY RELOCATIONS NECESSITATED BY THE SITE PLAN.

23. SHOULD THE INSTALLATION OF BELOW GROUND SERVICES REQUIRE HOARDING TO BE REMOVED, PLANNING AND BUILDING STAFF ARE TO BE CONTACTED PRIOR TO THE COMMENCEMENT OF SUCH WORK. SHOULD AN ALTERNATE SERVICE ROUTE NOT BE POSSIBLE, STAFF WILL INSPECT AND DOCUMENT THE CONDITION OF VEGETATION AND SERVICING INSTALLATION IN ORDER TO MINIMIZE DAMAGE TO VEGETATION.

24. ALL UTILITY COMPANIES WILL BE NOTIFIED FOR LOCATES PRIOR TO THE INSTALLATION OF THE HOARDING THAT LIES WITHIN THE LIMITS OF THE CITY BOULEVARD AREA.

25. CONSTRUCTION MATERIALS ARE NOT TO BE PUT OUT FOR COLLECTION.

DEVELOPMENT ENGINEERING REQUIRED NOTES:

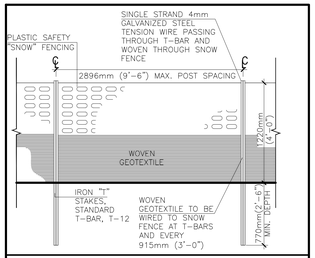
1. ALL SURFACE DRAINAGE WILL BE SELF CONTAINED, COLLECTED AND DISCHARGED AT A LOCATION TO BE APPROVED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

2. ALL PROPOSED CURBING WITHIN THE MUNICIPALITY BOULEVARD AREA FOR THE SITE IS TO SUIT AS FOLLOWS: A) FOR ALL SINGLE FAMILY RESIDENTIAL PROPERTIES INCLUDING AN STREET TOWNHOUSES, ALL CURBING IS TO STOP A THE PROPERTY LIMIT OR THE BACK OF THE MUNICIPALITY SIDEWALK, WHICHEVER IS APPLICABLE.

3. THE EXISTING DRAINAGE PATTERN WILL BE MAINTAINED EXCEPT WHERE NOTED.

4. THE APPLICANT WILL BE REQUIRED TO CONTACT ALL UTILITY COMPANIES TO OBTAIN ALL REQUIRED LOCATES PRIOR TO THE INSTALLATION OF HOARDING WITHIN THE MUNICIPAL RIGHT OF WAY.

1 A1.2 GENERAL NOTES
SCALE: DNS



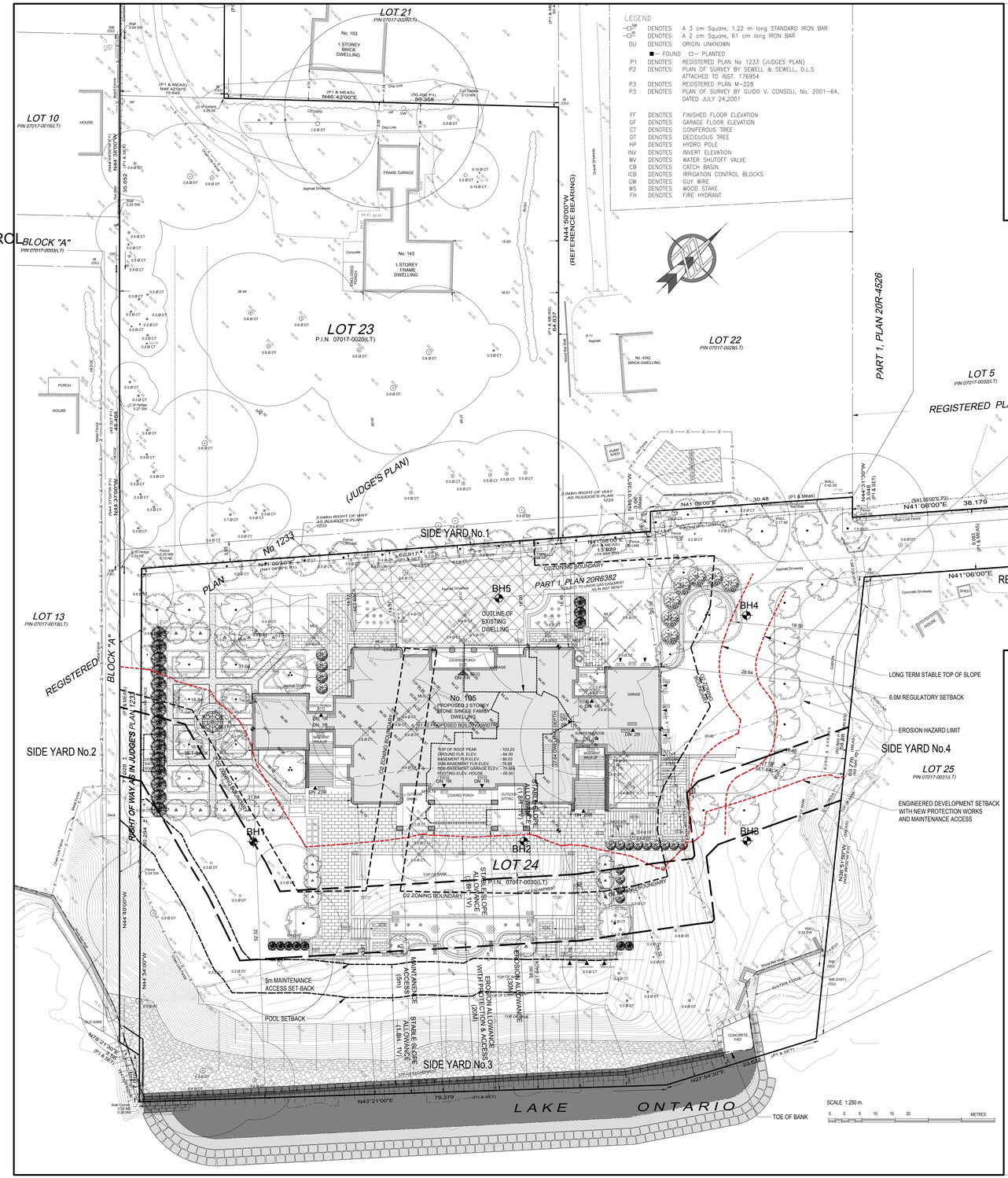
D SEDIMENT CONTROL HOARDING

3 A1.2 HOARDING - SEDIMENT CONTROL
SCALE: DNS

4 A1.2 RESERVED
SCALE: DNS

2 A1.2 DETAIL
SCALE: ENTER SCALE

5 A1.2 DETAIL
SCALE: ENTER SCALE



6 A1.2 PARTIAL SITE PLAN (SOUTH EAST END)
SCALE: 1:250



8 A1.2 KEY PLAN
SCALE: DNS

SITE STATISTICS:			
ADDRESS:	105 AVONDALE COURT BURLINGTON, ONTARIO L7L 2M8		
LEGAL DESCRIPTION:	LOT 24 JUDGE'S PLAN 1233		
ZONING:	RESIDENTIAL R1.2		
	%	METRIC	IMPERIAL
LOT AREA:		9130.42	98282.24
LOT FRONTAGE:			
AT STREET AS PER DEFINITION (@ 11m back from property line)		16.54	54.27
GROSS FLOOR AREA:			
PERMITTED (35% of total Lot Area)	35	3195.65	34398.78
PROPOSED GFA			
GARAGE		75.30	811
GROUND FLOOR		858.51	9,241
SECOND FLOOR		787.83	8,480
THIRD FLOOR		710.50	7,648
TOTAL	26.64	2432.14	26,180
TOTAL BASEMENT		976.37	10,510
FINISHED AREA		445.57	4,796
LOWER GARAGE		266.44	2,868
UNFINISHED AREA		684.85	7,372
LOT COVERAGE:			
PERMITTED	35	3195.65	34,398.78
PROPOSED DWELLING (INCL. GARAGE)	10.62	968.51	10,425
PROPOSED COVERED PORCHES	1.56	142.84	1,538
PROPOSED STAIRS & SUB-GRADE BSMT. STRUCT.	1.35	123.67	1,331
PROPOSED TOTAL	13.53	1235.03	13,294
MAXIMUM HEIGHT TO RIDGE:			
PERMITTED		11.50	37'-9"
PROPOSED		23.39	76'-8 3/4"
PERMITTED		2-1/2 STOREYS	
PROPOSED		3 STOREYS	
NO. OF STOREYS:			
SETBACK CALCULATIONS:			
FRONT YARD - PERMITTED (DWELLING)	=	9.00	29.53
- PROPOSED (DWELLING)		N/A	N/A
REAR YARD - PERMITTED (DWELLING)	=	9.00	29.53
- PROPOSED (DWELLING)		N/A	N/A
SIDE YARD 1 - PROPOSED DWELLING	=	14.12	46.33
SIDE YARD 2 - PROPOSED DWELLING	=	16.78	55.05
SIDE YARD 3 - PROPOSED DWELLING	=	38.90	127.62
SIDE YARD 4 - PROPOSED DWELLING	=	27.56	90.42
SIDE YARD 5 - PROPOSED DWELLING	=	24.40	80.05

9 A1.2 SITE STATISTICS
SCALE: ENTER SCALE

SCHEDULE 2

Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.

SITE ACCREDITATION:

SURVEYOR'S REAL PROPERTY REPORT - PART 1

LOT 24
JUDGE'S PLAN 1233
IN THE
CITY OF BURLINGTON

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

REGISTERED EASEMENTS AND /OR RIGHT OF WAY
07017-0020: SUBJECT TO 156350, 238879, 411130 , 818324 AND 844952

07017-0030: SUBJECT TO 113136 (EXCEPT 176954 & PT1, 20R4,559,) AND 597917

THIS SURVEY WAS PREPARED FOR GILLIAN STEVENS AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

SURVEYOR'S REAL PROPERTY REPORT - PART 2
THIS PLAN MUST BE READ IN CONJUNCTION WITH THE SURVEY REPORT DATED N/A

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF LOT 23 AS SHOWN ON JUDGE'S PLAN No. 1233 HAVING A BEARING OF N44°50'00"W.

BENCHMARK NOTE
CITY OF BURLINGTON BENCHMARK No.380. BRASS PLAQUE ON THE NORTH FACE AT THE TOP NORTHWEST CORNER OF A CONCRETE RETAINING WALL AT THE NORTHEAST CORNER OF THE INTERSECTION OD POPLAR DRIVE AND LAKESHORE ROAD.
ELEVATION 82.57m

SITE LEGEND:

	PROPERTY LINE
83.00	EXISTING GRADE
83.37	FINISHED GRADE
F.F.E.	FINISHED FLOOR ELEVATION
F.B.E.	FINISHED BASEMENT ELEVATION
F.D.E.	FINISHED DECK ELEVATION
	MAIN ENTRANCE
	SECONDARY ENTRANCE
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
1	TREE NUMBER PER ARBOURIST REPORT
	TREE HOARDING AS PER ARBORIST REP.
82.67 TW 82.14 BW	ELEVATION AT TOP OF RETAINING WALL ELEVATION AT BOTTOM OF RETAINING WALL

REF.	DATE:	DESCRIPTION:
6	24.12.20	ISSUED FOR REZONING SUBMISSION
5	24.10.21	ISSUED FOR GRADING COORDINATION
4	24.06.14	ISSUED FOR PRECONSULT APPLI.
3	23.02.20	ISSUED FOR CLIENT REVISIONS
2	21.05.27	ISSUED FOR CLIENT MEETING
1	21.04.06	ISSUED FOR CLIENT MEETING

REVISIONS / ISSUANCE:

CLIENT:
PRIVATE RESIDENCE

ADDRESS:105 AVONDALE CRT, LOT 24
CITY: CITY OF BURLINGTON, ONTARIO

DRAWING TITLE:
SITE PLAN
SITE STATISTICS

DRAWN: CP
DATE: 21.04.04
SCALE: 1:250
JOB NUMBER:
SHEET NUMBER: A1.2

C:\USERS\BJOVANOVSKI\DOCUMENTS\CACHEVILLEMENT - DEV DOCS\AVONDALE\DRAWINGS\ZONING SITE PLAN.RVT 2021-05-27 11:05:30 AVONDALE ALL SITE PLAN 24.10.20.DWG

SCHEDULE 3

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend By-law 2020, as amended;
105 Avondale Court
Lot 24, Judge's Plan 1233
City File No.: TBC

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XX-25 on XXX, 2025, to amend the City's existing Zoning By-law 2020, as amended, to permit a single-detached dwelling and accessory buildings and structures;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 21E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from O2 to R1.2-XXX.

3. The lands designated as "B" on Schedule "B" attached hereto are hereby rezoned from R1.2-502 to R1.2-XXX.

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception XXX as follows:

Exception XXX	Zone R1.2	Map 21E	Amendment 2020.XXX	Enacted

1. General Regulations

   a) Notwithstanding Part 1, 2.30 of this By-law, buildings and structures are permitted landward of the Engineered Development Setback (EDS) limit shown in Schedule "A". Accessory buildings and structures may be permitted within the EDS limit and the O2 Zone. All development within Conservation Halton's regulated area (shown as regulatory floodplain on Part 15, Map 21E of this By-law), shall be subject to approval by Conservation Halton.

   b) Part 1, 2.36 of this By-law shall not apply.

2. Regulations for Detached Dwelling

   a) Lot Width: 16.0 metres based on the existing frontage on Avondale Court.

   b) Side Yards:

      ii) North Side Yard – 13.5 metres

      ii) South Side Yard – 38 metres

      iii) West Side Yard – 16 metres

   c) Maximum Building Height: 3 storeys or 23.5 metres excluding internal attic space and mechanical built into the roof.

   d) Balconies:

      i) Permitted above the first storey but only on the second storey on a wall facing the north side yard.

      ii) Permitted above the first storey on a wall facing Lake Ontario on the south side yard.

Except as amended herein, all other provisions of this By-law, as amended, shall apply.

5. When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

6. If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally

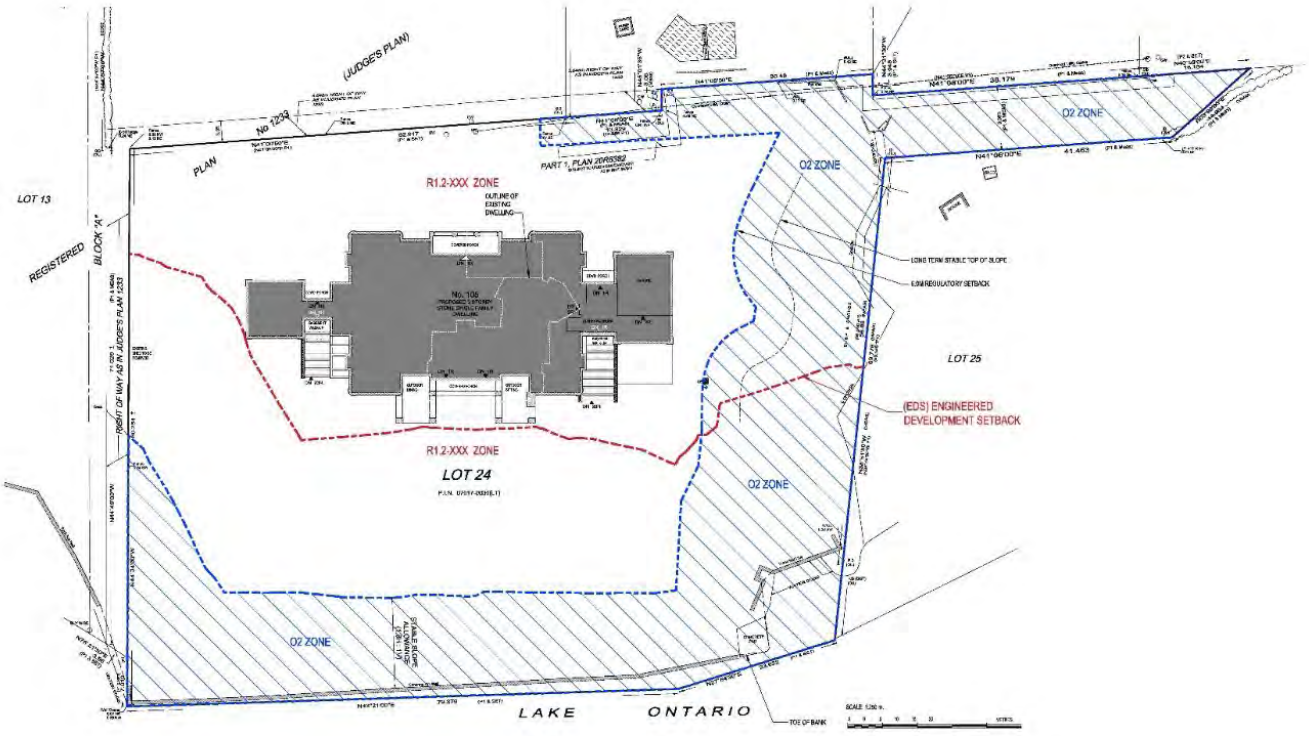
disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this …….day of..... 2025 .

_____MAYOR

_____CITY CLERK

SCHEDULE ‘A’ TO ZONING BY-LAW 2020.XXX



SCHEDULE 'A' TO BY-LAW 2020.XXX AMENDING MAP NO. 21E OF PART 15, BY-LAW 2020 AS AMENDED.

PASSED THE ___ DAY OF _____, 2024.

_____ _____

MAYOR CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX

By-law 2020.XXX rezones lands at 105 Avondale Court to allow for a new three (3) storey single-detached dwelling.

For further information regarding By-law 2020.XXX, please contact Elyse Meneray of the Burlington City Building Department at (905) 335-7600, extension 7860.