

SUBJECT: Zoning By-law Amendment for 105 Avondale Court

TO: Committee of the Whole

FROM: Development and Growth Management  
Community Planning

Report Number: DGM-21-25

Wards Affected: 4

Date to Committee: April 8, 2025

Date to Council: April 15, 2025

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## Recommendation

Approve the Zoning By-law Amendment application for the property located at 105 Avondale Court, as modified by staff in development and growth management report DGM-21-25, to permit a single detached dwelling; and

Approve Zoning By-law 2020.502, attached as Appendix D to development and growth management report DGM-21-25, to rezone the lands at 105 Avondale Court from “R1.2-502” to “H-R1.2-561” to facilitate relief of minimum lot width, maximum building height, maximum deck area, minimum yards, and balcony provisions; and

Deem that the amending zoning by-law will conform to the Halton Region Official Plan, Official Plan, 2020 and Official Plan, 1997 of the City of Burlington and that there are no applications to alter the Official Plans with respect to the subject lands.

## Executive Summary

Purpose of report:

- The purpose of this report is to provide Council with information on the proposed application that is necessary for proceeding with the Statutory Public Meeting and present a recommendation on this application. Planning Staff are recommending a modified approval of the zoning by-law amendment application for the proposed three (3) storey single detached dwelling.

Key findings:

- The applicant has applied for a Zoning By-law Amendment to facilitate the development of a 2,508 square metre (27,000 square foot) single detached dwelling. The proposal requires an amendment to the Zoning By-law as the existing zoning is structured for an eight (8) lot subdivision concept that is no longer being pursued by the applicant. The proposal is for one dwelling on a portion of the lands included in the former subdivision concept. While no zoning by-law amendment is required to permit the use of the lands for one-dwelling, relief from minimum lot width, maximum building height, maximum deck area, minimum yards, and balcony provisions is being sought.
- Staff are recommending a modified approval of the proposed Zoning By-law Amendment based on the following:
  - The proposed amendments are consistent with the Provincial Planning Statement (2024);
  - The proposed amendments conform with the Regional Official Plan (2009, as amended), as well as the Burlington Official Plan (1997, as amended) and Burlington Official Plan (2020, as amended);
  - The proposed development maintains the general intent of Zoning By-law 2020.
  - Staff are of the opinion that the proposed development, as modified by staff, represents good planning.

<b>RECOMMENDATION:</b>		Modified Approval	<b>Ward:</b>	4
<b>Application Details</b>	<b>APPLICANT:</b>  <b>OWNERS:</b>  <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>APPLICANT'S PROPOSAL:</b>	Wellings Planning Consultants Inc. c/o Glenn Wellings  Michael Joel Kam   520-02/25 Zoning By-law Amendment Three storey detached home		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>  <b>MUNICIPAL ADDRESS:</b> <b>PROPERTY AREA:</b>  <b>EXISTING USE:</b>	South of Lakeshore Road, West of Avondale Court  105 Avondale Court  0.91 ha  A single detached dwelling		
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b> <b>1997 OFFICIAL PLAN Proposed:</b> <b>2020 OFFICIAL PLAN Existing:</b> <b>2020 OFFICIAL PLAN Proposed:</b> <b>ZONING Existing:</b>	Residential Low Density Residential Low Density Residential Low Density Residential Low Density R1.2-502, O2		

	<b>ZONING Proposed:</b>	R1.2-561, O2
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	January 15, 2025
	<b>APPLICATION DEEMED COMPLETE:</b>	January 20, 2025
	<b>STATUTORY DEADLINE:</b>	April 15, 2025
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	November 28, 2024
	<b>STATUTORY PUBLIC MEETING:</b>	April 8, 2025
	<b>PUBLIC COMMENTS:</b>	At the time of writing this report, 2 written public comments were received out of 36 notices.

# Recommendation Report

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## Background

On January 20, 2025, the City acknowledged that a complete application had been received for a Zoning By-law Amendment for 105 Avondale Court. The purpose of this application is to amend the Zoning By-law to facilitate the development of a single detached dwelling and to provide site-specific relief necessary to facilitate this development proposal.

In 2016, the site was the subject of a Zoning By-law Amendment application (520-07/16) for 35 townhouse units and 4 semi-detached dwellings. The application was refused by City Council in 2016, and Council's decision was upheld at the Local Planning Appeal Tribunal in July 2018.

In November 2019, City Council approved a development proposal, inclusive of a site-specific zoning by-law amendment, for the subject lands which consisted of a proposed eight (8) lot residential subdivision, a new public road, a parkland dedication block, as well as three (3) blocks for stormwater management and erosion control purposes. The approved zoning by-law amendment for the subject lands permitted reduced lot area, lot width and yard setbacks in accordance with the proposed eight lot subdivision plan. The applicants are no longer pursuing the previously approved eight lot development concept and the previous draft plan has lapsed. The applicants are proposing to amend the zoning by-law to facilitate the development of a single detached dwelling.

## Description of Subject Property and Surrounding Land Uses

The subject lands are located on the south side of Lakeshore Road, west of Avondale Court. The subject lands have a total area of 0.91 hectares and contain a single detached dwelling.

Surrounding uses are as follows:

- North: Single detached residential dwellings.
- East: Single detached residential dwelling.
- South: Lake Ontario
- West: Single detached residential dwellings, Paletta Lakefront Park, Glen Afton Park.

The subject lands are located approximately 3.8km from the Appleby GO Station, travelling along Lakeshore Road, Appleby Line and Fairview Street. Alternatively, Burlington GO Station is approximately 7.3km away travelling along Lakeshore Road, Walker's Line and Fairview Street. The closest bus routes are located along New Street, north of the site and Appleby Line or New Street, east of the site.

The site has access to Highway QEW from both the Walker's Line and Appleby Line onramps. The site is within walking distance of Paletta Lakefront Park.

## **Description of Applications**

Wellings Planning Consultants Inc. has made an application on behalf of Michael Joel Kam to amend the Zoning By-law for the property located at 105 Avondale Court. This application proposes a Zoning By-law Amendment to develop the subject lands with a single detached dwelling.

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## **Analysis**

The proposed Zoning By-law Amendment application is subject to review in accordance with the Provincial Planning Statement (2024); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized throughout the report and detailed in Appendix E. Planning Staff are of the opinion that the proposed application is consistent with the Provincial Planning Statement (2024) and conforms with the Region of Halton Official Plan (2009, as amended), as well as the City of Burlington Official Plans (1997 as amended & 2020 as amended).

## **Residential Land Use and Compatibility**

The subject lands are designated as 'Established Neighbourhood Area' under Schedule B-1 – Growth Framework in the City's Official Plan (the "OP 2020") and further designated as 'Residential Neighbourhood Area' on Schedule B – Urban Structure.

In accordance with Section 2.4.2.(3) a) established neighbourhood areas shall be composed of selected lands designated Residential – Low Density, Residential – Medium Density, and Residential – High Density, and development shall be in accordance with the permissions and densities established in the underlying land use designation. Furthermore, in accordance with subsection 2.4.2 (3) b), opportunities for intensification in 'Established Neighbourhood Areas' may be permitted with development that is in accordance with the maximum density and/or intensity permitted under the applicable land use designation. The subject lands are currently occupied by a single-detached dwelling and the proposed development of a replacement single detached dwelling is a permitted under the existing designation.

The subject lands are further designated as 'Residential – Low Density' on Schedule C – Land Use – Urban Area. In accordance with Section 8.3.3 (1) a), lands within this designation may permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare.

Both the 1997 Official Plan and 2020 Official Plan contain criteria to be considered when evaluating applications which propose intensification of sites, including to assess proposals to increase the size and scale of a dwelling beyond what would be permitted as of right. Staff have reviewed the applicable criteria and are satisfied that the proposed development is a permitted use in the existing land use designations and conforms to the applicable policies relating to intensification and compatibility.

As discussed in more detail in Appendix E, staff are of the opinion that the proposed development conforms to the applicable policies relating to built form compatibility. While the proposed development is considerably larger than other dwellings in the area, the property on which it is located is also considerably larger than other properties in the immediate vicinity. The proposal provides appropriate setbacks and mitigation measures such as screening, buffering, and landscaping to ensure that any concerns relating to overlook and privacy are appropriately managed.

Staff are of the opinion that the applicable policies have been met and that the proposed development is compatible with the existing neighbourhood character. The setbacks that are proposed allow for opportunities to buffer the existing low density residential uses from the proposed development, and the proposed structure is not a height that exceeds the characteristics of the neighbourhood, in particular south of Lakeshore Road. This is further detailed in Appendix E – Detailed Policy Analysis.

Planning staff have reviewed the Zoning By-law Amendment application in detail and are of the opinion that the proposed development conforms to the City's Official Plans (1997 as amended & 2020 as amended).

### **Proximity to Lake Ontario and Natural Hazards**

As per Ontario Regulations 41/24 and 686/21 under the Conservation Authorities Act, development is prohibited within lands adjacent or close to the shoreline of Lake Ontario if it may be affected by flooding, erosion or dynamic beach hazards.

On March 24, 2024, CH issued a permit to construct an armour stone revetment on the subject lands extending in front of existing shoreline protection works along the shoreline of Lake Ontario. These works must be constructed and formally reviewed by a professional qualified engineer prior to CH issuing a permit for the proposed single detached dwelling. This will ensure that the proposed development is appropriately protected from the existing natural hazards on site. Planning staff are recommending that a holding provision be attached to the zoning to prevent the issuance of a building permit until such time that the shoreline protection works are completed and approved by Conservation Halton.

In addition, planning staff are recommending that a portion of the subject lands, in proximity to Lake Ontario be rezoned and placed within an Open Space zone to ensure that new development is directed further inland, outside of the Open Space zone, and away from the hazards associated with those lands. The extent of the lands recommended to be placed in the Open Space zone is shown on Appendix D.

Planning staff are satisfied that the recommended inclusion of the Open Space zone on the subject lands will ensure that the proposed development is protected from existing natural hazards and therefore complies with the applicable policies relating to natural hazards.

### **Existing Drainage Feature**

On the east side of the subject lands, there is a depression which acts as a localized drainage feature that outlets towards Lake Ontario. This drainage features conveys water from the surrounding area to Lake Ontario, but it is not regulated by the conservation authority. The applicants have submitted a Geotechnical Assessment and Engineering Review of Slope Stability as well as a Functional Servicing and Stormwater Management Report as part of the application. In order to ensure that the proposed development is not negatively impacted by this existing feature, staff are recommending that the feature be placed into the recommended Open Space zone to ensure that no development occurs within this area. Further, staff are recommending a holding provision to ensure that appropriate channel rehabilitation and culvert replacement works occur prior to development to the satisfaction of the Director of Engineering Services. With the recommended Open Space zoning and the holding provision, staff are satisfied that this matter will be addressed appropriately.

### **Wastewater Servicing**

Halton Region staff have indicated that currently there is no existing sanitary sewer located adjacent to the subject lands along Avondale Court. In order to appropriately service the subject lands, a private forcemain sanitary sewer will need to be installed within Avondale Court. Planning staff are recommending that this be addressed by way of the recommended holding provision to ensure that appropriate servicing approvals are obtained from both the City and Region prior to the construction of the proposed development.

### **Zoning By-law**

The subject property is currently zoned 'R1.2-502' ('Low Density Residential') and 'O2' ('Open Space') under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The R1.2 zone permits detached dwellings and additional residential units.

The proposed Zoning By-law Amendment seeks to establish the permitted uses of the R1.2 zone, which would permit a single detached dwelling proposed by the subject application.

Additionally, the applicants are requesting relief of minimum lot width, maximum building height, maximum deck area, minimum yards, and balcony provisions.

As per the analysis provided on Appendix E – Detailed Policy Analysis, staff is of the opinion that the proposed amendments conform to both Regional and Local Official Plans and are appropriate for the subject lands.

### **Technical Review**

The application was circulated to internal staff and external agencies on January 22, 2025, for review. The following are summaries of the comments received:

**City of Burlington – Finance** – requests as a condition of development that, “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due.”

**City of Burlington – Development Engineering** – No objection to the proposed development; however, Development Engineering staff are recommending a holding provision to ensure that matters associated with the existing drainage feature on the east side of the property are addressed appropriately.

**City of Burlington – Urban Forestry and Landscaping** – Staff have requested a Holding provision be applied to ensure that the proponents receive authorization for removal of trees on neighbouring properties, as well to explore potential revisions that would protect trees on the subject lands.

**City of Burlington – Parks and Open Space** – staff wish to collect cash in lieu of parkland, with CILP charged at the rate in effect at the time of building permit issuance.

City of Burlington – Transportation Planning – Support the proposed Zoning By-law Amendment.

**City of Burlington – Fire** – no comments

**City of Burlington – Zoning** – Amendments required to the Zoning By-law have been identified and included as part of the draft by-law to reflect the proposed development.

**Conservation Halton (CH)** – CH staff offered comments requiring an update to the Zoning By-law to incorporate the stable slope allowance associated with the shoreline plus the five (5) metre maintenance access in the O2 (Open Space) zone. Further, CH staff request updates to the Site Plan and future CH Permit Drawings including delineation of hazards and revisions to

the location of major, non-habitable detached accessory structures are required to confirm that the proposed development activities meet CH regulatory policy.

**Halton Region** – Regional Staff offered comments in regard to municipal servicing and waste management for the proposed development concept. Staff has requested that a holding provision be applied to ensure that servicing requirements of the Region are met.

**Halton Catholic District School Board** – No objection to the proposed development.

**Halton District School Board** – No objection to the proposed development

**Canada Post** – No comments.

**Enbridge Gas** – No comments.

**Imperial Infrastructure** – No infrastructure in the area.

**Rogers Communications** – No comments.

**Trans-Northern Pipeline** – No infrastructure in the area.

**Rogers Communications** – No comments.

Planning staff are recommending a Holding provision for the purposes of responding to the requests of Conservation Halton, Development Engineering, Urban Forestry and Halton Region.

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### **Recommendation Details**

- The proposed amendments are consistent with the Provincial Planning Statement (2024);
  - The proposed amendments conform with the Regional Official Plan (2009, as amended);
  - The proposed amendments conform to the Halton Region Official Plan (2009, as amended) and Burlington Official Plans (1997 as amended & 2020 as amended); and
  - The proposed development maintains the general intent of Zoning By-law 2020.
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### **Key Dates & Milestones**

- Pre-application community meeting: November 28, 2024

- Application submitted: January 15, 2025
  - Application deemed complete: January 20, 2025
  - Statutory public meeting: April 8, 2025
  - Statutory deadline: April 15, 2025
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## **Implications**

### **Financial**

All application fees have been received in accordance with the Development Application Fee Schedule.

### **Climate Implications**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; encourage the adoption of electric mobility and equipment through personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

The applicants did not provide consideration to the Sustainable Building and Development Guidelines (2018); however, staff is of the opinion the applicants can take future steps through the construction and maintenance processes to ensure that the proposed development complies with the City's Sustainable Building and Development Guidelines and the City of Burlington Climate Action Plan to support the City's climate considerations.

### **Engagement Matters**

The Applicant held a virtual Pre-Application Community Consultation Meeting on November 28, 2024, prior to the submission of the application. The Applicant, Councillor Kearns, and Planning Staff attended the meeting along with various members of the Applicant's consulting team.

Notice signs were posted on the subject lands on February 10, 2025. A public notice of the Zoning By-law Amendment application was mailed to 36 addresses, which includes all property owners within 120 metres of the subject lands.

A webpage was created on the City of Burlington website, accessible at [burlington.ca/105avondale](https://burlington.ca/105avondale). This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the Applicant's representative and Community Planning Department.

As of the writing of this report, 2 written public comments have been received by staff with respect to the subject application in objection to the proposal. The public comments received to date has been included in Appendix C – Public Comments. The letters received represent positions of support and opposition regarding the proposed development, these have been summarized in the table below.

<b>Public Comments</b>	<b>Staff Comments</b>
Excessive size of the proposed dwelling	Planning staff have reviewed the proposed dwelling against the applicable policy framework and are satisfied that the proposed dwelling is compatible with properties in the general vicinity. The property is one of the largest properties in the area and provides for generous setbacks and an ability to mitigate negative impacts associated with the size through setbacks, buffering, and transition to adjacent properties.
Zoning of 143 Bluewater Place	The lands located at 143 Bluewater Place were part of the previous 2019 eight lot development proposal; however, those lands are not part of this application. Subsequent to the processing of the subject application, staff will review the implications as it relates to the zoning of 143 Bluewater Place. If necessary, staff may look to complete a housekeeping zoning by-law amendment to deal with any implications resulting from the subject application.
Construction access along 143 Bluewater Place and Impacts on Existing Trees	Construction details are generally not known and/or subject to change at the Zoning By-law amendment application stage. Construction management details are typically assessed at the subsequent pre-building approval stage.
Height of Proposed Building	Staff is of the opinion that the proposed development is compatible with the existing neighbourhood character. The proposed 3-storey structure is not a height that exceeds the characteristics of the neighbourhood, in particular south of Lakeshore Road.

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**References**

The Applicant submitted the following materials in support of the subject application:

- Completed Application Form (signed), dated December 12, 2024.
- Completed Pre-consultation Form (signed), dated October 26, 2022, revised December 2024.

- [Arborist Report](#), dated December 17, 2024, prepared by Ron Koudys Landscape Architects Inc.
- [Cover Letter](#), dated December 20, 2024, prepared by Wellings Planning Consultants Inc.
- [Pre-Application Consultation Meeting Minutes](#), prepared by Wellings Planning Consultants Inc.
- [Topographical Survey](#), dated June 10, 2011, prepared by Ashenhurst Nouwens Limited.
- [Architectural Elevations](#), dated December 20, 2024.
- [Planning Justification Report](#), dated December 2024, prepared by Wellings Planning Consultants Inc.
- [Landscape & Tree Preservation Plans](#), dated December 19, 2024, prepared by Ron Koudys Landscape Architects Inc.
- [Height Survey](#), dated October 16, 2024, prepared by A.T. McLaren Limited.
- [Functional Servicing Report and Stormwater Management Report](#), dated December 2024, prepared by KWA Site Development Consulting.
- [Engineering Drawings](#), dated December 19, 2024, prepared by KWA Site Development Consulting.
- [Preliminary Hydrology and Hydraulics Report](#), dated December 17, 2024, prepared by Waters Edge Environmental Solutions Team Ltd.
- [Geotechnical Assessment and Engineering Review of Slope Stability](#), dated October 31, 2024, prepared by Englobe Corp.
- [Natural Hazards Assessment](#), dated July 13, 2022, prepared by Shoreplan Engineering Ltd,
- [Conservation Halton Permit Package](#), dated March 5, 2024, prepared by Conservation Halton.
- [Site Plan](#), dated December 20, 2024.

Application materials are posted on the project website, [www.burlington.ca/105avondale](http://www.burlington.ca/105avondale).

## Conclusion

Staff have evaluated the application for a Zoning By-law Amendment for 105 Avondale Court in accordance with all applicable policies, regulations, and guidelines, and with consideration for comments received from technical reviewers and the public. Staff is of the opinion that the proposed development consistent with the Provincial Planning Statement (2024); conforms with the Region of Halton Official Plan; and conforms to the policies of the City of Burlington Official Plans (1997 as amended & 2020 as amended). Staff are therefore recommending a modified approval of the subject application, with a holding provision.

## Strategic Alignment

- Designing and delivering complete communities
  - Providing the best services and experiences
  - Protecting and improving the natural environment and taking action on climate change
  - Driving organizational performance
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### Author:

Bill Wallace RPP, MCIP  
Supervisor of Development Review  
Community Planning Department  
william.wallace@burlington.ca

### Appendices:

- A. Existing Zoning Plan
- B. Concept Plan
- C. Public Comments
- D. Draft Zoning By-law Amendment
- E. Detailed Policy Analysis

### Draft By-laws for Approval at Council:

- By-law to Council on April 15, 2025 (subject to subsequent appeal period prior to coming into force and effect).

### Notifications:

Glenn J. Wellings, MCIP, RPP, AICP  
President, Wellings Planning Consultants Inc.  
[glenn@wellingsplanning.com](mailto:glenn@wellingsplanning.com)

### Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.