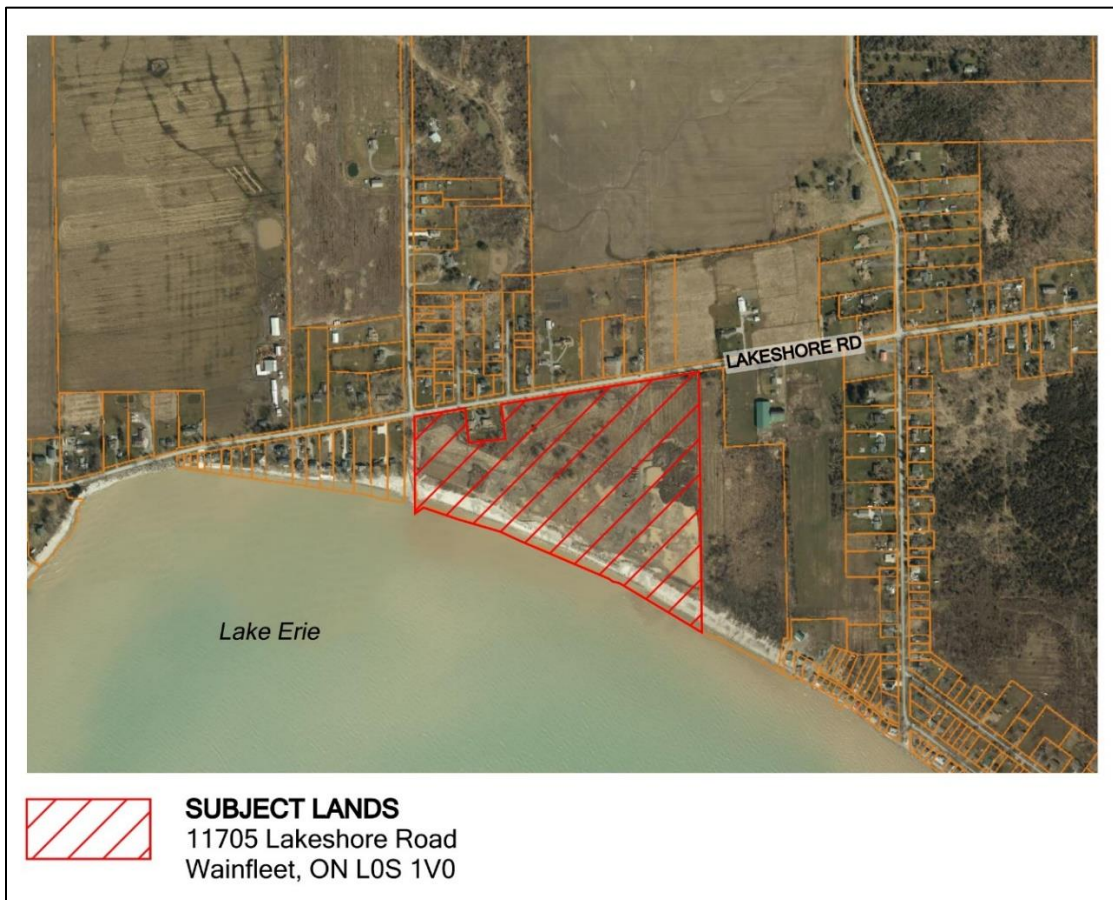


Landwise (formerly T. Johns Consulting Group Ltd.) has prepared the following Planning Rationale in support of the Minor Variance application for 11705 Lakeshore Road in the Township of Wainfleet.

Description of Subject Lands

11705 Lakeshore Road (“subject lands”) is an irregularly shaped parcel with an area of 14.29ha, 442.5m of frontage on Lakeshore Road, and approximately 556.0m of frontage on Lake Erie. The subject lands are currently vacant and have been partially graded while construction of internal condominium roads and servicing is nearing completion. A portion of the subject lands is vegetated and will remain as open space.

Figure 1 - Site Location



Planning Status

Township of Wainfleet Official Plan

The subject lands are designated “Lakeshore Residential” and “Environmental Conservation Area” with a Hazard Lands overlay in the *Township of Wainfleet Official Plan*. The Lakeshore Residential designation permits seasonal and full year single detached dwellings. The Environmental Conservation Area is in place to protect the Lake Erie shoreline and Fowler’s Toad habitat located on the subject lands.

Zoning Bylaw 034-2014

The subject lands are zoned “Residential Lakeshore (RLS-36[H]) Zone, Modified”, “Open Space (O-3) Zone, Modified”, and “Open Space (O-6) Zone, Modified” in *Zoning Bylaw 034-2014*. The RLS Zone permits various dwelling types including single detached dwellings. All three zones have been amended to include site-specific provisions for permitted uses and requirements such as maximum height, minimum frontage, minimum yards, and maximum lot coverage. The Holding (H) Provision on the subject zoning is scheduled to be lifted through the July 9th, 2024 Council Meeting.

Previous Planning Applications

A Zoning By-law Amendment (“ZBA”) Application (File No. Z08-2014) was passed and implemented through By-law 036-2017 on August 1st, 2017. The purpose of the ZBA was to facilitate the Draft Plan of Condominium (“DPC”) (File No. P01-2014) for the subject lands, which was approved by Council on July 18th, 2017. The DPC (Vacant Land) has now been registered as Niagara South Vacant Land Condominium Plan 206 which created 41 units for residential development and common element blocks for open space and access.

Nature and Extent of Relief Applied For:

Three (3) Minor Variances are being sought from *Zoning Bylaw 034-2014* Residential Lakeshore (RLS-36[H]) Zone, Modified. The requested Minor Variances are as follows:

Township of Wainfleet Zoning Bylaw 034-2014		
	Section	Purpose
1	3.(i) of RLS-36 in Table 12 of Section 7.4	To allow a maximum dwelling depth of 50% of the lot depth for Lakefront Units and 75% of the lot depth for Non-Lakefront Units, whereas a dwelling depth not exceeding 3 metres beyond the average depth of the adjacent dwellings is required.
2	3.(k) of RLS-36 in Table 12 of Section 7.4	To allow a maximum lot coverage of 35% for Lakefront Units 2-10, 16-18, and 29-31, inclusive (as shown on Niagara South Vacant Land Condominium Plan 206), whereas a maximum lot coverage of 30% is required.
3	3.(n) of RLS-36 in Table 12 of Section 7.4	Provision 3.(n), “The front wall of an attached garage shall be recessed from the front wall of a dwelling by a minimum of 0.2 metres”, shall only apply to Non-Lakefront Units, whereas it applies to all units.

Planning Rationale

Overall Conformity to the *Township of Wainfleet Official Plan*

The subject lands are primarily designated “Lakeshore Residential” within the Lakeshore Area of the *Township of Wainfleet Official Plan*. The intent of the Lakeshore Area is to maintain the recreational, residential, and cottage character, while permitting limited infill development on existing lands designated for residential purposes. All new residential development must respect the character of the surrounding residential area (Policy 3.3.3.3). The proposed condominium units with single detached dwellings are permitted in the Lakeshore Residential designation (Policy 3.3.3.1) and will

be designed to reflect the established neighbourhood character in their lot sizes, lot depths, building heights, and setbacks.

No development is permitted or proposed within the Environmental Conservation Area designation in order to retain and protect the existing Fowler’s Toad habitat on the subject lands.

VARIANCE 1. To allow a maximum dwelling depth of 50% of the lot depth for Lakefront Units and 75% of the lot depth for Non-Lakefront Units, whereas a dwelling depth not exceeding 3 metres beyond the average depth of the adjacent dwellings is required.

Why is it not possible to comply with the provision of the by-law?

Vacant land condominiums are proposed for the subject lands and the future dwellings will likely be developed by separate builders with varying construction timelines. As a result, it will not be possible to calculate maximum dwelling depth based on the average depth of adjacent dwellings, as the adjacent lands may be vacant.

1. Conformity to the Intent of the Zoning By-law

The purpose of the maximum dwelling depth provision is to maintain a cohesive built form throughout the neighbourhood. The vacancy of the proposed condominium units creates the inability to calculate dwelling depth based on adjacent dwellings. Using percentage of lot depth is an alternative method for calculating maximum dwelling depth and therefore conforms to the intent of the Zoning By-law.

2. Is the Variance Minor?

The Variance is minor as it does not eliminate the maximum dwelling depth provision, but provides a clearer alternative for calculating the maximum depth. Additionally, the Zoning By-law contains other zoning provisions that work in tandem with maximum dwelling depth to ensure a cohesive built form, such as minimum setbacks and lot coverage.

3. Is the Variance Desirable for the development of the property?

The variance is desirable as it will provide greater clarity regarding dwelling depth requirements in the context of vacant condominium units.

VARIANCE 2. To allow a maximum lot coverage of 35% for Lakefront Units 2-10, 16-18, and 29-31, inclusive (as shown on Niagara South Vacant Land Condominium Plan 206, or the latest revision thereof), whereas a maximum lot coverage of 30% is required.

Why is it not possible to comply with the provision of the by-law?

The Lakefront Units are adjacent to protected Fowler’s Toad habitat, which has an irregular limit that results in smaller developable areas for the indicated units. As a result, a minor increase in maximum lot coverage is required for the indicated units to facilitate the development of dwellings with similar built form.

1. Conformity to the Intent of the Zoning By-law

The purpose of the maximum lot coverage provision is to maintain a cohesive built form throughout the neighbourhood and to ensure sufficient lot area for private amenity space, landscaping, and parking. The maximum 35% lot coverage will facilitate the development of the indicated units with buildings similar in size to those on adjacent lots with maximum 30% lot coverage, thus meeting the intent of the by-law to create a cohesive built form. The increased lot coverage will not impact the provision of on-site amenity space, landscaping, or parking.

2. Is the Variance Minor?

The variance will not negatively impact the aesthetic or function of the neighbourhood's built environment, or prevent the adequate provision of amenity space, parking, or landscaping. As such, the variance is considered to be minor.

3. Is the Variance Desirable for the development of the property?

The variance is desirable as it will allow for the cohesive development of the subject lands by allowing for similar sized dwellings across the proposed condominium units.

VARIANCE 3. Provision 3.(n), "The front wall of an attached garage shall be recessed from the front wall of a dwelling by a minimum of 0.2 metres", shall only apply to Non-Lakefront Units, whereas it applies to all units.

Why is it not possible to comply with the provision of the by-law?

Although it is anticipated that the units will be developed by various builders, the dwellings for the Lakefront Units are envisioned to have side-facing garages, whereas the dwellings for the Non-Lakefront Units are envisioned to have front-facing garages. Provision 3.(n) is not applicable to buildings with side-facing garages and should therefore only apply to Non-Lakefront Units with front facing garages.

1. Conformity to the Intent of the Zoning By-law

The purpose of a recessed garage is to ensure that it is not the prominent feature of a building's front façade. As the garages for the Lakefront Units are anticipated to be side-facing, they will be unrelated to the front façade of the dwelling, eliminating the need for recessing.

2. Is the Variance Minor?

The zoning provision to recess the front wall of an attached garage is ineffectual when applied to side-facing garages and as such, the Variance to clarify how provision 3.(n) is applied, is minor.

3. Is the Variance Desirable for the development of the property?

The variance is desirable for the development of the subject lands as it will clarify how provision 3.(n) is applied to facilitate more succinct building permit processes for various home builders within the subject lands and further support a coherent development community.

Conclusion

The requested variances will help to facilitate limited infill residential development that is appropriate for the Township’s Lakeshore Area. The variances maintain the intent of the *Township of Wainfleet Official Plan* and *Zoning Bylaw 034-2014*, are minor, and are desirable. The requested variances are appropriate for the subject lands and represent good land use planning.

Respectfully Submitted,

LANDWISE



Edward John, B.A., M.A., MRTPI
Partner / Principal Planner



James Warren, CPT
Senior Urban Designer