

VIRTUAL COMMITTEE OF
ADJUSTMENT MEETING
March 8, 2023 at 5:30 PM



AGENDA

COMMITTEE OF ADJUSTMENT

Meeting Date: March 8, 2023

TIME OF MEETING:	5:30 P.M.
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PLACE OF MEETING:	Virtual via Zoom Web Conferencing Technology
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AGENDA

DECLARATION OF INTEREST:

DEFERRALS:

1)	5:30 P.M.	A-135/22	Re: 3345 North Service Rd., Burlington Ward 4 Pages: N/A
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HEARING NO.	TIME	FILE NO. 540-02-	APPLICATION ADDRESS
1)	5:30 P.M.	A-124/22	Re: 4385 Mainway, Burlington Ward 4 Pages 1-11
2)	5:30 P.M.	A-074/22	Re: 529 Clark Ave., Burlington Ward 2 Pages 12-25
3)	5:30 P.M.	A-086/22	Re: 871 Glenwood Ave., Burlington Ward 1 Pages 26-45
4)	5:30 P.M.	A-099/22	Re: 479 Crosby Ave., Burlington Ward 2 Pages 46-59
5 & 6)	5:30 P.M.	B-006/21 & A-055/21	Re: 1322 & 1354 Lemonville Rd., Burlington Ward 1 Pages 60-82

OTHER BUSINESS:

Correspondence
Items for Discussion
Date of Next Meeting
Approval of Minutes
Adjournment

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HEARING NO. 1 - 5:30 P.M.

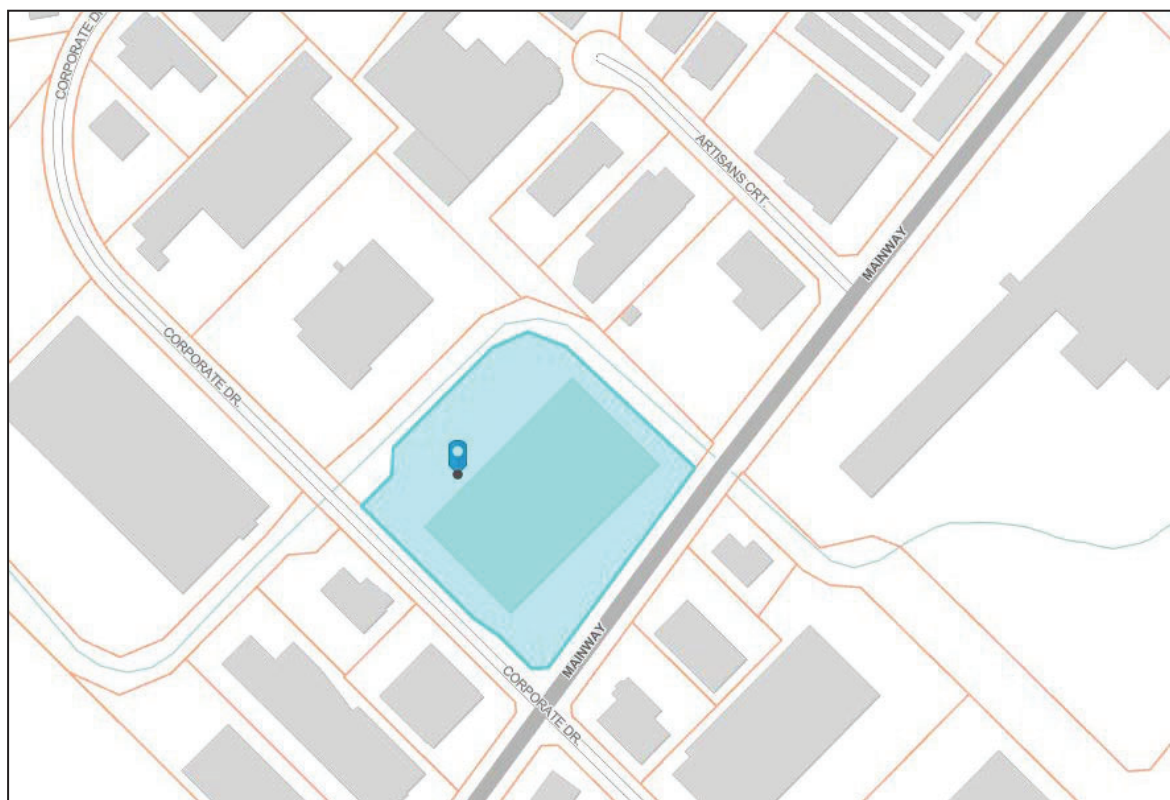
File
540-02-A-124/22

APPLICANT: Menkes Barnett Burlington II Inc

PROPERTY: 4385 Mainway,
PLAN M489 BLK 4 SAVE AND EXCEPT RP20R18198 PART 1
City of Burlington - Regional Municipality of Halton.

The application is for a proposed multi-tenant industrial building. Variances are required to permit a reduced landscape area abutting Mainway to accommodate the parking lot and a reduced building setback abutting a creek block.

- VARIANCES:**
- 1) To permit a 1.5 m landscape area abutting Mainway instead of the minimum required 6 m
 - 2) To permit a 6.4 m building setback abutting a creek block instead of the minimum required 7.5 m for a proposed industrial building.



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STAFF REPORTS:**Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: 9/20/2022Prepared By: C.Kelly**Zoning**

The subject property is zoned GE1, General Employment, under Zoning By-Law 2020, as amended. The GE1 zone, among other things, requires the following:

6. GE1, GE2 ZONE REGULATIONS (GENERAL EMPLOYMENT)**6.1 LOT WIDTH, AREA, YARDS****Table 3.6.1**

Regulation	GE1 Zone
Building setback abutting a creek block	7.5 m , 4.5 m if block includes 3 m buffer

6.5 LANDSCAPE AREA AND BUFFER**Landscape Area:**Abutting a street having a deemed width of 26 m or greater: **6 m****Proposal:**

The application is for a proposed multi-tenant industrial building. Variances are required to permit a reduced landscape area abutting Mainway to accommodate the parking lot and a reduced building setback abutting a creek block.

Variances required:

- 1) To permit a 1.5 m landscape area abutting Mainway instead of the minimum required 6 m
- 2) To permit a 6.4 m building setback abutting a creek block instead of the minimum required 7.5 m for a proposed industrial building.

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Condition:

1. Zoning Clearance certificate is required.

Notes:

- **Variance number 2 has been amended at the request of the applicant for construction tolerances.**
- Separate Zoning Clearances will be required for tenant fit-ups for all buildings
 - As part of each tenant fit up zoning, each tenant/use will be required to confirm that there is sufficient parking on site for it prior to zoning issuing any approvals.
- City/Region/School Board Development charges and park dedication fees are required prior to issuance of a building permit. Applicant to fill out and provide the applicable Development Charge form.
 - At time of tenant fit ups additional DC's may be determined depending on proposed uses

Date: October 31, 2022Prepared By: Mark DalrympleREVISED: November 8, 2022 (amended variances)REVISED: November 17, 2022 (modify variance #2 to reflect applicant's request)**Site Planning**

An application for minor variance has been submitted to the City of Burlington to facilitate the construction of a multi-tenant industrial building. The applicant has proposed the development of a multi-tenant industrial building on a vacant industrial property. The proposed development requires approval of the Committee of Adjustment of the Minor Variance Application for a reduction in the minimum building setback to a creek block and to permit a reduction in the minimum width of a landscape area (abutting Mainway) pursuant to the zoning by-law.

In review of Minor Variance Application (File No. A-124/22), the following variance(s) are required to the City of Burlington Zoning By-law 2020, in conjunction with the proposed development, as submitted:

1. To permit a 1.5 metre landscape area abutting Mainway instead of the minimum required 6 metre.
2. To permit a 6.4 metre building setback abutting a creek block instead of the minimum required 7.5 metre for a proposed industrial building.

The subject lands comprise an irregular shaped parcel with a total lot area of 26,921 m² (2.69 hectares) with approximate lot frontage of 162.86 metres along Mainway and are

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generally located to the east of Corporate Drive and north of Mainway. The lands are known municipally as 4385 Mainway.

Adjacent and surrounding land uses include industrial land uses to the north, east, west, and south. A realigned drainage feature is located to the north, east and continues south, and CN Rail is present to the west. The area surrounding the immediate vicinity of the property on all sides is comprised of industrial/employment uses associated with surrounding employment lands. The established character of the area includes light warehouse and industrial uses.

The subject lands are zoned General Employment ('GE1') Zone. Earthworks have started on site, but currently there is no construction activity and the property is otherwise vacant. Erosion and Sediment Control fencing has been installed on site.

Access to the property is via a single asphalt driveway of approximately 6.0 metres in width from Corporate Drive. Entry to the property via the driveway is currently fenced off. The extent of the existing driveway is generally perpendicular to Corporate Drive and the west lot line.

A Site Plan (as prepared on August 12, 2021, and last updated April 4, 2022 (Rev. No. 3)), and submitted with the application, illustrates the extent and location of the subject lands and proposed development. A copy of the Site Plan is included as an attachment in a later section of this report.

The proposed development includes a single storey, multi-tenant industrial warehouse building with an overall floor area of 10,754.29 m². The building is generally rectangular in shape with the narrower side (south) wall oriented toward the lot frontage. The overall height of the building is proposed as 13.35 metres (14.34 metres to top of parapet) as measured from grade.

Aesthetic exterior treatment of the multi-tenant industrial building has been proposed, including architectural insulated and ribbed pre-stressed precast concrete panels on all sides of the building. Building Elevations (prepared August 12, 2021, and last updated April 4, 2022), as submitted with the application, are included as an attachment in a later section of this report.

Off-street parking is provided with 162 vehicle parking spaces, including 6 accessible spaces and 8 bicycle parking spaces. No variances to the proposed parking are contemplated in terms of minimum number of parking spaces or parking space dimensions.

A landscaped area 6 metres in width is proposed abutting Corporate Drive and Mainway. A small portion of the proposed landscaped area abutting Mainway measures only 1.5 metres to accommodate required parking spaces and necessitates the approval of the Minor Variance Application.

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The location of the proposed development is to be sited south of the centre of the lot. The northwest and northeast lot lines of the subject property abut a drainage feature with a zoning category of Open Space ('O2') Zone. The second variance contemplates relief from the zoning by-law to reduce the minimum required setback of a building to a creek block from 7.5 metres to 6.4 metres.

A site visit was conducted on February 7, 2023 and existing on-site conditions (including lot grade/topography, and existing and surrounding land uses) are summarized in site photos included as Attachment No. 1 (Site Photos).

1) City of Burlington Official Plan:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?

Yes

The subject lands are designated 'General Employment' to Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997), as amended.

Part III, Section 3.3.2 (General Policies) of the City of Burlington Official Plan, as amended, states that among the permitted uses within the 'General Employment' designation are industrial uses that involve warehousing and office uses. The 'General Employment' designation also contemplates a broad range of employment and office uses and which 'provide locations for existing, new and/or relocating manufacturing, assembly, distribution and service industrial uses'.

Part VIII (Definitions) of the City of Burlington Official Plan (1997), as amended, defines *industrial* as 'assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses.'

The proposed development is consistent with the contemplated use of the subject lands for employment purposes. The proposed development consists of an industrial warehouse with associated accessory offices, which is encouraged within the 'General Employment' designation. Furthermore, it is noted that the lot is currently underutilized as it is vacant. The development of this lot with an appropriate industrial use will help the City to achieve its goal of increasing employment supply and economic growth.

City of Burlington New Official Plan (OP 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

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Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan.

As the OLT process advances, the working version of the Burlington Official Plan (2020) is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan (2020) and the Burlington Official Plan (1997):

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>

At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?

The subject lands are zoned General Employment ('GE1') Zone to Map No. 23 of the City of Burlington Zoning By-law 2020. Among the uses permitted by the applicable zoning are warehouse and logistics.

Part 3, Section 6.5 (Landscape Area and Buffer) of the City of Burlington Zoning By-law 2020 stipulates that the minimum required landscape area (where abutting a street having a deemed width of 26 metres or greater) shall be 6 metres. Site Engineering has confirmed the deemed street width of Mainway is 30.0 metres.

Part 3, Section 6.1 (Table 3.6.1) (Lot Width, Area, Yards) of the City of Burlington Zoning By-law 2020 stipulates that the minimum required building setback abutting a creek block within the 'GE1' Zone is 7.5 metres.

Landscape Area is defined by the zoning by-law as 'an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. A Landscape Area may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area. A ground sign may be located within a Landscape Area. A Landscape Buffer may be included in the calculation of Landscape Area. Snow storage and transformers are not permitted in a required landscape area.'

Creek Block is defined by the zoning by-law as 'a parcel or block of land, owned by the City of Burlington or other public agency, containing a watercourse defined as the greater of the Regulatory Floodplain or the valley through which the watercourse flows and may include an open space buffer area beyond the top-of-bank, but which shall not include a separate parcel or block of land for a storm water detention pond.'

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Yes – Variance No. 1 (Required Landscape Area – Abutting a Street)

The intent of the zoning provision related to the minimum required landscape area for a General Employment use abutting a street is to ensure that there is adequate separation and screening from surface parking. Furthermore, landscape areas also help to capture stormwater, preserve natural habitats, and improve the general aesthetic of the City of Burlington.

The majority of the landscape area along the southern lot line abutting Mainway meets the 6 metre requirement. Furthermore, the applicant has provided an excess of landscape area (6 metres) against the west lot line abutting Corporate Drive, which only requires 3 metres of landscape area (due to its deemed street width of less than 26.0 metres, per the zoning by-law). In order to meet the City of Burlington's parking requirements, the applicant has 11 parking spaces on the south side of the property which gradually reduce a portion of the landscaped area to 1.5 metres in width.

Given the irregular shape of the subject property, and the need to comply to the City's parking requirements, the applicant is unable to accommodate the full landscape area requirement against the southern property line abutting Mainway.

It should also be noted that Site Engineering staff has reviewed the application and has no objections to the proposed minor variances.

Yes – Variance No. 2 (Required Building Setback – Abutting a Creek Block)

The intent of the zoning provisions related to the minimum setback for a proposed development abutting a creek block is to protect, restore, and enhance natural features. Furthermore, the setback also helps to maintain the drainage function of natural features by deterring the migration of pollutants and other blockage from entering the creek block.

In their review of the concurrent Site Plan Control Approval Application, Conservation Halton staff have previously provided comment with respect to the proposed development. Correspondence from Conservation Halton (dated, May 20, 2022) and provided with the Minor Variance Application submission, indicate that the proposed development is to be located outside of the regulatory allowance associated with the Top of Bank hazard and that as all proposed development is located outside of the regulated area, no approvals are required from Conservation Halton.

Conservation Halton has not otherwise provided comment with respect to the submission of this Minor Variance Application.

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3) Desirability:

Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?

Yes

The subject application has been reviewed in the context of existing and surrounding land uses as well as potential impacts affecting the orderly development of the property.

As noted by the submitted plans and drawings, the proposed reductions in the creek block setback and landscape area requirements allow for an adequate driveway and an adequate number of parking spaces. The irregular shape of the lot makes it difficult for the applicant to meet parking requirements without reductions in the creek block setback and landscape area requirements of the zoning by-law. Furthermore, the proposal exceeds the minimum landscape area requirements on other areas of the site; notably, where abutting Corporate Drive.

The subject lands are currently vacant and are underutilized in an area surrounded by existing employment/industrial uses. The development, as proposed, would help the City to achieve its goal of facilitating economic growth, and increasing employment supply.

4) Minor in Nature:

Is the proposed minor variance(s) from the zoning by-law considered minor in nature?

Yes

The proposed development contemplates the addition of a permitted land use, building/structure to an employment/industrial property (i.e. industrial warehouse). With the exception of the proposed landscape area and the setback to the creek block, the development otherwise complies with the provisions of the applicable zoning.

As has been described in the preceding report, the proposed development is intended to further facilitate the use of the property for employment purposes with minimal land use impacts anticipated. In consideration of the above, it is staff's opinion that the requested minor variances to the City of Burlington Zoning By-law 2020 be deemed minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

The proposed development received Conditional Approval of an active Site Plan Control Approval Application (File No. 535-10/21) in December 2022. Included as a condition of

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site plan approval was the approval and finalization of this Minor Variance Application, as a means to implement the applicable zoning and the development, as proposed.

Recommendation:

Staff has reviewed the subject application in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the requested variances.

Date: February 9, 2023Prepared By: Nikolas Wensing, MPlan**Report Schedules & Attachments:**

Attachment No. 1 (Site Photos – February 7, 2023)



Western corner of the property. Location of existing driveway access (fenced off) and proposed reduced setback to creek block (two wooden posts in the distance).



Western corner of the property. Location of existing setback to creek block (see two wooden posts in distance for proposed reduced setback).



Southeast side of the property. Location of where the reduced landscape setback is proposed.

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Southeast side of the property. Sidewalk abutting proposed reduced landscape area

Site Engineering

Mainway has a deemed street width of 30 metres and an actual road width of approximately 26 metres. As such, a land conveyance will be required along the Mainway property frontage and shall be confirmed by an Ontario Land Surveyor.

Corporate Drive has a deemed and actual width of 20 metres. As such, no land conveyance is required.

A 7 metre daylight triangle is required at the intersection of Mainway and Corporate Drive. As such, a land conveyance will be required at the intersection of Mainway and Corporate Drive and shall be confirmed by an Ontario Land Surveyor.

Date: October 12, 2022 Prepared By: J. Mohammed

Site Engineering has reviewed the proposed minor variances and has no objections.

Date: November 28, 2022 Prepared By: J. Mohammed

Forestry

Forestry has reviewed the proposed minor variance and has no objections.

Date: Jan 10, 2022 Prepared By: M.Torchia

Building

1. A Building Permit is required for all building construction.
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

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Date: February 1, 2023Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Services has no concerns with this Minor Variance Application.

Date: November 17, 2022Prepared By: Trevor Clark**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: Nov 17, 2022Prepared By: L. Bray**Halton Region**

Regional Staff have reviewed the Minor Variance application for 4385 Mainway, where the applicant is proposing a multi-tenant industrial building. Regional Staff note that matters of Regional interest relating to Regional Natural Heritage System and Archaeological Potential were dealt with at the time of Site Plan application (535-010/21). As such, Regional Staff have no objections in relation to this application.

Date: January 23, 2023

Prepared By: N. Kaur

Menkes Barnett Burlington II Inc.



Suite 1400
4711 Yonge Street
Toronto, Ontario
Canada M2N 7E4
Telephone: 416-990-5049
Fax: 416.491.3155
Nicole.Guadagnoli@menkes.com

August 31, 2022

Committee of Adjustment
Department of Community Planning
426 Brant Street, Burlington ON

To Whom It May Concern,

Re: Minor Variance Application
4385 Mainway, Burlington ON

Menkes Barnett Burlington II Inc. is the registered owner (the "Owner") of the subject property (the "Property") municipally recognized as 4385 Mainway, Burlington. The Owner hereby submits a minor variance application for relief of 1) the Landscape Area along Mainway and, 2) a reduction of the setback from an O2 Zone.

Subject Property (Property)

The Property consists of vacant agricultural land that is approximately 6.65 acres in size and is generally located to the east of Corporate Drive and north of Mainway. Existing light industrial uses surround the Property with the exception of an Open Space area along the north and east limits of the Property.

Surrounding Area

The Property is located generally in an Employment dominate zone; to the North, there are existing light industrial warehouses and a realigned drainage feature; to the East and South, the drainage feature continues and light industrial warehouses exist; and, to the West, additional light industrial warehouses are present as well as the CN Rail. Please refer to Figure 1 – Surrounding Area.

Figure 1 – Surrounding Area



Burlington Official Plan, 2020

The Property is designated "General Employment" on Figure 2 - Schedule C: Land Use – Urban Area 9, and identified as employment land within the City's Urban Structure Figure 3- Schedule B of the Official Plan. The General Employment designation permits a full range of manufacturing and warehousing uses, in addition to, accessory office uses directly related to the principle use of the building. As discussed in the Proposed Development section, the proposed warehousing use is permitted in the General Employment designation.

To help the City fulfil its' obligation to achieve the employment supply distributed by the Region (of Halton), the Property falls within the limits of the employment lands as shown on Figure 2 - Schedule B: Urban Structure.

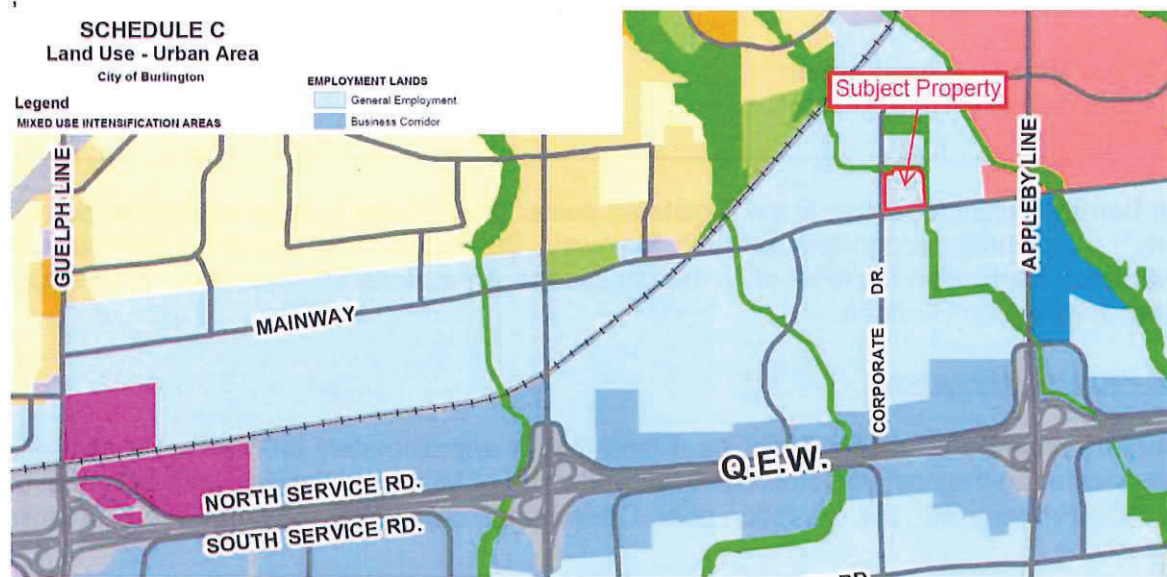


Figure 2 – Schedule C – Land Use – Urban Area

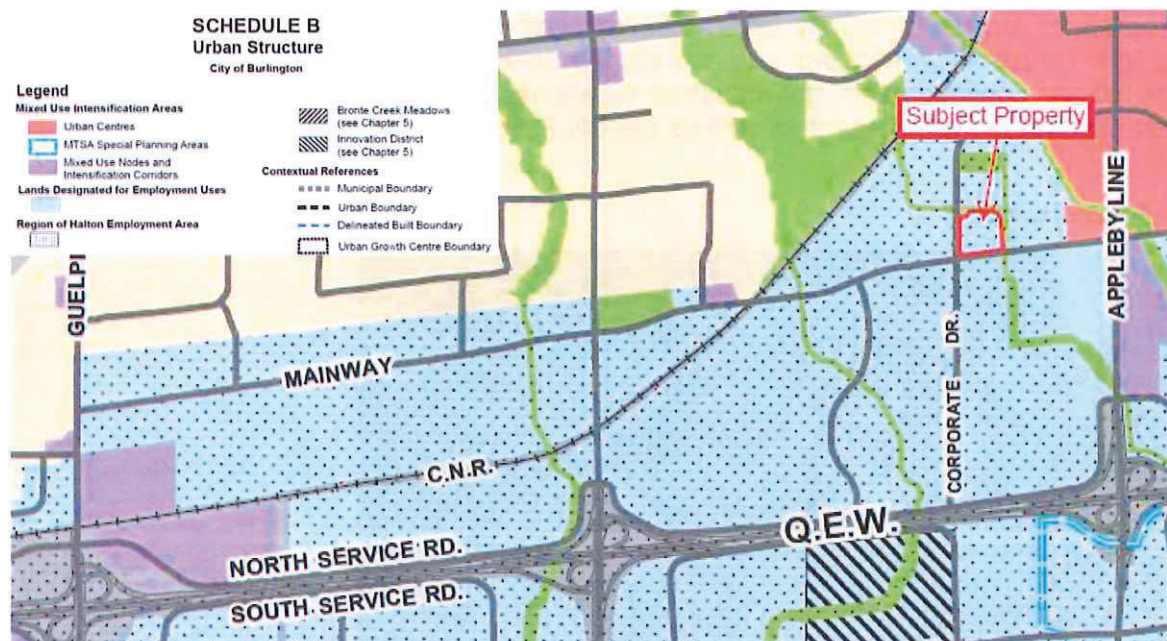


Figure 3 – Schedule B – Urban Structure

Zoning Bylaw No. 2020

Under the City of Burlington's Zoning Bylaw (2020), the site is zoned as "GE1" – General Employment, which is the least restrictive of the Employment Zones, and permits a Warehouse with surface parking. Please refer to Figure 4 below for the Zoning Map. As discussed in the Surrounding Area section, the properties in proximity to the development proposal are predominately zoned as GE1 – General Employment with the exception of the drainage feature, which is zoned as O2 – Open Space.

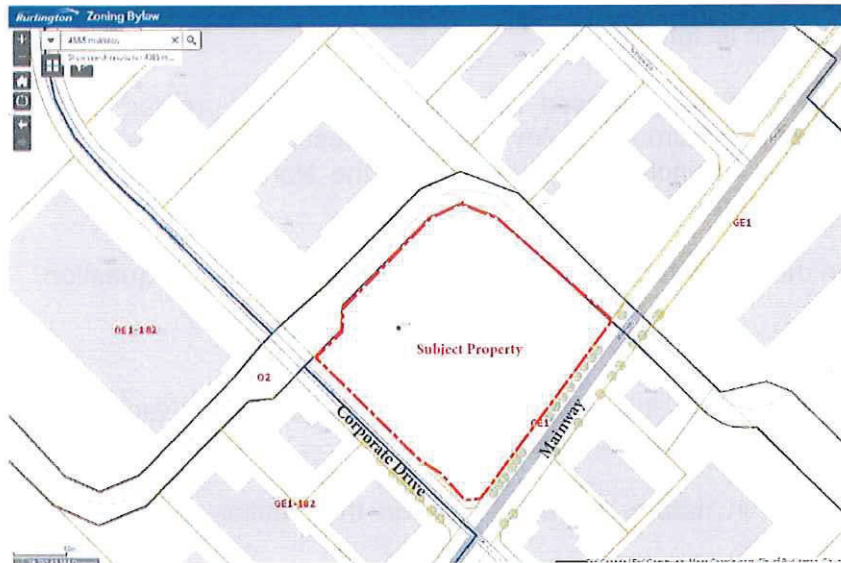


Figure 4 – Zoning Map

Proposed Development

The Property was created as Block 4 – Development Block on Plan 20M-489 through the Plan of Subdivision that was registered in 1989. Since acquiring the lands in December 2020, the Owner has applied for a Site Plan Application (No. 535-010-21) to permit the development of a 115,758 square foot (10,755 square meter) industrial warehouse on Block 4, which includes surface parking and a shipping bay. The Site Plan Application is undergoing a 3rd resubmission and with the Owner is working with staff towards a Conditional Site Plan Approval for Fall 2022. Concurrently, the Owner is awaiting the issuance of the Site Alteration Permit to allow the Owner to complete earthworks before the winter months.

Requested Variances

Variance #1: Landscape Area Along Mainway

The first requested variance is seeking relief of the landscape area requirement along Mainway. Per Section 6.5 – Landscape Area and Buffer under the City of Burlington's Zoning Bylaw No. 2020, the landscape area abutting a street having a deemed width of 26m or greater is 6m, whereas a portion along Mainway does not provide for a 6m landscape buffer. For clarity, the majority of the frontage along Mainway provides for a 6m landscape area as demonstrated on the enclosed landscape plans.

However, the site is restricted in developable area along the North and East limits of the site due to the regulatory limits of Conservation Halton, and in order to comply with the parking requirement for the site, the development proposes having 11 parking spaces to fall within the Landscape Area, which results in a reduced buffer at 1.50m at the narrowest point.

Please refer to the area in green on the enclosed Site Plan and Landscape Plan to demonstrate the 6m landscape areas along Mainway and Corporate Drive.

Variance #2: Setback to an O2 Zone

The second requested variance is seeking relief of the required setback to an O2 Zone. Per Section 2.36 – Setbacks Abutting Creek Blocks, O2 Zones, O3 Zone, and RG Zones under the City of Burlington's Zoning Bylaw No. 2020, the required building setback from an O2 zone is 7.5m whereas 6.40m is being provided at an isolated area.

It should be noted that the majority of the proposed warehouse is setback greater than 7.5m, (specifically achieving providing for approximately 18m along the west property line), However, due to the irregular shape of the lot, a pinch point is created at the Northwest limit of the site (property to curb) that is resulting in a 6.40m setback condition.

Please refer to the area in red on the submitted Site Plan to demonstrate the area in question.

Justification

In support of this minor variance application, it is in our opinion that the requested variances meet the four (4) tests as set out in the Planning Act, as followed:

1. The requested variance is minor in nature: need to work on this section the buffer at the narrowest point.

Variance #1: As discussed in the section above, a 6m Landscape Area is provided for the majority of the frontage of Mainway with the exception of a minor encroachment of parking spaces that reduces the buffer to 1.50m. The encroachment of the said parking spaces is required in order to comply with the parking requirements as set out in the Zoning Bylaw as well as to meet the needs of the future tenant(s) for this development proposal.

In addition, Mainway has a deeded ROW of 30m which accommodates the existing sidewalk as well as an existing Landscape Area to provide a buffer from the roadway. Having said this, although a small portion within the Property does not provide for a 6m Landscape Area, the Property is separated from the roadway (Mainway) by the existing cross-section including a public Landscape Area.

Variance #2: As discussed in the section above, the entire length of the building façade that is adjacent to the O2 Zone provides for an approximate 18m setback which is more than double the required setback. The exception of this is the pinch point at the Northwest limits of the property where the proposed setback to the curb is 6.40m. This relief in variance is a product of the irregular lot shape that currently exists.

It is therefore in our opinion that these variances are minor in nature.

2. The requested variance is appropriate development or use of the land, building or structure:

Variance #1: The development proposes to construct a warehouse building which is permitted through the City's Zoning Bylaw and is consistent with the existing neighbourhood fabric. As noted in the Surrounding Areas section, the adjacent land uses consist of non- obnoxious warehouse developments. The proposed development will bring new Employment opportunities to the area, which will not be jeopardized by a small relief in Landscape Area along the frontage of Mainway.

Variance #2: The North and West limits of the site are already separated from the adjacent industrial properties due to the O2 Zone. In light of the existing separation, the proposed building is setback approximately 45m from the lands to the North and therefore, will not adversely affect the adjacent property(ies)

It is therefore in our opinion that these variances are appropriate development and use of land.

3. The requested variance maintains the general intent and purpose of the Zoning Bylaw:

Variance #1: Per Section 6.5 – Land Area and Buffer of the City's Zoning Bylaw, the following applies:

a) the required Landscape Area abutting a street having a deemed width less than 26m (Corporate) is 3m

b) the required Landscape Area abutting a street having a deemed width of 26m (Mainway) or greater is 6m

Although a small portion along Mainway cannot accommodate for a 6m Landscape Area as discussed throughout this letter, the Owner is compensating for the loss of this Area on Corporate Drive. As noted in Section 6.5 of the Zoning Bylaw, Corporate Drive would require a Landscape Area of 3m however, per the enclosed Landscape plan, 6m is being provided to offset the loss on Mainway.

Variance #2: Through the Site Plan Application process, Conservation Halton has been circulated with this application and is satisfied with the building location as the footprint does not encroach into their regulatory limits. In addition, Conservation Halton confirmed that a permit for their agency is not required for this proposed development.

It is therefore in our opinion that these variances meet the general intent and purpose of the Zoning Bylaw.

4. The requested variance maintains the general intent and purpose of the Official Plan:

Variance #1 & 2: As noted in the Official Plan section above, the Property is designated as General Employment which permits a full range of employment uses including a warehouse. The development is consistent with and does not change the underlining policies of the Official Policies as the Owner is proposing to construct a warehouse building that will complete the second last Block under Plan 20M-489. In addition, the development is contributing to the Employment growth within the City of Burlington and Region of Halton.

It is in our opinion that both variances meet the general intent and purpose of the Official Plan.

Please find enclosed the following material to support this application:

1. Application Form;
2. Survey;
3. Site Plan, which identifies the parking layout and parking space sizes. Additionally, the proposal includes a shell building and therefore, floorplans aren't included with this package;
4. Elevation Plan (although, a relief in this plan is not being requested but being provided as a required document); and,
5. Landscape Plan.

Upon receipt of a complete application, the Owner will proceed with submitting an EFT.

It should be noted that prior to submitting this application, the Owner's agent has discussed the above noted variances with the Zoning Examiner assigned to Site Plan Application No. 535-010-21. We trust the enclosed application is sufficient to be accepted and scheduled on the October 12th, 2022 Committee of Adjustment hearing.

Please do not hesitate to contact me should additional information be required.

Respectfully,

Menkes Barnett Burlington II Inc.



Per:

Nicole Guadagnoli

Manager, Planning & Development



File No.:

A

**PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

☒ Section 45 (1) of the Planning Act☐ Section 45 (2) of the Planning ActDiscussed the application with a city zoning examiner and development planner Y ☒ or N ☐Name of Planner: Brandon HendersonName of Zoning Examiner: Mark Dalrymple**PROPERTY INFORMATION:**

Address(es) of property:

4385 Mainway

Legal description of property (registered plan number and lot number or other legal description):

Part of Block 4, Registered Plan 20M-489**OWNER(S) INFORMATION:**Name: Menkes Barnett Burlington II Inc. c/o Jason MenkesAddress: 4711 Yonge Street, Suite 1400, Toronto, OntarioPostal Code: M2N 7E4Home Phone: _____ Work Phone: 416.491.2222Mobile: _____ E-mail: jason.menkes@menkes.com**AGENT INFORMATION (If Any): Unless otherwise required, all communications will be sent to the agent.**Name: Nicole GuadagnoliAddress: 4711 Yonge Street, Suite 1400, Toronto, OntarioPostal Code: M2N 7E4Work Phone: _____ Mobile: 416.990.5049E-mail: nicole.guadagnoli@menkes.comOfficial Plan Designation: General EmploymentCurrent Zoning Designation: GE1Contact Owner: ☐ (check one)
Agent: ☒**PROPOSED DEVELOPMENT:** to develop a 115,758 square foot (10,755 square meter) industrial building including surface parking and a loading area.**Outline each variance you are requesting as well as the Zoning By-law requirements (Example: Reduction of front yard setback from 6m to 3m.) Attach a separate sheet if required.**

Please refer to enclosed Cover Letter/ Planning Justification Letter

In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature
2. Why are the variance(s) desirable for the appropriate use of the land?
3. Do the variance(s) meet the intent and purpose of the Official Plan?
4. Do the variance(s) meet the intent and purpose of the Zoning By-law (Attach separate sheet if required)

When justifying your reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your application materials.

Please refer to the enclosed Cover Letter/ Planning Justification Letter

Date property was purchased:	May 14, 2021 (month/day/year)	Date property was first built on:	currently vacant land (month/day/year)	Date of proposed construction on property:	Feb 2023 (foundation) (month/day/year)
EXISTING USE OF THE SUBJECT PROPERTY (check one):				Length of time the existing uses of the subject property have continued:	
Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi-Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant (New Home) <input type="checkbox"/> Other <input checked="" type="checkbox"/> Vacant (industrial)				unknown	
				PROPOSED USE OF LAND:	
				Industrial	
EXISTING USES OF ABUTTING PROPERTIES (check all that apply)					
Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input checked="" type="checkbox"/> Ravine <input type="checkbox"/>					
ADDITIONAL INFORMATION (where applicable):					
Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>					
Is the property on the heritage inventory list for the Heritage Burlington? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>					

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☒ If not available, by what means is it provided: _____
 Sanitary Sewers ☒ If not available, by what means is it provided: _____
 Storm Sewers ☒ If not available, by what means is it provided: _____

IF KNOWN, IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS:

	Yes	No	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Development Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	535-010-21 (under review)
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	
Consent (Land Division Committee)	<input type="checkbox"/>	<input type="checkbox"/>	Permit Issued? Yes <input type="checkbox"/> No <input type="checkbox"/>
Previous Minor Variance Application	<input type="checkbox"/>	<input type="checkbox"/>	

FOR COMMERCIAL, MIXED USE, INDUSTRIAL AND OTHER

Page 3(b)

Dimensions of property:

Street width: (See 1st page of application for how to obtain deemed street width)

Frontage: 162.86 m (Mainway)	Depth: 155.21 m	Area: 6.653 ac	Actual: Mainway - 26 Corporate - 20m	Deemed: Mainway - 30 Corporate - 20m	Required: Mainway - 30m Corporate - 20m	Density: N/A	Have you applied for site plan approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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PARTICULARS of all buildings and structures on or proposed for the subject land

If yes, File #: 535-010-21

EXISTING (Building)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Floor Area: Office Space	M2
Floor Area:	M2
Warehouse/Retail/Other	
Parking Spaces Required:	
Parking Spaces Existing:	
# of Existing Units	
Floor Area Ratio	

PROPOSED (Building/Addition)

Ground Floor Area:	10,754.29	M2
Gross Floor Area:	10,754.29	M2
Number of Storeys:	1-storey	
Width:	120.40	M
Length:	89.31	M
Height:	13.92	M
Floor Area: Office Space	496.03	M2
Floor Area:	10,170.06	M2
Warehouse/Retail/Other	of accessory office space	
Parking Spaces Proposed:	162	
# of Proposed Units	3 warehouse units	
Floor Area Ratio	0.40	

EXISTING (Other)

N/A - Vacant Site

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

PROPOSED (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land

EXISTING

Building

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

PROPOSED

Building

Front:	23.35	M
Rear:	46.27	M
Side:	6.63	M
Side:	18.03	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable) ☐Signature of Applicant or Authorized Agent Nicole GuadagnoliI, Nicole Guadagnoli of the City of Toronto in the Province of Ontario

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of Toronto in the Province of Ontario
this 21st day of July 2022

Signature of Commissioner, etc.



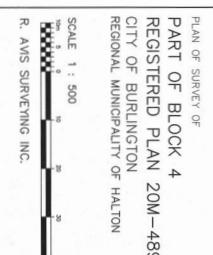
Signature of Applicant or Authorized Agent

Daniene Laureen Helen Williams, a Commissioner, etc.,
Province of Ontario, for Menkes Developments Ltd.
Expires October 21, 2023.**OWNER'S AUTHORIZATION***If an agent is used, the owner must also complete the following:*I, Jason Menkes*being the registered owner of the subject lands hereby*authorize Nicole Guadagnoli
(name of agent)*to prepare, submit and act on my behalf with respect to this application**for Minor Variance.*Signature Date July 21, 2022**PERMISSION TO ENTER**Permission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 4385 Mainway

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.


Signature of Owner/AgentJason Menkes

Please Print Name



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6° UTM ZONE 17 COORDINATES	
NAD(83) (5685-1997) (CENTRAL MERIDIAN 7920° WEST LONGITUDE)	
DERIVED FROM OBSERVE REFERENCE POINTS A AND B	
	EASTING
A	596223.60
B	596335.34

(1) THE UTM COORDINATES LISTED ABOVE ARE OF URBAN ACCURACY AND COMPLY WITH SUBSECTION 14(2) OF ONTARIO REGULATION 216/10 FILED UNDER THE SURVEYORS ACT

(2) THE UTM COORDINATES LISTED ABOVE ARE TO BE USED FOR GEOGRAPHIC INFORMATION SYSTEM INTEGRATION ONLY AND CANNOT BE USED TO RE-ESTABLISH THE PROPERTY CORNERS OR BOUNDARIES SHOWN HEREON

■	DONITS	SHREY MONUMENT FOUND
□	DONITS	SHREY MONUMENT PLANTED
AB	DONITS	SHREY MONUMENT RISE BARK
CC	DONITS	IRON BAR
CC	DONITS	IRON CROSS
MEAS	DONITS	MELT/SED
N.S.W	DONITS	NORTH, SOUTH, EAST, WEST
P1	DONITS	PLANT
P1	DONITS	PLANT 226-18188
810	DONITS	PLANT 226-18188
DU	DONITS	MELBURN & CARROLL LIMITED, O.L.S.
DU	DONITS	MELBURN & CARROLL LIMITED, O.L.S.
DAC	DONITS	ORIGINAL LONDON
DC	DONITS	ORIGINAL LONDON
HCW	DONITS	COLLECTION
HCW	DONITS	COLLECTION
HCW	DONITS	HYDRO OIL WARE

AREA OF THE SUBJECT LAND = 26924.1 sq. m.

SURVEYOR'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYOR'S ACT,
THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.


2. THE SURVEY WAS COMPLETED ON THE 4th DAY OF FEBRUARY, 2001.

FEBRUARY 10, 2001

DATE

[Signature]
S. A. HART

R. AVIS SURVEYING INC.
SUITE 203
235 YORKLAND BOULEVARD
2147960
ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM



 TORONTO, ONTARIO
 M2J 4T8
 TEL: (416) 480-8352 FAX: (416) 891-6208
 EMAIL: office@rvasurveying.com

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

HEARING NO. 2 - 5:30 P.M.

File
540-02-A-074/22

APPLICANT: Robert Alek MacRae & Sarah Louise Piekarski

PROPERTY: 529 Clark Avenue,
PLAN 117 LOT 30 PT LANE RP 20R16056 PARTS 1,2 RP
20R17494 PART 1
City of Burlington - Regional Municipality of Halton

The applicant is proposing the construction of a two-storey addition to replace the existing breezeway and second storey deck and connect the front and rear of the dwelling.

- VARIANCES:**
1. To permit lot coverage of 26.2% instead of the maximum permitted 17% for a proposed two storey addition.
 2. To permit floor area ratio of 0.46:1 instead of the maximum permitted 0.45:1 for a proposed two storey addition-
 3. To permit a dwelling depth of 18.7 m instead of the maximum permitted 18 m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two storey addition.



COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

STAFF REPORTS:**Committee of Adjustment**

The property received a minor variance approval and building permit in 1995, under file 540-02-A109/95, to construct a two-storey addition at the rear of the dwelling.

Date: November 17 2022Prepared By: E. Shacklette**Zoning**

The subject property is zoned DRL, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The DRL zone is subject to the R3.2 zone regulations. The R3.2 zone requires, among other things, the following:

4.2 MAXIMUM LOT COVERAGE

Table 2.4.3 Footnotes to Table 2.4.3

Dwelling Type	Dwelling without Attached Garage
All Dwellings in Designated Areas (b) (c)	27% for one storey dwellings plus 8% for accessory buildings 22% for one and a half storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

LC exact	LC rounded	Lot Area	Difference
26.17%	26.2%	518.1 sqm	0.03% / 0.15sqm

4.5 FLOOR AREA RATIO

- (a) A maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

FAR exact	FAR rounded	Lot Area	Difference
0.455:1	0.46:1	518.1 sqm	0.5% / 2.59sqm

4.6 DWELLING DEPTH

- (a) **Maximum depth of a dwelling shall be 18m measured from building wall closest to front lot line to building wall closest to rear lot line.**

History of Property:

The property received a minor variance approval and building permit in 1995, under file 540-02-A109/95, to construct a two-storey addition at the rear of the dwelling. The addition was linked by the enclosed breezeway at the first storey and a second storey deck at the top storey. The maximum lot coverage under By-law 4000-3, as amended, was 25% for a dwelling greater than one storey without an attached garage. The applicant did not submit a survey at the time and staff believe the lot coverage variance was not accurate.

Variances Approved:

1. To permit a lot coverage of 31% instead of the required 25%.
2. To permit a dormer on the south side roof elevation of a house where the current by-law definition of dormer only permits a dormer on the front or rear roof elevations.

Proposal:

The applicant is proposing the construction of a two-storey addition to replace the existing breezeway and second storey deck and connect the front and rear of the dwelling. Variances are required for increased lot coverage, floor area ratio and increased dwelling depth.

Variances required:

1. To permit lot coverage of 26.2% instead of the maximum permitted 17% for a proposed two storey addition.
2. To permit floor area ratio of 0.46:1 instead of the maximum permitted 0.45:1 for a proposed two storey addition.
3. To permit a dwelling depth of 18.7 m instead of the maximum permitted 18 m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two storey addition.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

Condition:

1. A Consolidated Pre-Building Permit application is required.

Notes:

1. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.
2. The zoning review is based on the portion of the site affected by the proposed development only.
3. This application was reviewed under section 45(1) of The Planning Act. The applicant was not able to obtain sufficient evidence to deem the dwelling depth legal non-conforming. There was limited information available on the old plans and the dwelling depth dimension was not shown on the floor plans.

Date: November 7, 2022Prepared By: Nathan Dart, CPT**Site Planning**

An application for minor variance has been submitted to the City of Burlington to facilitate the construction of a second storey addition. The applicant has proposed the development in this location to replace the existing breezeway and second storey deck and connect the front and rear of the dwelling. The proposed development requires approval of the Committee of Adjustment of the Minor Variance Application because the proposed addition exceeds the maximum permitted lot coverage and floor area ratio. Furthermore, the existing home currently exceeds the maximum permitted dwelling depth. It is noted that the proposed addition will not have an impact on dwelling depth.

In review of Minor Variance Application (File No. A-074/22), the following variance(s) are required to the City of Burlington Zoning By-law 2020, in conjunction with the proposed development, as submitted:

1. To permit lot coverage of 26.2% instead of the maximum permitted 17% for a proposed two storey addition.
2. To permit floor area ratio of 0.46:1 instead of the maximum permitted 0.45:1 for a proposed two storey addition.
3. To permit a dwelling depth of 18.7 metres instead of the maximum permitted 18 metres measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two storey addition.

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**

The subject lands comprise a rectangular-shaped parcel with a total lot area of 528.7 m² (0.052 hectares) (prior to road widening) with approximate lot frontage of 14.22 metres along Clark Avenue and are located south of Caroline Street and Hager Avenue, and north of Ontario Street. The lands are known municipally as 529 Clark Avenue.

Adjacent and surrounding land uses include low density residential land uses to the north, east, west, and south. Clark Avenue is located further to the southwest and an institutional land use (i.e. Anglican Church) is located to the east (on the east side of Ontario Street). A two-storey dwelling abuts the subject lands immediately to the northwest and is located several metres from the closest extent of the exterior wall (not including chimney) of the subject dwelling (based on plan of survey as submitted with the application).

Existing land uses on the property include a two-storey detached dwelling (116.1 m²) which is connected in the middle by an enclosed breezeway. Four decks are attached to the house. A small deck is located on the southeast side of the dwelling, and another is located on the west side of the dwelling in front of the main access. A larger deck which includes an outdoor hot tub is located on the northwest side of the dwelling. A third deck sits on top of the breezeway and provides an outdoor connection for the second storey of the dwelling. A small pavilion is located in the rear (north) yard. Access to the property is via a single asphalt driveway from Clark Avenue. A site visit was conducted on February 7, 2023 and existing on-site conditions are summarized in site photos included as Attachment No. 1 (Site Photos).

A Site Sketch (as prepared on March 28, 2022 and last updated August 26, 2022), and submitted with the application, illustrates the extent and location of the subject lands and proposed development. A copy of the Site Sketch is included as an attachment in a later section of this report.

The existing dwelling depth (18.7 m) does not comply with the Zoning By-law 2020 requirement for dwelling depth (18 m). During the site visit, the applicant indicated that the existing dwelling depth is the result of work completed by the previous owner of the dwelling. However, in the absence of the applicable documentation, the applicant is required to bring the dwelling depth into conformity with Zoning By-law 2020 through a Minor Variance Application.

The development of the proposed addition (18.7 m²) includes the removal of two existing staircases within the dwelling, the replacement of the existing breezeway, and the removal of two decks from the home, including the unenclosed northwestern deck attached to the first storey of the dwelling, and the unenclosed deck on the second storey of the dwelling. The proposed addition will enclose the second floor, allowing the homeowner to access a second storey bedroom.

The proposed addition will include a utility room used to store a furnace and centralized heating. Remaining levels of the dwelling are to remain unchanged. Building Elevations

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

and Floor Plans (as prepared on April 25, 2022), as submitted with the application, are included as an attachment in a later section of this report.

The proposed addition will increase the floor area ratio of the home (0.46:1) from that which is currently permitted by Zoning By-law 2020 (0.45:1). In addition, the lot coverage of the proposed addition (26.2%) will increase the existing lot coverage (22.6%) and will be an additional increase beyond the lot coverage permitted in Zoning By-law 2020 (17%). It is noted that Committee of Adjustment approval was provided for the current lot coverage (22.6%) back in 1995.

The applicant anticipates construction in 2023, pending approval of the Committee of Adjustment of this Minor Variance Application.

1) City of Burlington Official Plan:

Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?

Yes

The subject lands are designated 'Mixed Use Centre' to Schedule 'B' (Comprehensive Land Use Plan – Urban Area) of the City of Burlington Official Plan (1997), as amended. Part III, Section 5.4.2 (General Policies) of the City of Burlington Official Plan, as amended, states that among the uses which may be permitted within the 'Mixed Use Centre' designation are medium and high density residential uses, and to a limited extent, low density residential uses. Section 5.4.2 states that a range of development intensities shall be permitted. New residential development is to be compatible with surrounding properties, pursuant to the applicable policies of the Official Plan.

Part II, Section 6.0 (Design) of the City of Burlington Official Plan, as amended, provides policy guidance on the review of development applications as they relate to design principles and objectives. Included among these are policies related to compatibility.

Part II, Section 6.5 (Design Guideline Policies) of the City's Official Plan states that 'the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.'

Compatible(ity) is defined as 'development or redevelopment 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.'

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**

The proposed development is consistent with the continued use of the subject lands for residential purposes and is generally compatible in scale, design, massing and location as adjacent and surrounding development of similar land use (residential).

City of Burlington New Official Plan (OP 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan.

As the OLT process advances, the working version of the Burlington Official Plan (2020) is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan (2020) and the Burlington Official Plan (1997):

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>

At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

2) City of Burlington Zoning By-law 2020:**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

The subject lands are zoned Downtown Mixed-Use Centre ('DRL') Zone to Map No. 9 of the City of Burlington Zoning By-law 2020. The property is also located within a designated area for lot coverage pursuant to Part 15 of the zoning by-law. A two-storey detached dwelling is permitted within the applicable zoning.

Section 4.2 (Maximum Lot Coverage) Table 2.4.3 of the City of Burlington Zoning By-law 2020 stipulates that all dwellings without an attached garage in designated areas are permitted to have a maximum lot coverage of 17% for all 'other dwelling types' (proposed addition).

Section 4.5 (Floor Area Ratio) (a) of the City of Burlington Zoning By-law 2020 stipulates that a maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.

COMMITTEE OF ADJUSTMENT

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MARCH 8, 2023

Section 4.6 (Dwelling Depth) (a) of the City of Burlington Zoning By-law 2020 stipulates that the maximum depth of a dwelling shall be 18 m measured from building wall closest to front lot line to building wall closest to rear lot line.

Yes – Variances No. 1-3 (Maximum Permitted Lot Coverage, Maximum Permitted Floor Area, Maximum Permitted Dwelling Depth)

The intent of the zoning provisions related to maximum permitted lot coverage, floor area, and dwelling depth is to limit the intensity of development such that it remains appropriate for the surrounding neighbourhood.

The proposed lot coverage (26.2%) exceeds the existing lot coverage (22.6%) on site by 3.6% and exceeds what is permitted in the Zoning By-law (17%) by 9.2%.

The proposed floor area ratio (0.46:1) exceeds what is permitted in the Zoning By-law (0.45:1) by 0.01.

The existing dwelling depth (18.7 m) exceeds what is permitted in the Zoning By-law by 0.7 m.

The additional lot coverage, floor area, and dwelling depth for a two-storey dwelling is intended to facilitate the construction of a new 2-storey addition which will replace the existing enclosed breezeway and two decks. The existing heating system is inadequate to heat the dwelling, and pipes have burst as a result of cold weather. Currently, there is not sufficient space in the home to install a centralized heating system. Furthermore, the proposed addition will provide an improved enclosed connection across the second storey of the home.

Permission for the existing lot coverage (22.6%) was granted to a different landowner approximately 28 years prior to the authoring of this report. As such, the current landowner was not able to ask for sufficient lot coverage during the previous application in 1995. The proposed increase lot coverage is much smaller (3.6% increase) than it appears when compared to the Zoning By-law (9.2% increase).

The proposed increase to floor area ratio (0.01) is deemed minor, and the requested relief for dwelling depth (0.7 m increase) is the result of an existing dwelling built by the previous landowner which is separate to the two-storey addition proposed by the current landowner.

Planning staff considers the additional lot coverage, floor area, and dwelling depth to be minor and note that the proposed two-storey addition will not increase the height of the dwelling or result in a need for any reductions in setbacks.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

3) Desirability:

Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?

Yes

The subject application has been reviewed in the context of existing and surrounding land uses as well as potential impacts affecting the orderly development of the property.

The subject lands are located near the edge of a cul-de-sac comprised of a limited number of dwellings. The neighbouring dwelling to the north initially appears to be larger (taller) than the subject dwelling, and the southern property is separated from the subject property by two rows of fencing and a landscaped area. While the proposed development will exceed the intensity permitted on site, it is not anticipated that adjacent land uses to the north or south will be affected by the proposed addition.

Furthermore, the topography of the area within the existing side yard(s) separating the subject lands from the neighbouring properties is level and would not appear to result in a differential in grade (and corresponding building height) that would contribute to further significant impacts (i.e. shadow) in between the structures or a visual discrepancy as viewed along the street line. While increasing in bulk, the proposed addition would not increase building height of the dwelling and would be in keeping with the two-storey character of the adjacent (and surrounding) development.

4) Minor in Nature:

Is the proposed minor variance(s) from the zoning by-law considered minor in nature?

Yes

The proposed development is intended to further facilitate the use of the property for residential purposes with minimal land use impacts anticipated. The proposed addition has been designed and sited to limit the extent of the variance to that which could be achieved within the existing development envelope and not increase the potential for land use impacts elsewhere on the site.

In consideration of the above, it is staff's opinion that the requested minor variances to the City of Burlington Zoning By-law 2020 be deemed minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

N/A

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

Recommendation:

Staff has reviewed the subject application in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the requested variances.

Date: February 9, 2023Prepared By: Nikolas Wensing, MPlan**Report Schedules & Attachments:**

Attachment No. 1 (Site Photos – February 7, 2023)



South side of the existing dwelling.
The breezeway and second storey
unenclosed deck to be replaced by
the proposed addition.



South side of the existing dwelling
looking east. The breezeway to be
replaced by the proposed addition.

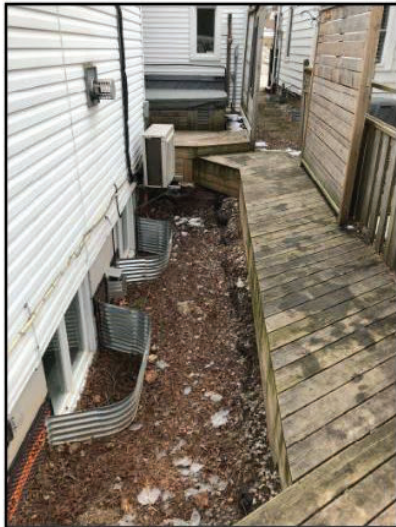


East side of the existing dwelling
looking north. The portion of the
existing dwelling which does not
comply with dwelling depth.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023



North side of the existing dwelling looking west. Existing outdoor deck and hot tub.



North side of the existing dwelling looking west. Existing outdoor deck, hot tub, and second-storey deck.



North side of the existing dwelling looking south. Existing outdoor deck, hot tub, and second-storey deck.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023



Existing interior western staircase to be removed for proposed addition.



Existing interior eastern staircase to be removed for proposed addition.



Existing interior of breezeway looking north.
Existing outdoor deck and hot tub.

Site Engineering

Actual road width is at the deemed width of 16m. As such, no widening is required.

Date: June 30, 2022

Prepared By: D. Savelli

Site Engineering has no objection to the variance(s) requested. Revisions to the plans may be required through the Grading and Drainage Clearance Certificate process.

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**Date: November 28, 2022Prepared By: D. Savelli**Forestry**

Forestry has no objections to the proposed minor variance(s) and provides the following advisory notes to the applicant.

1. A tree permit will be required for any and all work around regulated trees in accordance with the City's tree by-laws.
2. Revisions to the report and/or plans may be required through the permit process.

Date: March 1, 2023Prepared By: Nick Kryzac**Building**

1. A Building Permit is required for all building construction.
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

Date: February 1, 2023Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Services has no concerns with this Minor Variance Application.

Date: November 17, 2022Prepared By: Trevor Clark**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: Nov 17, 2022/Jan 9, 2023Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

Halton Region

Regional Staff have reviewed the Minor Variance application for 529 Clark Avenue, where the applicant is proposing the construction of a two-storey addition to replace the existing breezeway and second storey deck, and connect the front and rear of the dwelling. Regional Staff have no objections in relation to this application.

Date: January 23, 2023_____

Prepared By: N. Kaur_____



File No.:

A

PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

☒ Section 45 (1) of the Planning Act☒ Section 45 (2) of the Planning ActDiscussed the application with a city zoning examiner and development planner Y ☒ or N ☐Name of Planner: Gord Dickson Name of Zoning Examiner: Tina Vassalli**PROPERTY INFORMATION:**

Address(es) of property:

529 Clark Avenue, Burlington, Ontario, L7S 1N6

Legal description of property (registered plan number and lot number or other legal description):

21-342, Lot 30, Registered Plan 117**OWNER(S) INFORMATION:**Name: Robert (Alek) MacRaeAddress: 529 Clark Avenue, Burlington, OntarioPostal Code: L7S 1N6Home Phone: N/AWork Phone: (905) 522-6555 ext. 214Mobile: (647) 938-1685E-mail: alekm@petmas.ca**AGENT INFORMATION (If Any): Unless otherwise required, all communications will be sent to the agent.**

Name: _____

Address: _____

Postal Code: _____

Work Phone: _____ Mobile: _____

E-mail: _____

Official Plan Designation: Mixed Use Centre
St. Luke's PrecinctCurrent Zoning Designation: DRLContact Owner: ☒ (check one)
Agent: ☐**PROPOSED DEVELOPMENT:**2 story addition on an existing 2 story home

Outline each variance you are requesting as well as the Zoning By-law requirements (Example: Reduction of front yard setback from 6m to 3m.) Attach a separate sheet if required.

Variances Under Section 45 (1):

- To permit lot coverage of 26.2% instead of the maximum permitted 17% for a proposed two storey addition; and
- To permit a floor area ratio of 0.51:1 instead of the maximum permitted 0.45:1 for a proposed two story addition.

Permission Under Section 45 (2):

- To permit the enlargement or extension of a legal non-confirming building under Section 45 (2) of the Planning Act to include the construction of a two storey addition with an existing dwelling depth of 18.7m

In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature
2. Why are the variance(s) desirable for the appropriate use of the land?
3. Do the variance(s) meet the intent and purpose of the Official Plan?
4. Do the variance(s) meet the intent and purpose of the Zoning By-law (Attach separate sheet if required)

When justifying your reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your application materials.

Please reference pdf attached to application, titled:

"Minor Variance Justification.pdf"

Date property was purchased: 07/21/2020 (month/day/year)	Date property was first built on: 1910 (month/day/year)	Date of proposed construction on property: 2022/2023 (month/day/year)
EXISTING USE OF THE SUBJECT PROPERTY (check one): Detached Dwelling <input checked="" type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi-Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant (New Home) <input type="checkbox"/> Other <input type="checkbox"/>		Length of time the existing uses of the subject property have continued: Approximately 26/27 years, or since 1995 PROPOSED USE OF LAND: Same as existing
EXISTING USES OF ABUTTING PROPERTIES (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>		
ADDITIONAL INFORMATION (where applicable): Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Is the property on the heritage inventory list for the Heritage Burlington? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☐ If not available, by what means is it provided: _____
 Sanitary Sewers ☐ If not available, by what means is it provided: _____
 Storm Sewers ☐ If not available, by what means is it provided: _____

IF KNOWN, IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS:

	Yes	No	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	
Site Development Plan	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	Permit Issued? Yes <input type="checkbox"/> No <input type="checkbox"/>
Consent (Land Division Committee)	<input type="checkbox"/>	<input type="checkbox"/>	
Previous Minor Variance Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A109/95 and submission was approved

approval provided for lot coverage, a dormer and side yard setback

FOR A RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLING**Dimensions of property:****Street width: (See 1st page of application for how to obtain deemed street width)**

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Lot Coverage	Corner lot:
14.22	36.58	246.5	16.00	18.00	+/- 2M	26.2%	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Dwelling & Buildings)**

Ground Floor Area: (including garage if attached)	116.1	M2
Gross Floor Area:	259.4	M2
Number of Storeys: Including basement	2	
Width:	7.89	M
Length:	18.57	M
Height:	7.72	M

Garage/Car port (if applicable) → N/ADetached ☐

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:	9.6	M2
Width:	3.1	M
Length:	3.1	M
Height:	2.5	M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:	70.35	M2
Width:	3.75	M
Length:	18.76	M
Height:	N/A	M

PROPOSED (Dwelling/Building/Addition)

Ground Floor Area: Including basement	130.9	M2
Gross Floor Area:	301.8	M2
Number of Storeys:	2	
Width:	7.89	M
Length:	18.57	M
Height:	7.72	M

Garage/Car port (if applicable) → N/ADetached ☐

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Dwelling**

Front:	2.27	M
Rear:	14.71	M
Side/Street Side	4.68 (east)	M
Side/Other Side	0.91 (west)	M
	1.5 story ←	
	2.0 story ←	2.94 (west)

Other

Front:	33.96	M
Rear:	2.62	M
Side/Street Side	0.99	M
Side/Other Side	13.7	M

PROPOSED**Dwelling**

Front:	2.27	M
Rear:	14.71	M
Side/Street Side	4.68 (east)	M
Side/Other Side	0.91 (west)	M
	1.5 story ←	
	2.0 story ←	2.94 (west)

Other

Front:		M
Rear:		M
Side/Street Side		M
Side/Other Side		M

FOR COMMERCIAL, MIXED USE, INDUSTRIAL AND OTHER

Dimensions of property:

Street width: (See 1st page of application for how to obtain deemed street width)

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Density:	Have you applied for site plan approval? Yes <input type="checkbox"/> No <input type="checkbox"/>

If yes, File #:

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Building)**

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Floor Area: Office Space	M2
Floor Area:	M2
Warehouse/Retail/Other	
Parking Spaces Required:	
Parking Spaces Existing:	
# of Existing Units	
Floor Area Ratio	

EXISTING (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

PROPOSED (Building/Addition)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Floor Area: Office Space	M2
Floor Area:	M2
Warehouse/Retail/Other	
Parking Spaces Proposed:	
# of Proposed Units	
Floor Area Ratio	

PROPOSED (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

PROPOSED**Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

MULTI-RESIDENTIAL (STREET TOWNHOUSES, HI-RISE, DUPLEXES, STACKED TOWNHOUSES etc.)

Dimensions of property:

Street width: (See 1st page of application for how to obtain deemed street width)

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Density:	Have you applied for site plan approval? Yes <input type="checkbox"/> No <input type="checkbox"/>
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If yes, File #:

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Building)**

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Parking Spaces Required:	
Parking Spaces Existing:	
# of Existing Units	
Floor Area Ratio	

PROPOSED (Building/Addition)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Parking Spaces Proposed:	
# of Proposed Units	
Floor Area Ratio	

EXISTING (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

PROPOSED (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

PROPOSED**Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable) ☐

Signature of Applicant or Authorized Agent


I, Robert (Alek) MacRae of the City of Burlington in the Province of Ontario

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City of Burlington in the Province of Ontario
this 25 day of May 2022

Signature of Commissioner, etc.

Signature of Applicant or Authorized Agent


MATTHEW C. MOLOCHI
Barrister, Solicitor, Notary Public**OWNER'S AUTHORIZATION***If an agent is used, the owner must also complete the following:*I, _____ being the registered owner of the subject lands hereby
authorize _____ to prepare, submit and act on my behalf with respect to this application
(name of agent)
for Minor Variance.

Signature

Date

PERMISSION TO ENTERPermission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 529 Clark Avenue, Burlington, Ontario, L7S 1N6

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of Owner/Agent

Robert (Alek) MacRae

Please Print Name

Mandatory	Provided	Not Applicable	MINOR VARIANCE APPLICATION CHECKLIST Please ensure all materials and measurements are included in your submission. Check with staff if you have any questions about required material
✓	✓		TWO (1) COPIES OF A NEW SURVEY (which includes proposal)
	✓		To Scale
	✓		Metric
	✓		North Arrow
	✓		Easements
	OR		
✓		✓	TWO (1) COPIES OF ORIGINAL SURVEY
		✓	Completed Exemption Form
		✓	To Scale
		✓	Metric
		✓	North Arrow
		✓	Easements
	OR		
✓		✓	DETAILED SITE PLAN (reviewed by zoning examiner)
		✓	Site Plan Stamped by a Certified Architect or Engineer
		✓	Elevations Stamped by a Certified Architect or Engineer
✓	✓		1 COPY OF PLANS (MUST be true to scale and in metric)
	Which include:		
✓	✓		SITE PLAN
	✓		Metric
	✓		North Arrow
	✓		Frontage
	✓		Depth
	✓		Lot Area
	✓		Lot Coverage **
	✓		Deemed Street Line
	✓		Existing Front Yard Setbacks
	✓		Existing Rear Yard Setbacks
	✓		Existing Side Yard Setbacks
	✓		Existing Street Side Yard Setbacks
	✓		Existing Porch, Stairs and Overhang Setbacks



Mandator y	Provided	Not Applicabl	MINOR VARIANCE APPLICATION CHECKLIST
	✓		Proposed Front Yard Setbacks
	✓		Proposed Rear Yard Setbacks
	✓		Proposed Side Yard Setbacks
	✓		Proposed Street Side Yard Setbacks
	✓		Proposed Porch, Stairs and Overhang Setbacks
	✓		Streets (Public and Private)
	✓		Street Names
	✓		Parking (Dimensioned spaces, Driveway Width, Arrangement)
		✓	Railways (Location of them and setbacks to structures)
		✓	All Watercourses and/or Conservation Halton Areas (creek, lake,
✓	✓		LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES
	✓		Setbacks
	✓		Height
	✓		Area
	✓		Length
	✓		Width
✓	✓		ELEVATIONS
	✓		Metric
	✓		Front
	✓		Rear
	✓		Side 1
	✓		Side 2
✓	✓		FLOOR PLANS
	✓		Metric
	✓		North Arrow
	✓		Gross Floor Area Calculation 259.4 existing, 301.8 proposed
	✓		Ground Floor Area Calculation 116.1 existing, 130.9 proposed
	✓		Finished Floor Calculation 223.5 existing, 265.9 proposed
	✓		Floor Space Index (where applicable)
	✓		Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

Owner/Agent Signature:  Date: May 25, 2022



EXEMPTION FROM NEW SURVEY REQUIREMENT

Applicant/Owner: Robert (Alek) MacRae Property: 529 Clark Avenue
Burlington, Ontario, L7S 1N6

In consideration of the committee's policy to accept applications without the provision of a new OLS survey (except land severance applications), one copy of this form shall be completed and returned to the Secretary-Treasurer with the application. Please consult with the Secretary-Treasurer regarding the plans required for the application.

1. I, Robert (Alek) MacRae in my capacity as owner do attest to the following:
(Owner or Agent)

Please complete A, B or C

- A) The OLS survey/sketch of survey dated 01/21/2022
(month/day/year)
has been revised by MacKay, MacKay & Peters Limited
(person or company)
- B) The site plan, architect's plan or engineer's plan dated 04/08/2022
(month/day/year)
has been revised by MacKay, MacKay & Peters Limited
(person or company)
- C) The sketch or plot plan" dated 04/25/2022
(month/day/year)
was prepared by Konsept
(person or company)

"NOTE: PLOT PLANS OR SKETCHES WILL BE ACCEPTED ONLY FOR APPLICATIONS INVOLVING USES (NO PHYSICAL CHANGE). FOR VARIANCES RELATED TO LAND SEVERANCE, A PROPER OLS SURVEY OR SKETCH OF SURVEY IS REQUIRED AND MAY ONLY BE MARKED UP/AMENDED BY THE SURVEYOR.

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of 04/08/2022
(month/day/year)
3. The material submitted shows all measurements in metric, as calculated/converted by Konsept and
MacKay, MacKay & Peters Limited
(name of person)
4. Should the need arise during application processing for a new OLS survey, the applicant/agent agree to provide the survey as required by committee or city staff in order to receive a decision on the application.


Signature

May 25, 2022
Date



POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.


DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required may result in deferral of the application.

Thank you for your co-operation,

Amanda D'Angelo
Secretary-Treasurer
Committee of Adjustment

I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

Owner	<u>Robert (Alek) MacRae</u>	Property	<u>529 Clark Avenue Burlington, Ontario, L7S 1N6</u>
	 <u>Signature of Owner/Agent</u>		<u>May 25, 2022</u> Date

ALL OF

LANE

AND PART OF LANE

REGISTER IN THE

SCALE 1 : 150

THE INTENDED PLOT S
WHEN PLOTTED AT A :

KNOWN AS MUNICIPAL No. 529 CLARK AVENUE

REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY
- SUBJECT TO EASEMENT AS IN INST. No. HR382072

Surveyor's Real Property Report in transactions in

LEGEND

P1 DENOTES REGISTERED PLAN 117
P2 DENOTES PLAN 20R-17494

C1 DENOTES CALCULATED FROM P1 & P2
PIN DENOTES PROPERTY IDENTIFICATION NUMBER

BF DENOTES BOARD FENCE
 ○ DENOTES DECIDUOUS TREE SCALED TO

ELEVATION = 91.730 METRES (CGVD28:78 ADJUSTMENT)

BEARING REFERENCE

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:

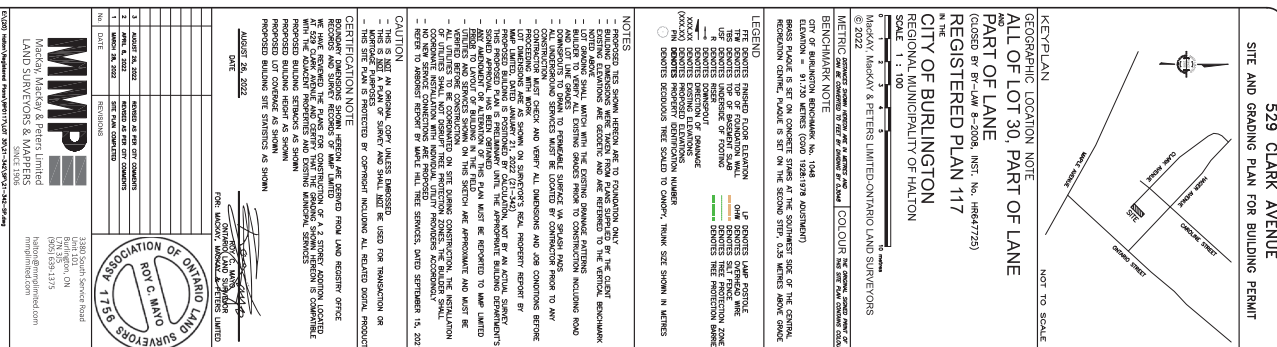
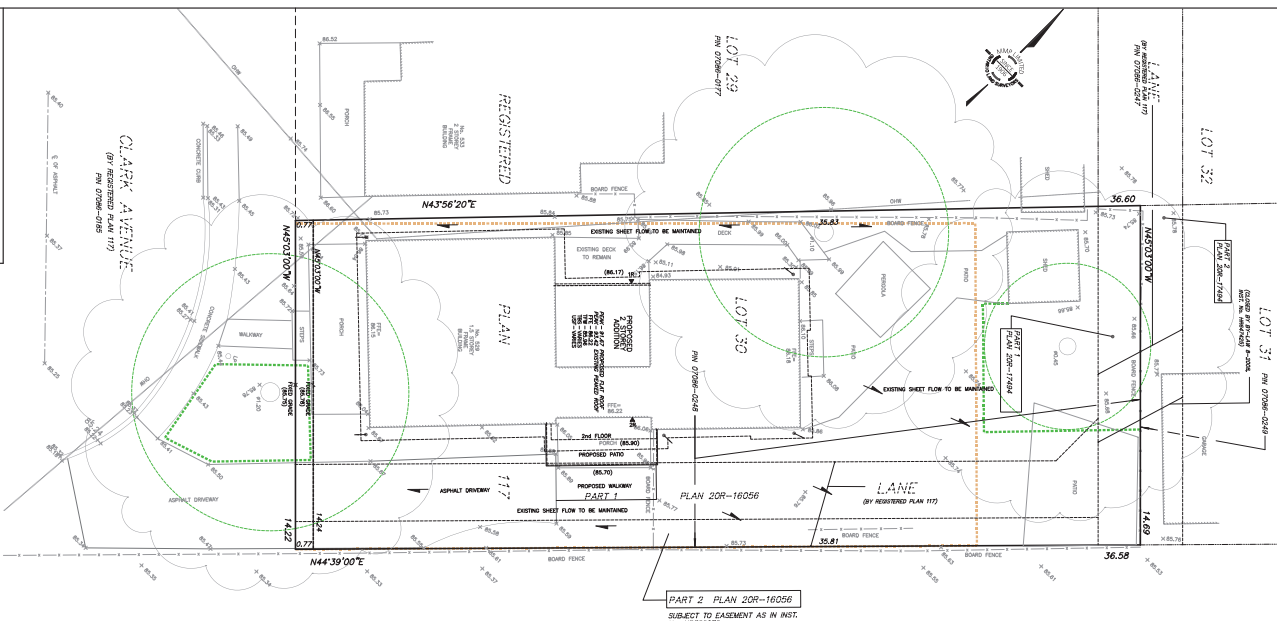
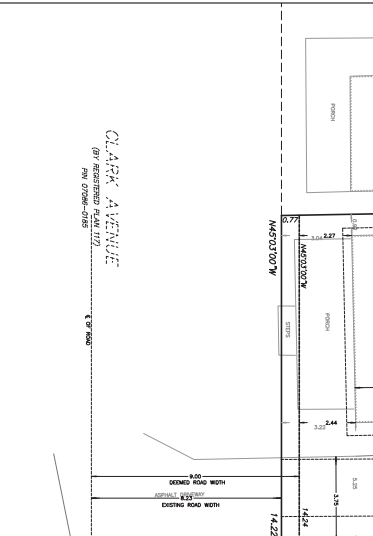
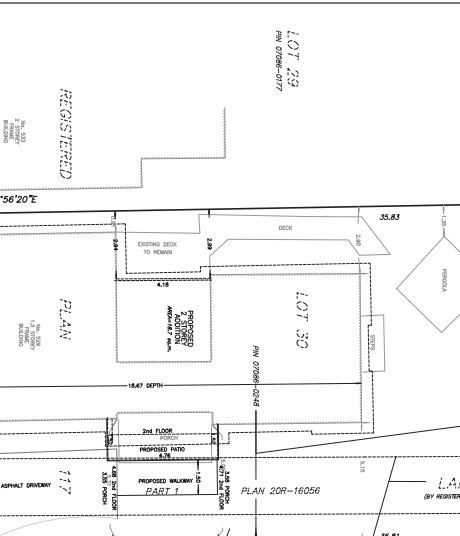
2. THE SURVEY WAS COMPLETED ON THE 12th DAY OF OCT

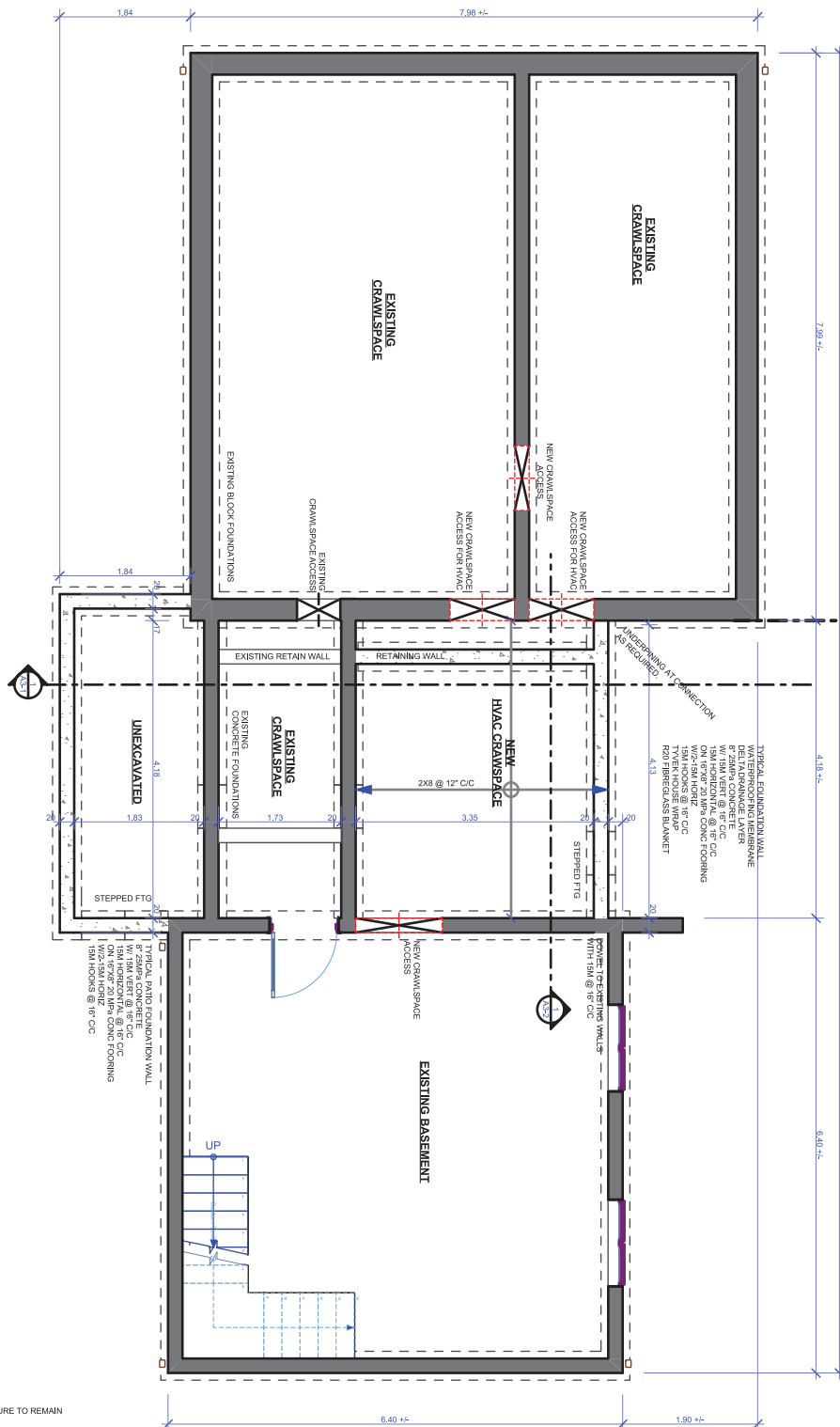
DATE	FOR MACHINE

WMP
Burlington, ON
L7N 1J5
(905) 639-1375

END PAGE

(CLASSIFIED BY BR-4446-B-2002E
M51, 100, 100047425)
PART 2

[illegible]



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

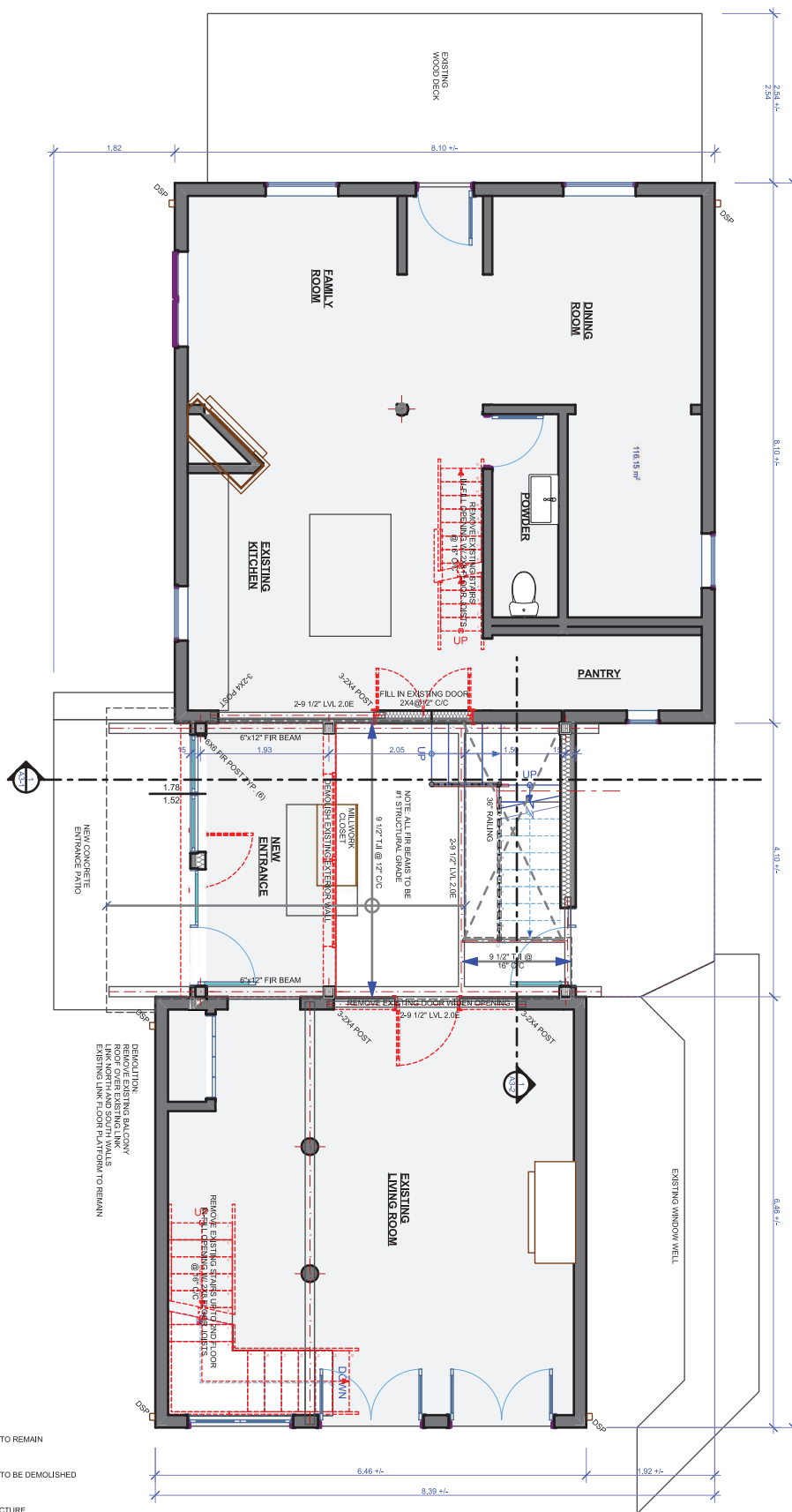
Name: Shawn P. Ryan

Signature: 
BCIN : 36441

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704

1
First Floor
SCALE: 1:100



- EXISTING STRUCTURE TO REMAIN
- EXISTING STRUCTURE TO BE DEMOLISHED
- PROPOSED NEW STRUCTURE

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1, of the building code

Name: Shawn P. Ryan

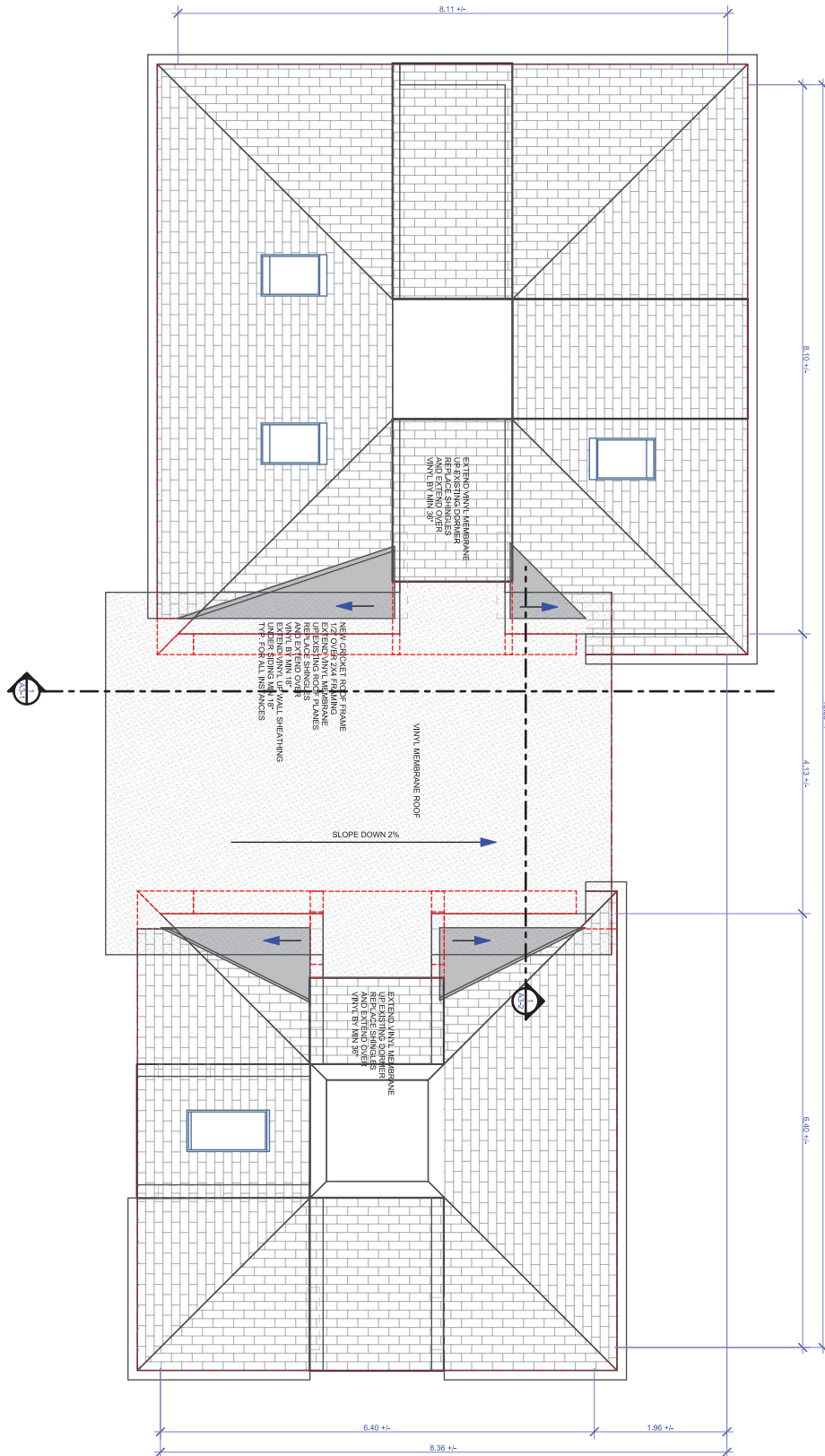
Signature:
BCIN : 36441

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1, of the building code


Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704



Firm Name: Bicubic Project Managment Inc. - O/A
Konsept
BCIN: 43704



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan
 Signature: 
 BCIN : 36441

Registration Information
 Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
 Konsept
 BCIN: 43704

1

Roof
 SCALE: 1:100

[kon•sept]

30 Niagara Street | Unit #11 | Welland ON, L3C 1H9 | 905-682-8934

Project **Clark Ave Renovations**

Location **529 Clark Ave Burlington ON**

Title **Roof Plan**

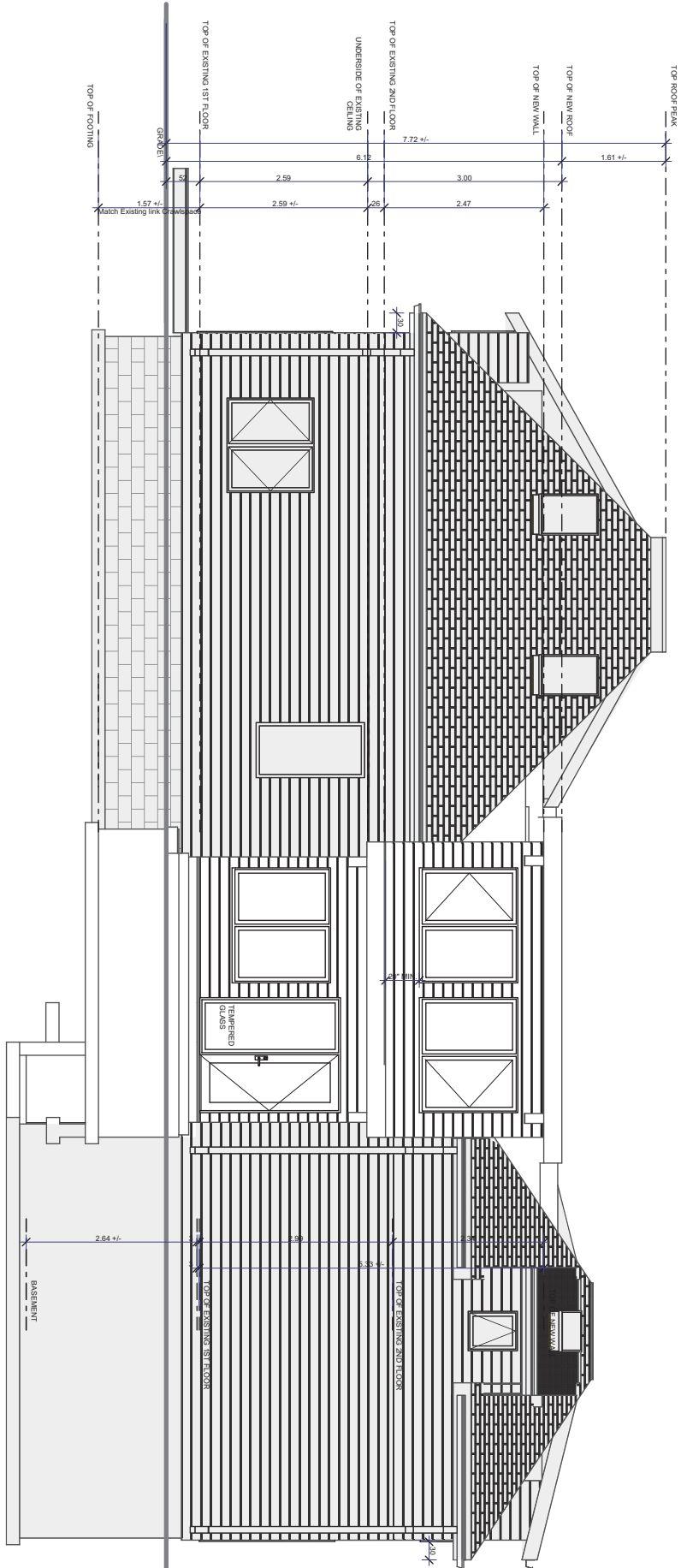
Date **4/25/2022**

Project No. **20487**


Dwg. No. **A14**

1

East Elevation
SCALE: 1:100



The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan
Signature: 
BCIN : 36441

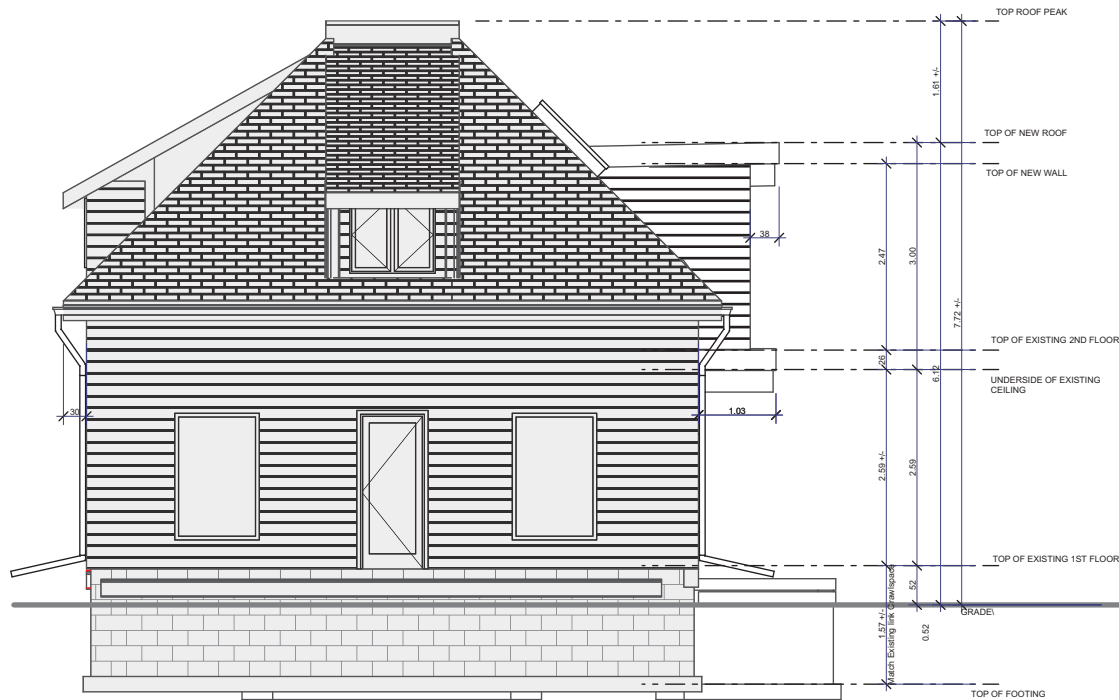
Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704

Project	Clark Ave Renovations	Date	9/1/2022
Location	529 Clark Ave Burlington ON	Project No.	20487
Title	East Elevation	Dwg. No.	A2-1

[kon•sept]

30 Niagara Street | Unit #1 | Welland ON, L3C 1H9 | 905-682-8934



1

South Elevation
SCALE: 1:100

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan

Signature: 
BCIN : 36441

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704

[kon•sept]

30 Niagara Street | Unit #1 | Welland ON, L3C 1H9 | 905-682-8934

Project **Clark Ave Renovations**

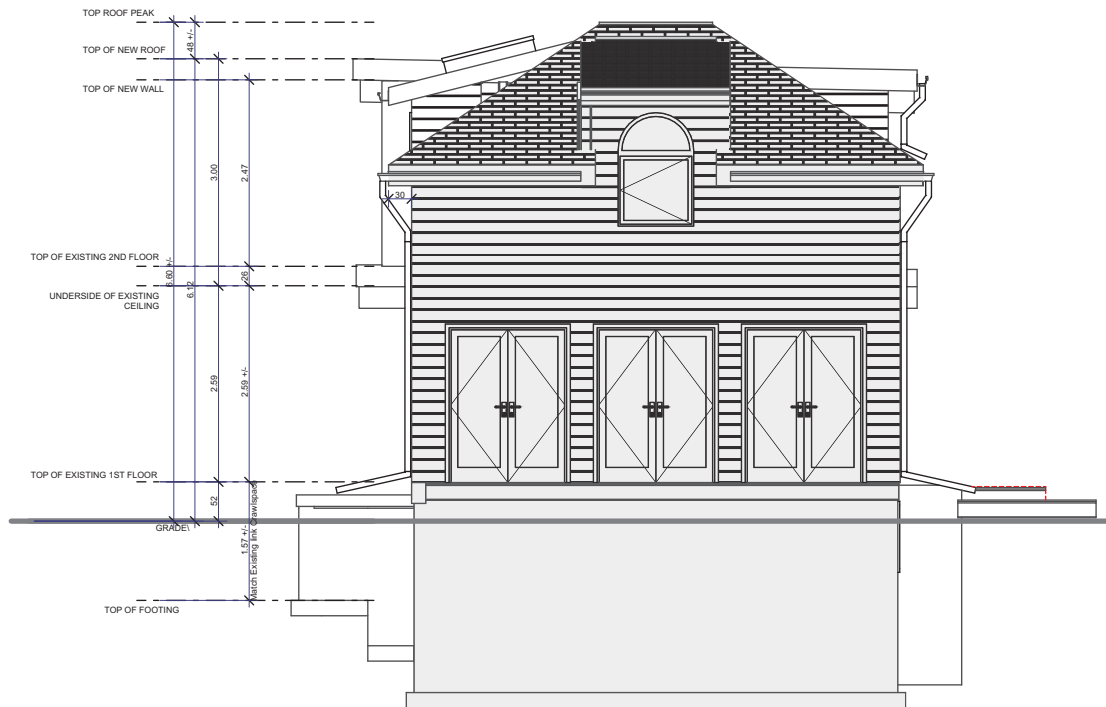
Location **529 Clark Ave Burlington ON**

Title **South Elevation**

Date
9/1/2022

Project No.
20487

Dwg. No.
A2-3



1

North Elevation
SCALE: 1:100

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan

Signature: 
BCIN : 36441

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704

[kon•sept]

30 Niagara Street | Unit #1 | Welland ON, L3C 1H9 | 905-682-8934

Project **Clark Ave Renovations**

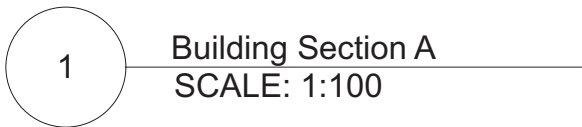
Location **529 Clark Ave Burlington ON**

Title **North Elevation**

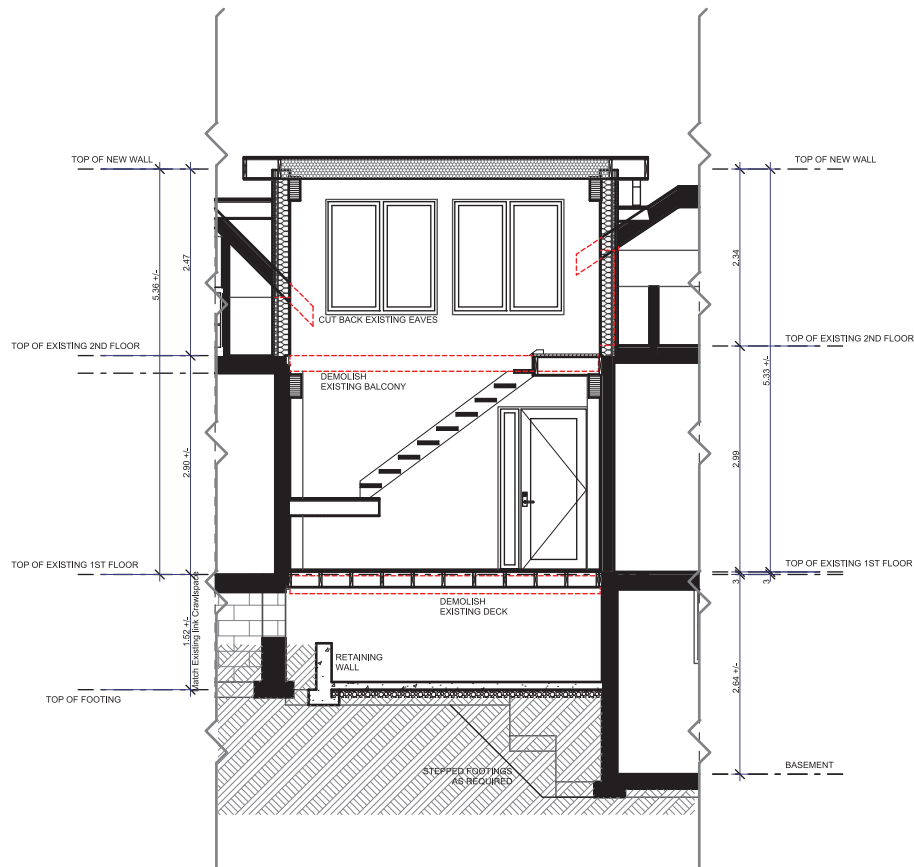
Date **9/1/2022**

Project No. **20487**

Dwg. No. **A2-4**




Firm Name: Bicubic Project Managment Inc. - O/A
Konsept
BCIN: 43704



1 Building Section B
SCALE: 1:100

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan
Signature: 
BCIN : 36441

Registration Information
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A
Konsept
BCIN: 43704





[kon•sept]

30 Niagara Street | Unit #11 | Welland ON, L3C 1H9 | 905-682-8934

Project **Clark Ave Renovations**

Location **529 Clark Ave Burlington ON**

Title **Perspectives**

Date **4/25/2022**

Project No. **20487**

Dwg. No. **A4-2**

The undersigned has reviewed and takes responsibility for the design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents. Design is not to be construed as a guarantee of the design or the building code. Design is exempt under Div. C-3.2.4.1 of the building code.

Name Stamp: Ryan
Signature: [Signature]
BCIN: 36441

Registration Information
Required unless design is exempt under Div. C-3.2.4.1 of the building code

Firm Name: Beside Project Management Inc. - OIA
Kovacs
BCIN: 43704



[kon•sept]

30 MACARA STREET UNIT #1
WELLAND, ONTARIO L3C 1H9
T 905.682.8934
E contact@konsept.ca

Drawing Description
First Floor Plan

Plot Date
7/7/2021

Project #
20487

Project Name
Clark Ave Renovations
529 Clark Ave Burlington
ON

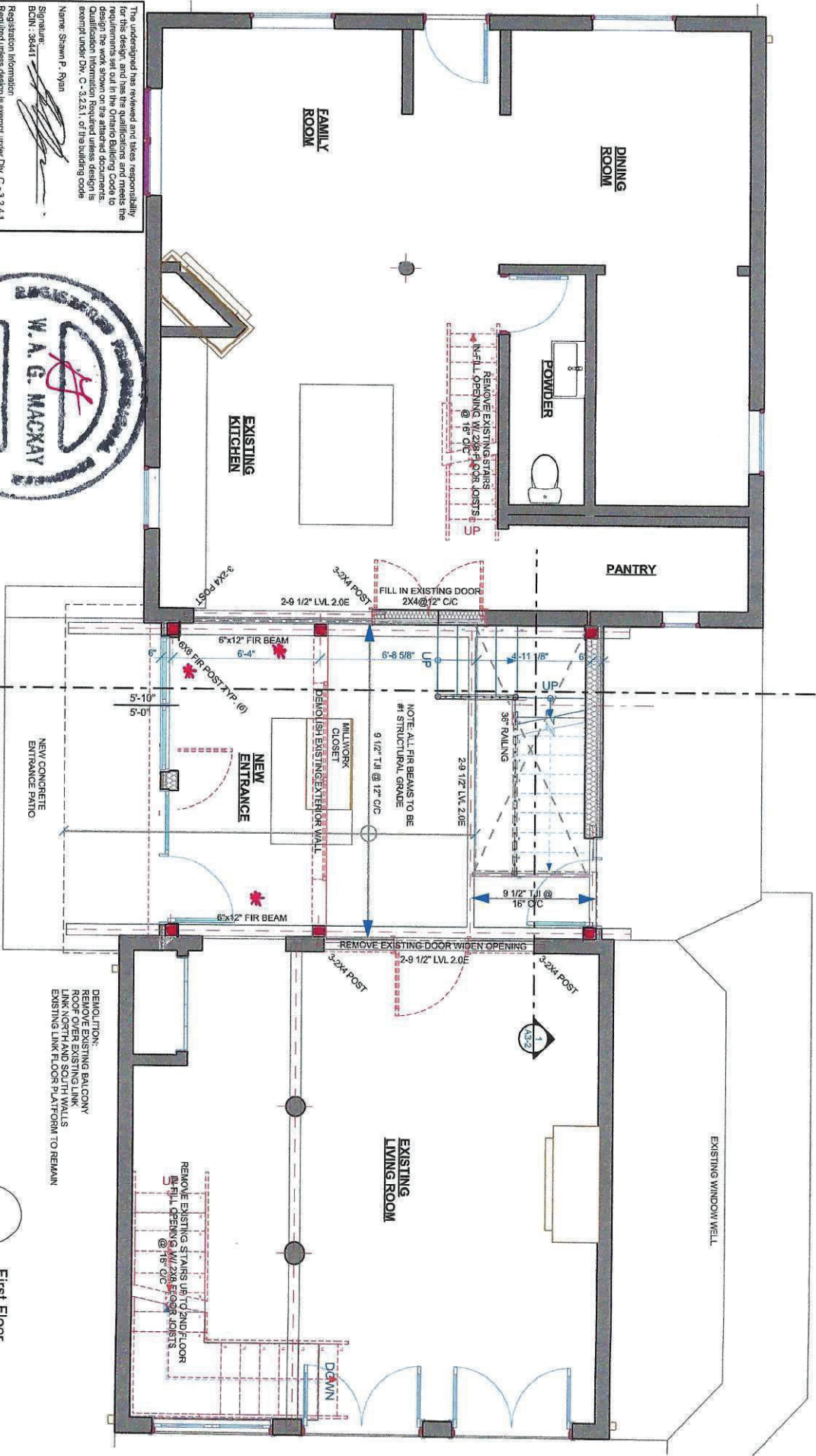
Rev	Date	Description
A.	2021/07/07	ISSUED FOR BUILDING PERMIT APPLICATION

Drawing Number
A2-2

Sealed for
Items Demolished
57 *

Note: 6x6 Fire Post and 6x12 Fire Beam
To Be Specs A (Douglas Fir) No. 1 Struct. Grade.

1 First Floor
SCALE: 1/4" = 1'-0"



[kon•sept]

30 NIAGARA STREET UNIT #1
WELLAND, ONTARIO L3C 1H9
T 905.882.8934
E contact@konsept.ca

Drawing Description
Second Floor Plan

Plot Date
7/7/2021


Project #
20487

Project Name
Clark Ave Renovations
529 Clark Ave Burlington
ON

Rev	Date	Description
A.	2021/07/07	ISSUED FOR BUILDING PERMIT APPLICATION

Drawing Number
A2-3

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design and construct the building. The design is exempt under Div. C-3.2.5.1 of the building code.

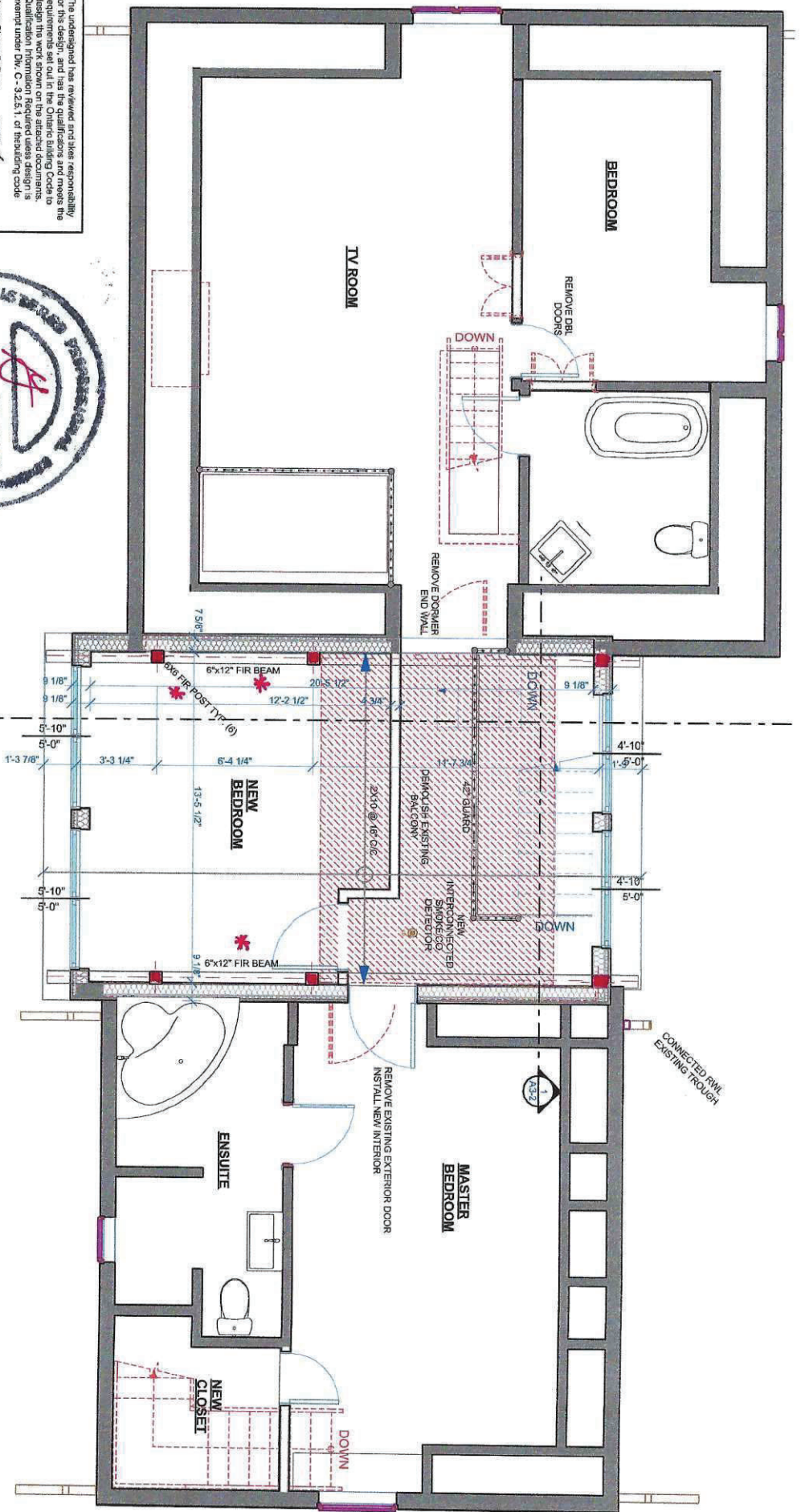
Name: Shawn P. Ryan
Signature: 
BCIN: 38441
Firm Name: Bobbie Project Management Inc. - O/A
BCIN: 43704



SEALED FOR ITEMS
DELETED BY *

Note: 6x6 Fire Post and 6x12 Fire Beam
To Be Specified A (Douglas Fir) No. 1 Struct. Grade

1 Second Floor
SCALE: 1/4" = 1'-0"



COMMITTEE OF ADJUSTMENT – MINOR VARIANCE JUSTIFICATION

APPLICANT: Robert (Alek) MacRae

APPLICANT PROPERTY: 529 Clark Avenue,
Registered Plan 117, Lot 30
City of Burlington – Regional Municipality of Halton

VARIANCES: (1): To permit lot coverage of 26.2% instead of the maximum permitted 17% for a proposed two-story addition; and
(2): To permit a floor area ratio of 0.51:1 instead of the maximum 0.45:1 for a proposed two-story addition.

PERMISSION: (1): To permit the enlargement or extension of a legal non-conforming building under Section 45 (2) of the Planning Act to include the construction of a two-story addition with an existing dwelling depth of 18.7m.

To whom it may concern,

I, Robert (Alek) MacRae, am writing to respectfully request approval for two minor variances under Section 45 (1) and one permission under Section 45 (2), of the City of Burlington's Official Planning Act – as detailed above. More specifically, I am proposing an addition of 18.7 square meters to my existing home, 529 Clark Avenue, which I understand is located in Burlington's St. Luke's Neighbourhood Precinct, a mixed-use centre community that is subject to Burlington's downtown residential low-density ("DRL") zoning by-laws. Enclosed here-in is:

- Part 1: An explanation of the proposed addition;
- Part 2: An explanation as to why the proposed addition cannot comply with the City of Burlington's zoning by-law provisions; and
- Part 3: An explanation of how the variance meet's the City of Burlington's four tests under the Planning Act.

Part 1 – Explanation of Proposal:

I am proposing an addition in excess of my neighbourhood's permitted lot coverage, floor area ratio and dwelling depth, to resolve notable issues in my existing home that cannot be repaired in its current state. In particular, the 18.7 square meter addition is required to fix the following issues of my existing home:

- (1) Heating – currently, 529 Clark Avenue is heated by 4 gas fireplaces, which is a notable issue as this form of heating alone is not sufficient for enduring Burlington's cold winters. I can personally attest to this claim after

living in the home for two winters now, following one of which I had a water pipe burst as a result of the insufficient heating. Further to this, upon purchasing the home it was very difficult to find a provider that would insure the home as a result of its lack of centralized heating. I was also only able to find one provider to insure the home, and it is not a guarantee that the provider will continue providing insurance indefinitely. The 18.7 square meter addition that I am proposing to 529 Clark Avenue is required to construct a utility room that is needed to install a proper furnace and central heating in my home. It should be noted that without the addition of a utility room an HVAC system cannot be installed in the home.

- (2) Upstairs Hallway – currently, 529 Clark Avenue does not have a hallway on the 2nd floor. In lieu of a hallway exists an outdoor 2nd story deck. This is a notable issue as our master bedroom is located at the back, or eastmost side of our home, while our child's bedroom is located at the front, or westmost side of our home. As a result, in order to get from our room to our child's room in the winter (when the outside deck on the 2nd floor is not useable as a result of the snow) we have to take the stairs down to the first floor, walk through the breezeway on our main floor, and then walk up another staircase in our home to get to our child's room. This is problematic for the safety of our child/(future children), as he/(they) is/(are) young and as a result require my wife and I to be in close proximity to their bedroom. The 18.7 square meter addition that I am proposing includes a safe passageway between the existing bedrooms of the home and allows us to hear loud noises coming from our child's bedroom. It should be noted that this hallway cannot be constructed without the proposed addition, as there is currently an outdoor "void" on the first floor of the home. This void exists as a result of the home's pre-existing "horse-shoe" shaped construction, which was approved by the Committee of Adjustments ("COA") in 1995 (COA reference: A109/95).
- (3) Centralized Staircase – currently, 529 Clark Avenue has two staircases, both of which were constructed prior to my ownership of the home and one of which does not meet today's safety regulations. The proposed addition would remove the two existing staircases and replace them with a centralized staircase that meets today's building standards and connects the first-floor entrance to the proposed hallway upstairs. It should be noted that without the proposed addition this staircase cannot be constructed.

Part 2 – Reason for Non-Compliance with the City of Burlington's Zoning By-Laws:

Regrettably, it is not possible to both fix the existing issues with 529 Clark Avenue and comply with the City of Burlington's zoning by-laws. This is due to the fact that:

- (1) The above noted safety and insurability issues cannot be resolved without additional square footage;
- (2) The existing home is already Committee approved non-compliant; and
- (3) The reason why the issues cannot be resolved without the additional square footage is because of the manner in which the existing home was constructed. More specifically, in 1995 a two-story addition to 529 Clark Avenue in the back of the property was erected, which transformed the property from a traditional "square/rectangular" shaped home to an unconventional "horseshoe/u-shaped" home. It is my understanding that COA approval was provided at this time (COA reference: A109/95), which permitted building in excess of the City of Burlington's lot coverage by-law, among providing approval for a dormer and a side-yard setback. As a result, in 1995 approval was given to construct a two-story addition without an upstairs hallway – an issue that now cannot be fixed without approval for another minor variance.

Part 3 – Four (4) Tests Under the Planning Act:

Below, I explain how the proposed addition meets the four (4) tests under the City of Burlington's Planning Act:

(1) Why are the variances minor in nature?

- The proposed addition does not impact any of the home's existing setbacks, as the planned renovation has been designed to be built within the existing footprint of the current home;
- The home was previously permitted to be built in excess of its lot coverage in 1995, where COA approval was provided to build to a lot-coverage of 22.6% (calculated as 116.9 square meters of existing building divided by 518.1 square meters of lot area after deemed street widening);
- The request to increase the lot coverage of 529 Clark Avenue from 22.6% to 26.2% is only required because previous approval was given to build a two-story addition with an outdoor void on the ground floor and without an upstairs hallway;
- The proposed addition does not alter the expected land use or built form other than to address the site specific issues discussed in part 2 of this letter; and
- The variance for floor-ratio is only required after deemed street widening.

(2) Why are the variances desirable for the appropriate use of land?

- Together, the variances facilitate development that is required to preserve the existing home, as the lack of central heating creates a legitimate threat of future flooding as a result of potential frozen/broken pipes during the cold winter months;
- The proposed addition does not impact the existing grading/drainage of the property;
- The requested variances do not promote any changes to the setbacks or spacing requirements within the St. Luke's neighbourhood precinct, as the renovation has been designed to be built within the existing footprint of the home – as noted above;
- Downtown Burlington is designated as an urban growth centre where family redevelopment should be protected and encouraged. 529 Clark Avenue, as it exists today is not built for a family with young children, given that there is no upstairs hallway to get between the master and children's bedrooms on the 2nd floor, and noises cannot be heard from the children's bedrooms due to the current construction;
- Without the variances I am not able to make 529 Clark avenue a safe family home; and
- Without the variances I am not able to make the home compliant with current HVAC and staircase building codes.

(3) Do the variances meet the intent and purpose of the Official Plan?

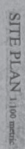
- I understand that the intent and purpose of the St. Luke's Precinct is to "preserve the stable residential and heritage character of the neighbourhood, and to ensure that any re-development is compatible with the existing character of the neighbourhood". The requested variances promote a

stable residence as they facilitate the installation of central heating, an upstairs hallway and a centralized staircase, all of which are considered basic components of a home. Without these modifications, we do not have a safe family home. Accordingly, the requested variances promote an increase in the stability of 529 Clark Avenue;

- Further to the above, the requested variances support preserving the heritage of the property as they protect against the threat of a potential flood that is currently a legitimate risk due to the insufficient heating of the existing home. As a frozen/broken pipe could create a flood significant to destroy the existing home that was built in 1910, the proposed addition and minor variances would promote protecting against the threat of destroying the heritage of 529 Clark Avenue; and
- Finally, the intent of “preserving the heritage character of the neighbourhood” suggests that the proposed development of 529 Clark Avenue should be compatible with the surrounding properties in the neighbourhood. The St. Luke’s neighbourhood precinct is made up of a collection of both modern and heritage homes, and the proposal put forth for 529 Clark Avenue is to construct a modern addition between the original home built in 1910 at the front of the property, and the addition that was built at the back of the property in 1995. The requested variances for 529 Clark Avenue should therefore be considered to be compatible with the surrounding properties, as the proposal preserves the heritage of the home built in 1910, while adding modern design and infrastructure that is also found throughout the neighbourhood.

(4) Do the variances meet the intent and purpose of the zoning by-law?

- 529 Clark Avenue is zoned DRL, which I understand permits single-detached dwellings subject to R3.2 Low-Density Residential Regulations, as per Table 6.2.2, footnote c under the Zoning By-Law. While the requested variances are in excess of the lot coverage and floor ratio by-laws, the proposed development does not promote overbuilding / inappropriate massing within the neighbourhood. Rather, the new development that is being proposed is intended to maximize the functionality and living compatibility of the existing space;
- The proposed addition does not impact any of the existing setbacks of the property, and therefore should be considered to appropriately be preserving the spacing between dwellings in the neighbourhood; and
- The current by-laws were approved by Council in December 2016, to better manage the introduction of new development within existing neighbourhoods. As 529 Clark Avenue was last renovated in 1995, the homes setbacks as they exists today should be considered to be legally non-confirming, given that the 1995 renovation was prior to the by-law approvals made in December 2016.



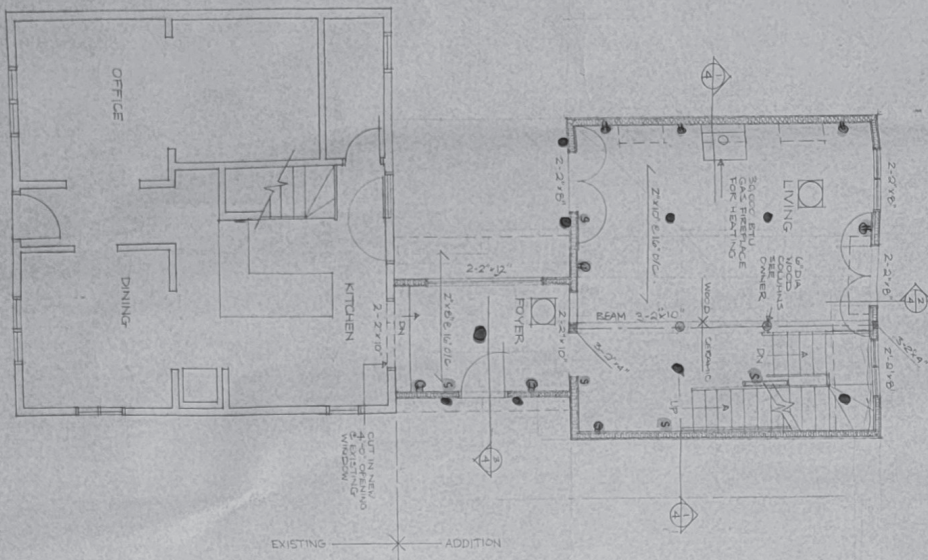
BASEMENT PLAN 1/4"=1'-0"

- X GFCI PROTECTION
- ~~W~~ WIRING APPROX OUTLET
- ~~C~~ DUPLEX RECEPTACLE
- 0 LIGHTING OUTLET
- 5 SWITCH

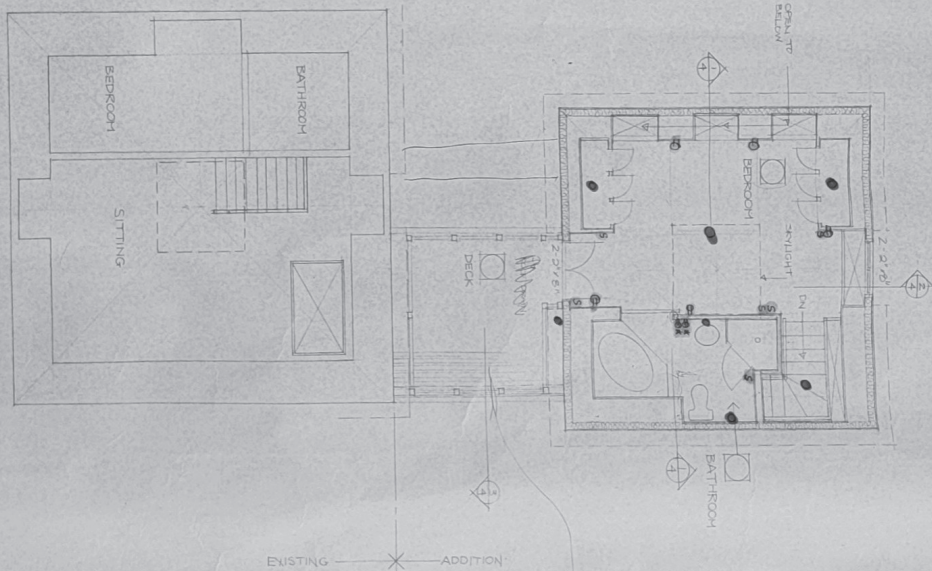
ADDITION TO:
630 CLARK STREET

SCALE AS SHOWN

GROUND FLOOR PLAN

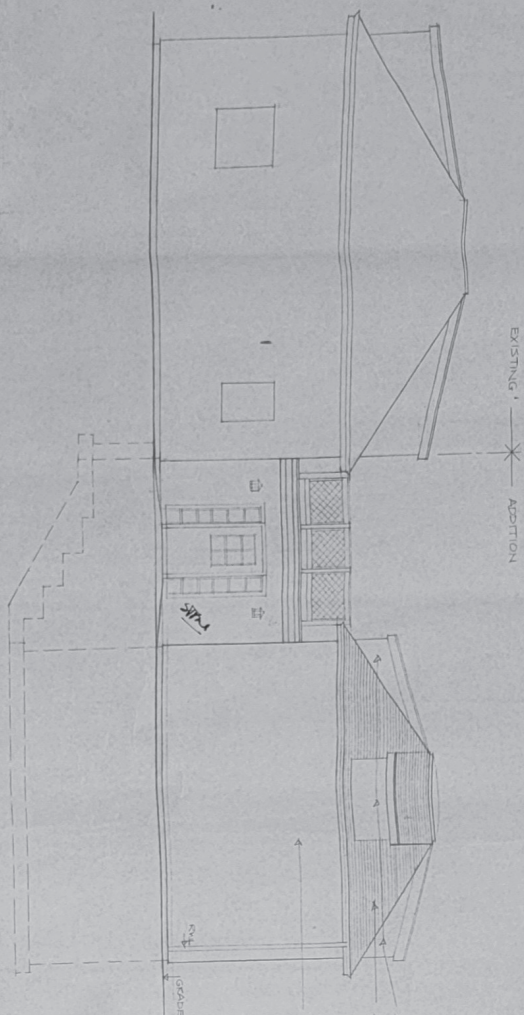


SECOND FLOOR PLAN



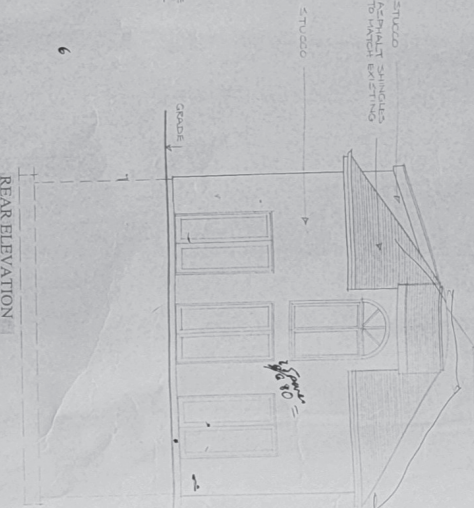
DEC-K-116

AREA
AND FLOOR
COVERED
TYPICAL

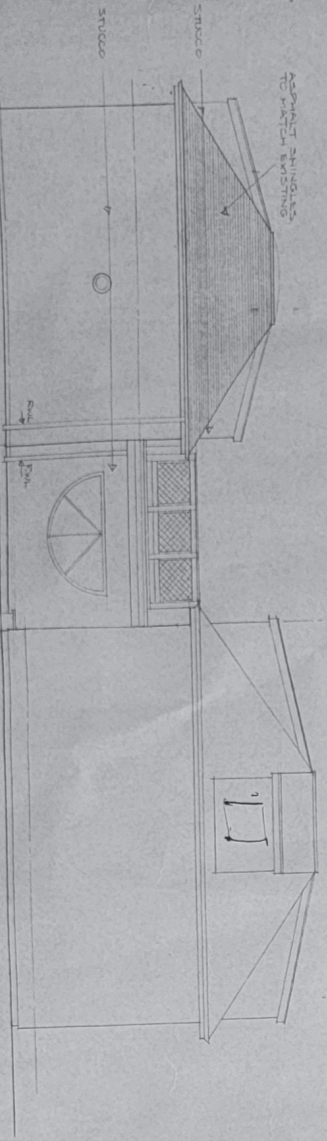


SOUTH ELEVATION

ADDITION —*— EXISTING



REAR ELEVATION



NORTH ELEVATION

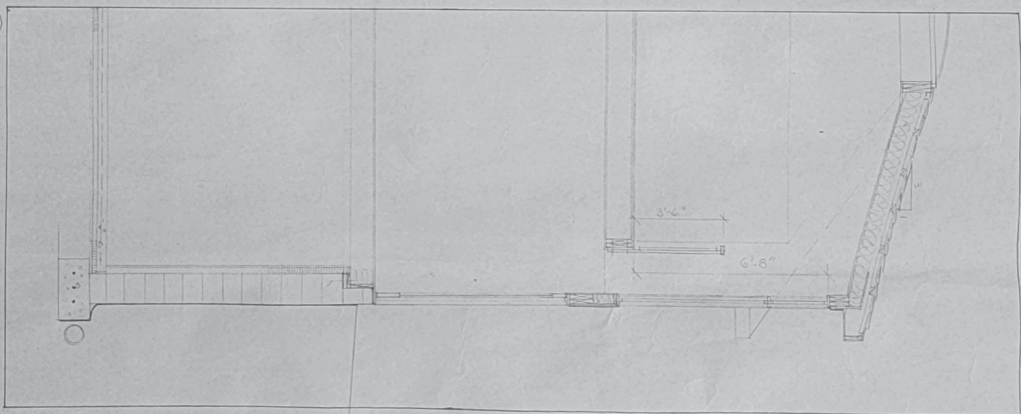
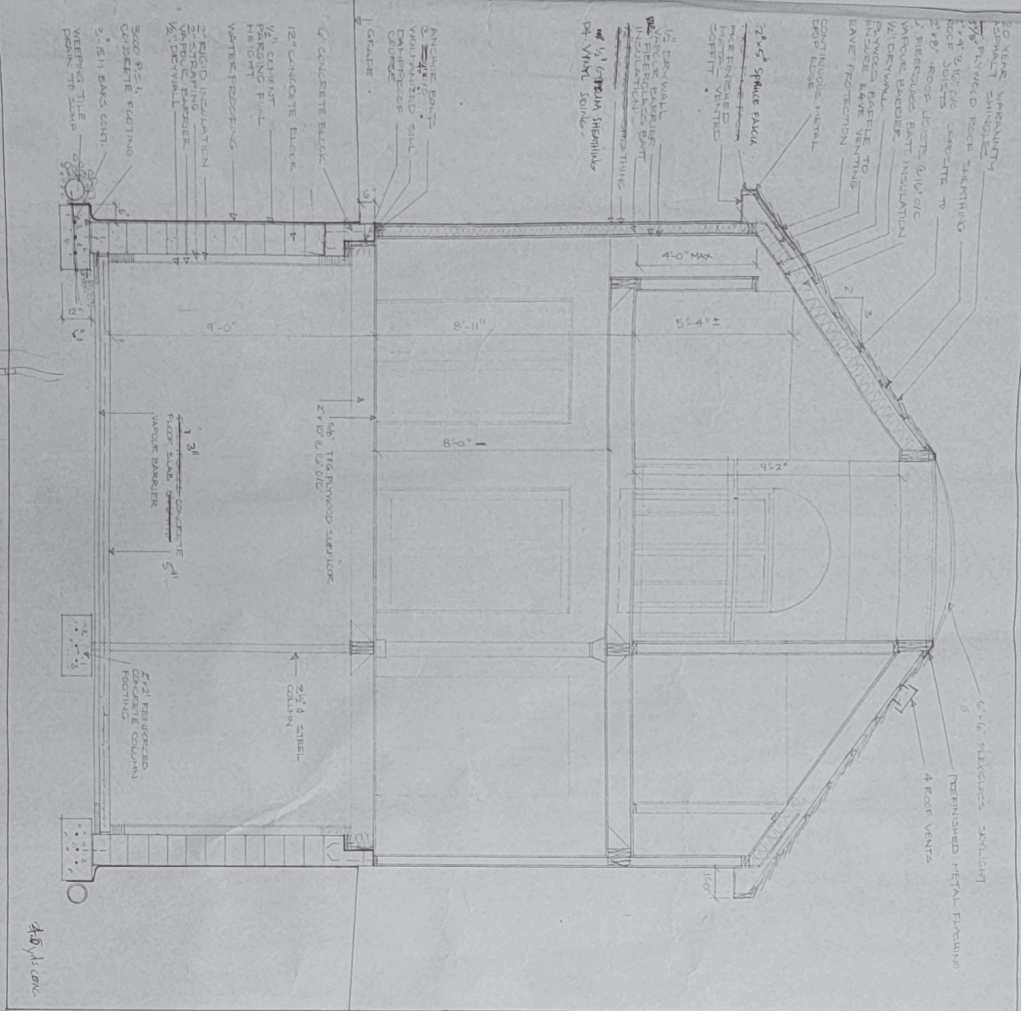


FRONT ELEVATION

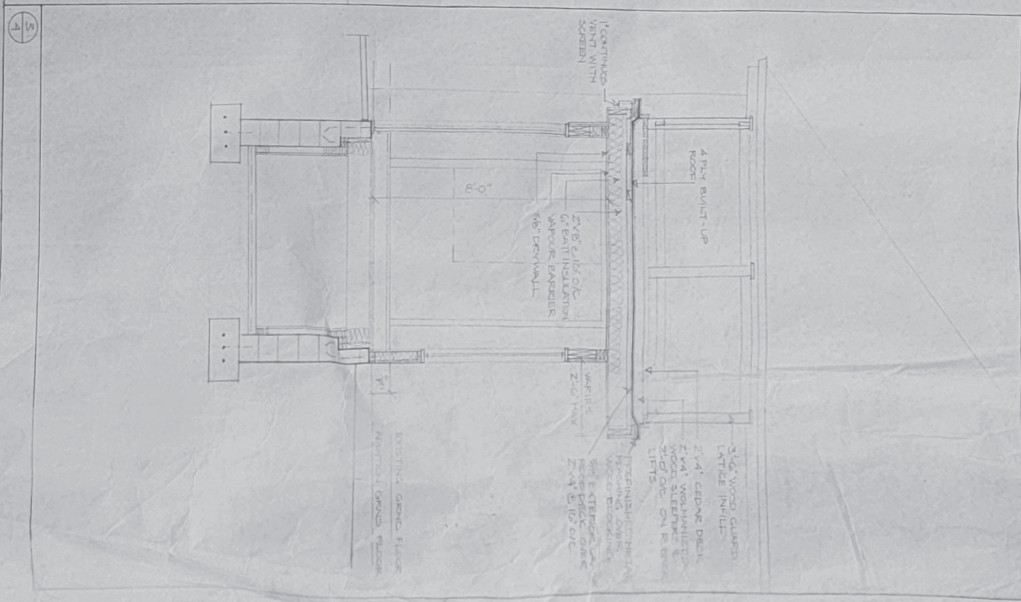
ADDITION TO
529 CLARK STREET
BURLINGTON ONTARIO

SCALE 1/4" = 1'-0"
DATE: JUNE 11, 1998

TITLE ELEVATIONS



copy plans
200+651



ADDITION TO
529 CLARK STREET
BURLINGTON ONTARIO

SCALE 1/4" = 1'-0"
DATE JUNE 21, 1995

FILE # 105651 JUNE 21/95 KEN GALT

PAGE

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

HEARING NO. 3 - 5:30 P.M.

File**540-02-A-086/22**

APPLICANT: Nigel Morgan
PROPERTY: 871 Glenwood Avenue,
PLAN 732 LOTS 110,111
City of Burlington - Regional Municipality of Halton.

The applicant is proposing the construction of a new two-storey dwelling with a circular driveway and two attached garages and a rear yard pool.

VARIANCES:

1. To permit a front yard setback of 9.7m instead of the minimum required 11m for a proposed two-storey dwelling with attached garage.
2. To permit a front yard setback of 8.5m instead of the minimum required 10.35m (11m-0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.
3. To permit an east side yard encroachment of 1m instead of the maximum permitted projection of 0.5m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.
4. To permit a west side yard encroachment of 1m instead of the maximum permitted projection of 0.5m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.
5. To permit the westerly proposed attached garage to project 1m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
6. To permit the easterly proposed attached garage to project 1m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street

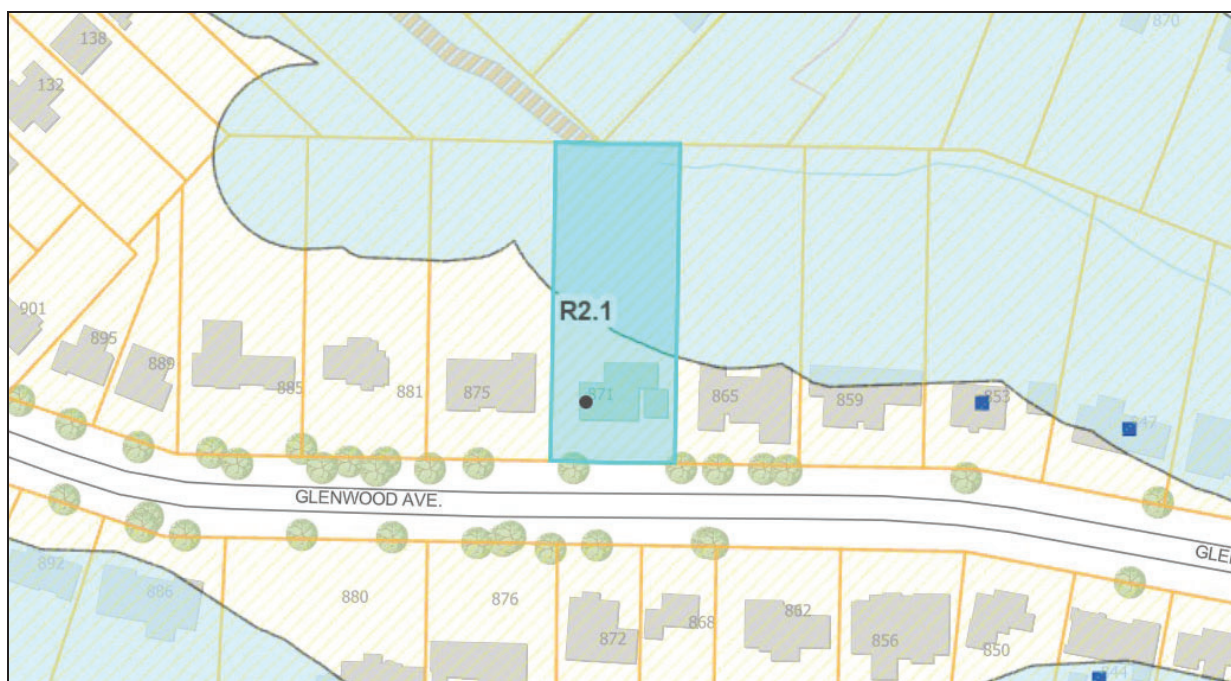
COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.

7. To permit a dwelling depth of 22.9m instead of the maximum permitted 18m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey dwelling with attached garage.
8. To permit the width of a front loading attached garage to be 12.2 m (51.2%) of the total width of its building elevation instead of the maximum permitted 11.88 m (50%) for a proposed two storey dwelling with attached garage.
9. To permit the combined width of the two points of access to be 12m instead of the maximum permitted 9m for a proposed circular driveway.
10. To permit the widest point beyond a circular driveway to be 12m total instead of the maximum 9m for a proposed circular driveway.
11. To permit a west side yard setback of 1.3m instead of the minimum 1.5m for a proposed inground pool.



COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

STAFF REPORTS:**Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: 6/23/2022Prepared By: Chase Kelly**Zoning**

The subject property is zoned R2.1, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The R2.1 zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m (e)(f)	10 m (c)	(a)(d)	4.5 m

4.6 DWELLING DEPTH

(b) Maximum depth of a dwelling shall be 18m measured from building wall closest to front lot line to building wall closest to rear lot line.

Note - Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this dwelling depth regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

4.8 GARAGES

(a) The width of a front loading attached garage shall not exceed 50% of the width of its building elevation.

(b) An attached garage with a garage door facing a street is not permitted to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

Note - Notwithstanding Part 2, Section 4.8 of By-law 2020, as amended, any dwelling which legally existed as of the date of the enactment of Zoning By-law 2020.374 (December 19, 2016), and used for a purpose permitted by this By-law, is deemed to conform to the regulations of this By-law for the life of the existing dwelling.

2.13 ENCROACHMENT INTO YARDS

2.13.1 Every part of a required yard shall be unobstructed with respect to the following encroachments:

- (a) The following obstructions may project 50 cm maximum into a side yard and 1 m maximum into any other yard from the wall of the building:

chimney	pilaster	belt course	eave or gutter overhang
sill	lintel	cornice	ornamental projection

- (d) The following obstructions may project 65 cm maximum into a required yard:

A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter

A terrace or unroofed porch

A carport

2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA

- 4) Unless otherwise specified in this by-law, the following combined maximum width of all hard surfaces (driveways plus walkways) and landscaped open space area requirements shall apply for detached, semi-detached, duplex, triplex, fourplex, common element townhouse, common element back-to-back townhouse, and street townhouse dwellings:

- g. Circular Driveways are permitted subject to the following:
- i. Front or street side lot lines are equal to or greater than 21 m in width.
 - ii. Must be located in a front or street side yard.
 - iii. Maximum width of a walkway shall be 2 m.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

iv. **The combined width of the two points of access shall not exceed a maximum width of 9 m.**

v. **The widest point beyond circular driveway shall not exceed a maximum width of 9 m.**

vi. Minimum 8 m of landscape open space between access points.

2.5 SWIMMING POOLS**2.5.1 Regulations for outdoor swimming pools:**

a. On lots containing detached or duplex dwellings and on lots containing one dwelling unit of a semi-detached, triplex, fourplex, or street townhouse:

iii. **In-ground pools shall be set back 1.5 m from a lot line or street line, measured from the inside wall of the pool**

Proposal:

The applicant is proposing the construction of a new two-storey dwelling with a circular driveway and two attached garages and a rear yard pool. Variances are required to permit a reduced front yard setback to the dwelling and front porch, to permit increased dwelling depth, to permit garage projections beyond the longest front wall of the dwelling facing a street at the first storey, to permit increased width of the front loading attached garage, to permit a circular driveway with combined entrance widths and combined widths beyond the circle exceeding the maximum permitted widths in the Zoning By-law, and to permit an in-ground pool with a reduced side yard setback.

Variances required:

1. To permit a front yard setback of 9.7m instead of the minimum required 11m for a proposed two-storey dwelling with attached garage.
2. To permit a front yard setback of 8.5m instead of the minimum required 10.35m (11m-0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.
3. To permit an east side yard encroachment of 1m instead of the maximum permitted projection of 0.5m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.
4. To permit a west side yard encroachment of 1m instead of the maximum permitted projection of 0.5m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**

5. To permit the westerly proposed attached garage to project 1m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
6. To permit the easterly proposed attached garage to project 1m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
7. To permit a dwelling depth of 22.9m instead of the maximum permitted 18m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey dwelling with attached garage.
8. To permit the width of a front loading attached garage to be 12.2 m (51.2%) of the total width of its building elevation instead of the maximum permitted 11.88 m (50%) for a proposed two storey dwelling with attached garage.
9. To permit the combined width of the two points of access to be 12m instead of the maximum permitted 9m for a proposed circular driveway.
10. To permit the widest point beyond a circular driveway to be 12m total instead of the maximum 9m for a proposed circular driveway.
11. To permit a west side yard setback of 1.3m instead of the minimum 1.5m for a proposed inground pool.

Conditions:

1. A Consolidated Pre-Building Permit Application is required.
2. Conservation Halton approval is required.

Notes:

1. The application is reviewed under section 45(1) of The Planning Act.
2. A grading plan prepared by an Ontario Land Surveyor or P.Eng confirming all zoning requirements and identifying fixed grade and proposed building location with top of roof peak elevation is required for the Consolidated Pre-Building Permit Application. Any additional variances identified during the consolidated pre-building permit process will be the applicant's responsibility to obtain.

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3. Proposed window wells to be detached from the dwelling or additional variances will be required.

Date: October 24, 2022Prepared By: Nathan Dart, CPT**Site Planning**

An application for minor variance has been submitted to the City of Burlington for the construction of a new two-storey detached dwelling with a circular driveway and two attached garages as well as a rear yard pool. Variances are required to permit a reduced front yard setback to the dwelling and front porch, to permit increased dwelling depth, to permit garage projections beyond the longest front wall of the dwelling facing a street at the first storey, to permit increased width of the front loading attached garage, to permit a circular driveway with combined entrance widths and combined widths beyond the circle exceeding the maximum permitted widths in the Zoning By-law, and to permit an inground pool with a reduced side yard setback.

In review of Minor Variance Application (File No. A-086/22), the following variances are required to the City of Burlington Zoning By-law 2020, in conjunction with the proposed development, as submitted:

1. To permit a front yard setback of 9.7 metres instead of the minimum required 11 metres for a proposed two-storey dwelling with attached garage.
2. To permit a front yard setback of 8.5 metres instead of the minimum required 10.35 metres (11 metres – 0.65 metre encroachment) for a proposed roofed over one-storey porch including steps and roof overhang excluding eaves and gutter.
3. To permit an east side yard encroachment of 1 metre instead of the maximum permitted projection of 0.5 metres measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.
4. To permit a west side yard encroachment of 1 metre instead of the maximum permitted projection of 0.5 metres measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.
5. To permit the westerly proposed attached garage to project 1 metre beyond the longest portion of a wall facing a street, whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to

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-
- project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
6. To permit the easterly proposed attached garage to project 1 metre beyond the longest portion of a wall facing a street, whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
 7. To permit a dwelling depth of 22.9 metres instead of the maximum permitted 18 metres measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey dwelling with attached garage.
 8. To permit the width of a front loading attached garage to be 12.2 meters (51.2%) of the total width of its building elevation instead of the maximum permitted 11.88 metres for a proposed two-storey dwelling with attached garage.
 9. To permit the combined width of the two points of access to be 12 metres instead of the maximum permitted 9 metres for a proposed circular driveway.
 10. To permit the widest point beyond a circular driveway to be 12 metres total instead of the maximum 9 metres for a proposed circular driveway.
 11. To permit a west side yard setback of 1.3 metres instead of the minimum required 1.5 metres for a proposed in-ground pool.

The subject lands comprise a rectangular-shaped parcel with a total lot area of 2373.43 m² (.237 hectares) with approximate lot frontage of 30.48 metres along Glenwood Avenue. The property is located on the north side of Glenwood Avenue and is municipally known as 871 Glenwood Avenue.

The subject lands are currently vacant. The applicant is proposing a new two-storey dwelling with two attached garages and an inground pool. Adjacent and surrounding land uses include primarily low-density residential development in the form of detached dwellings having heights of primarily one and two storeys. The character of this area consists of large detached dwellings comprised of a variety of building designs, shapes and materials. The area includes primarily attached garages. Multiple attached garages exist elsewhere, including 856 Glenwood Avenue, and circular driveways are not uncommon on Glenwood Avenue. For example, the properties to the east and west

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contain a circular driveway. The extent and location of the proposed development is illustrated on the Site Plan (dated September 15, 2022) as submitted with the application. Existing on-site conditions and surrounding streetscape are summarized in site photos included as Attachment No. 1 (Site Photos).

1) City of Burlington Official Plan:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?

Variances 1-5, 8-11: Yes

Variances 6 and 7: No

The subject lands are designated Residential – Low Density to Schedule ‘B’ (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997) as amended.

This designation permits single detached dwellings with a density of up to 25 units per net hectare. The Official Plan also requires new development to be compatible with the surrounding area. The subject property is also located in an established neighbourhood and within a designated lot coverage area. This designation utilizes enhanced zoning regulations (such as lot coverage and floor area ratio) to better manage the introduction of new development within existing neighbourhoods.

Part II, Section 6.5 a) of the Official Plan states that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.”

The area is characterized primarily by large, detached dwellings; each unique in their design, colour and appearance. Many of the dwellings are similar in style and incorporate brick and siding, similar rooflines and window shapes. The dwelling to the west contains a partial second storey, light stucco exterior, two single car garages and a peaked roof. The property to the east is one storey and has a flat roof design, significant glazing, dark colours and a double car garage. Both have circular driveways. As such, staff recognize that compatibility includes the ability for development to co-exist in harmony with surrounding dwellings rather than being the same.

Staff have considered the definition of *compatible(ity)*, in accordance with the definition of the Official Plan:

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Development or redevelopment 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.

Staff have reviewed Elevation Plans (dated September 19, 2022) submitted with the application which depict the proposed building. The applicant is proposing a reduced front yard setback to the dwelling and to the front porch. The front yard setback is proposed to be similar to the formerly existing front yard setback on the property. Staff are of the opinion that the proposed front yard setback is generally in keeping with the established front yard setback along this portion of 871 Glenwood Avenue, and with the dwelling that formerly existed on the property. Staff are also of the opinion that the proposed porch and encroachments into the front and west side yard are features that add to the overall design and character of the dwelling.

The applicant is proposing two attached garages, each with a one metre projection beyond the front wall of the dwelling. Dwellings with two attached garages do exist along Glenwood Avenue, and staff do not object to the inclusion of two attached garages in principle. However, projection of both would include three garage doors extending beyond the property. On the west side, a one car garage is proposed beyond the front wall of the dwelling. On the east side a two car garage is proposed. The east side also includes the greatest dwelling depth which is beyond what is required within the zoning by-law. The garage projection of one metre on the east side contributes to the overall increased dwelling depth. In the opinion of staff, the projection on the west side is appropriate, however the cumulative impact of the garage projection of a two car garage combined with dwelling depth on the east side is not appropriate and contributes to excessive massing.

In addition to the above, the applicant is requesting that the total width of the two garages be 51.2% of the front wall of the dwelling rather than the permitted 50%. Given that the garages are broken up into both the east and west side and a front porch is proposed in the middle, staff do not object to this variance in principle. However, staff are of the opinion that the cumulative impact of the garage width, garage projections and dwelling depth contribute to excessive mass. As such, staff are of the opinion that the total garage width of 51.2% could be appropriate for the lands subject to the minor variances for garage projection on the east side and dwelling depth being refused.

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The applicant is proposing a circular driveway with a maximum combined width of both access points of 12 metres and the maximum widest point of 12 metres. Circular driveways are part of the established character of the neighbourhood and staff do not object to the driveway in this case. It is the opinion of staff that adequate space will be maintained to permit greenspace, an attractive front porch and spacing between dwellings.

Finally, the applicant is seeking relief for the setback to the proposed inground pool. The lands are regulated by Conservation Halton, and the applicant faces constraints with respect to its development area. The pool entry, proposed hot tub and amenity area associated with the pool in the rear yard is located further from the property line, toward the east of the property. Staff are satisfied that impacts will be minimized as a result. Staff do not object to this variance request.

Staff have reviewed the proposal in the context of the surrounding area and in accordance with the policies of the Official Plan. Staff are of the opinion that the proposed minor variance would facilitate a dwelling that is compatible with the surrounding area with the exception of the garage projection on the east side and the dwelling depth, and that the requested variances are mostly in keeping with the general intent and purpose of the Official Plan. As such, staff are supportive of the variances proposed with the exception of Minor Variances No. 6 and 7.

City of Burlington New Official Plan (OP 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan.

As the OLT process advances, the working version of the Burlington Official Plan (2020) is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan (2020) and the Burlington Official Plan (1997):

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<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>

At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?

Variances 1-5, 8-11: Yes

Variances 6 and 7: No

The subject lands are zoned 'Low-Density Residential (2.1) Zone' to Map No. 15 of the City of Burlington Zoning By-law 2020. The applicant is requesting minor variances to permit a new two-storey dwelling with two attached garages, a circular driveway and an inground pool.

The intent of the provision for front and side yard setbacks is to ensure a consistent streetscape, consistent spacing between dwellings and to mitigate potential impacts on surrounding development. The applicant is seeking relief from the zoning by-law to permit a reduced front yard setback to the dwelling of 9.7 metres instead of the minimum required 11 metres; a front yard setback to the front porch of 8.5 metres instead of the minimum required 10.35 metres; and an east and west side yard encroachment of 1 metre instead of 0.5 metres for the proposed roof overhang.

In the opinion of staff, the proposed front yard setback is similar to what previously existed on the lands. Further, the setback is similar to what exists along Glenwood Avenue. Staff are of the opinion that a consistent front yard setback is maintained, and that the proposed setback of 9.7 metres allows sufficient space to buffer the proposed massing from the street. The front porch would extend beyond this front yard setback. Staff are of the opinion that the porch would help to reduce the massing impacts of the dwelling and would add depth and variety to the front façade. Staff do not object to this minor variance.

The applicant proposes roof overhangs on both the east and west sides, and is seeking a minor variance for each side to permit the overhangs to encroach 1 metre beyond the front wall rather than 0.5 metres. The applicant has demonstrated that the side yard setbacks to the building wall are otherwise met, and staff are of the opinion that the

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overhang would be a decorative feature that would enhance the façade. Staff do not object to these minor variances.

Beyond the main front wall of the dwelling, the applicant is seeking variances to allow the garage to project 1 metre on both the east and west sides, whereas garage projections are not permitted within the by-law. The applicant is also seeking a minor variance to permit a total garage width of 51.2% of the front wall of the dwelling rather than the maximum permitted 50%. The intent of the provisions for garages is to prevent them from becoming a dominant focal point of the front wall of the dwelling. In the opinion of staff, the cumulative impacts of the minor variances related to the garage result in the garages being a focal point of the dwelling. Staff are of the opinion that the front porch helps to break up the massing as well as architectural variety including glazing, varying shapes and textures and varying rooflines, however the two garage doors on the east side contribute to inappropriate massing.

It should be noted that the proposed minor variance for dwelling depth of 22.9 metres instead of the maximum permitted 18 metres is also associated with the east side, where there is a proposed double car garage and associated garage projection. Staff are of the opinion that these cumulative impacts represent excessive massing on the property. In order to mitigate these impacts, staff would be satisfied with the double car garage remaining and the minor variance for maximum garage width being approved, however, it is the opinion of staff that the minor variances for the garage projection on the east side, and the dwelling depth, be refused.

The applicant proposes a driveway width of 12 metres (combined for two points of access) at both the points of access and the widest points beyond. Staff recognize that the area is characterized with large dwellings having various dwelling designs and many circular driveways with two points of access. Staff are satisfied that this proposal would be in keeping with this character. Setbacks of greater than 3 metres are proposed for both side yards. These setbacks, along with the remaining space along the front property line, could be used for greenspace and landscaping. In the opinion of staff, this would lessen the impacts of the proposed driveway. Overall, staff do not object to the approval of these minor variances.

Finally, the applicant is proposing an inground pool at the rear of the property. The pool is proposed to be located at the west side of the property, and a side yard setback of 1.3 metres is requested instead of the minimum required 1.5 metres. It is the opinion of staff that the impact of this setback would be mitigated as the pool entry, associated amenity space and deck are on the east side. Staff do not object to this proposed minor variance.

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The development proposes to continue to incorporate a variety of materials and architectural features, such as similar materials, heights, windows, rooflines and textures. The proposal is not seeking additional variances related to increased building height, increased lot coverage, FAR or setbacks. Staff are of the opinion that this helps to demonstrate that the proposed building is an appropriate size and volume, and that the intent of the zoning by-law is generally maintained. However, staff are of the opinion that the garage projection on the east side and the proposed dwelling depth would result in cumulative massing impacts. As such, staff are supportive of the variances proposed with the exception of Minor Variances No. 6 and 7.

3) Desirability:

Is the proposed minor variance from the Zoning By-law desirable for the appropriate development or use of the land, building or structure?

Variances 1-5, 8-11: Yes

Variances 6 and 7: No

The applicant is requesting approval of minor variances to facilitate the construction of a new dwelling on a vacant property. As part of the proposal, the applicant is seeking variances related to front yard setback to dwelling and porch, side yard encroachments, garage projections beyond the front wall of the dwelling, an increased garage width, an increased driveway width and a decreased side yard setback to the proposed inground pool.

It should be noted that all of the principal building setbacks, with the exception of the front yard, are in keeping with the zoning by-law. The building size and volume also comply with the lot coverage and Floor Area Ratio (FAR) requirements of the zoning by-law. This suggests to staff that the proposed addition generally does not represent the overdevelopment of the subject lands.

Staff recognize the character of the area and note that it is defined by large dwellings having various dwelling designs and shapes. The proposal is in keeping with this unique context. Despite meeting the lot coverage and FAR requirements, staff note that the dwelling depth and garage projection on the east side do contribute to excessive mass, but that this impact can be mitigated by refusing these two variances. With the exception of the two variances noted above, staff are of the opinion that the proposed dwelling would be a positive contribution to the character of this neighbourhood.

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It is the opinion of staff that the proposed minor variances would result in a development that is desirable for the property, with the exception of Minor Variances No. 6 and 7.

4) Minor in Nature:

Is the proposed minor variance from the Zoning By-law considered minor in nature?

Variances 1-5, 8-11: Yes

Variances 6 and 7: No

The applicant is requesting approval of minor variances to facilitate the construction of a new dwelling on a vacant property. As part of the proposal, the applicant is seeking variances related to front yard setback to dwelling and porch, side yard encroachments, garage projections beyond the front wall of the dwelling, an increased garage width, an increased driveway width and a decreased side yard setback to the proposed inground pool.

Staff have assessed each of the proposed minor variances in the context of the subject lands and surrounding area. The neighbourhood is characterized by large homes having a variety of dwelling designs. In the opinion of staff, the applicant has taken care to maintain the front yard setbacks that exist along this street, and the garages and driveway are similar to what exists in the area.

Staff are of the opinion that there would be a cumulative massing impact resulting from the projection of the double car garage beyond the front dwelling wall, as well as the proposed increased dwelling depth on the same side as this garage. Staff are of the opinion that these impacts could be satisfactorily mitigated by removing these two minor variances. Otherwise, it is the opinion of staff that the impacts of the proposed minor variances are minor and would facilitate a dwelling that is in keeping with the character of the area.

As such, staff are of the opinion that the proposed minor variances are minor in nature, with the exception of Minor Variances No. 6 and 7.

Cumulative Impact:

Staff have assessed the proposal in the context of the cumulative impact of the minor variances. Most of the minor variances contribute to the construction of a dwelling that is in keeping with the established and developing character of this area. However,

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cumulatively, staff are of the opinion that the inclusion of an attached garage on either side of the dwelling (both with projections beyond the front wall) combined with the increased total garage width and the increased dwelling depth on the east side contribute to cumulative massing impacts. As such, it is the recommendation of staff that the double car garage on the east side be slightly pushed back and that the dwelling depth be reduced. Staff would then be satisfied that the cumulative impacts of the proposed minor variances are appropriate.

Recommendation:

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the proposed minor variances with the exception of 6 and 7.

Date: March 1, 2023Prepared By: Melissa Morgan, MCIP RPP**Attachments:**

Attachment No. 1 – Site Photos (February 23, 2023)



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Site Engineering

Actual road width is the same as the deemed width at 20m. Therefore, there is no widening required

Date: 7/28/2022

Prepared By: Eric Canham

Site Engineering has reviewed the proposed minor variances and

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Date: November 29, 2022Prepared By: E. Canham**Forestry**

Forestry has no objections to the proposed minor variance(s) and provides the following advisory notes to the applicant.

1. A tree permit will be required for any and all work around regulated trees in accordance with the City's tree by-laws.
2. Revisions to the report and/or plans may be required through the permit process.

Date: March 1, 2023Prepared By: Nick Kryzac**Building**

1. A Building Permit is required for all building construction.
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

Date: February 1, 2023Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Services has no concerns with this Minor Variance Application.

Date: November 17, 2022Prepared By: Trevor Clark**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: Nov 17, 2022Prepared By: L. Bray

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Halton Region

Regional Staff have reviewed the Minor Variance application for 871 Glenwood Avenue, where the applicant is proposing the construction of a new two-storey dwelling with a circular driveway, two attached garages, and a rear yard pool. Regional Staff offer the following comments:

- The proposed development is within 120m of Regional Natural Heritage System (RNHS), therefore Region's Environmental Impact Assessment (EIA) requirements are triggered in accordance with Sections 118 (3) & (3.1) c) of the ROP. Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed development would be separated from the RNHS by existing development and will not likely result in any impacts on the features or ecological functions of the RNHS.
- The Subject Property falls within Conservation Halton (CH) regulated area, floodplain, and watersheds. CH Staff should be consulted for their comments and satisfied with the proposed development prior to approval.
- The owner must contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their draft detailed site servicing drawing for the Region's review. The owner shall obtain a Regional Services Permit (if required) and pay all necessary fees. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, may be required to be disconnected at their respective mains by the owner. The owner can at any time investigate with their builder and contractor, and by obtaining all utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.

Date: January 23, 2023 _____ Prepared By: N. Kaur

Conservation Halton

Regarding **871 Glenwood Ave - A-086-2022**, CH provides the following:

Ontario Regulation 162/06

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property, 871 Glenwood Avenue, is adjacent to lands traversed by a tributary within West Aldershot Watershed and contains a portion of the associated flooding and erosion hazards. CH regulates 7.5 metres from the limit of the greater of the flooding or erosion hazards. Based on the information available, a portion of the subject property is considered to be regulated by CH pursuant to Ontario

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Regulation 162/06. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's Policies and Guidelines for the Administration of Ontario Regulation 162/06 (<https://conservationhalton.ca/policies-and-guidelines>).

The proposed development is shown to be located immediately adjacent to the 7.5 m regulatory allowance. While the development, once complete, will remain outside of the regulated area, it is understood that temporary excavation/grading associated with construction works would be required to facilitate the project. Therefore, a Permit from CH is required to be applied for and issued.

Recommendation

CH staff has **no objection** to this application, subject to the following condition:

1. That, prior to the initiation of works, a Permit be obtained from Conservation Halton.

Date: January 25, 2023 _____

Prepared By: B. Fleming _____



File No.:

A

PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

☒ Section 45 (1) of the Planning Act☐ Section 45 (2) of the Planning ActDiscussed the application with a city zoning examiner and development planner Y ☒ or N ☐Name of Planner: MARIANA DA SILVA

Name of Zoning Examiner: _____

PROPERTY INFORMATION:

Address(es) of property:

871 GLENWOOD AVENUE

Legal description of property (registered plan number and lot number or other legal description):

LOTS 110 & 111, R-PLAN 732 (PF)

OWNER(S) INFORMATION:

Name: NIGEL MORGANAddress: 345 POMONA AVENUEBURLINGTON, ONPostal Code: L7H 1T4

Home Phone: _____

Work Phone: _____

Mobile: 905-570-4771E-mail: nigel@morgroup.ca

AGENT INFORMATION (If Any): Unless otherwise required, all communications will be sent to the agent.

Name: GUS RICCI ARCHITECTAddress: 64 REBECCA STREETOAKVILLE, ONPostal Code: L6K 1J2Work Phone: 905-842-9101Mobile: 905-334-3992E-mail: gus@gusricciarchitect.com

Official Plan Designation:

RESIDENTIAL - LOW DENSITY

Current Zoning Designation:

R2.1Contact Owner: ☐ (check one)Agent: ☒

PROPOSED DEVELOPMENT:

NEW SINGLE FAMILY DWELLING - INFILL

Outline each variance you are requesting as well as the Zoning By-law requirements (Example: Reduction of front yard setback from 6m to 3m.) Attach a separate sheet if required.

1) REDUCTION OF FRONT YARD SETBACK TO 9.10 m WHEREAS BY-LAW REQUIRES 11.0m 2) PERMIT BUILDING DEPTH OF 22.85 WHEREAS 18.0m IS PERMITTED. 3) PERMIT GARAGE PROJECTION OF 1.0m WHEREAS NO PROJECTION PERMITTED. 4) PERMIT 51.5 % GARAGE WIDTH WHEREAS BYLAW PERMITS 50% MAX.

In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature
2. Why are the variance(s) desirable for the appropriate use of the land?
3. Do the variance(s) meet the intent and purpose of the Official Plan?
4. Do the variance(s) meet the intent and purpose of the Zoning By-law (Attach separate sheet if required)

When justifying your reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your application materials.

THE VARIANCES REQUESTED AS A RESULT OF SITE CONSTRAINTS RELATING TO CONSERVATION HALTON SETBACK FROM TOP OF BANK. ALTHOUGH A LARGE, DEEP LOT; THE AMOUNT OF USEABLE TABLE LAND IS GREATLY REDUCED, THE VARIANCES ARE APPROPRIATE AND MINOR IN NATURE SINCE THE INTENT OF THE OFFICIAL PLAN & ZONING BY LAWS ARE MET & CONSISTENT WITH CURRENT DEVELOPMENT IN THE AREA.

Date property was purchased: <u>MARCH 2021</u> (month/day/year)	Date property was first built on: <u>1960's +/-</u> (month/day/year)	Date of proposed construction on property: <u>SEPT 30/22</u> (month/day/year)
EXISTING USE OF THE SUBJECT PROPERTY (check one): Detached Dwelling <input checked="" type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi-Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant (New Home) <input type="checkbox"/> Other <input type="checkbox"/>		Length of time the existing uses of the subject property have continued: <u>50 YRS +/-</u>
EXISTING USES OF ABUTTING PROPERTIES (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input checked="" type="checkbox"/>		PROPOSED USE OF LAND: <u>RESIDENTIAL</u>
ADDITIONAL INFORMATION (where applicable): Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Is the property on the heritage inventory list for the Heritage Burlington? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify)

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☒ If not available, by what means is it provided: _____
 Sanitary Sewers ☒ If not available, by what means is it provided: _____
 Storm Sewers ☐ If not available, by what means is it provided: _____

IF KNOWN, IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS:

	Yes	No	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Site Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Issued? Yes <input type="checkbox"/> No <input type="checkbox"/>
Consent (Land Division Committee)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

FOR A RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLING**Dimensions of property:****Street width: (See 1st page of application for how to obtain deemed street width)**

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Lot Coverage	Corner lot:
30.40m	77.93	2373.43	20m	20m		EX. 8.25% NEW 19.00%	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Dwelling & Buildings)**

Ground Floor Area: (including garage if attached)	M2
Gross Floor Area:	165.34 M2
Number of Storeys:	1
Width:	18.33 M
Length:	12.93 M
Height:	6.50 M

Garage/Car port (if applicable)Detached ☒

Gross Floor Area:	30.50 M2
Width:	5.00 M
Length:	6.14 M
Height:	4.00 M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:	M2
Width:	N/A M
Length:	M
Height:	M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:	M2
Width:	N/A M
Length:	M
Height:	M

PROPOSED (Dwelling/Building/Addition)

Ground Floor Area:	405.5 M2
Gross Floor Area:	638.4 M2
Number of Storeys:	2
Width:	24.08 M
Length:	22.85 M
Height:	9.53 M

Garage/Car port (if applicable)Detached ☐

Gross Floor Area:	M2
Width:	N/A M
Length:	M
Height:	M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:	M2
Width:	N/A M
Length:	M
Height:	M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:	M2
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Dwelling**

Front:	11.066 M
Rear:	53.004 M
Side/Street Side	6.759 M
Side/Other Side	5.425 M

Other

Front:	11.719 M
Rear:	M
Side/Street Side	2.816 M
Side/Other Side	M

PROPOSED**Dwelling**

Front:	9.10 M
Rear:	45.28 M
Side/Street Side	3.20 M
Side/Other Side	3.20 M

Other

Front:	M
Rear:	M
Side/Street Side	N/A M
Side/Other Side	M

AFFIDAVIT**Please fill out at time of submission of application*I have the authority to bind the Corporation (check if applicable) ☐

Signature of Applicant or Authorized Agent

I, GLS RICCI of the TOWN of OAKVILLE in the REGION of HALTON

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Oakville in the province of Ontario
this 22nd day of June 20 22

Signature of Commissioner, etc.

MARIA BENDERSKAYA LSO # P06103

Signature of Applicant or Authorized Agent

Nacht Law Office Professional Corporation
242 Kerr Street, Unit 2
Oakville, Ontario L6K 3B2**OWNER'S AUTHORIZATION***If an agent is used, the owner must also complete the following:*I, NIGEL MORGAN being the registered owner of the subject lands hereby
authorize GLS RICCI ARCHITECT to prepare, submit and act on my behalf with respect to this application
(name of agent)
for Minor Variance.

Signature

Date

PERMISSION TO ENTERPermission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 871 GLENWOOD AVENUE

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of Owner/Agent

NIGEL MORGAN

Please Print Name



POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

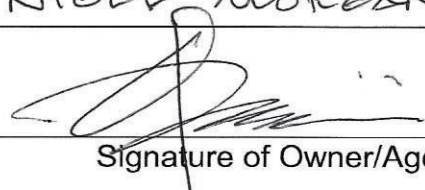
DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required may result in deferral of the application.

Thank you for your co-operation,

Amanda D'Angelo
Secretary-Treasurer
Committee of Adjustment

I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

Owner NIGEL MORGAN

Signature of Owner/Agent

Property 871 GLEN WOOD AVE.
JUNE 10/22
Date

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LOT 110 & 111
REGISTERED PLAN 732 (PF)
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON
AS TAKEN FROM
SURVEY BY
A.T. McLaren LIMITED
LEGAL AND ENGINEERING SURVEYS
DATED SEPT. 15, 2022
AS PROVIDED BY OWNER

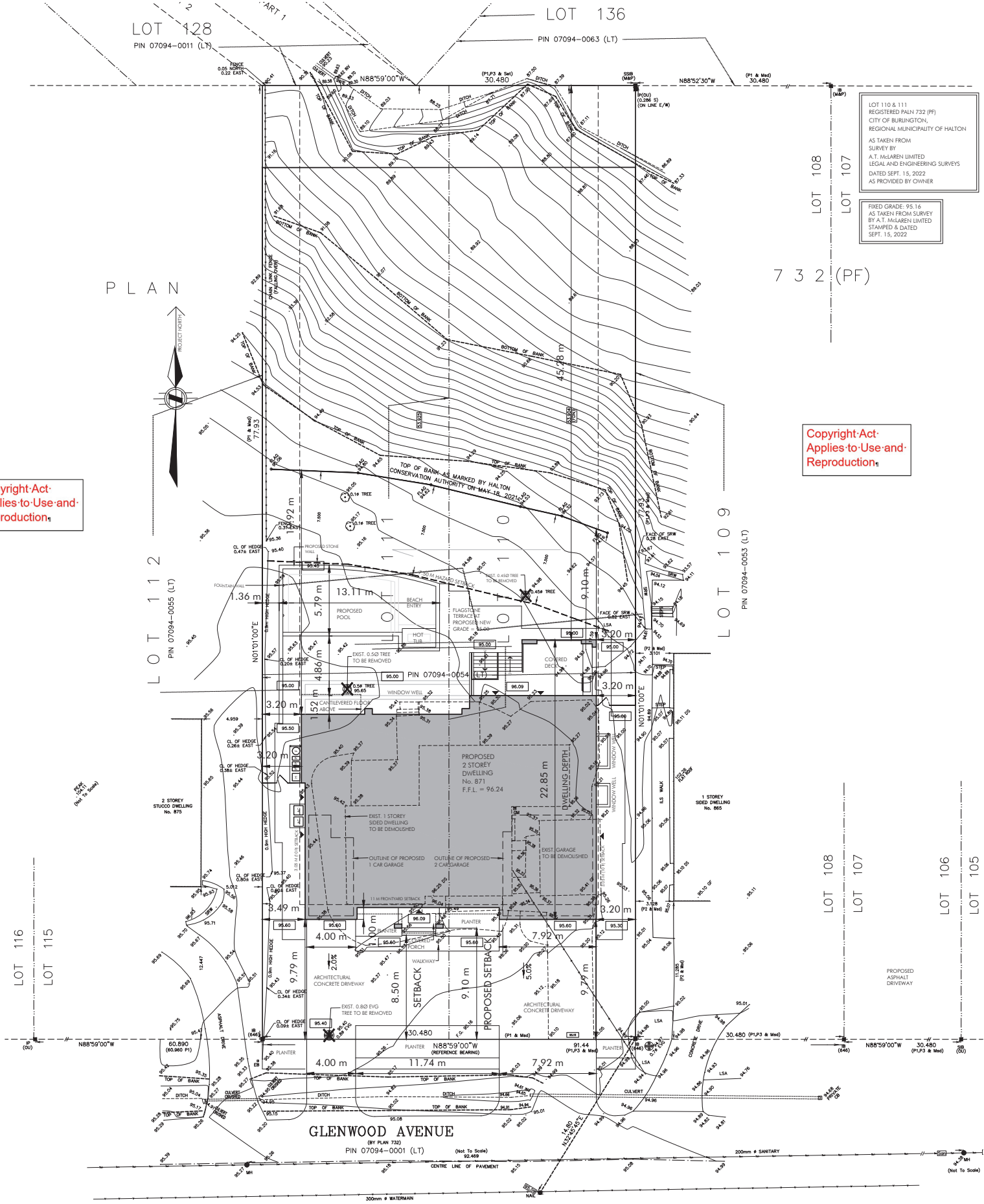
FIXED GRADE: 95.16
AS TAKEN FROM SURVEY
BY A.T. McLaren LIMITED
DATED SEPT. 15, 2022
STAMPED & DATED
SEPT. 15, 2022

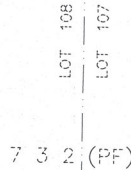
Proposed New Residence:

871 Glenwood Ave, Burlington
Site Plan at 1:200
SKA01 - Sept 19, 2022

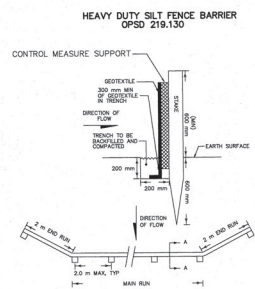


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NOTE

UNDERGROUND SERVICE AND UTILITY LOCATIONS
WERE LOCATED BY CITY OF BURLINGTON DRAWING
No. W-1778-99 (SHEET 7 OF 8)

UNDERGROUND SERVICE AND UTILITY LOCATIONS
MUST BE VERIFIED PRIOR TO CONSTRUCTION

INVERTS MUST BE VERIFIED PRIOR TO
CONSTRUCTION

METRIC NOTE:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE
REFERRED TO THE NORTHERLY LIMIT OF
GLENWOOD AVENUE AS SHOWN ON PLAN
732 (PF) AS BEING N88°59'00"W

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYORS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM
2. THE SURVEY WAS COMPLETED ON THE 16th DAY OF MAY, 2021

SEPTEMBER 15, 2022

2	ADD PROPOSED SILT FENCE	SEP 13/22	J
1	ADD PROPOSED SILT FENCE	NOV 10/21	J
	ORIGINAL DRAWING	JUN 08/21	J
No.	DESCRIPTION	DATE	B

REVISIONS

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A.T. McLaren Limited
 SURVEY AND ENGINEERING SERVICES

 80 JOHN STREET SOUTH, SUITE 230
 HAMILTON, ONTARIO, L8N 2Y9
 PHONE (905) 527-8569 FAX (905) 527-0032

S I T E S T A T I S T I C S			
LOT DESCRIPTION	LOT 1110 & 111, REGISTERED PLAN 732 (P)	CITY OF BURLINGTON	REGIONAL MUNICIPALITY OF HALTON
MUNICIPAL ADDRESS	871 GLENWOOD AVE.		
	ZONING REQUIREMENTS	P R O P O S E D NEW	
ZONING	BY-LAW 2020 R2.1		
LOT AREA	MINIMUM = 700.0 m ² (7,534.74 sq.ft.)	EXISTING	2,373.43 m ² (25,547.39 sq.ft.)
LOT WIDTH	MINIMUM = 18 m (59.1 ft)		30.48 m (100.00 ft)
FRONT YARD SETBACK	MINIMUM = 11 m (36.1 ft)		9.10 m (29.90 ft)
REAR YARD SETBACK	MINIMUM = 7.5 m (24.6 ft) (From Hazard setback line from top of bank)		9.10 m (29.90 ft)
SIDE YARD SETBACK (EAST)	MINIMUM = 3.05 m (10.0 ft)		3.20 m (10.50 ft)
SIDE YARD SETBACK (WEST)	MINIMUM = 3.05 m (10.0 ft)		3.20 m (10.50 ft)
BUILDING DEPTH	MAXIMUM = 18.00 m (59.1 ft)		22.85 m (75.00 ft)
BUILDING HEIGHT OVERALL/RIDGE	MAXIMUM = 10 m (32.8 ft) (from fixed grade)		9.55 m (31.33 ft)
LOT COVERAGE	MAX. .35% = 830.70 m (8,941.58 sq.ft.) (FOR TWO STOREY DWELLING W/ ATTACHED GARAGE, INCLUDING ACCESSORY STRUCTURES) (PORCHES ARE NOT INCLUDED PROVIDED THERE IS NO FLOOR ABOVE)	PROPOSED DWELLING COVERED DECK (FLOOR ABOVE) CANTILEVERD FLOOR ABOVE	405.50 m ² (4,464.80 sq.ft.) 27.70 m ² (298.20 sq.ft.) 7.80 m ² (84.00 sq.ft.)
RESIDENTIAL FLOOR AREA	MAX = N/A	PROPOSED LOT COVERAGE	441.00 m ² (4,847.00 sq.ft.) = 19.00 %
		MAIN FLOOR LEVEL	310.10 m ² (3,338.00 sq.ft.)
		SECOND FLOOR LEVEL	328.30 m ² (3,534.20 sq.ft.)
		PROPOSED FLOOR AREA	638.40 m ² 6,872.20 sq.ft.
GARAGE SIZE	MAX. 50% BUILDING WIDTH = 0.5x24.08 = 12.04m	2 CAR GARAGE	59.50 m ² (640.30 sq.ft.)
		GARAGE WIDTH	7.90 m (26.00 ft)
		1 CAR GARAGE	26.70 m ² (287.50 sq.ft.)
		GARAGE WIDTH	4.40 m (14.00 ft)
		PROPOSED GARAGE WIDTH = 12.30 m (51.5%)	
GARAGE PROJECTION	NOT PERMITTED	PROPOSED 1m GARAGE PROJECTION	

MORGAN RESIDENCE, Burlington

SITE STAYS • Sept 19, 2022

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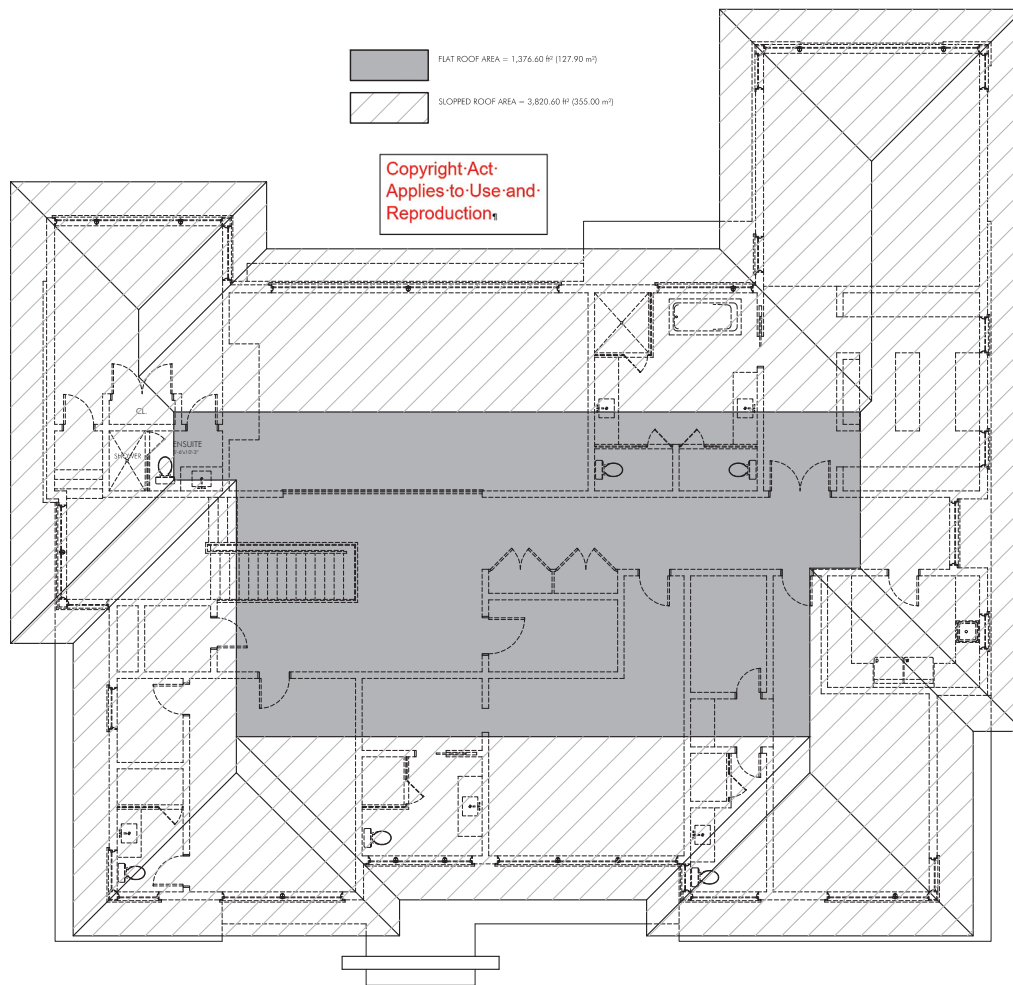


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CONSERVATION AUTHORITY ON MAY 18, 2021



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Proposed New Residence:

871 Glenwood Ave, Burlington

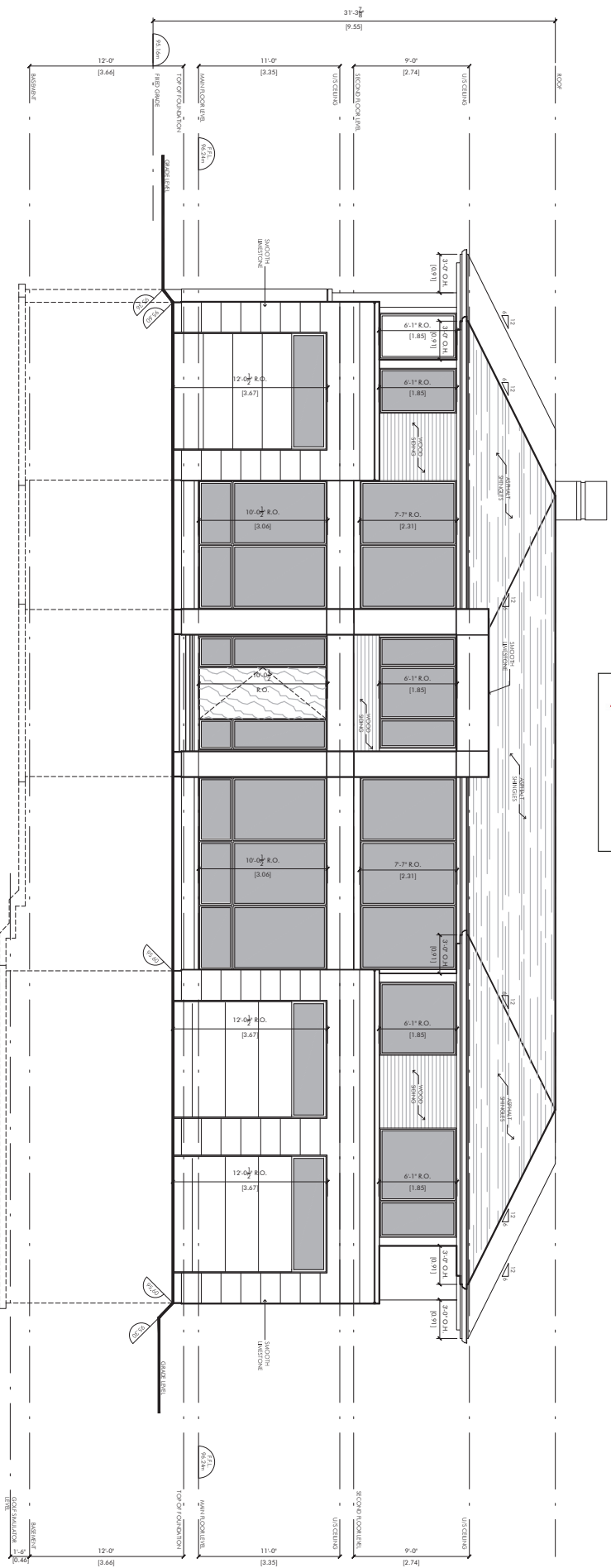
Roof Plan at 1/8" = 1'-0"

SKA05 - Sept 19, 2022



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Proposed New Residence:

871 Glenwood Ave, Burlington

Front Elevation at 1/8" = 1'-0"

SKA06 - Sept 19, 2022

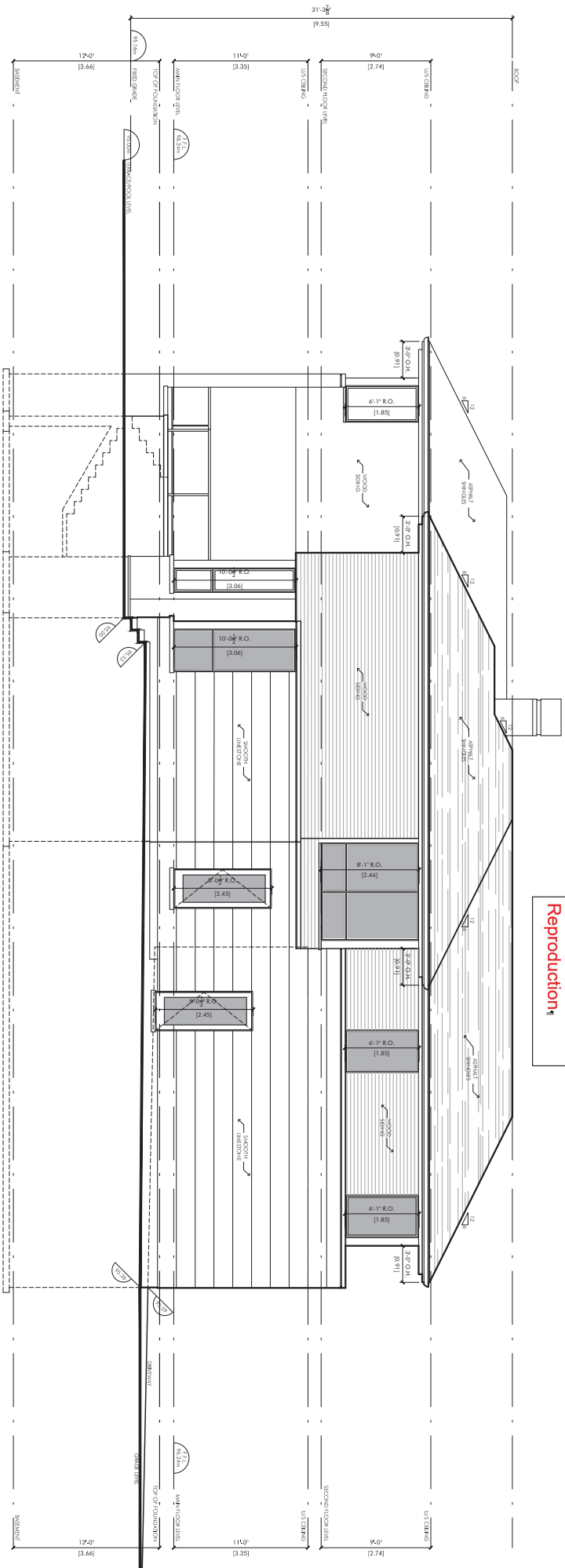
GUS RICCI
ARCHITECT

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Ontario, Canada L6K 1J2
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[illegible][illegible]

871 Glenwood Ave, Burlington
Rear Elevation at 1/8" = 1'-0"
SKA07 - Sept 19, 2022

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Proposed New Residence:

871 Glenwood Ave, Burlington
Side Elevation at 1/8" = 1'-0"
SKA08 - Sept 19, 2022

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[illegible]

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871 Glenwood Ave, Burlington
Side Elevation at 1/8" = 1'-0"
SKA09 - Sept 19, 2022

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COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

HEARING NO. 4 - 5:30 P.M.

File
540-02-A-099/22

APPLICANT: Paul Makarenko

PROPERTY: 479 Crosby Avenue,
PLAN 134 PT LOTS 44,45
City of Burlington - Regional Municipality of Halton.

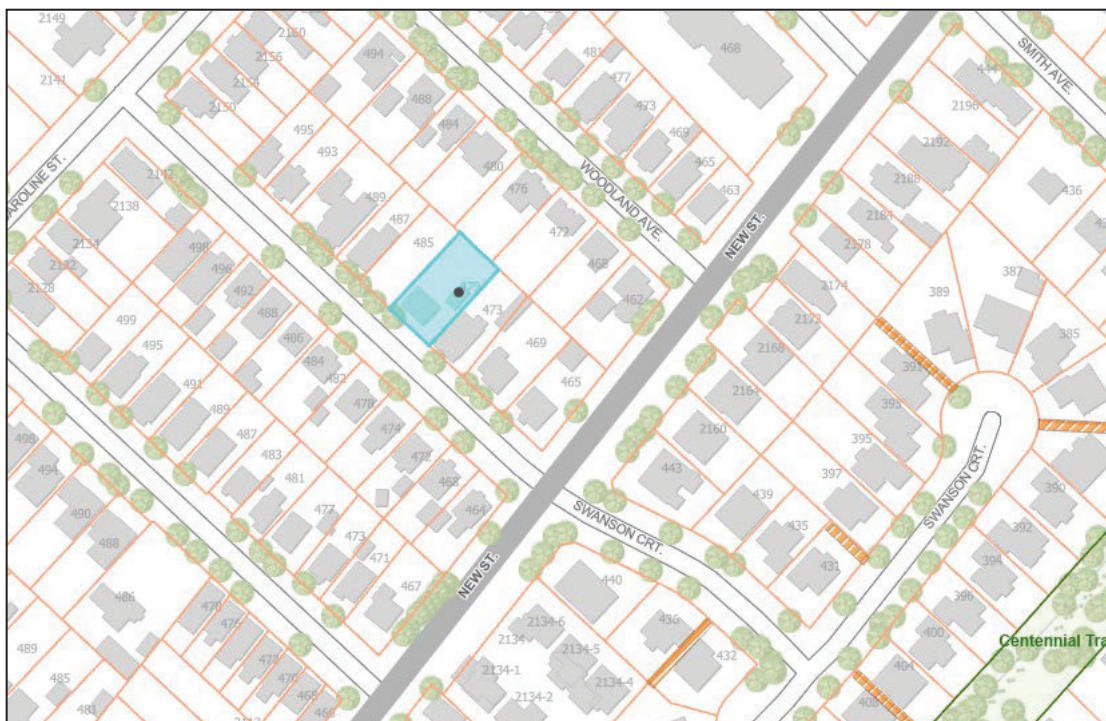
The applicant is proposing the construction of one and two-storey additions to an existing detached dwelling along with an attached garage, new front porch and rear covered deck.

- VARIANCES:
1. To permit a 3.3m front yard setback instead of the minimum required 6m for a proposed second storey addition and alterations to a detached dwelling.
 2. To permit a 0.5m front yard setback instead of the minimum required 5.35m (6m – 0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.
 3. To permit a 1.1m south-east side yard setback instead of the minimum required 1.2 m for a proposed attached garage and half storey above
 4. To permit a front yard encroachment of 1.4 m instead of the maximum permitted projection of 1 m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter
 5. To permit lot coverage of 28.6% instead of the maximum permitted 25% for proposed additions and alterations to a detached dwelling.
 6. To permit floor area ratio of 0.49:1 instead of the maximum permitted 0.45:1 for proposed additions and alterations to a detached dwelling.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023



STAFF REPORTS:

Committee of Adjustment

There are no previous land division or minor variance applications on record for this property.

Date: 7/27/2022Prepared By: C.Kelly

Zoning

The subject property is zoned R3.2, Low Density Residential, under Zoning By-Law 2020, as amended, and is within the designated area for lot coverage. The R3.2 zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R3 ZONES						
R3.2	15 m	425 m ²	6 m	9 m (c)	(b)	4.5 m

(b) With attached garage or carport:

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

-
- (i) One or one and a half storey side: 1.2 m
(ii) Two or more storey side: 1.8 m

4.2 MAXIMUM LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings

LC exact	LC rounded	Lot Area	Difference
28.53%	28.6%	582.4m ²	0.07% / 0.4sqm

4.5 FLOOR AREA RATIO

- (b) A maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.

FAR exact	FAR rounded	Lot Area	Difference
0.488	0.49	682.4	0.2% / 1.36sqm

2.13

ENCROACHMENT INTO YARDS

2.13.1 Every part of a required yard shall be unobstructed with respect to the following encroachments:

- (b) The following obstructions may project 50 cm maximum into a side yard and 1 m maximum into any other yard from the wall of the building:

chimney pilaster belt course roof overhang excluding eaves and
gutter sill lintel cornice ornamental projection

- (d) The following obstructions may project 65 cm maximum into a required yard:

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

A roofed-over or screened but otherwise unenclosed 1-storey porch including steps and roof overhang excluding eaves and gutter

A terrace or unroofed porch

A carport

Proposal:

The applicant is proposing the construction of one and two-storey additions to an existing detached dwelling along with an attached garage, new front porch and rear covered deck. Variances are required to permit reduced front yard setback to the dwelling, reduced front yard setback to a porch, reduced side yard setback to the dwelling, to permit increased roof overhang projections, increased lot coverage and increased floor area ratio.

Variances required:

1. To permit a 3.3m front yard setback instead of the minimum required 6m for a proposed second storey addition and alterations to a detached dwelling.
2. To permit a 0.5m front yard setback instead of the minimum required 5.35m (6m – 0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.
3. To permit a 1.1m south-east side yard setback instead of the minimum required 1.2 m for a proposed attached garage and half storey above
4. To permit a front yard encroachment of 1.4 m instead of the maximum permitted projection of 1 m measured from the wall of the building for a proposed roof overhang excluding eaves and gutter
5. To permit lot coverage of 28.6% instead of the maximum permitted 25% for proposed additions and alterations to a detached dwelling.
6. To permit floor area ratio of 0.49:1 instead of the maximum permitted 0.45:1 for proposed additions and alterations to a detached dwelling.

Condition:

1. A Consolidated Pre-Building Permit Application is required.

Notes:

1. The variances are reviewed under section 45(1) of The Planning Act

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

-
2. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.
 3. The zoning review is based on the portion of the site affected by the proposed development only.
 4. The dwelling is a two-storey dwelling for the purposes of lot coverage; however the second storey floor area is within the roofline on each side elevation, and minimum required side yards are therefore regulated subject to half-storey setback requirements.

Date: November 1, 2022Prepared By: Nathan Dart, CPT**Site Planning**

An application for minor variance has been submitted to the City of Burlington for proposed one and two-storey additions to an existing detached dwelling along with an attached garage, new front porch and rear covered deck. Variances are required to permit reduced front yard setback to the dwelling, to permit increased roof overhang projections, increased lot coverage and increased floor area ratio.

In review of Minor Variance Application (File No. A-099/22), the following variances are required to the City of Burlington Zoning By-law 2020, in conjunction with the proposed development, as submitted:

1. To permit a 3.3 metre front yard setback instead of the minimum required 6 metres for a proposed second storey addition and alterations to a detached dwelling.
2. To permit a 0.5 metre front yard setback instead of the minimum required 5.35 metres (6 metres – 0.65 metre encroachment) for a proposed roofed over one-storey porch including steps and roof overhang excluding eaves and gutter.
3. To permit a 1.1 metre southeast side yard setback instead of the minimum required 1.2 metres for a proposed attached garage and half storey above.
4. To permit a front yard encroachment of 1.4 metres instead of the maximum permitted projection of 1 metre measured from the wall of the building for a proposed roof overhang excluding eaves and gutter.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

5. To permit lot coverage of 28.6% instead of the maximum permitted 25% for proposed additions and alterations to a detached dwelling.
6. To permit floor area ratio of 0.49:1 instead of the maximum permitted 0.45:1 for proposed additions and alterations to a detached dwelling.

The subject lands comprise a rectangular-shaped parcel with a total lot area of 582.4 m² (.058 hectares) with approximate lot frontage of 17.37 metres along Crosby Avenue. The property is located on the east side of Crosby Avenue and is municipally known as 479 Crosby Avenue.

Existing land uses include a one-and-a-half-storey detached dwelling with a driveway and detached garage. The detached garage is proposed to be removed if the variances are approved. The applicant is proposing two storey additions at the south (side) and east (rear) yards and a second storey addition above the existing living area. The applicant is seeking to construct these additions in order to create additional living space within the limits of their existing property.

Adjacent and surrounding land uses include primarily low-density residential development in the form of detached dwellings having heights of primarily one and two storeys. The dwelling to the south of the subject property has a height of one storey and the dwelling to the north has a height of two-storeys. To the rear and on the other side of Crosby Avenue are additional detached dwellings. The extent and location of the proposed development is illustrated on the Site Plan (dated July 21, 2022 (Rev. No. 2)) as submitted with the application. Existing on-site conditions and surrounding streetscape are summarized in site photos included as Attachment No. 1 (Site Photos).

1) City of Burlington Official Plan:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?

Yes

The subject lands are designated Residential – Low Density to Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997) as amended.

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**

This designation permits single detached dwellings with a density of up to 25 units per net hectare. The Official Plan also requires new development to be compatible with the surrounding area. The subject property is also located in an established neighbourhood and within a designated lot coverage area. This designation utilizes enhanced zoning regulations (such as lot coverage and floor area ratio) to better manage the introduction of new development within existing neighbourhoods.

Part II, Section 6.5 a) of the Official Plan states that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.”

The area is characterized primarily by detached dwellings having heights of one and two storeys. Many of the dwellings are similar in style and incorporate brick and siding, similar rooflines and window shapes, large dormer windows and front porches. The area contains a mix of attached and detached dwellings. The existing dwelling is in keeping with this established character. The applicant is proposing to expand the existing dwelling by constructing two-storey additions to the dwelling as well as a second storey over the existing first storey. Elevation Plans (dated October 20, 2022 (Rev. No. 7)) were submitted as part of the application and depict the proposed building design, scale and materials.

In order to facilitate the additions, the applicant is seeking relief from the zoning by-law to permit a reduced front yard setback to the dwelling and proposed front porch, a reduced side yard setback, an encroachment of the overhang into the front yard, an increased lot coverage and increased floor area. A two-storey dwelling is permitted in this location and the dwelling is in keeping with the maximum permitted height in the zoning by-law.

Existing dwellings along Crosby Avenue have similar setbacks and many have partial or full second storeys. The applicant is proposing to preserve the existing dwelling design and to use similar materials as the existing dwellings and others in the area as well as maintain the overall design of the front façade of the dwelling. Although additional lot coverage and FAR are proposed, it is the opinion of staff that the massing is in keeping with the character of the surrounding area.

At the front and from the streetscape, the applicant is proposing to maintain the overall design of the dwelling. The roofline of the second storey is designed in such a way that the floor area will be visible as dormer windows, similar to the existing one-and-a-half storey built form. It is the opinion of staff that the resulting massing would be appropriate for the streetscape. Although the applicant is seeking relief for front yard setbacks for

COMMITTEE OF ADJUSTMENT

AGENDA

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the dwelling, front porch and roof overhang, the setbacks facilitate the use of much of the existing façade, resulting in less streetscape impacts.

A side yard setback reduction is proposed for the south side yard in order to facilitate a two-storey addition, including an attached garage. Development adjacent to the south property line includes the length of the garage with a half storey above. Approximately 7.7 metres would be adjacent to the property to the south. 1.1 metres represents the closest point of the building wall, whereas the remainder is in keeping with zoning requirements. Further, a detached garage exists at the rear of the property on the south side. The detached garage is proposed to be removed and replaced with the attached garage. Staff are of the opinion that the proposed built form is an improvement to the site, and additional impacts as a result of the reduced side yard setback are mitigated.

For the reasons discussed above, staff are of the opinion that despite the requests for increased lot coverage and FAR, the proposal includes measures that reduce proposed massing impacts on the streetscape and adjacent properties. With the exception of the front yard setback which currently exists, and the south side yard setback, the applicant has demonstrated that the height and setbacks can be maintained on the property. Where the side yard setback reduction is proposed, it is adjacent to an attached garage rather than subject to the massing impacts of a larger wall, with only a half storey proposed above. At the first storey, the building jogs inward toward the rear, and the dwelling is proposed to be stepped back above the first storey. In the opinion of staff these measures significantly reduce the potential massing impacts resulting from increased FAR or lot coverage.

Staff have reviewed the proposal in the context of the surrounding area and in accordance with the policies of the Official Plan. Staff are of the opinion that the proposed minor variance would facilitate a building addition that is compatible with the surrounding area and that the requested variances are in keeping with the general intent and purpose of the Official Plan.

City of Burlington New Official Plan (OP 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on

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the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan.

As the OLT process advances, the working version of the Burlington Official Plan (2020) is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan (2020) and the Burlington Official Plan (1997):

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>

At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?

Yes

The subject lands are zoned 'Low-Density Residential (R3.2) Zone' to Map No. 14 of the City of Burlington Zoning By-law 2020. The applicant is requesting minor variances to permit two storey additions including an addition above the existing first storey of the dwelling. The existing detached dwelling is in keeping with the permitted uses of the zoning by-law.

The applicant is seeking relief with respect to the front yard as it relates to the building wall, front porch and front roof overhang. Although the existing dwelling will be slightly altered in terms of materials and design, the applicant is proposing to substantially retain the overall design of the dwelling, as well as much of the dwelling itself. In order to do so, the applicant is proposing to maintain the existing front yard setback (3.3 metres instead of the minimum required 6 metres) and most of the front wall of the dwelling. Staff are of the opinion that the existing front yard of the dwelling is in keeping with the overall character of the area and the established front yard setbacks. Similarly, the dwelling includes an existing front porch. Improvements are proposed to the front porch which will require a minor variance (0.5 metres instead of the minimum required 5.35 metres), however, it is the opinion of staff that the front porch in this location will continue to be compatible with the surrounding area and add visual interest to the dwelling.

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The proposed roof overhang encroachment variance relates to the portion of roof underneath the dormers. These overhangs are proposed to project 1.4 metres from the front wall of the dwelling rather than the maximum permitted 1 metre. Similarly to the front porch, staff are of the opinion that the roof overhang contributes to the design of the dwelling and that the dwelling is designed in such a way that reduces massing impacts by incorporating visual depth and variety.

A side yard setback reduction is proposed for the south side yard in order to facilitate a two-storey addition, including an attached garage. It should be noted that a 1.1 metre setback is proposed at the closest point. The siting of the dwelling is not completely parallel to the lot line and as such, the setback ranges from 1.1 metres at the rear to 1.28 metres at the front of the dwelling. Further, only a half storey is proposed above the garage, resulting in less massing subject to the reduced setback. Most of the south side yard is in keeping with the required setback. A detached garage exists with approximately the same setback, however it is located toward the rear of the property. Staff are of the opinion that the intent of the zoning by-law is maintained.

The intent of provisions for lot coverage and FAR is to regulate building size and volume, respectively. The applicant is proposing a lot coverage of 28.6% instead of the maximum permitted 25%, and a FAR of 0.49:1 instead of the maximum permitted 0.45:1. As discussed in the Official Plan section of this report, staff note that the proposed dwelling is in keeping with existing development in the area. Surrounding development includes larger dwellings set closer to the street, second storeys, front porches and a mix of garage types.

Staff have also discussed the measures that have been taken by the applicant to reduce the proposed massing, including stepping back the second storey, incorporating much of the second storey into the roofline at the front, maintaining the existing building design and limiting the amount of floor area within the proposed side yard setback reduction. Staff are of the opinion that the proposed building is an appropriate size and volume, and that the intent of the zoning by-law is maintained.

3) Desirability:

Is the proposed minor variance from the Zoning By-law desirable for the appropriate development or use of the land, building or structure?

Yes

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The applicant is requesting approval of minor variances to permit reduced front yard setbacks to the dwelling and front porch, an increased roof overhang at the front of the property, a reduced south side yard setback, increased lot coverage and increased floor area.

Staff are of the opinion that the proposed development will allow the applicant to expand their living space without demolishing the existing dwelling or introducing a new dwelling that is not compatible with the surrounding area. Staff are of the opinion that maintaining the existing building design respects the existing character of the area. It is the opinion of staff that the proposed minor variances would result in a development that is desirable for the property.

4) Minor in Nature:

Is the proposed minor variance from the Zoning By-law considered minor in nature?

Yes

The proposed additions will remain within the existing front yard setback, and the proposed development requiring a variance in the side yard will be in a similar location as an existing detached garage. The massing has been carefully distributed to include appropriate setbacks and significant stepbacks above the first storey. Further, the applicant is proposing to retain the existing building design and materials which maintains the existing neighbourhood character and results in a dwelling that is compatible with the surrounding area.

Staff are of the opinion that the proposed minor variances are minor in nature.

Recommendation:

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the proposed minor variances.

Date: February 27, 2023

Prepared By: Melissa Morgan, MCIP RPP

Attachments:

Attachment No. 1 – Site Photos (February 24, 2023)

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Subject Property – 479 Crosby Avenue



Existing dwelling design to be maintained, attached garaged proposed to replace existing detached garage

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Site Engineering

Actual road width is the same as the deemed road width of 18m. Therefore, there is no widening required.

Date: 08/23/2022 Prepared By: Eric Canham

Site Engineering has no objection to the variance(s) requested. Revisions to the plans may be required through the Grading and Drainage Clearance Certificate process.

Date: November 29, 2022 Prepared By: D. Savelli

Forestry

Forestry has no objections to the proposed minor variance(s) and provides the following advisory notes to the applicant.

3. A tree permit will be required for any and all work around regulated trees in accordance with the City's tree by-laws.
4. Revisions to the report and/or plans may be required through the permit process.

Date: March 1, 2023, Prepared By: Nick Kryzac

Building

1. A Building Permit is required for all building construction.
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.

NOTE: No unprotected openings are permitted in exterior walls less than 1.2m to property line and walls require minimum 45 minute fire resistance rating.

Date: February 1, 2023 Prepared By: Kathy Pavlou

Transportation Planning

Transportation Services has no concerns with this Minor Variance Application.

Date: November 17, 2022 Prepared By: Trevor Clark

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Finance**Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: Nov 11, 2022Prepared By: L. Bray**Halton Region**

Regional Staff have reviewed the Minor Variance application for 479 Crosby Avenue, where the applicant is proposing the construction of one and two-storey additions to an existing detached dwelling along with an attached garage, new front porch, and rear covered deck. Regional Staff offer the following comments:

- The owner must contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their draft detailed site servicing drawing for the Region's review. The owner shall obtain a Regional Services Permit (if required) and pay all necessary fees. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, may be required to be disconnected at their respective mains by the owner. The owner can at any time investigate with their builder and contractor, and by obtaining all utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.

Date: January 23, 2023 Prepared By: N. Kaur



File No.:

A

**PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Application made under:

☒ Section 45 (1) of the Planning Act☐ Section 45 (2) of the Planning ActDiscussed the application with a city zoning examiner and development planner Y ☐ or N ☒

Name of Planner: _____ Name of Zoning Examiner: _____

PROPERTY INFORMATION:

Address(es) of property: 479 CROSBY AVE

Legal description of property (registered plan number and lot number or other legal description):

LOTS 44 AND 45 REGISTERED PLAN 134

OWNER(S) INFORMATION:

Name: PAUL MAKARENKO

Address: 479 CROSBY AVE

BURLINGTON

Postal Code: L7R 2R6

Home Phone: 905-730-0077

Work Phone: _____

Mobile: _____ E-mail: paul@paulandadam.com

AGENT INFORMATION (If Any): Unless otherwise required, all communications will be sent to the agent.

Name: DARREN SANGER-SMITH C/O STRUCTURED CREATIONS INC

Address: 1-2061 MARIA ST, BURLINGTON, ON

Postal Code: L7R 0B5

Work Phone: 416-204-0351

Mobile: 289-962-3040

E-mail: darrenss@structuredcreations.com

Official Plan Designation:

Current Zoning Designation: R3.2

Contact Owner: ☐ (check one)Agent: ☒

PROPOSED DEVELOPMENT: SECOND STOREY ADDITION, GARAGE ADDITION AND 2 STOREY REAR ADDITION TO
EX. 1-1/2 STOREY HOME

Outline each variance you are requesting as well as the Zoning By-law requirements (Example: Reduction of front yard setback from 6m to 3m.) Attach a separate sheet if required.

SEE ATTACHED LIST

In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature
2. Why are the variance(s) desirable for the appropriate use of the land?
3. Do the variance(s) meet the intent and purpose of the Official Plan?
4. Do the variance(s) meet the intent and purpose of the Zoning By-law (Attach separate sheet if required)

When justifying your reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your application materials.

SEE ATTACHED JUSTIFICATION REPORT

Date property was purchased: FEB 2022 (month/day/year)	Date property was first built on: 90+ YEARS (month/day/year)	Date of proposed construction on property: MAR 2023 (month/day/year)
EXISTING USE OF THE SUBJECT PROPERTY (check one): Detached Dwelling <input checked="" type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi-Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant (New Home) <input type="checkbox"/> Other <input type="checkbox"/> _____		Length of time the existing uses of the subject property have continued: 90+ YEARS
		PROPOSED USE OF LAND: RESIDENTIAL
EXISTING USES OF ABUTTING PROPERTIES (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>		
ADDITIONAL INFORMATION (where applicable): Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Is the property on the heritage inventory list for the Heritage Burlington? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify) _____

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☒ If not available, by what means is it provided: _____
 Sanitary Sewers ☒ If not available, by what means is it provided: _____
 Storm Sewers ☒ If not available, by what means is it provided: _____

IF KNOWN, IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS:

	Yes	No	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Site Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Issued? Yes <input type="checkbox"/> No <input type="checkbox"/>
Consent (Land Division Committee)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

FOR A RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLING**Dimensions of property:****Street width: (See 1st page of application for how to obtain deemed street width)**

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Lot Coverage 28.39%	Corner lot: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
17.37	33.53	582.4	18	18	O		

25% REQ'D DESIGNATED

PARTICULARS of all buildings and structures on or proposed for the subject land

LOT COVERAGE FOR 2

STOREY HOME

EXISTING (Dwelling & Buildings)

Ground Floor Area: (including garage if attached)	71.59	M2
Gross Floor Area:	116.35	M2
Number of Storeys:	1.5	
Width:	8.19	M
Length:	7.34	M
Height:	6.70 +/-	M

Garage/Car port (if applicable)Detached ☒ TO BE REMOVED

Gross Floor Area:	29.40	M2
Width:	4.01	M
Length:	7.35	M
Height:	UNKNOWN	M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

PROPOSED (Dwelling/Building/Addition)

Ground Floor Area:	57.58	M2
Gross Floor Area:	135.70	M2
Number of Storeys:	2	
Width:	14.02	M
Length:	13.93	M
Height:	4.5M (FROM	M

U/S OF FIRST FL CEIL)

Garage/Car port (if applicable)Detached ☐ 7.84 FROM FIXED GRADE

Gross Floor Area:	31.55	M2
Width:	4.10	M
Length:	7.84	M
Height:		M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Dwelling**

Front:	3.67	M
Rear:	22.58	M
Side/Street Side	2.17 (NORTH)	M
Side/Other Side	5.36 (SOUTH)	M

Other

Front:		M
Rear:		M
Side/Street Side		M
Side/Other Side		M

PROPOSED**Dwelling**

Front:	3.27	M
Rear:	15.48	M
Side/Street Side		M
Side/Other Side		M

Other

Front:		M
Rear:		M
Side/Street Side		M
Side/Other Side		M

FOR COMMERCIAL, MIXED USE, INDUSTRIAL AND OTHER

Dimensions of property:

Street width: (See 1st page of application for how to obtain deemed street width)

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Density:	Have you applied for site plan approval? Yes <input type="checkbox"/> No <input type="checkbox"/>
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If yes, File #:

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Building)**

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Floor Area: Office Space	M2
Floor Area: Warehouse/Retail/Other	M2
Parking Spaces Required:	
Parking Spaces Existing:	
# of Existing Units	
Floor Area Ratio	

EXISTING (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

PROPOSED (Building/Addition)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Floor Area: Office Space	M2
Floor Area: Warehouse/Retail/Other	M2
Parking Spaces Proposed:	
# of Proposed Units	
Floor Area Ratio	

PROPOSED (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

PROPOSED**Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

MULTI-RESIDENTIAL (STREET TOWNHOUSES, HI-RISE, DUPLEXES, STACKED TOWNHOUSES etc.)

Dimensions of property:

Street width: (See 1st page of application for how to obtain deemed street width)

Frontage:	Depth:	Area:	Actual:	Deemed:	Required:	Density:	Have you applied for site plan approval? Yes <input type="checkbox"/> No <input type="checkbox"/>
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If yes, File #:

PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Building)**

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Parking Spaces Required:	
Parking Spaces Existing:	
# of Existing Units	
Floor Area Ratio	

EXISTING (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

PROPOSED (Building/Addition)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	
Width:	M
Length:	M
Height:	M
Parking Spaces Proposed:	
# of Proposed Units	
Floor Area Ratio	

PROPOSED (Other)

Ground Floor Area:	M2
Gross Floor Area:	M2
Number of Storeys:	M
Width:	M
Length:	M
Height:	M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

PROPOSED**Building**

Front:	M
Rear:	M
Side:	M
Side:	M

Other

Front:	M
Rear:	M
Side:	M
Side:	M

AFFIDAVIT***Please fill out at time of submission of application**

I have the authority to bind the Corporation (check if applicable)



Signature of Applicant or Authorized Agent _____

I, DARREN SANGER-SMITH of the CITY of BURLINGTON in the PROV of ONTARIO

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the CITY of BURLINGTON in the PROV of ONTARIO

this _____ day of _____ 20 _____

Signature of Commissioner, etc._____
Signature of Applicant or Authorized Agent**OWNER'S AUTHORIZATION***If an agent is used, the owner must also complete the following:*I, PAUL MAKARENKO*being the registered owner of the subject lands hereby*authorize DARREN SANGER-SMITH*to prepare, submit and act on my behalf with respect to this application**(name of agent)**for Minor Variance.*JULY 17, 2022

Signature

Date

PERMISSION TO ENTERPermission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 479 CROSBY AVE

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of Owner/AgentDARREN SANGER-SMITH

Please Print Name

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)



Signature of Applicant or Authorized Agent

Darren
Sanger-
SmithDigitally signed by Darren Sanger-Smith
DN: cn=Darren Sanger-Smith,
o=Structured Creations Inc, ou,
email=darrenss@structuredcreatio
ns.com, c=CA
Date: 2022.07.16 08:14:23 -0400'I, DARREN SANGER-SMITH of the CITY of BURLINGTON in the PROV of ONTARIO

solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the CITY of BURLINGTON in the PROV of ONTARIOthis 22 day of July 20 22

Signature of Commissioner, etc.

Signature of Applicant or Authorized Agent

OWNER'S AUTHORIZATION*If an agent is used, the owner must also complete the following:*I, PAUL MAKARENKO being the registered owner of the subject lands herebyauthorize DARREN SANGER-SMITH to prepare, submit and act on my behalf with respect to this application
(name of agent)

for Minor Variance.

JULY 17, 2022

Signature

Date

PERMISSION TO ENTERPermission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 479 CROSBY AVE

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of Owner/Agent

Darren
Sanger-SmithDigitally signed by Darren Sanger-Smith
DN: cn=Darren Sanger-Smith,
o=Structured Creations Inc, ou,
email=darrenss@structuredcreatio
ns.com, c=CA
Date: 2022.07.16 08:16:18 -0400'DARREN SANGER-SMITH

Please Print Name

Mandatory	Provided	Not Applicable	MINOR VARIANCE APPLICATION CHECKLIST Please ensure all materials and measurements are included in your submission. Check with staff if you have any questions about required material
✓			TWO (1) COPIES OF A NEW SURVEY (which includes proposal)
	✓		To Scale
	✓		Metric
	✓		North Arrow
		✓	Easements
OR			
✓			TWO (1) COPIES OF ORIGINAL SURVEY
			Completed Exemption Form
			To Scale
			Metric
			North Arrow
			Easements
OR			
✓			DETAILED SITE PLAN (reviewed by zoning examiner)
			Site Plan Stamped by a Certified Architect or Engineer
			Elevations Stamped by a Certified Architect or Engineer
✓			1 COPY OF PLANS (MUST be true to scale and in metric)
Which include:			
✓			SITE PLAN
	✓		Metric
	✓		North Arrow
	✓		Frontage
	✓		Depth
	✓		Lot Area
	✓		Lot Coverage **
		✓	Deemed Street Line
	✓		Existing Front Yard Setbacks
	✓		Existing Rear Yard Setbacks
	✓		Existing Side Yard Setbacks
	✓		Existing Street Side Yard Setbacks
✓		Existing Porch, Stairs and Overhang Setbacks	

Mandatory	Provided	Not Applicable	MINOR VARIANCE APPLICATION CHECKLIST
			Page 2 of 2
	✓		Proposed Front Yard Setbacks
	✓		Proposed Rear Yard Setbacks
	✓		Proposed Side Yard Setbacks
	✓		Proposed Street Side Yard Setbacks
	✓		Proposed Porch, Stairs and Overhang Setbacks
	✓		Streets (Public and Private)
	✓		Street Names
	✓		Parking (Dimensioned spaces, Driveway Width, Arrangement)
		✓	Railways (Location of them and setbacks to structures)
	✓	All Watercourses and/or Conservation Halton Areas (creek, lake, <u>All</u>)	
✓			LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES
	✓		Setbacks
	✓		Height
	✓		Area
	✓		Length
	✓		Width
✓			ELEVATIONS
	✓		Metric
	✓		Front
	✓		Rear
	✓		Side 1
	✓		Side 2
✓			FLOOR PLANS
	✓		Metric
	✓		North Arrow
	✓		Gross Floor Area Calculation
	✓		Ground Floor Area Calculation
	✓		Finished Floor Calculation
	✓		Floor Space Index (where applicable)
	✓		Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

Owner/Agent Signature: _____ Date: JULY 17, 2022
AGENT



EXEMPTION FROM NEW SURVEY REQUIREMENT

Applicant/Owner: DARREN SANGER-SMITH C/O STRUCTURED CREATIONS INC (AGENT) Property: 479 CROSBY AVE

In consideration of the committee's policy to accept applications without the provision of a new OLS survey (except land severance applications), one copy of this form shall be completed and returned to the Secretary-Treasurer with the application. Please consult with the Secretary-Treasurer regarding the plans required for the application.

1. I, DARREN SANGER-SMITH in my capacity as AGENT do attest to the following:
(Owner or Agent)

Please complete A, B or C

- A) The OLS survey/sketch of survey dated JULY 15, 2022
(month/day/year)
has been revised by MACKAY MACKAY & PETERS
(person or company)
- B) The site plan, architect's plan or engineer's plan dated _____
(month/day/year)
has been revised by _____
(person or company)
- C) The sketch or plot plan** dated _____
(month/day/year)
was prepared by _____
(person or company)

****NOTE:** PLOT PLANS OR SKETCHES WILL BE ACCEPTED ONLY FOR APPLICATIONS INVOLVING USES (NO PHYSICAL CHANGE). FOR VARIANCES RELATED TO LAND SEVERANCE, A PROPER OLS SURVEY OR SKETCH OF SURVEY IS REQUIRED AND MAY ONLY BE MARKED UP/AMENDED BY THE SURVEYOR.

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of JULY 15, 2022
(month/day/year)
3. The material submitted shows all measurements in metric, as calculated/converted by MACKAY MACKAY & PETERS
(name of person)
4. Should the need arise during application processing for an new OLS survey, the applicant/agent agree to provide the survey as required by committee or city staff in order to receive a decision on the application.

Signature

JULY 17, 2022

Date

POSTING OF ADVISORY SIGN



Copyright Act
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Reproduction

CORLINE STREET

LOT 58

WOODLAND AVENUE

LOT 50

LOT 49

LOT 48

LOT 47

REGISTERED

LOT 43

LOT 44

LOT 45

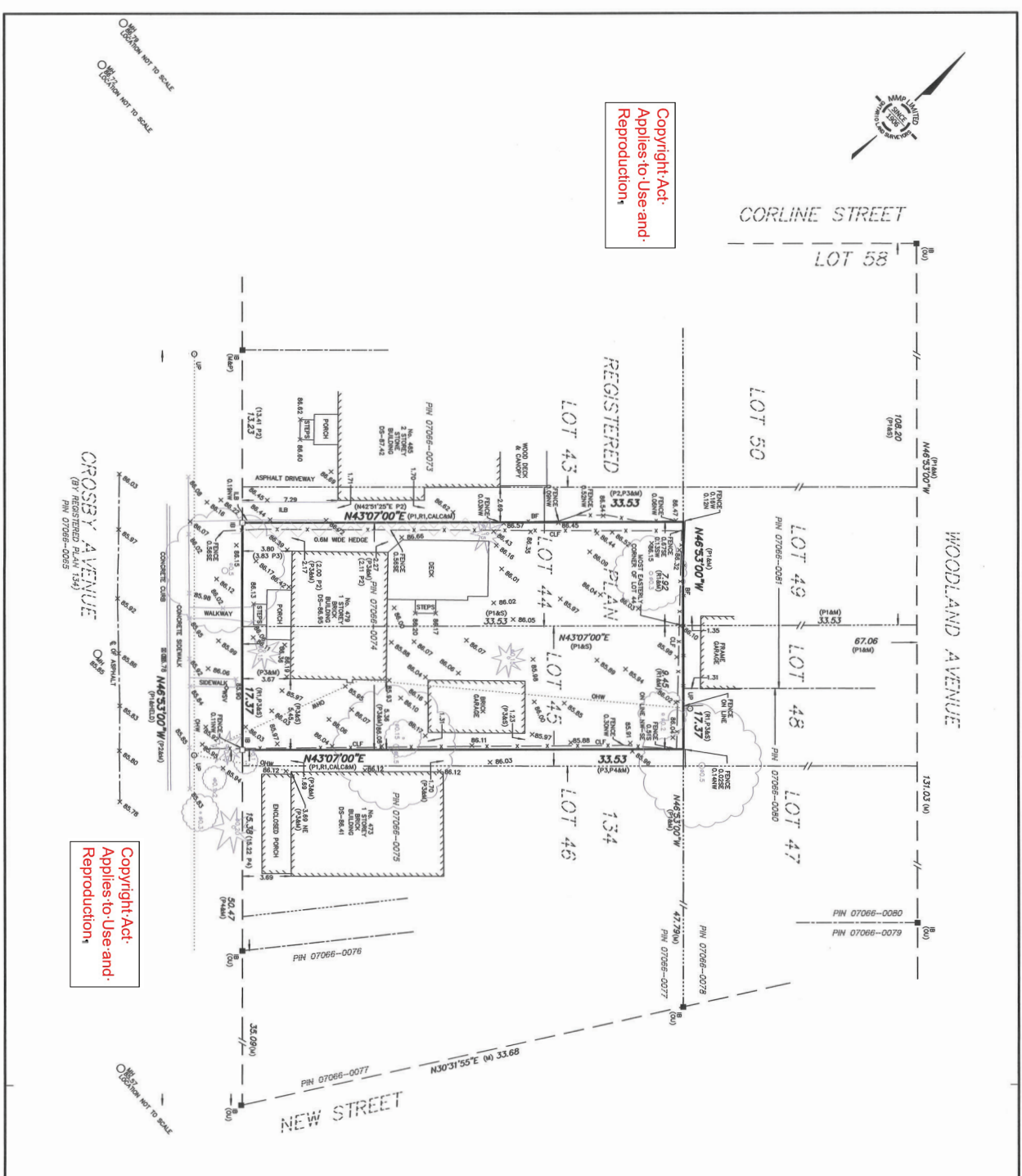
LOT 46

134

NEW STREET

CROSBY AVENUE

Copyright Act
Applies to Use and
Reproduction



SURVEYOR'S REAL PROPERTY REPORT
PART 1 - PLAN OF SURVEY SHOWING TOPOGRAPHY OF
PART OF
LOTS 44 AND 45
REGISTERED PLAN 134
IN THE
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON
SCALE 1 : 200

THE INTENDED LOT SIZE OF THIS PLAN IS 528mm IN WIDTH BY 15mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200 (INCLUDING 15mm BEYOND EACH BORDER).
Mackay, Mackay & Peters Limited - ONTARIO LAND SURVEYORS
© 2022

KNOWN AS MUNICIPAL NO. 479 CROSBY AVENUE
PART 2 - REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH PART 1)
LAND REGISTRY OFFICE: THE INFORMATION ON SUBJECT PROPERTY INCLUDING REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY:
- NONE
- REFER TO PART 1 OF SURVEY FOR THE LOCATION OF BUILDINGS, STRUCTURES, FENCES & UTILITIES
- ADDITIONAL REMARKS:
Mackay, Mackay & Peters Limited, grant structured easements ("the easements") to the City of Burlington, in accordance with the terms of the "Easement Agreement" attached as Schedule A to this Report. The easements are shown on the plan of survey.

METRIC
DISTANCES SHOWN ARE IN METRES AND MILLIMETRES.
ALL DIMENSIONS ARE TO BE TAKEN AT THE CORNERS OF THE LOTS.

LEGEND
■ DENOTES A SURVEY MONUMENT FOUND
□ DENOTES A SURVEY MONUMENT PLANTED
S8 DENOTES STANDARD IRON BAR
CP DENOTES CONCRETE PIVOT
PB DENOTES PLASTIC BAR
P1 DENOTES REGISTERED PLAN 134
P2 DENOTES PLAN BY MAP LIMITED
P3 DENOTES PLAN BY A.T. MCKAY
P4 DENOTES PLAN BY A.J. CLARKE
P5 DENOTES PLAN BY A.T. MCKAY
P6 DENOTES PLAN BY A.T. MCKAY
P7 DENOTES PLAN BY A.T. MCKAY
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P99 DENOTES PLAN BY A.T. MCKAY
P100 DENOTES PLAN BY A.T. MCKAY

BENCHMARK NOTE
CITY OF BURLINGTON BENCHMARK NO. 198
ELEVATION = 78.038 METRES (CGD28/78 ADJUSTMENT)
PLATE ON PUMP HOUSE LOCATED JUST WEST OF RAMBO CREEK, BEING 320 METRES
EAST OF BRANT STREET ON LAKESHORE ROAD. PLATE IS FIXED TO THE SOUTH FACE OF
BRICK BUILDING BEING 0.15 METRES EAST OF THE SOUTHWEST CORNER AND 0.30 METRES
ABOVE EXISTING CONCRETE SIDEWALK.
BEARING REFERENCE
BEARINGS ARE ASTROMONIC AND ARE REFERRED TO THE NORTHEASTERLY LIMIT OF CROSBY
AVENUE AS SHOWN ON REGISTERED PLAN 134 HAVING A BEARING OF N45°30'00"W
SURVEYOR'S CERTIFICATE
I, CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT,
AND THE SURVEYOR'S OATH AND REGULATIONS.
2. THE SURVEY WAS COMPLETED ON THE 19th DAY OF MAY, 2022.
MAY 20, 2022

MMP
Mackay, Mackay & Peters Limited
LAND SURVEYORS & MAPPERS
1340 South Service Road
Burlington, ON
N7R 1P5
905.339.1375
mmp@mmpp.ca
www.mmpp.ca
FOR MACKAY, MACKAY & PETERS LIMITED
DATE: MAY 20, 2022
DRAWN BY: A.M.
CHECKED BY: J.K.
PROJECT NO.: 22-047

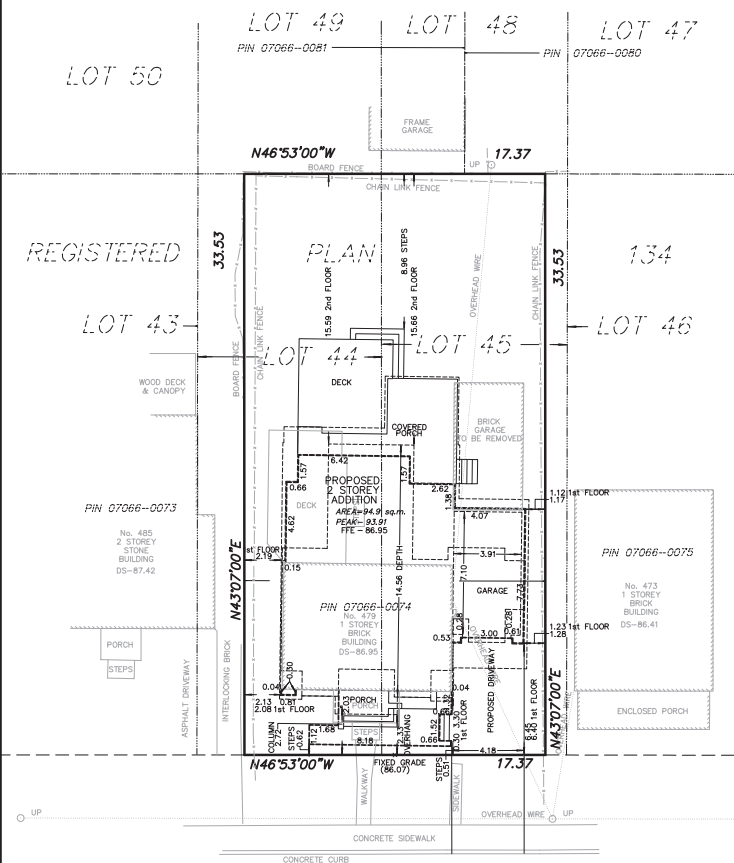
CITY OF BURLINGTON ZONING BY-LAW 2020
ZONING REGULATION - R3.2
DESIGNATED FOR LOT COVERAGE

ZONE	REQUIRED	PROVIDED
LOT WIDTH	15.0 m (min)	17.37 m
LOT AREA	425.0 sq.m. (min)	582.4 sq.m.
FRONT YARD	6.0 m (min)	* 3.30 m
REAR YARD	9.0 m (min)	15.48 m
SIDE YARD	1.8 m (min) (EAST) 1.8 m (min) (WEST)	* 1.12 m 2.08 m
BUILDING AREA		71.3 sq.m. (EXISTING STRUCTURES) 94.9 sq.m. (PROPOSED STRUCTURES) 166.2 sq.m. (TOTAL AREA)
LOT COVERAGE	25.0% (max)	* 28.5%
BUILDING HEIGHT	10.0 m (max) 6.0 m (max)	7.84 m 4.50 m (1st FLOOR CEILING TO PEAK)
FLOOR AREA RATIO	0.45:1 (max)	* 0.49:1
DWELLING DEPTH	18.00 (max)	14.56 m
HARDSCAPE AREA		272.6 sq.m.
HARDSCAPE COVERAGE		46.8%
DEEMED ROAD WIDTH	18.00 m	18.29 m

PROPOSED ADDITION = 2 STOREY

* POSSIBLE VARIANCE REQUIRED

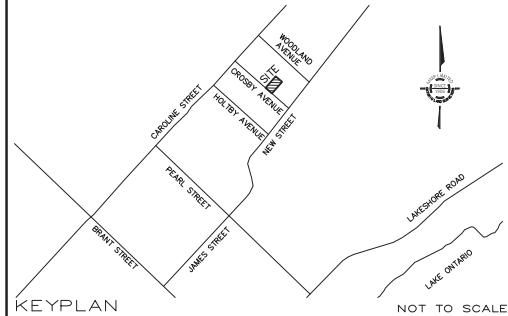
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CROSBY AVENUE
(BY REGISTERED PLAN 134)
PIN 07066-0065

479 CROSBY AVENUE

PLAN FOR COMMITTEE OF ADJUSTMENT APPLICATION



GEOGRAPHIC LOCATION NOTE

PART OF LOTS 44 AND 45
REGISTERED PLAN 134

IN THE
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON

SCALE 1 : 200

MackAY, MacKAY & PETERS LIMITED-ONTARIO LAND SURVEYORS
© 2022

METRIC DISTANCES SHOWN HEREON ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BENCHMARK NOTE

CITY OF BURLINGTON BENCHMARK No. 198
ELEVATION = 78.036 METRES (CGVD 1928:1978 ADJUSTMENT)

PLATE ON PUMP HOUSE LOCATED JUST WEST OF RAMBO CREEK, BEING 320 METRES EAST OF BRANT STREET ON LAKESHORE ROAD. PLATE IS FIXED TO THE SOUTH FACE OF BRICK BUILDING, BEING 0.15 METRES EAST OF THE SOUTHWEST CORNER AND 0.30 METRES ABOVE EXISTING CONCRETE SIDEWALK

LEGEND

FFE DENOTES FINISHED FLOOR ELEVATION
UP DENOTES UTILITY POLE
DS DENOTES DOOR SILL
CB DENOTES CATCH BASIN
PIN DENOTES PROPERTY IDENTIFICATION NUMBER

NOTES

- PROPOSED TIES SHOWN HEREON ARE TO FOUNDATION ONLY
- BUILDING DIMENSIONS WERE TAKEN FROM PLANS SUPPLIED BY THE CLIENT
- LOT DIMENSIONS ARE AS SHOWN ON SURVEYOR'S REAL PROPERTY REPORT BY MMP LIMITED, DATED MAY 20, 2022 (22-047)
- PROPOSED BUILDING IS POSITIONED BY CALCULATION, NOT BY AN ACTUAL SURVEY
- THIS PROPOSED PLAN IS PRELIMINARY UNTIL THE APPROPRIATE BUILDING DEPARTMENT'S SIGNED APPROVAL HAS BEEN OBTAINED
- ANY AMENDMENT OR ALTERATION OF THIS PLAN MUST BE REPORTED TO MMP LIMITED PRIOR TO LAYOUT OF BUILDING IN THE FIELD
- UTILITIES AND SERVICES SHOWN ON THIS SKETCH ARE APPROXIMATE AND MUST BE VERIFIED BEFORE CONSTRUCTION
- ALL UTILITIES TO BE COORDINATED ON SITE DURING CONSTRUCTION. THE INSTALLATION OF UTILITIES SHALL NOT DISRUPT TREE PROTECTION ZONES. THE BUILDER SHALL COORDINATE INSTALLATION WITH INDIVIDUAL UTILITY PROVIDERS ACCORDINGLY

CAUTION

- THIS IS NOT ORIGINAL COPY UNLESS EMBOSSED
- THIS PRODUCT SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN TITLE BLOCK
- THIS PRODUCT IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES
- THIS PRODUCT IS PROTECTED BY COPYRIGHT INCLUDING ALL RELATED DIGITAL PRODUCTS

CERTIFICATION NOTE

BOUNDARY DIMENSIONS SHOWN HEREON ARE DERIVED FROM LAND REGISTRY OFFICE RECORDS AND SURVEY RECORDS OF MMP LIMITED

WE HAVE REVIEWED THE PLANS FOR CONSTRUCTION OF A 2 STOREY ADDITION LOCATED AT 479 CROSBY AVENUE AND CERTIFY THAT THE GRADING SHOWN HEREON IS COMPATIBLE WITH THE ADJACENT PROPERTIES AND EXISTING MUNICIPAL SERVICES

PROPOSED BUILDING SETBACKS AS SHOWN

PROPOSED BUILDING HEIGHT AS SHOWN

PROPOSED LOT COVERAGE AS SHOWN

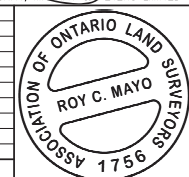
PROPOSED BUILDING SITE STATISTICS AS SHOWN

JULY 22, 2022

DATE

ROY C. MAYO
ONTARIO LAND SURVEYOR
FOR: MACKAY, MACKAY & PETERS LIMITED

No.	DATE	REVISIONS
2	JULY 21, 2022	REVISED PROPOSED DWELLING
1	JULY 14, 2022	SITE PLAN COMPLETED



MMP
Mackay, MacKay & Peters Limited
LAND SURVEYORS & MAPPERS
SINCE 1906

3380 South Service Road
Unit 101
Burlington, ON
L7N 3J5
(905) 639-1375
halton@mmpplimited.com
mmpplimited.com

E:\2020 Halton\Registered Plans\RP0134\LOT 44, 45\22-047\SP\22-047-SP.dwg

DRAWN BY:	CHECKED BY:	PROJECT No.	DWG. NO.
A.S.	D.R.	22-047-SP	1

MAKARENKO RES
RENO/ADDITION

479 DODGERS AVE
BURLINGTON ONTARIO



IBC REGISTRATION

DATE: 05/27/2022
DRAWN BY: J.S.
CHECKED BY: J.S.
PROJECT: 22-019

GENERAL NOTES

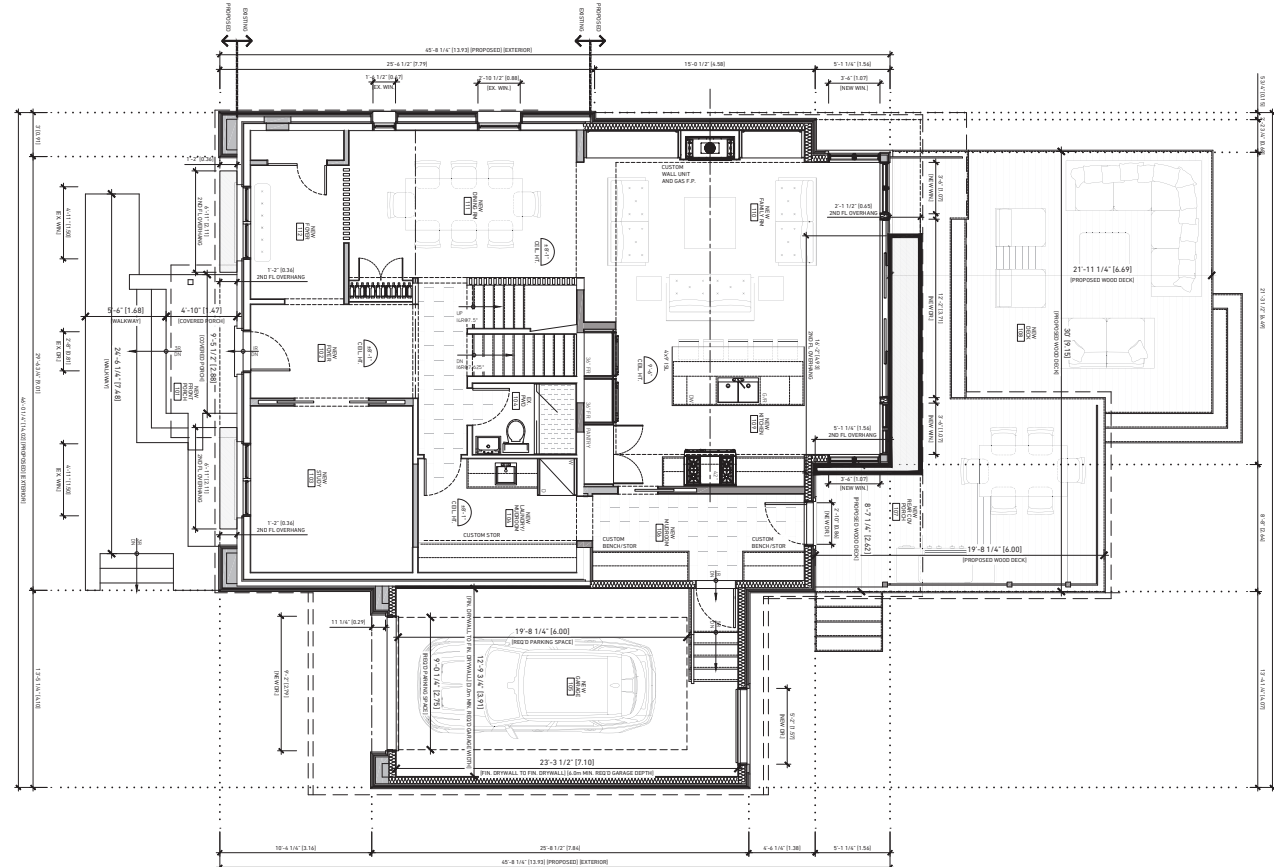
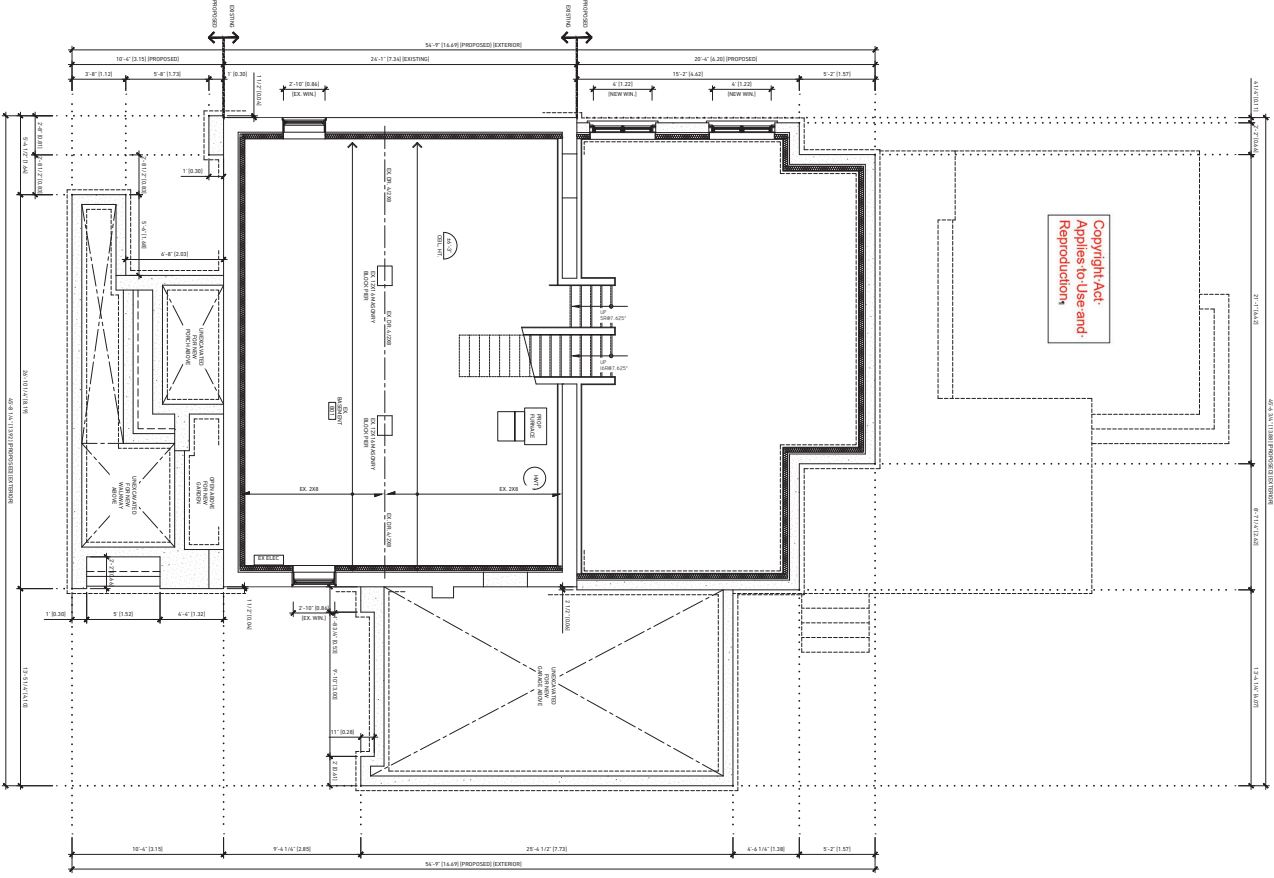
1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE UNLESS OTHERWISE NOTED.
2. FINISHES ARE TO BE AS SHOWN ON THE SCHEDULE.
3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE (IRC) AND THE 2018 INTERNATIONAL BUILDING CODE (IBC).
4. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
5. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE.
6. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES.
7. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY EROSION CONTROL.
8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY TRAFFIC CONTROL.
9. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SITEWORK.
10. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FENCEWORK.
11. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SIGNAGE.
12. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LIGHTING.
13. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SOUNDING.
14. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY VIBRATION.
15. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY AIR QUALITY.
16. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY WATER QUALITY.
17. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SOIL QUALITY.
18. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CLIMATE QUALITY.
19. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SEISMIC QUALITY.
20. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FLOOD QUALITY.

NO.	DATE	DESCRIPTION	BY
1	05/27/2022	PROPOSED FIRST FLOOR PLAN	J.S.
2	05/27/2022	PROPOSED SECOND FLOOR PLAN	J.S.
3	05/27/2022	PROPOSED THIRD FLOOR PLAN	J.S.
4	05/27/2022	PROPOSED FOURTH FLOOR PLAN	J.S.
5	05/27/2022	PROPOSED FIFTH FLOOR PLAN	J.S.
6	05/27/2022	PROPOSED SIXTH FLOOR PLAN	J.S.
7	05/27/2022	PROPOSED SEVENTH FLOOR PLAN	J.S.
8	05/27/2022	PROPOSED EIGHTH FLOOR PLAN	J.S.
9	05/27/2022	PROPOSED NINTH FLOOR PLAN	J.S.
10	05/27/2022	PROPOSED TENTH FLOOR PLAN	J.S.

PROP FLOOR PLANS
AND NOTES

REVISION	DATE	BY	APPROVED BY
05/27	05/27/2022	J.S.	J.S.
06/01	06/01/2022	J.S.	J.S.
06/02	06/02/2022	J.S.	J.S.
06/03	06/03/2022	J.S.	J.S.
06/04	06/04/2022	J.S.	J.S.
06/05	06/05/2022	J.S.	J.S.
06/06	06/06/2022	J.S.	J.S.
06/07	06/07/2022	J.S.	J.S.
06/08	06/08/2022	J.S.	J.S.
06/09	06/09/2022	J.S.	J.S.

A1



MAKARENKO RES
RENO/ADDITION

479 DUNDAS AVE

BURLINGTON

ONTARIO

PROJ. NO. 2020-001

DATE: 10/1/2020



IBC REGISTRATION

1. I HAVE REVIEWED THE PROJECT AND I AM Satisfied THAT THE PROJECT MEETS THE REQUIREMENTS OF THE IBC AND I AM Satisfied THAT THE PROJECT MEETS THE REQUIREMENTS OF THE IBC.

DATE: 10/1/2020

NAME: [Signature]

3. SIGNED: [Signature], ARCHITECT

BCMA 12345

STRUCTURED CREATIONS INC.

BCMA 78910

GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS OTHERWISE NOTED.

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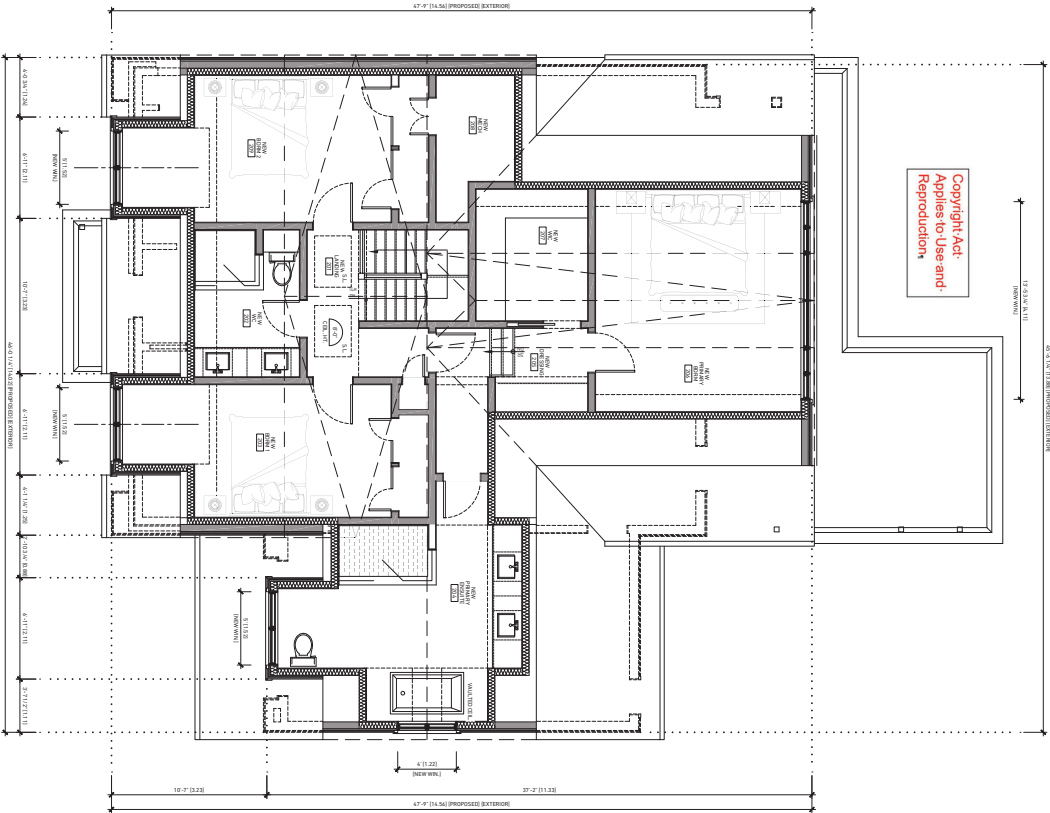
57. ALL DIMENSIONS ARE TO INTERIOR FACE UNLESS OTHERWISE NOTED.

58. ALL DIMENSIONS ARE TO FINISH SURFACE UNLESS OTHERWISE NOTED.

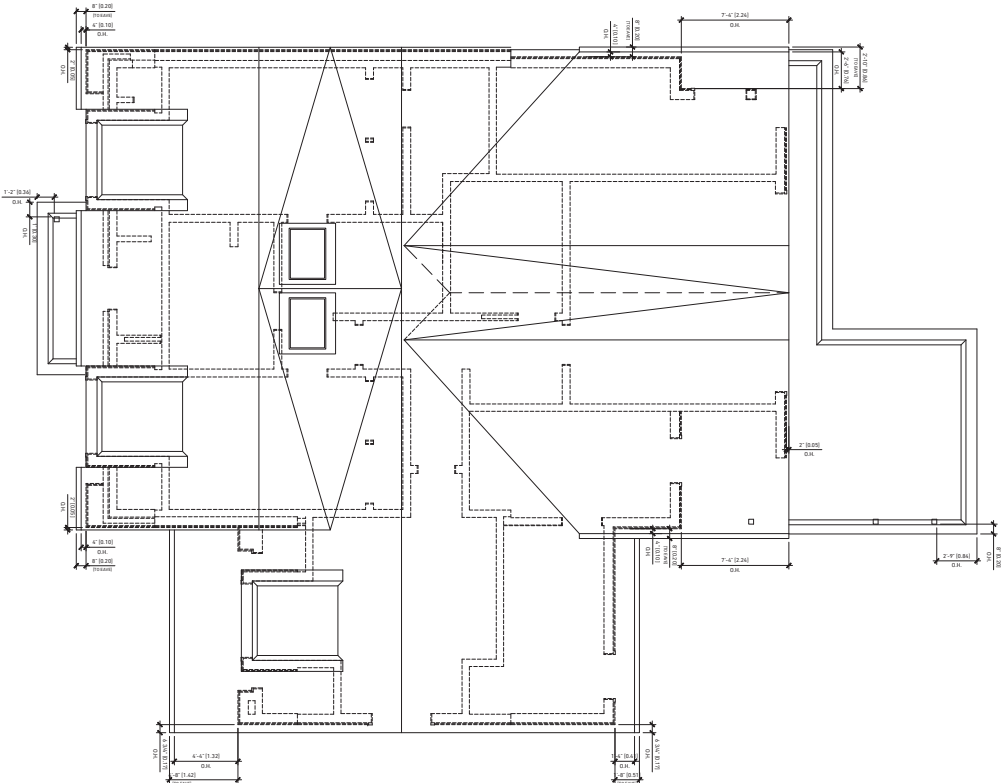
59. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

60. ALL DIMENSIONS ARE TO EXTERIOR FACE UNLESS OTHERWISE NOTED.

PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN



PROPOSED ROOF PLAN

A2

PROPOSED ROOF PLAN

MAKARENKO RES
RENO/ADDITION

479 DODGNEY AVE
BURLINGTON ONTARIO

PROJ. NUMBER: 22-019
DATE: 2022-01-19
DRAWN BY: J.S.
CHECKED BY: J.S.
APPROVED BY: J.S.



GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
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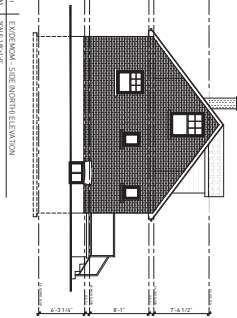
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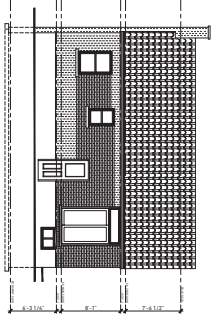
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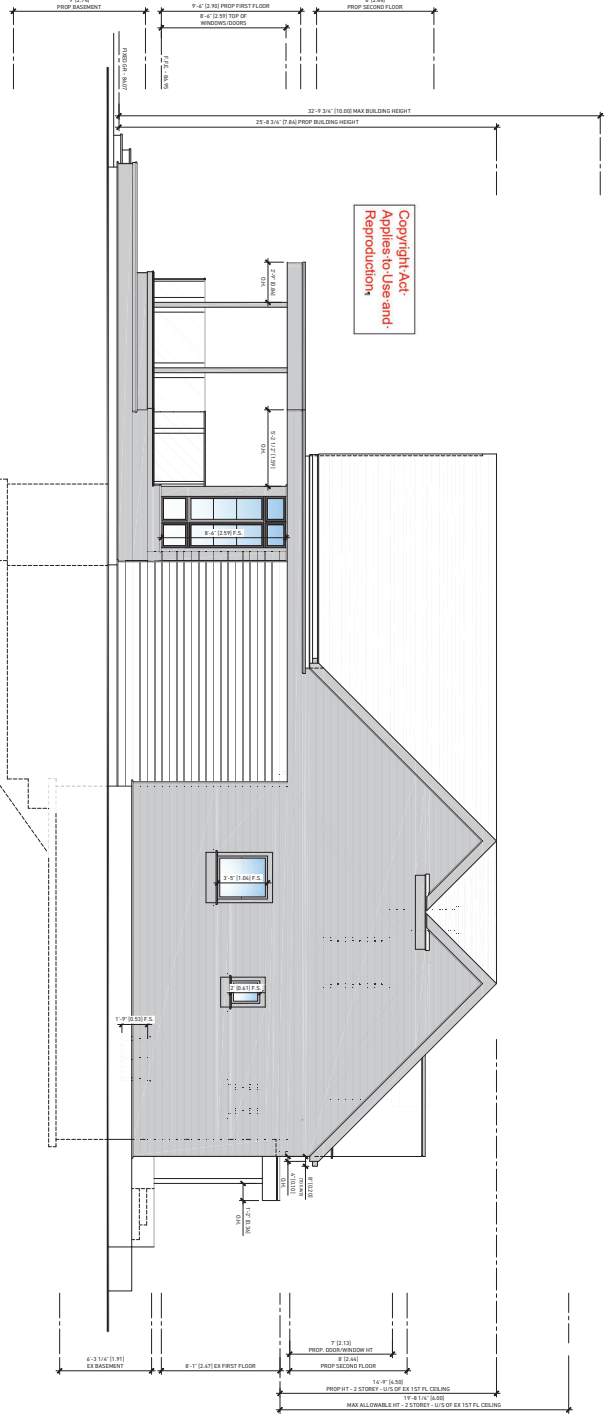
53. THE PROPOSED ADDITION SHALL BE CONSTRUCTED TO MATCH THE EXISTING BUILDING.



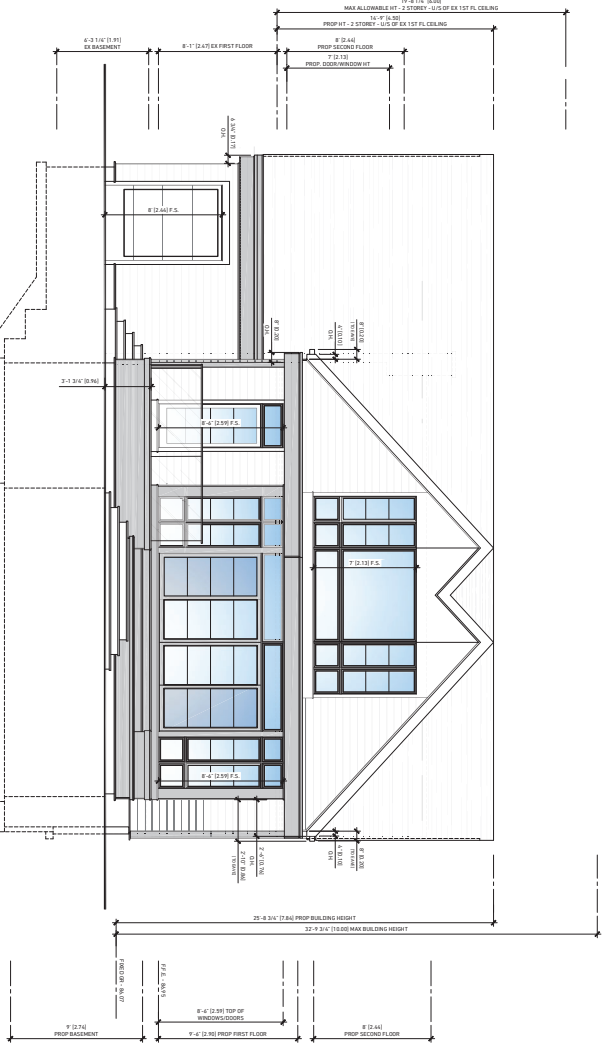
EXISTING - SEE NORTH ELEVATION



EXISTING - SEE EAST ELEVATION



PROPOSED - SEE NORTH ELEVATION



PROPOSED - SEE EAST ELEVATION

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MAKARENKO RES
RENO/ADDITION479 CROSBY AV
 02126-1000
 617-552-1000

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PROJECT FACILITY

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OBC REGISTRATION

TO GAREN SWEETEN THE DEAL, HE THOUGHT I HAD REVIEWED AND MADE RECOMMENDATIONS FOR THE DESIGN ON BEHALF OF A FIRM HE'D JOINED (AND SUBMITTED 3.2 A OF AN ENVIRONMENTAL BUILDING CODE, 1 MM HRS STORED, AND THE FIRM'S HRS STORED IN 1990) (P. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829

MAR 16/21

DATE _____

STRUCTURED CREATIONS INC. 9

GENERAL NOTES

the fact that the majority of the respondents were not in the position of a manager or a supervisor, but rather in the position of a worker. This is a limitation of the study, as the results may be different if the respondents were managers or supervisors. The study also did not take into account the possibility of a common method bias, which is a potential source of bias in self-reported data. Finally, the study did not take into account the possibility of a common method variance, which is a potential source of bias in self-reported data.

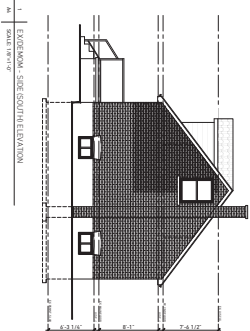
No.	DATE	DESCRIPTION	AMOUNT
1	01/01/2023	INITIAL DEPOSIT	1000000
2	02/01/2023	PAYROLL	50000
3	03/01/2023	RENT	20000
4	04/01/2023	UTILITIES	10000
5	05/01/2023	SALES TAX	5000
6	06/01/2023	PROPERTY TAX	15000
7	07/01/2023	INSURANCE	30000
8	08/01/2023	DEPRECIATION	10000
9	09/01/2023	INTEREST	2000
10	10/01/2023	DIVIDENDS	5000
11	11/01/2023	LOAN PAYMENT	10000
12	12/01/2023	TAXES	25000
13	01/01/2024	SALES	150000
14	02/01/2024	EXPENSES	75000
15	03/01/2024	NET INCOME	75000

EX/DEMO AND PROP
EXTERIOR ELEVATIONS
NOTES

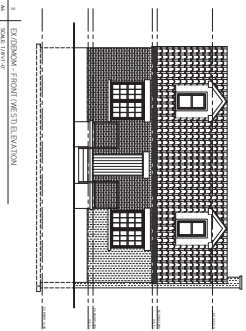
DESIGNED BY D.S.	DRAWN BY J.S.	APPROVED BY D.S.
SCALE AS NOTED	DATE OCT 20/22	PROJECT # 22-019

DRAWING 1

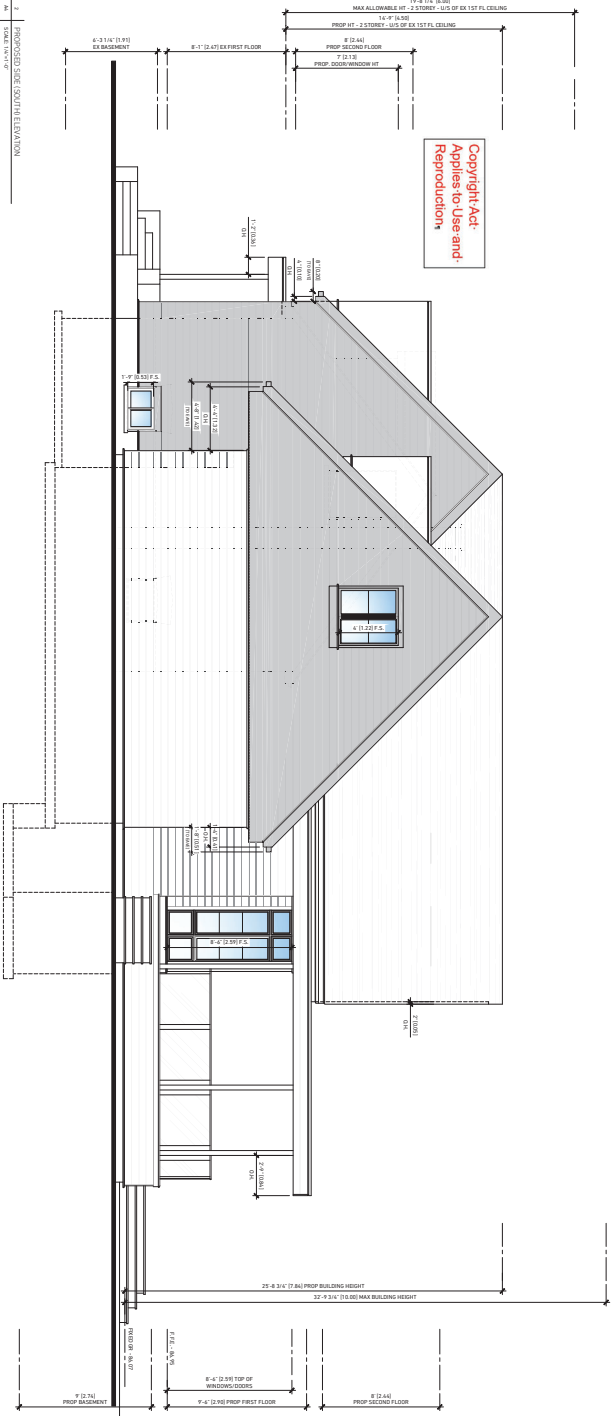
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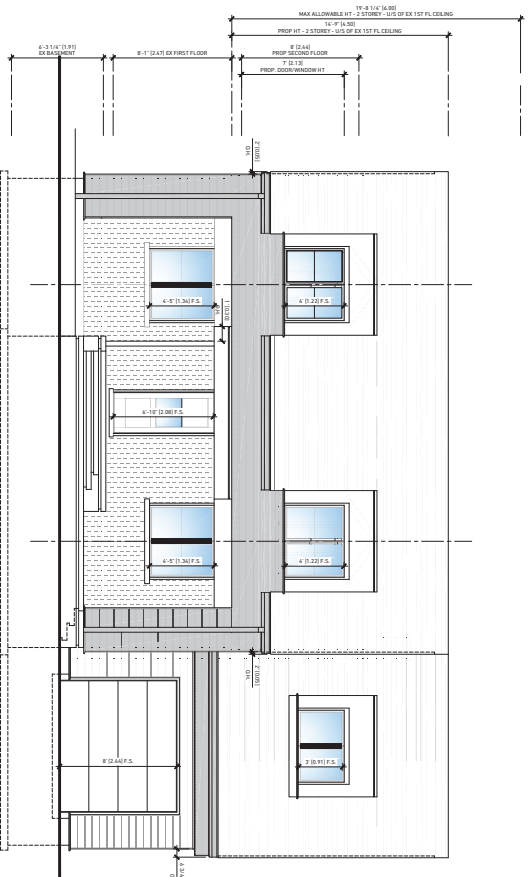
1	EXIDEMOM - SIDE (SOUTH) ELEVATION
AS	SCALE 1/8"=1'-0"



3	EX/DEMOM - FRONT (WEST) ELEVATION
4	SCALE: 1/8"=1'-0"



2	PROPOSED SIDE (SOUTH) ELEVATION
AA	SCALE: 1/8"=1'-0"



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RESIDENCE

CONCEPT FRONT ELEVATION

MAY 9, 2022

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Variance List / Justification Report – 479 Crosby Ave, Burlington

To the members of the Committee of Adjustment, City of Burlington:

Attached, please find our comments regarding our minor variance application for 674 Northland Ave.

SCOPE / CONTEXT

The project at the above address consists of the following elements:

1. Existing 1-1/2 storey dwelling with a detached garage,
2. Existing detached garage will be removed along with the existing rear deck
3. A proposed 2 storey rear addition to accommodate a new great room and bedroom above as well as a new two storey side addition to accommodate a new attached garage on the main floor and a new washroom on the second floor
4. The existing roof of the home will be removed and re-designed to create more useable living space in the second floor while maintaining a 1-1/2 storey aesthetic

VARIANCE LIST

1. To permit a front yard setback of 3.30m to proposed main floor bump outs whereas the by-law requires a min front yard of 6.0m
2. To permit a front yard setback of 2.03m to a proposed front porch column whereas the by-law requires a min front yard of 6.0m
3. To permit a side (south) side yard setback of 1.0m (second floor overhang) for a proposed 2 storey side addition/garage whereas the by-law requires 1.8m
4. To permit a lot coverage of 28.4% for a proposed two storey renovation / addition whereas the by-law allows 25% for a two-storey dwelling
5. To permit a FAR of 0.49 : 1 for a proposed two storey renovation / addition whereas the by-law allows 0.45 : 1

VARIANCES

The re-design of this small 1-1/2 storey home is to create a larger and more functional home by adding several additions to the home as well as creating a new second storey over the existing first floor. The first variance is requesting relief for the front yard setback. The proposal is for two build outs on the corners of the building which support an overhang as well as dormer projections in the second floor. The second variance is for the encroachment of a front porch flat roof overhang. This small canopy is to provide some cover at the front entrance. The existing house setback is set at 3.67m which is in line with the majority of homes along the east side of Crosby. The majority of existing homes along the road have front porches or small roof projections that project in line or closer to the road than the proposed small project and roof canopy proposed for this application. The variance for the side yard setback is to accommodate a proposed 2 storey addition with the primary purpose to accommodate an attached garage.

In assessing the zoning for this proposal, it was deemed, based on the knee wall height in the second floor and the fact that the existing roof was to be removed and raised, that this would convert this home from a 1-1/2 storey to a 2-storey home. As a result of this, it changed the zoning requirements for side yard setbacks from 1.8m to 1.2m. It also changed the allowable coverage in a designated lot coverage area from 30% down to 25%. In the re-design of this home, we felt that the scale of the home should be maintained as a 1-1/2 storey to help fit in with the majority of homes on the street and to avoid a full two storey building height. As such, we kept the height for the newly designed roof to 4.5m from underside of existing ceiling instead of the allowed 6m.

To maintain the size and scale of a 1-1/2 storey home, and with an increased north side yard setback of 2.13m, a reduction in the south side yard would still be acceptable from a massing and visualisation perspective and would allow us to accommodate a proper attached single car garage.

In review of the houses along the east side of Crosby Ave, the lot coverages of the existing homes range from 17% for the home at the south end of Crosby to 24%, 27%, 31%, 36% and finally 39%. The proposed coverage and FAR provided in our proposed design falls within the scale of what is consistent along the streetscape.

In conclusion, although by the definition of what constitutes a 1-1/2 storey or a 2 storey within the zoning by-law, our proposed design is deemed a 2-storey home, we feel that by maintaining the height, massing and design of the home as a 1-1/2 storey, that the variances requested are minor in nature and meet the four tests of the planning act.

Thank you

Darren Sanger-Smith
Structured Creations Inc

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

HEARING NO. 5 & 6 - 5:30 P.M.

File

**540-02-B-006/21 &
540-02-A-055/21**

APPLICANT: Connie Maria Battaglia

PROPERTY: 1322 & 1354 Lemonville Road
CON 1 EF PT LOT 9
City of Burlington - Regional Municipality of Halton.

The applicant is proposing to sever 1322 Lemonville Road, with a lot frontage of 40.1m and lot area of 0.8ha, taken from the exterior property boundaries between the DNA and RNA1 zone, and to retain 1354 Lemonville Road.

CONSENT: **(540-02-B-006/21)**

Retained Parcel 1354 Lemonville Road [Part 1]

The proposed retained parcel complies with the minimum requirement for lot area and lot width.

Severed Parcel 1322 Lemonville Road [Parts 2, 3, 4 and 5]

The proposed severed parcel does not comply with the minimum requirement for lot width or lot area from the limit of the zoning boundary between the DNA and RNA1 zone.

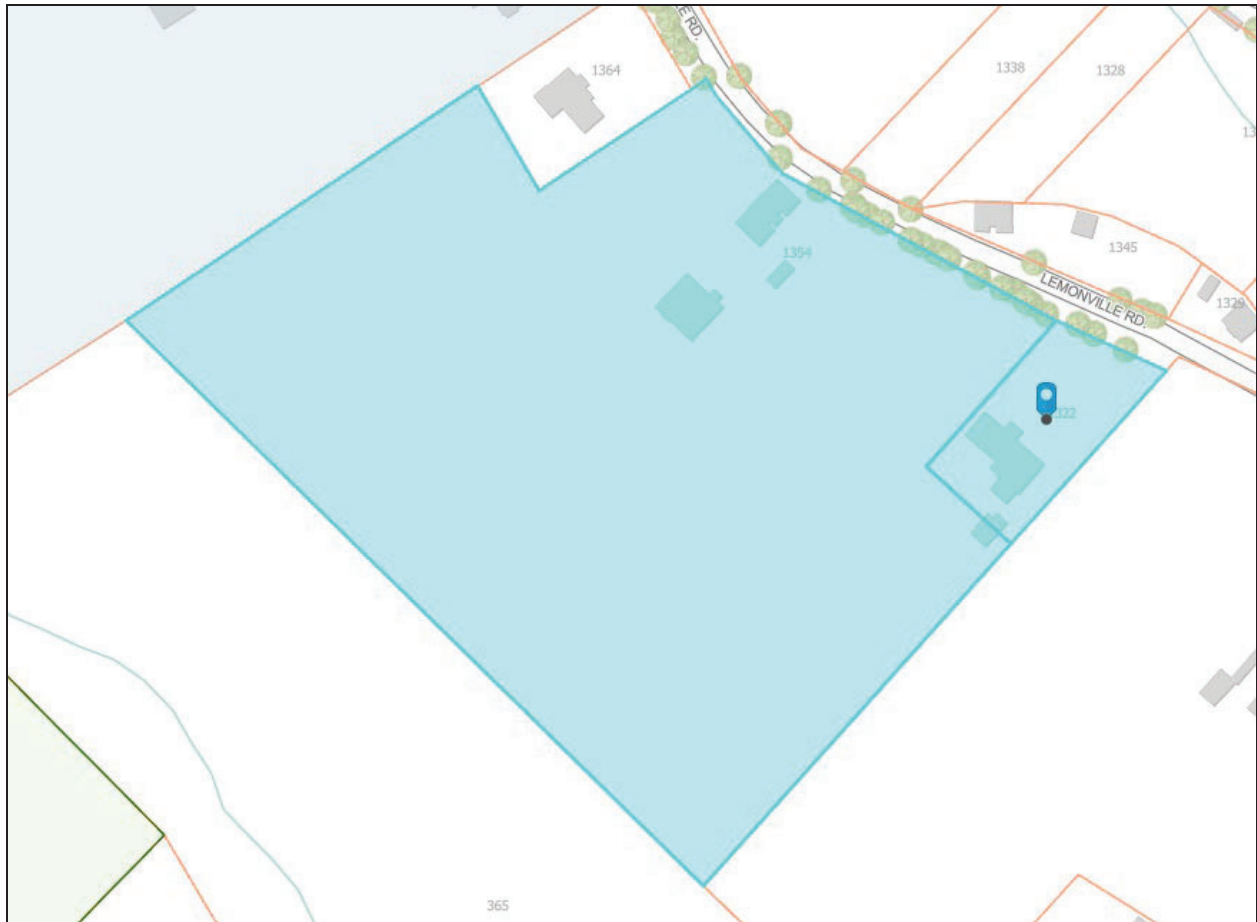
VARIANCES: **(540-02-A-055/21) 1322 Lemonville Road**

1. To permit a lot width of 40m instead of the minimum required 80m to facilitate a proposed land severance for a lot without municipal water and sewer.
2. To apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone, to facilitate a proposed land severance.

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

**STAFF REPORTS:****Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: March 1, 2023

Prepared By: E. Shacklette

ZONING

The subject property is zoned O3-196 (Open Space with a Site Exception), DNA (North Aldershot Development Zone) and RNA1 (North Aldershot Residential Zone) under Zoning By-Law 2020, as amended.

PART 1: GENERAL CONDITIONS AND PROVISIONS

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

1. GENERAL CONDITIONS**1.6 COMPLIANCE WITH THIS BY-LAW**

1.6.1 No person shall use, cause, or permit the use of any land, building, structure, or part thereof, or erect, repair, or alter, or cause or permit the erection, repairing, or altering of any building or structure which is not in conformity with the provisions of this By-law, EXCEPT as follows:

- (g) No lot shall be changed in area or width by either the conveyance of land or otherwise so that:
 - (i) The lot coverage exceeds the maximum permitted by this By-law,
 - (ii) The existing or resulting lot area, width or yards will be less than the minimum permitted by the provisions of this By-law.

1.7 INTERPRETATION OF ZONE BOUNDARIES

1.7.1 Where any uncertainty exists as to the location of any boundary of any zone, the following rules shall apply:

- (g) **Where a property or lot has two or more zoning designations, the zoning boundary between the designations shall be the limit from which the zoning regulations shall apply.**

The RNA1 zone requires, among other things, the following:

4. RNA1 REGULATIONS (NORTH ALDERSHOT RESIDENTIAL)**4.1 LOT WIDTH, AREA, AND YARDS**

Table 9.4.1

Use	Lot Width	Lot Area	Front Yard	Street Side Yard	Rear Yard	Side Yard
All Uses	80 m without municipal water and sewer (b)	0.8 ha without municipal water and sewer (b)	9 m	7.6 m	9 m	(a)

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

Footnotes to Table 9.4.1

(a) 5 m minimum, 15 m minimum combined side yards

(b) Subject to adequate supply of potable water

The DNA zone requires, among other things, the following:

12. DNA ZONE REGULATIONS (NORTH ALDERSHOT DEVELOPMENT)
12.1 LOT WIDTH AND AREA

80 m and 0.8 ha

PART 16: DEFINITIONS
Lot Width

The horizontal distance between the side lot lines measured along the front lot line, PROVIDED that where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot width shall be measured by a line 9.1 metres back from and parallel to the chord of the front lot line.

History / Background:

1322 Lemonville Road has inadvertently merged with 1354 Lemonville Road. The consent application is proposing to re-establish the lot lines between these properties, however with an adjustment to provide 1322 Lemonville Road with an increased legal lot area of 0.8ha to meet the minimum By-law requirements.

Proposal:

The applicant is proposing to sever 1322 Lemonville Road, with a lot frontage of 40.1m and lot area of 0.8ha, taken from the exterior property boundaries between the DNA and RNA1 zone, and to retain 1354 Lemonville Road.

Comments:**Retained Parcel 1354 Lemonville Road [Part 1]**

The proposed retained parcel complies with the minimum requirement for lot area and lot width.

Severed Parcel 1322 Lemonville Road [Parts 2, 3, 4 and 5]

COMMITTEE OF ADJUSTMENT

AGENDA

MARCH 8, 2023

The proposed severed parcel does not comply with the minimum requirement for lot width or lot area from the limit of the zoning boundary between the DNA and RNA1 zone.

A subsequent Minor Variance Application (A054/21) has been submitted to address these deficiencies. The required variance for lot area on 1322 Lemonville Road (the severed parcel) is a result of the lands having two zones. The lot area of 0.565ha is the total area of the parcel of lands located in the RNA1 zone (Parts 3, 4 and 5). The full legal lot area is 0.8ha, with the remaining 0.235ha located in the DNA zone (Part 2).

Variances required for Severed Parcel – 1322 Lemonville Road [Parts 2, 3, 4 and 5]:

1. To permit a lot width of 40m instead of the minimum required 80m to facilitate a proposed land severance for a lot without municipal water and sewer.
2. To apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone, to facilitate a proposed land severance.

Condition:

1. Parts 2, 3, 4 and 5 (severed parcels) to be consolidated prior to final consent.

Note:

1. The subject property is regulated by Conservation Halton and the Ontario Ministry of Transportation (MTO).

Date: August 10, 2022 Prepared By: Danielle Beck, CPT

Planning

Applications for minor variance and consent have been submitted to the City of Burlington. As part of the proposal, the applicant is proposing to sever 1322 Lemonville Road, with a lot frontage of 40.1 metres and a lot area of 0.8 hectares (measured from the exterior property boundaries) and to retain 1354 Lemonville Road. The applicant is proposing to do so in order to correct the inadvertent merging of the two lots.

COMMITTEE OF ADJUSTMENT**AGENDA****MARCH 8, 2023**

The retained parcel complies with the minimum requirement for lot area and lot width, whereas the severed parcel does not. It should be noted that in accordance with the zoning by-law, zoning regulations are applied from the limit of the zoning boundary between the DNA and RNA1 zone rather than from the exterior property line. In this regard, the proposed lot area for 1322 Lemonville Road would not comply with the minimum required 0.8 hectares. However, if the zoning was applied from the exterior property boundary, the lot area would comply. The applicant has therefore applied for a minor variance in this regard. The lot frontage of the severed parcel would not comply with the zoning by-law requirement of 80 metres, and a minor variance would be required. As part of the applications, the applicant is proposing to add an additional 2 metres to the frontage of 1322 Lemonville Road beyond what previously existed. The existing buildings will be maintained on both parcels. The consent sketch submitted with the application (dated March 29, 2021 (Rev. No. 1)) demonstrates the extent of the proposed consent.

A Minor Variance Application (A-054/21) has been submitted to address these deficiencies. The required variance for lot area on 1322 Lemonville Road (the severed parcel) is a result of the lands having two zones. The lot area of 0.565 hectares is the total area of the parcel of lands located in the RNA1 zone (Parts 3, 4 and 5 on the Reference Plan submitted with the application). The full legal lot area is 0.8 hectares, with the remaining 0.235 hectares located in the DNA zone (Part 2).

In review of Minor Variance Application (File No. A-054/22), the following variances are required to the City of Burlington Zoning By-law 2020 for the severed parcel, 1322 Lemonville Road, as submitted:

1. To permit a lot width of 40 metres instead of the minimum required 80 metres to facilitate a proposed land severance for a lot without municipal water and sewer.
2. To apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone, to facilitate a proposed land severance.

The subject lands comprise an irregular-shaped parcel with a lot area of 3909 m² (3.9 hectares) and a lot width of 164 metres. The property is located on the west side of Lemonville Road and is known municipally as 1322 and 1354 Lemonville Road.

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Existing land uses include two detached dwellings, one on each lot before they were inadvertently merged on title, and various accessory buildings and structures. The lands are large and heavily vegetated. Existing on-site conditions and surrounding streetscape are summarized in site photos included as Attachment No. 1 (Site Photos).

No development is proposed on the subject lands as part of this application. The extent and location of the existing development is illustrated on the Draft Reference Plan (dated April 4, 2022) as submitted with the application.

Proposed Consent:

The applicant is proposing to sever 1322 Lemonville Road, with a lot frontage of 40.1 metres and a lot area of 0.8 hectares, taken from the exterior property boundaries between the DNA and RNA1 zone, and to retain 1354 Lemonville Road. The applicant is proposing to do so in order to correct the inadvertent merging of the two lots. The severed parcel (1322 Lemonville Road) does not currently comply with zoning requirements. As such, the applicant is proposing to increase the depth of the property by severing a portion of the adjacent property, 1354 Lemonville Road. The applicant also proposes to add an additional 2 metres of lot frontage. The existing buildings will be maintained on both parcels.

Burlington's Official Plan

The subject lands are designated primarily Infill Residential to Schedule 'D' (Comprehensive Land Use – North Aldershot Planning Area) of the City of Burlington Official Plan (1997) as amended. At the rear, the lands are partially designated North Aldershot Special Study Area and Environmental Protection Area. No development exists within these designations of the subject lands. The Infill Residential designation contains policies for detached dwellings on new lots. While the applicant is proposing to sever the subject lands, the intent of the severance is to correct the inadvertent merging of the lots and to add additional lands to the severed parcel, being 1322 Lemonville Road. All existing buildings and structures are to remain, no new development is proposed and no additional servicing is required. The Environmental Protection Area designation includes a limited range of permitted uses. No development exists, or is proposed, within the lands subject to this designation.

The Official Plan contains policies in Part VI, Section 4.4 that shall be considered when severances are proposed for lot creation to ensure that orderly development is achievable on newly established lots. These policies include:

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- (i) where applicable, the policies for infill development contained in Part III, Subsection 2.5.4 of this Plan;

This policy is not applicable to the subject application as no infill is proposed.

- (ii) *the size, configuration and location of the proposed consent should be appropriate for the use proposed considering the municipal services available; or where municipal services are not available, the adequacy of potable water supply and the suitability of the soil for septic tanks;*

Private servicing exists for the dwellings at 1354 Lemonville Road and 1322 Lemonville Road. No new lots are proposed to be created and no new dwellings are proposed. Staff are satisfied that this criterion has been met.

- (iii) the lot size and proposed use of the proposed consent should conform to the provisions of the Zoning By-law, where applicable;

Zoning By-law 2020, as amended, requires lots within the RNA zone to have a minimum lot area of 0.8 hectares and a minimum lot width of 80 metres (for lots without municipal water and sewer). The property that was formerly 1322 Lemonville Road has a lot frontage of approximately 38.4 metres and an area of approximately 0.27 hectares. The property that was formerly known as 1354 Lemonville Road had a lot frontage of 133.4 metres and a lot area of 3.1 hectares.

As part of the proposed consent, the applicant is proposing to extend the lot depth and lot frontage of 1322 Lemonville Road by adding area from 1354 Lemonville Road, resulting in a proposed lot frontage of 41 metres and proposed lot area of 0.8 hectares for the severed lands.

The property is split into two zones. The zoning by-law requires that zoning regulations, including lot area, be taken from the limit of the zoning boundaries between the RNA1 and DNA zones on the property. In this regard, the proposed 0.8 hectares for 1322 Lemonville Road would not comply with this requirement. The applicant has applied for a minor variance to permit zoning

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standards, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone.

Staff are of the opinion that while the lot frontage and area would not comply as a result of the severance, the applicant is proposing to bring the lot dimensions closer to conformity. As such, staff are satisfied that this criterion has been met.

- (iv) the lot should have a compatible width and area with lots in the immediate vicinity;

The proposed consent would facilitate two residential lots that were inadvertently merged on title; however the proposed severed lands would include an increased lot frontage and lot area. This property, known as 1322 Lemonville Road, is smaller than other existing lots in the area. By increasing the lot width and area of these lands (thereby reducing the lot frontage and area of the retained lands, 1354 Lemonville Road), it is the opinion of staff that the proposed consent would result in two lots that are more compatible with the existing lot fabric of the area.

- (v) any new lots intended for building must front on an existing public or common element road;

Both the severed and retained parcels will have frontage onto Lemonville Road.

- (vi) a traffic hazard shall not be created by access to a road with limited sight lines on curves or grades;

The road configuration of Lemonville Road will be maintained and will not be altered as a result of the proposed consent application. No additional units or driveways are proposed and no additional traffic hazards are anticipated as a result of the subject application. Each lot will maintain its own existing driveway.

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- (vii) provision shall be made for future streets, and lot creation and development shall not preclude or inhibit future development of surrounding lands, where applicable;

The proposed consent seeks to correct two lots that were previously inadvertently merged on title and to bring the proposed severed lot closer to zoning conformity with respect to lot size and area. All existing development is proposed to remain on both the retained and severed parcels. Staff are satisfied that this criterion is met.

- (viii) the proposed consent should not extend into areas susceptible to flooding or erosion, or adversely affect drainage patterns;

The subject lands are adjacent to a creek block to the rear, however the proposed consent does not include these lands. No development is proposed as a result of the consent application. As such, no impacts are anticipated with respect to flooding, erosion or drainage patterns. City of Burlington Engineering staff did not object to the proposal.

- (ix) the frontage of new lots intended for building should generally not be less than approximately 40 per cent of the lot depth;

The frontage of lots is considered to ensure that proposed lots are configured in a manner to establish orderly development; using the 40% of lot depth measure is a guideline used to assess new proposed lots. When lots are too narrow the size and type of built form, site circulation, parking, and other site considerations may be constricted and limited.

The severed parcel will have a frontage that is less than 40% as a result of the proposed severance. However, the proposed lot width will be greater than the width of the lot that was previously known as 1322 Lemonville Road (Part 5 on the submitted Reference Plan). Staff are of the opinion that the proposed increase in lot width would bring the proposed consent more in keeping with the

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intent of the Official Plan and are therefore of the opinion that this criterion has been met.

- (x) within Neighbourhood Character Areas, the proposed development shall achieve consistency with neighbourhood character; and

Not applicable. The subject property is not located within the Shoreacres, Roseland or Indian Point Neighbourhood Character Areas.

- (xi) within Neighbourhood Character Areas, the minimum lot widths and areas of proposed new lots Neighbourhood Character Areas shall meet or exceed the average lot width and lot area of single detached residential lots fronting on both sides of the same street within 120 m of the subject property.

Not applicable. The subject property is not located within the Shoreacres, Roseland or Indian Point Neighbourhood Character Areas.

The applicant is seeking to create one additional lot in order to correct the lots having been inadvertently merged on title. As part of the proposed consent, the applicant is seeking to add additional land to the smaller of the two properties, known as 1322 Lemonville Road in order to facilitate a property having an area of 0.8 hectares; the minimum required lot area within the zoning by-law. Additional lot frontage is also proposed to be added to the lot frontage at 1322 Lemonville Road. Staff are satisfied that both the retained and severed parcels will be sufficient to support existing development. In staff's review of the policies in Part VI, Section 4.4, staff are of the opinion that these policies are met and that orderly development of both the retained and severed parcel is achievable.

Burlington Zoning By-law 2020, as amended:

The subject lands are zoned 'North Aldershot Residential (RNA1) Zone' and 'North Aldershot Development (DNA) Zone' to Map No. 1 of the City of Burlington Zoning By-law 2020. The Zoning By-law requires that the development standards be taken from the limit of the zoning boundaries between the DNA and RNA1 zone rather than from the exterior property lines. As such, while the severed property proposes a lot size of the minimum required 0.8 hectares in the zoning by-law, only the area within the RNA1

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Zone is included in the lot area calculation. A minor variance would therefore be required to recognize this. The proposed frontage of the severed lands is 40.1 metres which is 4.79 metres greater than the frontage of 1322 Lemonville Road prior to the merge.

Recommendation:

Staff has reviewed the proposed Consent in accordance with the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Minor Variance:

In review of Minor Variance Application (File No. A-054/21), the following variances are required to the City of Burlington Zoning By-law 2020 for 1322 Lemonville Road, in conjunction with the proposed development, as submitted:

1. To permit a lot width of 40 metres instead of the minimum required 80 metres to facilitate a proposed land severance for a lot without municipal water and sewer.
2. To apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone, to facilitate a proposed land severance.

1) City of Burlington Official Plan:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?

Yes

The subject lands are designated primarily Infill Residential to Schedule 'D' (Comprehensive Land Use – North Aldershot Planning Area) of the City of Burlington Official Plan (1997) as amended. At the rear, the lands are partially designated North Aldershot Special Study Area and Environmental Protection Area. No development exists in these areas. The Infill Residential designation contains policies for detached dwellings on new lots. While the applicant is proposing to sever the subject lands, the intent of the severance is to correct the inadvertent merging of the lots and to add additional lands to the severed parcel, being 1322 Lemonville Road. All existing

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buildings and structures are to remain, no new development is proposed and no additional servicing is required. The Environmental Protection Area designation includes a limited range of permitted uses. No development exists, or is proposed, within the lands subject to this designation.

Existing land uses include a detached garage on both the retained and severed parcels. The retained parcel also supports a number of accessory buildings and structures. No development is proposed on the subject lands as part of this application. The proposed minor variance is to permit a reduced lot frontage for the proposed severed lands and to apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone

The area is characterized by large properties consisting primarily of detached residential dwellings. The former properties known as 1354 Lemonville Road (retained) and 1322 Lemonville Road (severed) were inadvertently merged on title and the applicant is proposing to sever the retained lands in order to return the lot fabric to its previous layout. As part of the severance the applicant is proposing to make the severed parcel larger, thereby increasing the lot frontage and lot area.

In the opinion of staff, the proposal is an improvement to the subject lands and surrounding area as it facilitates increased compatibility with surrounding properties by reducing the area of the larger lot, 1354 Lemonville Road, and adding a portion of it to the area of the smaller lot, 1322 Lemonville Road. For the reasons discussed within the analysis of the consent policies within this report, staff are of the opinion that the proposed severance is in keeping with the general intent and purpose of the City of Burlington Official Plan.

City of Burlington New Official Plan (OP 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan.

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As the OLT process advances, the working version of the Burlington Official Plan (2020) is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan (2020) and the Burlington Official Plan (1997):

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>

At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

2) City of Burlington Zoning By-law 2020:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?

Yes

The subject lands are zoned 'North Aldershot Residential (RNA1) Zone' and 'North Aldershot Development (DNA) Zone' to Map No. 1 of the City of Burlington Zoning By-law 2020. The Zoning By-law requires that the development standards be taken from the limit of the zoning boundaries between the DNA and RNA1 zone rather than from the exterior property lines. As such, while the severed property proposes a lot size of the minimum required 0.8 hectares in the zoning by-law, only the area within the RNA1 Zone is included in the lot area calculation. A minor variance would therefore be required to recognize this. The proposed frontage of the severed lands is 40.1 metres which is 4.79 metres greater than the frontage of 1322 Lemonville Road prior to the merge.

Where properties are within more than one zone, the zoning by-law requires that all regulations; including lot width, lot area and setbacks, be taken from the zoning boundary rather than the property boundary. The intent of this provision is to ensure that only permitted uses are developed within a respective zone. In this case, the applicant is seeking to apply the zoning regulations from the property boundaries in order to recognize the 0.8 hectare lot area as being in keeping with the zoning requirement. Staff note that all existing development is located outside of the DNA Zone. No new development is proposed as part of this application.

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The intent of required lot width and area is to ensure orderly development on new properties and to facilitate a lotting pattern whereby lots are of a similar size and are compatible with one another. While the severed lands would not meet the zoning requirement of 80 metres of frontage, staff recognize that the applicant wishes to re-establish the two separate lots before they were merged. It is also recognized that the applicant is proposing to increase the lot frontage in order to bring it closer to zoning compliance. All existing development is proposed to remain and no new development is proposed. The existing buildings and structures comply with all other zoning requirements.

Staff are of the opinion that the proposed minor variance is in keeping with the general intent and purpose of the City of Burlington Zoning By-law 2020, as amended.

3) Desirability:

Is the proposed minor variance from the Zoning By-law desirable for the appropriate development or use of the land, building or structure?

Yes

The applicant is requesting approval of minor variances to recognize a deficient lot frontage and to apply zoning regulations from the limits of the subject property rather than from the zoning boundary. The applicant is proposing to sever the subject lands in order to re-establish a property that was previously known as 1322 Lemonville Road. This property was formerly undersized and was not in keeping with the lot frontage and area requirements of the zoning by-law. The applicant is proposing to sever additional lands which would result in a larger lot frontage and lot area. The proposal would be closer to the zoning requirement than what previously existed. Staff are of the opinion that the proposal is desirable for the appropriate use of the subject lands.

4) Minor in Nature:

Is the proposed minor variance from the Zoning By-law considered minor in nature?

Yes

The applicant is proposing to sever the subject lands in order to restore them to their original state. However, additional lot width and lot area is proposed to be added to 1322

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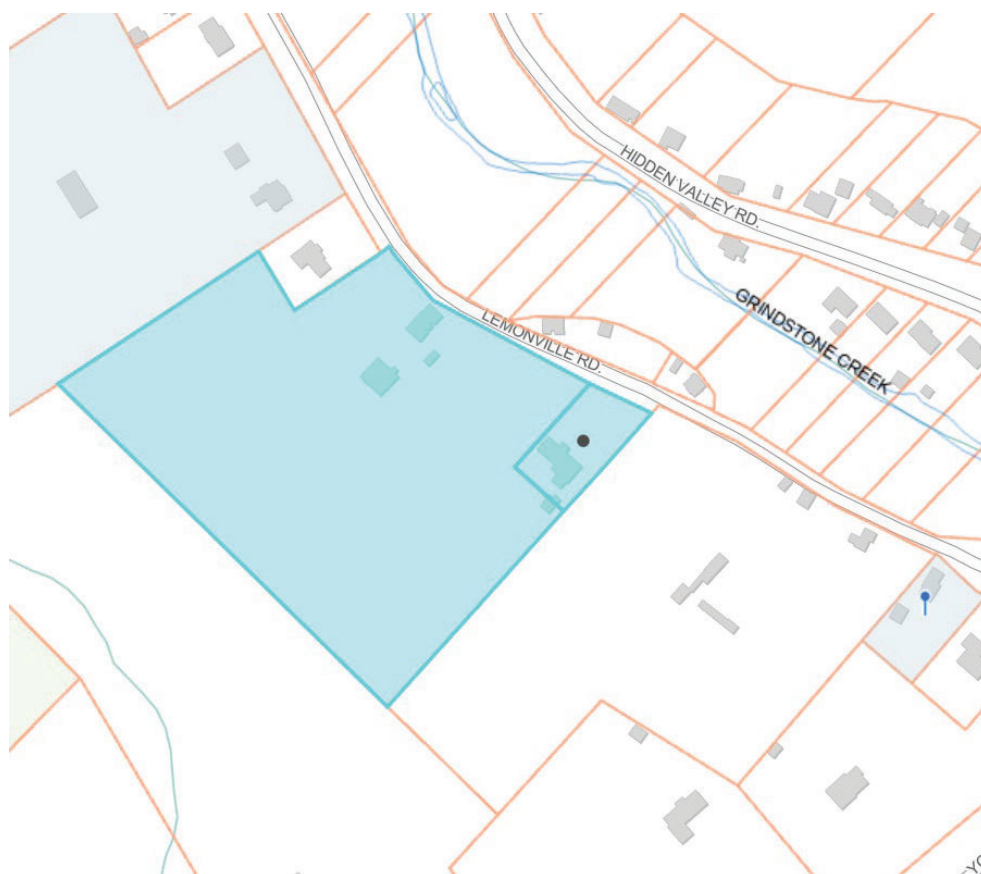
Lemonville Road beyond what previously existed. In the opinion of staff, this would result in a lotting fabric that is closer to the zoning by-law requirements and is minor in nature.

Recommendation:

Staff has reviewed the proposed minor variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the proposed minor variance.

Date: February 27, 2023Prepared By: Melissa Morgan, MCIP RPP**Attachments:**

Attachment No. 1 – Site Photos (February 24, 2023)

**Subject Lands and Surrounding Lot Fabric**

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Front of Property – Former 1322 Lemonville Road



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**View of Properties from the Street****Site Engineering**

Deemed Street Width = 20.00 m

Actual Street Width = 14.88 m. There was a previous road widening of (5.74 m) on the west side of the road as in Inst. 324184. Therefore, no road widening required.

Date: May 18, 2021

Prepared By: A. Capone

Building

- 1) A Building Permit is required for any building construction.
- 2) Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
- 3) Minimum clearances for septic system treatment unit, distribution piping and leaching chambers shall be maintained as per OBC 8.2.1.6 for the severed parcel.

Date: February 1, 2023 Prepared By: Kathy Pavlou

Transportation Planning

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Both resulting properties must maintain their own accesses to Lemonville Road through separate driveways or an access agreement. Transportation Services has no further concerns with this application.

Date: November 1, 2022 Prepared By: Trevor Clark

Finance**Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

Tax

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: Nov 1, 2022 Prepared By: L. Bray

Urban Forestry

Forestry has reviewed the proposed minor variance(s)/severance application and has no objection subject to the following note:

1. The City Public Tree By-law 68-2013 is applicable to the subject property. An Arborist Report and Tree Preservation Plan (TPP) will be required for submission as a part of any future Consolidated Pre-Building Permit process for proposed development.

Date: November 30, 2022 Prepared By: R. Shaw-Lukavsky

Region of Halton

Regional staff has reviewed the above noted Consent and Minor Variance applications, which proposes to sever previously separate lots of record held under separate title that have merged in title as a result of the settlement of an estate. Staff note that the lot prior to merger at 1322 Lemonville Road has a lot area of 0.2 ha (0.4 acres), while the proposed 'new' lot is proposed to have a lot area of 0.8 ha (2 acres). The existing dwellings at 1322 & 1354 Lemonville Road are privately serviced and are to remain. The Minor Variance applications recognizing the proposed new lot fabric.

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Regional staff have No Objection to the above referenced applications as outlined and discussed herein.

Planning Analysis

In considering the submitted consent application, Regional Staff note that recent changes to the *Planning Act* have been made by the Province to remedy some of the technical issues that Section 50 of the *Act* has posed on land transactions in the Province. While a legal opinion on this proposed lot merger as a result of the settlement of this estate and whether or not the merger could be 'undone' based upon the current provision of the act was not provided, Regional Staff have considered the submitted consent application in the spirit of the new provisions of Section 50 of the *Planning Act*.

The subject lands are located within the 'North Aldershot Policy Area' designation on Map 1 of the 2009 Halton Region Official Plan (ROP). The subject lands are located within an area of North Aldershot where municipal services are not planned for and not available. Accordingly, the ROP provides that all development within this area must be on private septic and private well water services.

According to the Regional Structure, these lands are located outside of a *settlement area* and are not consider part of the Agricultural Area. Further, these lands are not located within a regionally identified rural settlement area (*Hamlet* or *Rural Cluster*) as shown on Map 1 of the ROP. These lands are therefore considered as 'Rural Lands' in the context of the Provincial Policy Statement, 2020 (PPS) and A Place to Grow (Growth Plan), 2019. According to the Growth Plan direction, new lot creation on rural lands may be allowed based upon approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. Base upon the forgoing, Regional Staff are generally satisfied that the proposed consent application conforms to this Provincial direction.

Regional Staff understand that the City of Burlington's Official Plan has incorporated North Aldershot development related policies for this area, and in particular the provision of a minimum lot area standard for the creation of new lots without municipal services (which is the case here). In considering the policy direction of the Region and the City, Staff understands that the proposed lot at 1322 Lemonville Road has been enlarged from the original lot size of 0.2 ha (size of the lot prior to merger) to 0.8 ha to address, or bring the lot more into conformity with the City's OP policy and the private servicing requirements outlined therein.

In the context of the proposed lots, Regional Staff note that details on the existing private septic and private well water for the existing dwellings was not provided. It is understood that the intent of the applicant/owner to maintain the servicing in situ, and that any future development/redevelopment applications would address the policy/zoning/code requirements of the day. Staff acknowledge and note that while this consent application was not supported by a study that demonstrates how the proposed lots are sustainable from an ROP perspective, the intent of the proposal is bring the previously separate lots more into conformity with current planning and sustainable

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development principles for the area as outlined in the City's OP. In this regard, Staff defers the matter related to lot size to the City in this regard as the proposed consent application is intended to recognize two existing lots that merged in title due to an estate settlement issue.

Given the above, Regional Staff offer no objection to the proposed consent application and would support the City, should it be deemed appropriate, implement warning clauses or notices on title through a residential consent agreement with respect to the private servicing requirements related to these lands.

Staff have further considered the submitted Minor Variance application and offer no concerns with the proposed variances.

Conclusion: Based upon the above, Regional Staff have no objection to the Consent application. Furthermore, Regional staff offer no objection to the Minor Variance application. Please send notice of the City's decision on this application.

Date: February 16, 2023

Prepared By: Adam Huyke,

Conservation Halton

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; and our provincially delegated responsibilities under Ontario Regulation 686/21 (i.e., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS)).

On January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect which provides that conservation authorities (CAs) may not provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on proposals, applications, or other matters under a prescribed Act, including the Planning Act. As a result, technical review services (e.g., technical reviews related to natural heritage and select aspects of stormwater management) that CH formerly provided under to the Memorandums of Understanding (MOU, 1999 and 2018) and Interim Ecological Services Agreement (IESA, 2021) with Halton Region will no longer be provided for applications received after January 1, 2023.

Notwithstanding, CH does not have any feedback related to the MOU/IESA on this particular application.

Proposal**Consent:**

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The applicant is proposing to sever 1322 Lemonville Road, with a lot frontage of 40.1 m and lot area of 0.8 ha, taken from the exterior property boundaries between the DNA and RNA1 zone, and to retain 1354 Lemonville Road.

Variances required for Severed Parcel – 1322 Lemonville Road [Parts 2, 3, 4 and 5]:

1. To permit a lot width of 40m instead of the minimum required 80m to facilitate a proposed land severance for a lot without municipal water and sewer.
2. To apply zoning regulations, including lot area, to be taken from the exterior property boundaries of the severed lot instead of the limit of the zoning boundaries between the DNA and RNA1 zone, to facilitate a proposed land severance.

CH staff reviewed the following documents submitted with these applications, received by CH on November 24, 2022:

- *Sketch for Severance*, prepared by A.T. McLaren Limited, dated March 29, 2021; and
- *Cover Letter*, prepared by Webb Planning Consultants, dated April 29th, 2021.

Ontario Regulation 162/06

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject properties partially contain and are adjacent to tributaries of Grindstone Creek. CH regulates a distance of 15 metres from the greater of the limit of the flooding or erosion hazard for this particular site. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, dated April 27, 2006 (last amended November 26, 2020): (<https://conservationhalton.ca/policies-and-guidelines>).

Based on CH's Approximate Regulation Line (ARL) mapping, both the "lands to be retained" and the "lands to be severed" may contain the erosion hazard (stable top of slope) and associated 15 m regulatory allowance. CH does not have policies to support the creation of new regulated lots, however, given that the proponent is seeking to correct an inadvertent merging of title of two (2) abutting properties as an outcome of legal matters pertaining to the settlement of an Estate (as described in detail in the Cover Letter), and further that no structural development is being proposed, CH staff support this severance.

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Provincial Policy Statement (Sections 3.1.1-3.1.7 inclusive)

CH reviews applications based on its delegated responsibility to represent the Province on the natural hazard policies of the PPS (3.1.1-3.1.7 inclusive). Policy 3.1.1. of the PPS states that “development shall generally be directed to areas outside of... b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.”

Given the above, staff provide no concern with this proposal in relation to the PPS.

Summary

In light of the above, CH staff recommend approval of the applications at this time.

Date: February 9, 2023_____

Prepared By: B. Fleming_____

Ministry of Transportation

1322 Lemonville and 1354 Lemonville Rd, Burlington, are outside of the MTO's permit control area. I have no comments.

Date: January 27, 2023_____Prepared By: U. Akhtar_____



April 29, 2021

City of Burlington
Committee of Adjustment
Community Planning Department
426 Brant Street
Burlington ON L7R 3Z6

Attention: Amanda D'Angelo, BA (Hons.)
Secretary-Treasurer

Re: Applications for Consent and Minor Variance
1322/1354 Lemonville Road, City of Burlington

WEBB Planning Consultants have been retained by the owner of the above noted properties to act as their Agent with respect to the submission and processing of Applications to the City of Burlington Committee of Adjustment.

The properties located 1322 Lemonville Road and 1354 Lemonville Road were previously separate lots of record held under separate title. However, as an outcome of legal matters pertaining to the settlement of an Estate, the two properties have inadvertently merged in title to create a single lot having two separate dwellings.

The former lots are each developed with a single detached dwelling utilizing private services. The lot at 1322 Lemonville Road is occupied by a single storey dwelling having a former lot area of 0.276 hectares (0.68 acres) and frontage of approximately 38.4 metres. The lot at 1354 Lemonville Road is occupied by a two storey dwelling having a former lot area of 3.1 hectares (7.65 acres) and frontage of 133.4 metres. Both dwellings are in excess of 50 years of age.

The owner wishes to correct the merging of title and return the two dwellings to their prior condition as separate lots. However, the review of the proposal through an Application for Pre-consultation noted the concern that the former lot area of 1322 Lemonville was significantly below the accepted lot area of 0.8 hectares (2.0 acres) for a lot utilizing private services.

To address the deficient lot area, the configuration of the lot boundary for 1322 Lemonville is being modified from the prior condition by extending the depth of the lot and a minor increase to its width to achieve the minimum required area of 0.8 hectares.

The proposed lot to be severed for 1322 Lemonville Road and the retained lot for 1354 Lemonville have been assessed in the context of the current RNA1 Zone Regulations and generally complies.

The lot area for 1322 Lemonville complies with the minimum required area of 0.8 hectares yet does not meet the minimum requirement of 80 metres of lot width and therefore requires a Variance to address the deficiency. The existing dwelling at 1322 Lemonville does meet the minimum setback requirements of the RNA1 Zone including minimum front yard setback of 9.0 metres, a rear yard of 9.0 metres and combined side yard of 15.0 metres. The applicable dimensions are shown on the accompanying sketch plan.

The lot area for 1354 Lemonville is 3.1 hectares with a lot width of 133.4 metres, complying with the requirements of the RNA1 Zone Regulations. The existing dwelling at 1354 Lemonville does meet the minimum setback requirements of the RNA1 Zone with the exception of the front yard setback. However, as this is an established non-conforming yard that has existed for 10 consecutive years the dwelling is deemed to conform in keeping with Regulation 1.6.1.(e) of the Zoning By-law.

Planning Analysis

As noted herein, the proponent is seeking approval to correct the inadvertent merging of title of two abutting properties. While there is no development proposed, the proposal shall be considered as lot creation and the applications for Minor Variance and Consent subject to the applicable Planning Policy analysis.

The subject lands are located in the rural area of the City of Burlington and designated by the Official Plan North Aldershot Special Study Area and Infill Residential. The proposed continued use of both properties to accommodate a single detached dwelling conforms to the Official Plan as a permitted use and meeting the minimum lot area requirement for private services.

The properties have multiple Zone categories with the developed portion containing the existing dwellings Zoned as RNA1. Single detached dwellings are a permitted use in the RNA1 Zone. The retained lot complies in all regards with the performance Regulations of the Zone while the lot to be severed was previously undersized with regard to lot area and lot width. The severed lot configuration has been adjusted to increase the lot area to meet the minimum lot area requirement of 0.8 hectares, an area deemed necessary to support sustainable private services.

Whereas the RNA1 Zone requires a lot width of 80 metres, the severed lot is proposing a width of 39 metres. In this circumstance, the lot shape of the severed lot has been adjusted to meet with primary consideration of minimum lot area by ending the depth of the lot and maintaining the established lot width. The existing dwelling does comply with the applicable setbacks and generally maintains an established streetscape and pattern of development.

It is noted that the lands are adjacent to Grindstone Creek and within a Regulated area. However, as noted in the review comments provided by the Halton Conservation Authority, both properties contain existing dwellings and no development is proposed. Halton CA staff stated no concerns with the proposal.

The proposed severance has been considered having regard for the matters outlined in Section 51(24) of the Planning Act. It is our opinion that a Plan of Subdivision is not required for the proper and orderly development as the lands abut an existing municipal street and the lot sizes are appropriate for the available private services. The proposal conforms to the Official Plan, the lands are developed with permitted residential uses and the continued use will not adversely affect natural resources or be subject to flood hazards.

The proposed Variance for reduced lot width has been considered in the context of Planning Act and in our opinion meet the four tests outlined in Section 45 (1) of the Act. It is our opinion that the Variance maintains the general purpose and intent of the City of Burlington Official Plan and the Zoning By-law, achieving the minimum lot area requirement seen as an improvement over existing conditions. The Variance is Minor as there are no anticipated adverse impacts and will provide for the desirable and appropriate development of the lands, restoring the properties to the prior configuration as two separate lots.

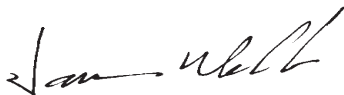
As noted, the City of Burlington has completed a preliminary review of the proposal through an application for Pre-consultation, issuing a comment letter dated December 1, 2020. In keeping with the requirements outlined in the Pre-consultation document, the following materials are provided to facilitate the processing of the Applications for Consent and Minor Variance:

- Executed Application for Consent;
- Executed Application for Minor Variance;
- City of Burlington Combined Processing fee of \$6,000.00 (submitted under separate cover to City);
- Region of Halton combined Processing fee of \$1,198.50 (submitted under separate cover to Region);
- Sketch Plan illustrating the subject lands;
- Surveyors Real Property Report, 1354 Lemonville Road

We trust that you will find the enclosed complete for processing this request. Please contact our office should you have any questions or require additional information.

Yours truly,

WEBB Planning Consultants Inc.



James Webb, MCIP, RPP

PART 1 - OWNER/AGENT INFORMATION

All communication will be directed to the Prime Contact only. ☐ Owner ☒ Agent ☐ Solicitor ☐ Other
Please check only one.

Who can be contacted during the day for further information? ☐ Owner ☒ Agent ☐ Solicitor ☐ Other

- Registered Owner's**
- a) Name(s): Maria Battaglia
Address: 1322 Lemonville Road, Burlington, L7R 3X5
Home Phone: 905 634-9668 Business Phone: _____ Cell Phone: _____
Fax Number: _____ Email: _____
- Authorized Agent's**
- b) Name: WEBB Planning Consultants, c/o James Webb
Address: 244 James Street South, Hamilton ON L8P 3B3
Business Phone: 905 527-7526 Cell Phone: _____
Fax Number: 905 527-7527 Email: jwebb@webbplanning.ca
- Solicitor's**
- c) Name: Gowling WLG, c/o Mark Giavedoni
Address: 1 Main Street West, Hamilton ON L8P 4Z5
Business Phone: 905 540-2493 Cell Phone: _____
Fax Number: _____ Email: mark.giavedoni@gowlingwig.com
- d) **Other Contact Name:** _____
Address: _____
Business Phone: _____ Cell Phone: _____
Fax Number: _____ Email: _____

PART 2 - LOCATION OF SUBJECT PROPERTY

- a) Area Municipality: City of Burlington Concession Number(s): Concession 1
Geographic or Former Township: East Flamborough
Lot Number(s): Lot 9 Lot/Block: _____
Registered Plan No.: _____ Part(s): _____
Reference Plan No.: _____ Assessment Roll No.: _____
Parcel No.: _____

Municipal Address: 1322 Lemonville Road

- b) Are there any easements or restrictive covenants affecting the subject land? ☒ No ☐ Yes
If YES, provide a copy of such documents and provide a brief description of its effect: _____

PART 3 - PROPOSED LAND USE (PURPOSE OF THIS APPLICATION)

- a) ☒ Creation of a new lot ☐ A Charge ☐ Title Correction ☐ Easement or Right of Way
☐ Lot Addition * ☐ A Lease ☐ Other (specify): _____

Description of Consent: Applications seeks to correct lot boundaries which inadvertently merged in title. The proposed consent will re-establish 1322 as a separate lot, with an increase in lot area to achieve the minimum required area of 0.8 hectares

* Lot Addition: we require legal confirmation of how the lot being added to was created because of Section 50(12), and identify the lands to which the parcel will be added.

- b) **If known**, please provide the name of the person to whom the land or an interest in the land is to be conveyed, leased or mortgaged.

Name: to be determined

Address:

Phone:

PART 4 - HISTORY OF THE SUBJECT LAND

- a) Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? ☒ No ☐ Yes

If YES and known, please provide the file number and the decision made on the application.

File #: _____ Decision: _____

- b) Is this a resubmission of an earlier proposal? ☒ No ☐ Yes

If YES, please provide Regional File No.: # _____

- c) Has any land been severed from the parcel originally acquired by the owner of the subject land?

☒ No ☐ Yes

If YES, provide for each parcel severed, the date of transfer, the name of the transferee and the land use.

Date of Transfer	Name of Transferee	Land Use

- d) On what date did the Owner acquire the land? _____

PART 5 - DESCRIPTION AND SERVICING INFORMATION OF SUBJECT LAND

- a) **What is the DESCRIPTION OF THE PROPERTY as shown on Sketch?**

	Severed	Retained
Frontage (m.):	39 metres	125 metres
Depth (m.):	202 m (irregular)	202 m (irregular)
Area (ha.):	0.8 ha	3.109 ha

b) **What is the EXISTING USE?**

- ☐ Urban Residential
 ☐ Farm Related Residential
 ☒ Non Farm Related Residential
 ☐ Agricultural *

☐ Other (specify) _____

* Complete a "Farm Data Sheet" for any Agricultural use on severed and/or retained parcel. This sheet is available upon request from the Committee of Adjustment.

	Severed	Retained
Existing Use:	non farm residential	non farm residential
Proposed Use:	no change	no change

* If Agricultural indicate whether parcel is for ☐ Retirement Lot ☐ Disposal of Surplus Dwellings ☐ Farm Help

c) **What BUILDINGS or STRUCTURES are existing or proposed for each lot? Please include number, uses and dates of Construction.**

	Severed	Retained
Existing:	one storey dwelling & detached garage	two storey dwelling
Proposed:	no changes proposed	no change

d) **What type of ROAD ACCESS is existing or proposed for each lot?**

Type/Name	Severed	Retained
Open Municipal Road:	Lemonville Road	Lemonville Road
Regional Road:		
Provincial Hwy:		
Private:		
Other If Other, (specify): eg. Right of Way		

e) **What type of WATER SUPPLY is existing or proposed for each lot?**

Type/Name	Severed	Retained
Regional Piped Water:		
Well Water:	Well	Well
Other, (specify): eg. Communal		

f) **What type of servicing – SEWAGE DISPOSAL is existing or proposed for each lot?**

Type/Name	Severed	Retained
Regional Sewers:		
Septic System:	Septic	Septic
Other, (specify): eg. Septic System		

PART 6 - LAND USE

- a) What is the existing Regional Official Plan Designation? North Aldershot Policy Area
Infill Residential and North Aldershot Special
- b) What is the existing Local Official Plan Designation? Study Area

c) Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified?

	ON THE SUBJECT LAND	WITHIN 500M OF THE SUBJECT LAND, UNLESS OTHERWISE SPECIFIED
An agricultural operation, including livestock facility or stockyard?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
A landfill?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
A sewage treatment plant or waste stabilisation plant?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
A provincially significant wetland?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
A provincially significant wetland within 120m of site?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
Floodplain	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
An industrial or commercial use? If YES, specify _____	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____
An active railway line?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes _____

d) **Potentially Contaminated Sites:**

Has there been industrial use of the site? No ☒ Yes ☐ If YES, what was the last year of use? _____

Has there been filling on the site? No ☒ Yes ☐

Is there reason to believe the site may have been contaminated by former uses either on the site or on adjacent sites? No ☒ Yes ☐

If YES, then an environmental investigation, including all former uses of the site and, if appropriate, the adjacent site, to the satisfaction of the Region, is required. This study must be prepared by a qualified consultant. Report attached? Yes ☐ No ☐

If NO, on what basis did you come to this determination? Information provided by owner

PART 7 - CURRENT APPLICATIONS

- a) Is the subject land currently the subject of a proposed Regional or Local Official Plan or Amendment (or an NEC or Parkway Belt Amendment)? No ☒ Yes ☐

If YES, and if known, please provide the File No.(s) and the status.

File #:

Status:

- b) Is the subject land currently the subject of an application for Zoning Bylaw Amendment, Minister's Zoning Order Amendment, Minor Variance, Consent or approval of a Plan of Subdivision? No ☐ Yes ☒

If YES, please explain Parallel Application for Minor Variance to recognize deficient lot width

PART 8 - PROVINCIAL INTERESTS

- a) Is the subject land consistent with the Provincial Policy Statement? Yes ☒ No ☐

If NO, please explain _____

- b) Is the subject land within an area of land designated under any provincial plan or plans? No ☐ Yes ☒

If YES, does the application conform to or does not conflict with the applicable provincial plan or plans?

Lands are within Growth Plan, no conflict with natural or cultural heritage resources,
non-farm residential use permitted, application does not propose new development

PART 9 - SKETCH

The sketch of survey must be prepared by an Ontario Land Surveyor in metric.

The application shall be accompanied by a sketch showing the following prescribed information:

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained
- the boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land
- the distance between the subject land and the nearest township lot line or landmark, such as a railway crossing or bridge
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks
- the existing use(s) on adjacent lands
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used
- the location and nature of any easement affecting the subject land

The sketch should also include the following required information:

- the amount of land, if any, which has previously been conveyed from the property to the County or the Regional Municipality of Halton, for road purposes
- a clear key map

A sketch greater than legal size (8-1/2" x 14") must be folded to legal size.

PART 10 - OTHER INFORMATION

- a) Is there any other information that you think may be useful to the City or other agencies in reviewing this application? If so, explain below or attach on a separate page.

Please refer to cover letter for broader description of the proposal

PART 11 - POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application. A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible.

Each sign must remain posted beginning 14 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required may result in deferral of the application.

Thank you for your co-operation,

Amanda D'Angelo
Secretary-Treasurer
Committee of Adjustment

****I understand that each sign must be posted at least 14 days before the hearing and will remain posted and be replaced if necessary, until the day following the hearing.**

Owner: Maria Battaglia Property: 1322 Lemonville Road

C. Battaglia

(Signature of Owner/Agent)

April 14-2021

(Date)

AFFIDAVIT


I, James Webb
of the City of Hamilton
in the Prov. of Ontario


solemnly declare that:

All the statements contained in this application are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the

CITY of
HAMILTON in the
PROVINCE of
ONTARIO this
27th day of
APRIL, 2021


A Commissioner, etc.


(Applicant, Solicitor, or Authorized Agent)

OWNER'S AUTHORIZATION

If an agent is used, the owner must also complete the following:

I, Maria Battaglia being the registered owner of the subject lands
hereby authorize WEBB Planning Consultants, c/o James Webb
(Name of Agent)

to prepare, submit and act on my behalf with respect to this consent application.

C. Battaglia april 14 / 2021
(Signature of Owner) (Date)

Permission to Enter

Secretary - Treasurer Committee of
Adjustment City of Burlington
426 Brant Street, P.O. Box
5013 Burlington, ON, L7R
3Z6

Date: _____

RE: Application to the City of Burlington, Committee of Adjustment at:

Municipal Address: 1322 Lemonville Road

I authorize the members of the Committee of Adjustment, City Staff, Region of Halton staff and Conservation Halton staff to enter onto the above property which is under application for the purposes of evaluating the merits of the application(s).

Signature of owner or authorized agent

C. Battaglia

Please Print your Name:

C. BATTAGLIA

Notice of collection of personal information

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.



File No.:

A

**PLANNING ACT, R.S.O. 1990, C.P. 13
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)

Discussed the application with a city zoning examiner and development planner Y ☐ or N ☐

Name of Planner: _____ Name of Zoning Examiner: _____

PROPERTY INFORMATION:

Address(es) of property: 1322 Lemonville Road

Legal description of property (registered plan number and lot number or other legal description):

Part of Lot 9, Concession 1

OWNER(S) INFORMATION:

Name: Maria Battaglia

Address: 1322 Lemonville Road, Burlington ON

Postal Code: L7R 3X5

Home Phone: 905 634-9668 Fax: _____

Work Phone: _____ Cell: _____

E-mail: _____

AGENT INFORMATION (If Any): Unless otherwise required, all communications will be sent to the agent.

Name: WEBB Planning Consultants, c/o James Webb

Address: 244 James Street South, Hamilton ON

Postal Code: L8P 3B3

Work Phone: 905 527-7526 Fax: 905 527-7527

Cell: 905 719-9860

E-mail: jwebb@webbplanning.ca

Official Plan Designation:
North Aldershot Special Study Area

Current Zoning Designation:
RNA1, DNA, O3-196

Contact Owner: ☐ (check one)
Agent: ☒

PROPOSED DEVELOPMENT:

Outline each variance you are requesting as well as the Zoning By-law requirements (Example: Reduction of front yard setback from 6m to 3m.) Attach a separate sheet if required.

To permit a lot width of 39 metres whereas the RNA1 Zone requires 80 metres of lot width for the severed lot being created by Application for Consent submitted concurrently with this Application.

In your own words, explain what you are proposing to do and why you cannot comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature
2. Why are the variance(s) desirable for the appropriate use of the land?
3. Do the variance(s) meet the intent and purpose of the Official Plan?
4. Do the variance(s) meet the intent and purpose of the Zoning By-law (Attach separate sheet if required)

When justifying your reasons for approval, consider if the minor variances have any impact on the surrounding area? If you wish, you can include pictures or photos or letters of support with your application materials.

Property is subject to concurrent application for Consent for the purpose of re-establishing 1322

Lemonville as a separate lot which had inadvertently merged title with the abutting parcel at 1354 Lemonville Road. Lot was previously undersized with 38 metres of frontage and an area of 0.276 ha, proposed reconfigured to increase the lot area to 0.8 ha, however, proposed lot width is proposed to remain as essentially pre-existing condition to minimize impact of property at 1354 Lemonville

Refer to attached cover letter for broader description of the proposal.

Date property was purchased: 1322 was purchased 1982 title merged in 2012 (month/day/year)	Date property was first built on: more than 50 years ago (month/day/year)	Date of proposed construction on property: N/A - no development is proposed (month/day/year)
EXISTING USE OF THE SUBJECT PROPERTY (check one): Detached Dwelling <input checked="" type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi-Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant (New Home) <input type="checkbox"/> Other <input type="checkbox"/> _____		Length of time the existing uses of the subject property have continued: in excess of 50 years
EXISTING USES OF ABUTTING PROPERTIES (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>		PROPOSED USE OF LAND: No change proposed
ADDITIONAL INFORMATION (where applicable): Is liquor sold on site? Y <input type="checkbox"/> or N <input type="checkbox"/> Is the property on the heritage inventory list for the Heritage Burlington? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>		

TYPE OF ACCESS TO THE SUBJECT LANDS (please check the appropriate boxes)

Provincial Highway ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other (Specify) _____

MUNICIPAL SERVICES PROVIDED (please check the appropriate boxes)

Water ☐ If not available, by what means is it provided: Private well
 Sanitary Sewers ☐ If not available, by what means is it provided: Private
 Storm Sewers ☐ If not available, by what means is it provided: Open ditch

IF KNOWN, IS THE SUBJECT LAND THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT TYPE APPLICATIONS:

	Yes	No	File Number and File Status
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Zoning By-law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Site Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permit Issued? Yes <input type="checkbox"/> No <input type="checkbox"/>
Consent (Land Division Committee)	<input checked="" type="checkbox"/>		
Previous Minor Variance Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

FOR A RESIDENTIAL DETACHED OR SEMI DETACHED DWELLING**Dimensions of property:****Street width: (Applicant to Obtain information from Capital Works. See first page of application for contact information)**

Frontage: 39 metres	Depth: 202	Area: 0.8 ha	Actual:	Deemed:	Required:	Lot Coverage Apx. 5%	Corner lot: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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PARTICULARS of all buildings and structures on or proposed for the subject land**EXISTING (Dwelling & Buildings)**

Ground Floor Area: (including garage if attached)	Apx 220	M2
Gross Floor Area:	Apx 220	M2
Number of Storeys:	1 storey	
Width:	Apx 9.5	M
Length:	apx 23	M
Height:	unknown	M

Garage/Car port (if applicable)Detached ☒

Gross Floor Area:	unknown	M2
Width:	unknown	M
Length:	unknown	M
Height:		M

Accessory Structure (Shed, Gazebo, etc.) SHED

Gross Floor Area:	Unknown	M2
Width:	unknown	M
Length:	Unknown	M
Height:	Unknown	M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

PROPOSED (Dwelling/Building/Addition)

Ground Floor Area:		M2
Gross Floor Area:		M2
Number of Storeys:		
Width:		M
Length:		M
Height:		M

Garage/Car port (if applicable)Detached ☐

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Accessory Structure (Shed, Gazebo, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

Other (Pool, 2nd Shed, Deck, Driveway, etc.)

Gross Floor Area:		M2
Width:		M
Length:		M
Height:		M

LOCATION of all buildings and structures on or proposed for the subject land**EXISTING****Dwelling**

Front:	34.1	M
Rear:	>150	M
Side/Street Side	7.1	M
Side/Other Side	8.9	M

Other Detached garage

Front:	Apx 66	M
Rear:	>130	M
Side/Street Side	27	M
Side/Other Side	5.3	M

PROPOSED**- NO CHANGES PROPOSED****Dwelling**

Front:		M
Rear:		M
Side/Street Side		M
Side/Other Side		M

Other**NO CHANGES PROPOSED**

Front:		M
Rear:		M
Side/Street Side		M
Side/Other Side		M

AFFIDAVIT

*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)

☐


Signature of Applicant or Authorized Agent _____

I, James Webb of the City of Hamilton in the Prov. of Ontario

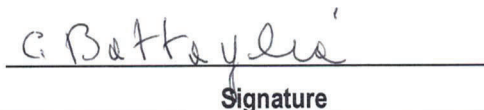
solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the CITY of Hamilton in the Province of ONTARIO
this 27th day of APRIL 20 21

Signature of Commissioner, etc.



Signature of Applicant or Authorized Agent

OWNER'S AUTHORIZATION*If an agent is used, the owner must also complete the following:*I, Maria Battaglia being the registered owner of the subject lands hereby
authorize WEBB PC - James Webb to prepare, submit and act on my behalf with respect to this application
(name of agent)
for Minor Variance.

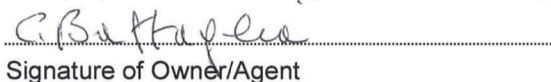
Signature

April 14/2021

Date

PERMISSION TO ENTERPermission to Enter – This **MUST** be completed for all applications and signed by the **OWNER**.Municipal Address of Subject Lands: 1322 Lemonville Road

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner/Agent

Maria Battaglia

Please Print Name

Mandatory	Provided	Not Applicable	MINOR VARIANCE APPLICATION CHECKLIST
			Please ensure all materials and measurements are included in your submission. Check with staff if you have any questions about required material
✓			TWO (1) COPIES OF A NEW SURVEY (which includes proposal)
			To Scale
			Metric
			North Arrow
			Easements
			OR
✓			TWO (1) COPIES OF ORIGINAL SURVEY
			Completed Exemption Form
			To Scale
			Metric
			North Arrow
			Easements
			OR
✓			DETAILED SITE PLAN (reviewed by zoning examiner)
			Site Plan Stamped by a Certified Architect or Engineer
			Elevations Stamped by a Certified Architect or Engineer
✓			1 COPY OF PLANS (MUST be true to scale and in metric)
			Which include:
✓			SITE PLAN
			Metric
			North Arrow
			Frontage
			Depth
			Lot Area
			Lot Coverage **
			Deemed Street Line
			Existing Front Yard Setbacks
			Existing Rear Yard Setbacks
			Existing Side Yard Setbacks
			Existing Street Side Yard Setbacks
			Existing Porch, Stairs and Overhang Setbacks

Mandatory	Provided	Not Applicable	MINOR VARIANCE APPLICATION CHECKLIST <div style="text-align: right;">Page 2 of 2</div>
			Proposed Front Yard Setbacks
			Proposed Rear Yard Setbacks
			Proposed Side Yard Setbacks
			Proposed Street Side Yard Setbacks
			Proposed Porch, Stairs and Overhang Setbacks
			Streets (Public and Private)
			Street Names
			Parking (Dimensioned spaces, Driveway Width, Arrangement)
			Railways (Location of them and setbacks to structures)
			All Watercourses and/or Conservation Halton Areas (creek, lake, wetland,
✓			LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES
			Setbacks
			Height
			Area
			Length
			Width
✓			ELEVATIONS
			Metric
			Front
			Rear
			Side 1
			Side 2
✓			FLOOR PLANS
			Metric
			North Arrow
			Gross Floor Area Calculation
			Ground Floor Area Calculation
			Finished Floor Calculation
			Floor Space Index (where applicable)
			Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

Owner/Agent Signature: C Battaglini Date: April 14/2021



EXEMPTION FROM NEW SURVEY REQUIREMENT

Applicant/Owner: Maria Battaglia Property: 1322 Lemonville Road

In consideration of the committee's policy to accept applications without the provision of a new OLS survey (except land severance applications), one copy of this form shall be completed and returned to the Secretary-Treasurer with the application. Please consult with the Secretary-Treasurer regarding the plans required for the application.

1. I, James Webb in my capacity as Agent do attest to the following:
(Owner or Agent)

Please complete A, B or C

- A) The OLS survey/sketch of survey dated _____
(month/day/year)
has been revised by _____
(person or company)
- B) The site plan, architect's plan or engineer's plan dated _____
(month/day/year)
has been revised by _____
(person or company)
- C) The sketch or plot plan** dated March 21, 2021
(month/day/year)
was prepared by A. T. McLaren Limited
(person or company)

****NOTE:** PLOT PLANS OR SKETCHES WILL BE ACCEPTED ONLY FOR APPLICATIONS INVOLVING USES (NO PHYSICAL CHANGE). FOR VARIANCES RELATED TO LAND SEVERANCE, A PROPER OLS SURVEY OR SKETCH OF SURVEY IS REQUIRED AND MAY ONLY BE MARKED UP/AMENDED BY THE SURVEYOR.

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of March 21, 2021
(month/day/year)
3. The material submitted shows all measurements in metric, as calculated/converted by Joseph Monighan
(name of person)
4. Should the need arise during application processing for a new OLS survey, the applicant/agent agree to provide the survey as required by committee or city staff in order to receive a decision on the application.

Signature

Date



POSTING OF ADVISORY SIGN

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required may result in deferral of the application.

Thank you for your co-operation,

Amanda D'Angelo
Secretary-Treasurer
Committee of Adjustment

I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.

Owner Maria Battaglia Property 1322 Lemonville Road

C. Battaglia
Signature of Owner/Agent

April 14/2021
Date

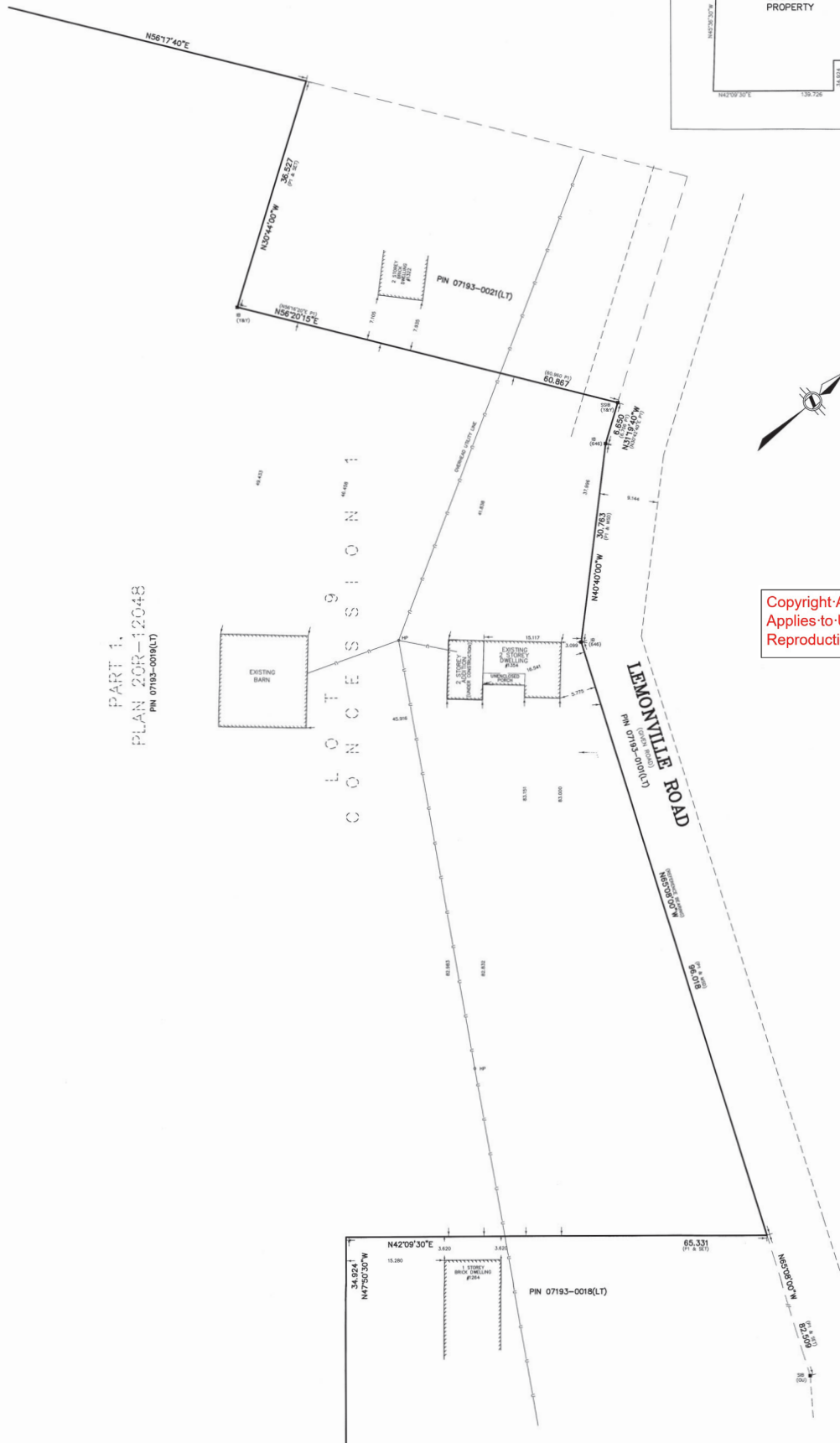
SURVEYOR'S REAL PROPERTY REPORT
OF PART OF
LOT 9
CONCESSION 1
GEORGIAN
TOWNSHIP OF EAST FLAMBOROUGH
IN THE
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON
SCALE: 1:300 metres
S.D. McLAREN, O.L.S. - 2014

Copyright Act
Applies to Use and
Reproduction

SURVEYOR'S REAL PROPERTY REPORT
(PART 2)
PART 1 PLAN 20R-12048 IS NOT SUBJECT TO
ANY EASEMENTS.
THIS PLAN DOES NOT CERTIFY COMPLIANCE
WITH ZONING BY-LAWS.
THIS PLAN WAS PREPARED FOR
SAM BATTAGLIA



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1896377
THIS PLAN IS NOT VALID
UNLESS IT IS AN ENDORSED
COPY
ISSUED BY THE SURVEYOR
IN ACCORDANCE WITH
REGULATION 1205, SECTION 28(3)



Copyright Act
Applies to Use and
Reproduction

LEGEND:
□ DENOTES MONUMENT SET
■ MONUMENT FOUND
— TOWNSHIP HIGHWAY
(Hwy) A.T. McLAREN, O.L.S.
(Hwy) S.D. McLAREN, O.L.S.
(Hwy) TAYLOR & TAYLOR, O.L.S.
(Hwy) MEASURED
PT PLAN 20R-12048

BEARING NOTE
BEARINGS ARE ASTROLOGIC AND ARE
REFERRED TO THE SOUTHERLY LIMIT
OF LEMONVILLE ROAD AS SHOWN ON
PLAN 20R-12048

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

SURVEYOR'S CERTIFICATE:

1. I, S.D. McLAREN, O.L.S., DO NOT REPEAT MY NAME
IN THIS CERTIFICATE.
2. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS
MADE UNDER THEM.
3. THE SURVEY WAS COMPLETED ON THE 24th DAY OF DECEMBER, 2013.
JANUARY 9, 2014
DATE S.D. McLAREN, O.L.S.

S.D. McLAREN, O.L.S. - DOES NOT REPEAT MY NAME
IN THIS CERTIFICATE.
A.T. McLAREN Limited
LEGAL AND ENGINEERING SURVEYS
400 JOHN STREET SOUTH, SUITE 200
CHESHAM, ONTARIO, L9M 2P8
PHONE (905) 701-1858 FAX (905) 701-0032

DRAFT REFERENCE PLAN
OF PART OF
LOT 9
CONCESSION 1
GEOGRAPHIC
TOWNSHIP OF EAST FLAMBOROUGH
IN THE
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON
SCALE: 1:400 metres

A horizontal scale bar with markings at 0, 4, 8, 16, and 24 metres.

S.D. McLAREN, O.L.S. - 2021

SCHEDULE			
PART	LOT	CON/PLAN	PIN
1			RETAINED
2			ALL OF PIN 07103--001(RL7)
3	PART OF LOT 9	CONCESSION 1	SEVERED
4			ALL OF PIN 07103--001(RL7)
5			

PLAN 20 R--


RECEIVED AND DEPOSITED

Date _____

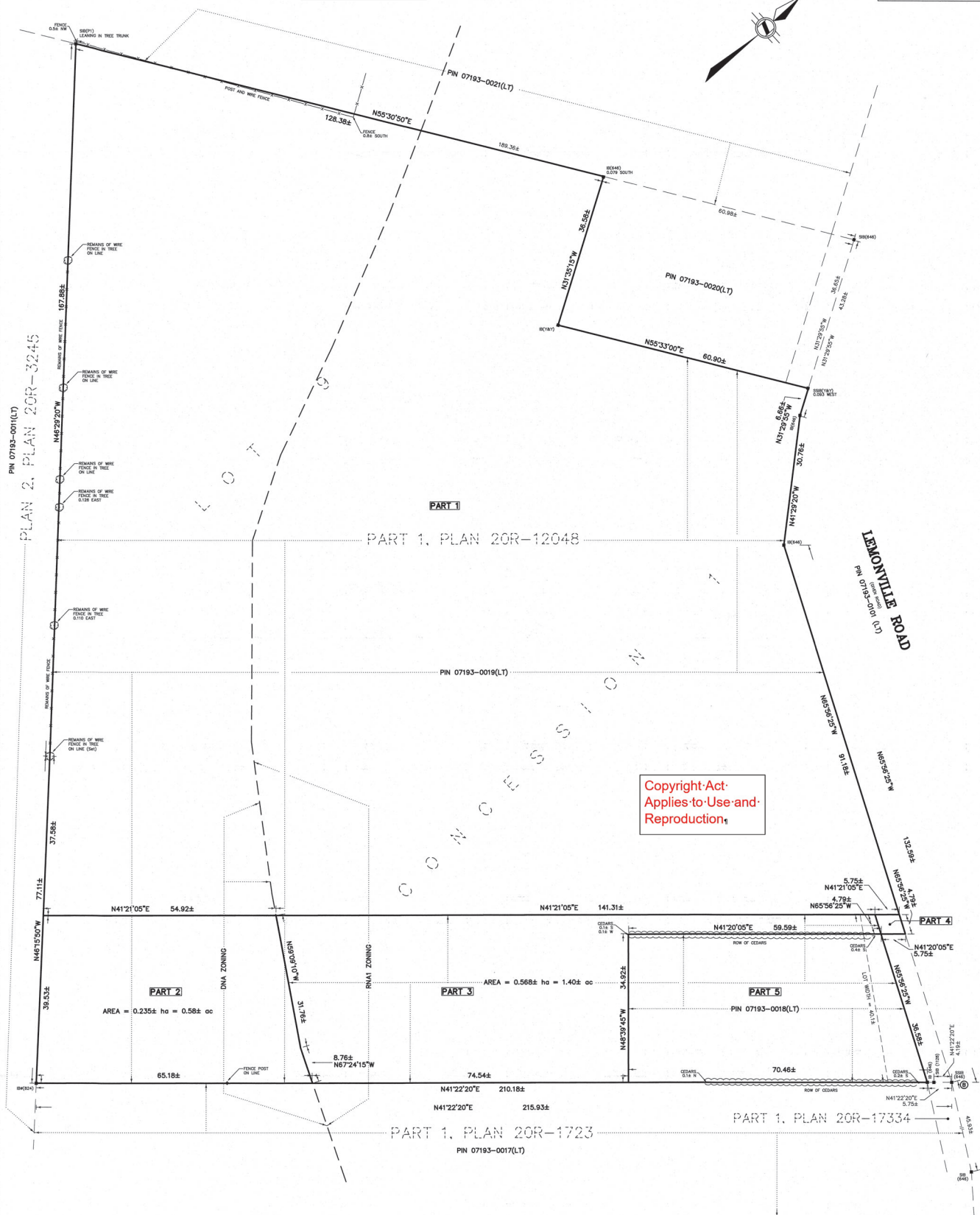
REPRESENTATIVE FOR
LAND REGISTRY FOR THE LAND
TITLES DIVISION OF HALTON (No. 20)

I REQUIRE THIS PLAN TO BE
DEPOSITED UNDER THE LAND
TITLES ACT.

Date June 4, 2022


SUSAN MCLAREN, O.L.S.

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Reproduction



BEARING NOTE:
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED
REFERENCE POINTS A AND B, BY REAL TIME NETWORK
OBSERVATIONS, UTM ZONE 17, NAD83 (CORS) (2010.0)

NOTE:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999988468

INTEGRATION DATA		
OBSERVED REFERENCE POINTS (ORP's): UTM ZONE 17, NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY PER SEC. 14(2) OF OREG. ZEN. 218.10		
POINT ID	NORTHING	EASTING
ORP ①	4790596.641	591311.750
ORP ②	47905542.621	591432.762
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

PART NUMBER	AREA
PART 1	3.103h ha
PART 2	0.250h ha
PART 3	0.341h ha
PART 4	0.003h ha
PART 5	0.555h ha

LEGEND:

□	DENOTES	MONUMENT SET
■		MONUMENT FOUND
IS	*	IRON BAR
SSB	*	STANDARD IRON BAR
SSB	*	SHORT STANDARD IRON BAR
646	*	R.G. SEWELL, O.L.S.
824	*	A.T. MULAREN, O.L.S.
P1	*	PLAN 20R-12048
Y&Y	*	YATES & YATES LTD.
Mad	*	MEASURED
≡	*	NOT TO SCALE

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

 **A.T. McLaren Limited**
LEGAL AND ENGINEERING SURVEYS
69 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B9
PHONE (905) 527-8559 FAX (905) 527-0032