

# COMMITTEE OF ADJUSTMENT

MEETING #16

MINUTES

September 13, 2023

MEETING:	Held on September 13, 2023, Virtually via Zoom Video Conferencing Technology at 5:30 P.M.	
PRESENT:	J. Riddell	- Chair
	V. Tinti	- Vice Chair
	A. Rawlings	- Alt. Member
	F. Capuano	- Member
	E. Westerhof	- Alt. Member
	C. Susidko-Petriczko	- Secretary-Treasurer
	E. Shacklette	- Committee of Adjustment Clerk
	T. Evershed	- Interim Supervisor of Site Plan Review
	M. Dalrymple	- Planner, Site Plan Review
ABSENT:	N. Leblovic – Member	
	H. Aly – Member	

**1. DECLARATION OF INTEREST:**

**2. REQUEST FOR DEFERRALS:**

**3. CONSENT ITEMS:**

HEARING NO.	FILE NO. 540-02-	ADDRESS
3.1)	A-060/23	Re: 649 Holt Dr., Burlington Ward 1 Pages 1-3
3.2)	A-070/23	Re: 2123 Meadowbrook Rd Burlington Ward 3 Pages 4-6
3.3)	A-021/23	Re: 1123 Stanley Dr., Burlington Ward 3 Pages 7-9

- 3.4) A-022/23 Re: 5519 Romanwood Cres.,  
Burlington  
Ward 5  
Pages 10-13
- 3.5) A-049/23 Re: 2010 Appleby Line,  
Burlington  
Ward 6  
Pages 14-17
- 3.6) A-050/23 Re: 2070 Appleby Line,  
Burlington  
Ward 6  
Pages 18-21

**4. REGULAR ITEMS:**

<b>HEARING NO.</b>	<b>FILE NO. 540-02-</b>	<b>ADDRESS</b>
4.1)	B-002/23	Re: 727 King Rd., Burlington Ward 1 Pages 22-33
4.2)	A-063/23	Re: 727 King Rd., Burlington Ward 1 Pages 34-38
4.3)	A-064/23	Re: 727 King Rd., Burlington Ward 1 Pages 39-42
4.4)	A-075/20	Re: 437 Burlington Ave., Burlington Ward 2 Pages 43-47

**5. OTHER BUSINESS:**

**6.1** Correspondence

**6.2** Items for Discussion

**6.3** Date of Next Meeting

**6.4** Approval of Minutes from the previous Committee of Adjustment meeting

**6. ADJOURNMENT:**

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Chair called the Committee of Adjustment meeting no. 16 to order at 5:30 pm.

Secretary Treasurer advised of housekeeping items.

Chair asked members if there were any declarations of conflict of interest; none

<b>HEARING NO. 1 - FILE NO. 540-02-A-060/23</b>
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**APPLICANT:** Jacob Anthony Karam,  
Justyna Alicja Karam

**PROPERTY:** 649 Holt Dr.,  
PLAN 1137 LOT 3,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

**Proposal:**

The applicant is proposing the renovation and extension of the existing 1-storey covered front porch including replacement of columns, railing and stairs.

**Variance Required:**

To permit a front yard setback of 9.0m instead of the minimum required 10.35m (11m - 0.65m encroachment) for a proposed renovation and extension to a roofed over 1-storey porch including steps and roof overhang, excluding eaves and gutter.

<b>PRESENT:</b>	Cindy McPhee, First Step Design Limited – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 5:35 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: None.

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The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Rawlings seconded.

### Comments from Committee:

Chair asked Members if they had comments on the application:

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

### DECISION 540-02-A-060/2023:

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-060/2023** at **649 Holt Dr., Burlington:**

1. To permit a front yard setback of 9.0m instead of the minimum required 10.35m (11m - 0.65m encroachment) for a proposed renovation and extension to a roofed over 1-storey porch including steps and roof overhang, excluding eaves and gutter.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variance **is** desirable for the appropriate development or use of the property.
- 4) The requested variance **is** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential dwelling was

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desirable and appropriate use of the subject property and was a good development proposal for the City.

CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

This variance is for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

- 1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

- 1. A building permit is required for all construction.
- 2. A grading and drainage clearance certificate and forestry permit may be required.

The decision of the Committee is subject to a 20 day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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**HEARING NO. 2 - FILE NO. 540-02-A-070/23**

APPLICANT: Shelley Anne Shaw,  
Simon Andrew Shaw

PROPERTY: 2123 Meadowbrook Rd.,  
PLAN 1362 LOT 99,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

Proposal:

The applicant is proposing to recognize an existing non-conforming south side yard setback of 0.25m to a 14.7m<sup>2</sup> accessory building with a height of 2.78m.

Variances Required:

1. To permit a south side yard setback of 0.2m instead of the minimum required 1.2m for an existing 14.7m<sup>2</sup> rear yard accessory building.

<b>PRESENT:</b>	Shelley Anne Shaw, Simon Andrew Shaw – Owner
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 5:35 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: None.

The Chair asked the Committee for a Motion. Member Rawlings moved for approval with condition; Member Westerhof seconded.

**Comments from Committee:**

Chair asked Members if they had comments on the application:

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Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-070/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-070/2023** at **2123 Meadowbrook Rd., Burlington:**

1. To permit a south side yard setback of 0.2m instead of the minimum required 1.2m for an existing 14.7m<sup>2</sup> rear yard accessory building.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variance **is** desirable for the appropriate development or use of the property.
- 4) The requested variance **is** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential dwelling was desirable and appropriate use of the subject property and was a good development proposal for the City.

This variance is for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

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The decision of the Committee is subject to a 20 day appeal period that starts today.  
The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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**HEARING NO. 3 - FILE NO. 540-02-A-021/23**

APPLICANT: Rakesh Dewan

PROPERTY: 1123 Stanley Dr.,  
 PLAN 381 PT LOT 213,  
 City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

Proposal:

The applicant is proposing the conversion of the basement of the existing detached dwelling into a 87.39 m2 Accessory Dwelling Unit for a total of two dwelling units on the property.

Variances required:

1. To permit the floor area of a proposed accessory dwelling unit to be 47% (87.39 m2) of the total floor area of the residential building instead of the maximum permitted 40% (74.37 m2).

<b>PRESENT:</b>	Jonathan Benczkowski – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 5:45 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: E. Westerhof and Chair asked questions of the agent and staff.

The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

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**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: member acknowledged the proposal has minimal impact on the community; good development and met four tests of *Planning Act*.

V. Tinti supported the application; noted for the following reasons: additional residential unit poses no negative impact; good development and met the four tests of *Planning Act*.

A. Rawlings supported the application; noted for the following reasons: appreciate the changes to the *Planning Act* and staff interpretation; good use of subject property, beneficial for the City for additional dwelling; met the four tests of *Planning Act*.

F. Capuano supported the application; noted for the following reasons: appreciative of staff interpretation; proposal was minor; concurred with colleague comments.

Chair supported the application; noted for the following reasons: appreciated staff discussion regarding parking inquiries; the intent and purpose of the Official Plan Policy and Zoning Bylaw was met; proposal is minor in nature; met the four tests of *Planning Act*.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-021/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported the application and therefore;

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The Committee **GRANTS** the application under **File 540-02-A-021/2023** at **1123 Stanley Dr., Burlington:**

1. To permit the floor area of a proposed accessory dwelling unit to be 47% (87.39 m2) of the total floor area of the residential building instead of the maximum permitted 40% (74.37 m2).

The reasons for the Committee’s decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variance **is** desirable for the appropriate development or use of the property.
- 4) The requested variance **is** minor.

In addition to satisfying the four tests, the Committee’s rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City’s Zoning By-law and Official Plan; the proposed residential dwelling was desirable and appropriate use of the subject property and was a good development proposal for the City.

CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

This variance is for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate and forestry permit may be required.

The decision of the Committee is subject to a 20 day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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<b>HEARING NO. 4 - FILE NO. 540-02-A-022/23</b>
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APPLICANT: Susan Ainsworth-Cochrane,  
Michael Cochrane

PROPERTY: 5519 Romanwood Cres.,  
PLAN M5 LOT 44,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

**Proposal:**

The applicant is proposing the construction of a second storey addition to a two-storey dwelling with attached garage.

**Variances required:**

1. To permit a north-west side yard setback of 1.2 m instead of the minimum required 1.8 m for a proposed second storey addition to a two-storey dwelling with attached garage.
2. To permit an existing internal garage depth of 5.1 m instead of the minimum required 6 m for interior renovations to an attached garage.
3. To permit an existing internal unobstructed depth of 5.1 m instead of the minimum required 5.5 m for interior renovations to an attached garage.

<b>PRESENT:</b>	Elise Brownlee, Shore and Co. – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	Letter of Concern from Marc Labrie of 5521 Romanwood Cres.
<b>HEARING:</b>	Started at approximately 6:00 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: A. Rawlings asked questions of the agent and staff.

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The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: based on evidence, site inspect, review of staff report and discussion, member made the informed decision to support the application; met the four tests of *Planning Act*.

V. Tinti supported the application; noted for the following reasons: in agreement with Member Rawlings comments; provided the nature of the community response, it would have been positive to reach out to neighbours and discuss development; application met the four tests of *Planning Act*.

A. Rawlings supported the application; noted for the following reasons: proposal works well with the streetscape and community; acknowledged the proposal as good development; application met the four tests of *Planning Act*.

F. Capuano supported the application; noted for the following reasons: acknowledged concerns posed by public will be dealt with other departments in due course; concurred with staff report; met the four tests of *Planning Act*.

Chair supported the application; noted for the following reasons: concurred with all colleague comments especially Member Rawlings and Member Tinti; met the four tests of *Planning Act*.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-022/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and

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final decision on this matter; Members unanimously supported the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-022/2023** at **5519 Romanwood Cres., Burlington:**

1. To permit a north-west side yard setback of 1.2 m instead of the minimum required 1.8 m for a proposed second storey addition to a two-storey dwelling with attached garage.
2. To permit an existing internal garage depth of 5.1 m instead of the minimum required 6 m for interior renovations to an attached garage.
3. To permit an existing internal unobstructed depth of 5.1 m instead of the minimum required 5.5 m for interior renovations to an attached garage.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variance **is** desirable for the appropriate development or use of the property.
- 4) The requested variance **is** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential dwelling was desirable and appropriate use of the subject property and was a good development proposal for the City.

**CONDITIONS:**

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

These variances are for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate and forestry permit may be required.

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The decision of the Committee is subject to a 20 day appeal period that starts today.  
The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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<b>HEARING NO. 5 - FILE NO. 540-02-A-049/23</b>
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APPLICANT: Riocan Holdings Inc.,  
9182071 Canada Inc.

PROPERTY: 2010 Appleby Line,  
CON 1 SDS PT LOT 6 RP 20R19755 PARTS  
13,14,15,16,17,18,19,20,21,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

**Proposal:**

The applicant is proposing the expansion of a garden centre compound and the relocation of a 117m<sup>2</sup> garden frost shader building that is proposed to be partially located on the subject lands at 2010 Appleby Line, which is part of the retail centre (Canadian Tire) at 2070 Appleby Line.

**Variations required:**

1. To permit outside storage at 2010 Appleby Line that is associated with the retail use on the abutting property to the north, at 2070 Appleby Line, whereas outdoor storage is required to be associated with a permitted retail use on 2010 Appleby Line.
2. To permit a building height of one storey instead of the minimum required two-storeys for the proposed frost shader building.

<b>PRESENT:</b>	Safin Chowdhury, Arcadis (IBI Group) – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 6:20 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

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Chair asked if any Members had any questions: Chair asked questions of the agent and staff.

The Chair asked the Committee for a Motion. Member Capuano moved for approval with condition; Member Westerhof seconded.

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: concurred with comments expressed by colleagues; met the four tests of *Planning Act*.

V. Tinti supported the application; noted for the following reasons: application is minor in nature; member appreciated the additional questions and discussion; application met the four tests of the *Planning Act*.

A. Rawlings supported the application; noted for the following reasons: concurred with the comments expressed by colleagues; agreed this development is a practical option for the retail space to expand and utilize space; concurred with staff report and met the four tests of the *Planning Act*.

F. Capuano supported the application; noted for the following reasons: application is minor in nature and met the four tests of the *Planning Act*.

Chair supported the application; noted for the following reasons: echoed with the comments expressed by colleagues; concurred with staff report and met the four tests of the *Planning Act*.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-049/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and

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final decision on this matter; Members unanimously supported the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-049/2023** at **2010 Appleby Line, Burlington**:

1. To permit outside storage at 2010 Appleby Line that is associated with the retail use on the abutting property to the north, at 2070 Appleby Line, whereas outdoor storage is required to be associated with a permitted retail use on 2010 Appleby Line.
2. To permit a building height of one storey instead of the minimum required two-storeys for the proposed frost shader building.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variances **are** desirable for the appropriate development or use of the property.
- 4) The requested variances **are** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed retail use was desirable and appropriate use of the subject property and was a good development proposal for the City.

**CONDITIONS:**

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

These variances are for the life and repair of the mixed use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

1. A building permit is required for all construction.

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The decision of the Committee is subject to a 20 day appeal period that starts today.  
The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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<b>HEARING NO. 6 - FILE NO. 540-02-A-050/23</b>
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APPLICANT: Canadian Tire Properties Inc

PROPERTY: 2070 Appleby Line,  
CON 1 SDS PT LOT 6 RP 20R19755 PARTS  
6,7,8,9,10,11,12,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

**Proposal:**

The applicant is proposing the construction of a two-storey rear addition of the existing retail store, garden centre compound expansion and the relocation of a 117m<sup>2</sup> garden frost shader building, that is partially located on the adjacent lands at 2010 Appleby Line. The garden centre and frost shader are part of the subject lands retail centre (Canadian Tire) at 2070 Appleby Line.

**Variances required:**

1. To permit a building height of one storey instead of the minimum required two-storeys for the proposed frost shader building.
2. To permit the second storey of the proposed addition to be 14% of the floor area of the first storey instead of the minimum required 50% (4,330.5m<sup>2</sup>) of the floor area of the first storey.
3. To permit a revised parking area containing 28 parking spaces that are not separated by a 3m landscape area whereas the Zoning By-law requires parking lots to be divided into parking areas of 225 spaces maximum and separated from adjoining parking areas by a 3m landscape area.

<b>PRESENT:</b>	Safin Chowdhury, Arcadis (IBI Group) – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 6:33 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

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Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: A. Rawlings, F. Capuano and Chair asked questions of the agent and staff.

The Chair asked the Committee for a Motion. Member Rawlings moved for approval with condition; Member Capuano seconded.

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: concurred with Member Tinti; based on a site inspection, evidence in the report and application the application satisfies the four tests of the *Planning Act*.

V. Tinti supported the application; noted for the following reasons: development is logical; application meets the four tests of the *Planning Act*.

A. Rawlings supported the application; noted for the following reasons: concurred with colleagues and staff report; good development and the application meets the four tests of the *Planning Act*.

F. Capuano supported the application; noted for the following reasons: concurred with colleagues and staff report; development is minor, and the application meets the four tests of the *Planning Act*.

Chair supported the application; noted for the following reasons: concurred with colleagues and staff report; the application meets the four tests of the *Planning Act*.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-050/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written

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submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members supported the application and, therefore;

The Committee **GRANTS** the application under **File 540-02-A-050/2023** at **2070 Appleby Line, Burlington**:

1. To permit a building height of one storey instead of the minimum required two-storeys for the proposed frost shader building.
2. To permit the second storey of the proposed addition to be 14% of the floor area of the first storey instead of the minimum required 50% (4,330.5m<sup>2</sup>) of the floor area of the first storey.
3. To permit a revised parking area containing 28 parking spaces that are not separated by a 3m landscape area whereas the Zoning By-law requires parking lots to be divided into parking areas of 225 spaces maximum and separated from adjoining parking areas by a 3m landscape area.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variances **are** desirable for the appropriate development or use of the property.
- 4) The requested variances **are** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed retail use was desirable and appropriate use of the subject property and was a good development proposal for the City.

## CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

These variances are for the life and repair of the mixed use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

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1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

1. A building permit is required for all construction.

The decision of the Committee is subject to a 20 day appeal period that starts today.  
The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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<b>HEARING NO. 7 - FILE NO. 540-02-B-002/23</b>
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APPLICANT: 1000253081 Ontario Inc

PROPERTY: 727 King Rd.,  
CON BF PT LOT 1,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Consent to the requirements of the Zoning By-Law 2020, as amended, as follows:

**Proposal:**

The applicant is proposing to sever the property to create one new interior lot fronting onto King Rd. The existing property is developed with a 2 ½ storey detached dwelling with a deck, pergola and pool. The existing dwelling is proposed to remain with additions proposed.

<b>PRESENT:</b>	Michael Barton, MB1 Development Consulting – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	Letter of Opposition from Ashley Taylor and Dan Taylor of 623 Greenwood Dr. Letter of Opposition from Jennifer and Edward Hadzocos of 635 Greenwood Dr. Letter of Concern from Jaskarn Sahota and spouse of 715 King Rd.
<b>HEARING:</b>	Started at approximately 7:00 pm

**Discussion:**

Chair noted pertinent details outlined in the application and on the plans and evidence received.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: A. Rawlings and Chair asked questions of the agent and staff.

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The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: creation of lot is compatible with the community provided the variety of lot sizes and configurations within the surrounding community; member acknowledged thoughtful design of proposed development; proposed garage has thoughtful placement; the position of the garage mitigates flash and glare from vehicle parking from neighboring properties; development is reasonable.

V. Tinti supported the consent application; noted for the following reasons: acknowledged Agent made a good presentation; concurred with staff report and acknowledged good use of development.

A. Rawlings supported the consent application; noted for the following reasons: reasonable development and good use of land; concurred with staff report regarding consent proposal.

F. Capuano supported the application; noted for the following reasons: concurred with staff report, discussion and agreed the proposal is good development; consent meets the four tests of the *Planning Act*.

Chair supported the consent application; noted for the following reasons: concurred with members; acknowledged Agent's good presentation; the proposal meets the provincial criteria and aligns with provincial policies.

Chair called a vote; Members unanimously supported the consent application and therefore the decision was carried; Consent application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

**DECISION:**

Having considered the matters set out under Sections 53 (1), 53(12), and 51(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported the application and therefore;

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The Committee GRANTS the application under File 545-02-B-002/2023 at 727 King Rd. as follows:

To sever a parcel of land to allow for the conveyance of a new lot.

Retained Parcel (Part 1): Lot width:29.64 m, Lot Area: 901.1m<sup>2</sup>

Severed Parcel (Part 2): Lot width: 27.05m, Lot Area: 755.4m<sup>2</sup>

**CONDITIONS OF PROVISIONAL CONSENT:**

Subject to the conditions listed on Schedule "A" of this decision and those listed below:

(the following condition is required if variances are need for the consent

1. All variances under file File: 545-02-A-063/2023 and File: 545-02-A-064-2023 are finalized.
2. The existing attached garage, deck, pergola and pool are required to be removed prior to final consent.
3. Prior to final Consent approval, and to the satisfaction of Halton Region, the owner is required to submit to the Region of Halton an executed/commissioned Environmental Site Screening Questionnaire (ESSQ).

Please be advised of the following Notes:

- 1) The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent have not been fulfilled on or before the lapsing date which is two years from giving of notice. This two-year period is a maximum and cannot be extended.
- 2) The decision of the committee is subject to a 20 day appeal period that starts from the date of the mailing of the Decision. The Secretary Treasurer will mail a copy of the decision within 15 days of approval of the consent.
- 3) The Owner is advised that once all conditions have been satisfied and the final consent for the severance has been granted the Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their detailed servicing drawings, to review any water and wastewater servicing concerns, obtain a Services Permit(s) 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, will 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 utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.
- 4) A building permit is required for all future development.

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- 5) A grading and drainage clearance certificate and forestry permit may be required for all future development.

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## Schedule "A" for File at 727 King Rd.:

- 1) The Applicant shall provide a copy of the draft reference plan prepared by an OLS to the Secretary – Treasurer for review and approval prior to depositing the plan; and
- 2) The Applicant shall provide confirmation from an Ontario Land Surveyor that the severed and retained parcels, in their final configuration, meets all the requirements of the applicable Zoning By-law, and that the Secretary-Treasurer receive written confirmation that this condition has been satisfied to the satisfaction of the Zoning Coordinator or designate; and
- 3) The Applicant shall provide two copies of the Deposited Reference Plan to the satisfaction of the Secretary – Treasurer; and
- 4) The Applicant shall provide a copy of the wording for the certificate of official to the satisfaction of the Secretary – Treasurer; and
- 5) The Applicant shall make payment of any outstanding property taxes including all installments levied at the time of the issuance of Consent;
- 6) The Applicant shall commute all local improvements; if required.
- 7) The Applicant shall provide pay cash in lieu of park dedication in an amount to be determined by the Manager of Realty Services based on the current park dedication policy at that time.
- 8) The Applicant shall submit to Halton Region a completed Regional Environmental Site Screening Questionnaire, and any addition material requested by the Region as determined by the review of the Questionnaire (i.e., Phase 1, Phase 2, and a RSC).
- 9) The Applicant shall provide, to the satisfaction of Halton's Legislative and Planning Services Department Development Project Manager, documentation demonstrating that the existing water and wastewater (sanitary) services to the severed lots and the retained lot, do not cross the proposed lot lines. Any services that are found to cross the proposed lot lines must be relocated at the owner's expense prior to final consent approval.
- 10) **The Applicant shall enter into an agreement under Section 53** of the *Planning Act* or any other agreement required by the City Solicitor dealing with all the facilities or matters, approval of plans and drawings and the conditions set out herein:
11. The Applicant shall provide an overall servicing, grading and drainage plan for both the severed and retained parcel, for approval, which proves that stormwater drainage can be managed by each lot independently. The plans shall be stamped and signed by a Professional Engineer or an Ontario Land Surveyor and shall include the following for both the severed and retained parcels:
  - a. Proposed maximum building envelope and setbacks from property lines;
  - b. Proposed top of foundation wall and finished floor elevations;
  - c. Existing and proposed ground elevations;
  - d. Existing ground elevations on adjacent properties and road allowances to sufficiently determine existing drainage patterns;
  - e. Demonstrate that drainage will be independently controlled within the property limits of both the severed and retained parcels, by use of swales (with subdrain if swale gradient is less than 2%), soak-away pit, rear yard catchbasins, etc.;

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- f. Existing and proposed service connection locations;
- g. Existing and proposed driveway locations (which must maintain a 1.2 metre clearance from above ground utilities) and slopes;
- h. Existing and proposed retaining walls;
- i. Existing and proposed fence;
- j. Existing trees with base elevations (both private and City owned), including diameter at breast height. Please indicate which trees, if any, are to be removed;
- k. Existing and proposed utility poles and boxes; and
  - l. Closest municipal hydrant. Please either show the location on the plan or indicate the location with a note.

12. The Applicant shall provide any necessary supporting documentation (i.e., geotechnical investigation, stormwater management report, etc.) for the overall servicing, grading and drainage plan for both the severed and retaining parcel, for approval. The supporting documentation shall be certified by the appropriate professionals.

13. The Applicant shall complete the installation of any approved drainage system appurtenances, including but not limited to any approved catchbasins and storm sewers, to the satisfaction of the Director of Engineering Services. A Trench Excavation Permit for works within the road allowance shall be secured from the Engineering Services Department before any vegetation is disturbed or any grading or construction commenced, if necessary. Restoration of the road allowance shall be in accordance with the approved plan and City Standards.

14. The Applicant shall enter into an easement agreement, that is in favour of the City of Burlington and to the satisfaction of the Director of Engineering Services and the City Solicitor, for inspection and maintenance of the approved drainage system appurtenances, if applicable. An easement will only be required if one (1) rear yard catchbasin is proposed to service two (2) or more properties and will be predominately used by City staff for inspection of the approved drainage system appurtenances. Any easement shall be shown on the approved plan and shall be registered against the title of the property. Please be advised that any approved drainage system appurtenances shall be owned and maintained by the owner of the subject property and at their sole expense. Please be advised that if in the future, upon inspection by City staff, it is determined that maintenance of the approved drainage system appurtenances has not been completed by the property owner and is required, the City has the right to enter the property to complete required maintenance. Please be advised that any costs associated with any required maintenance that is completed by the City will be charged back to the property owner, which may include being charged to the tax account for the property.

15. The Applicant shall enter into an agreement under Section 53 of the *Planning Act* or any other agreements required by the City Solicitor dealing with all the facilities or matters, approval of plans and drawings and the conditions set out herein:

Carry out the following to the satisfaction of the Director of Engineering Services and the Director of Community Planning:

Prior to applying for a Building Permit for the new dwelling, obtain a Grading and Drainage Clearance Certificate from Engineering Services.

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For the issuance of a Grading and Drainage Clearance Certificate the following will be required for each lot:

- A Grading and Drainage Clearance Certificate application fee;
- A refundable grading, drainage and site maintenance deposit in an amount to be determined for the completion of the approved grading and servicing site work and to ensure that the site is maintained and the road allowance is not damaged during construction, to the satisfaction of the Director of Engineering Services;
- A detailed servicing, grading and drainage plan, for approval, which conforms to the overall servicing, grading and drainage plan and shows the proposed building envelop, grading, drainage, servicing layouts and required driveway changes;
- Erosion and sediment control for the disturbed ground area. Please show the necessary erosion and sediment control on the plan;
- An Entrance Permit for any new driveway curb depressions; and
- A Tree Permit and security for the protection of City trees. Please show the necessary tree hoarding on the plan (as per City Standard SS12A) for all trees which are to be protected.

**NOTE FOR LEGAL DEPARTMENT:**

The following standard conditions are to be included in the Section 53 Agreement:

**GENERAL WORKS AND CONDITIONS**

The Owner agrees that:

- i. The subject property (hereinafter referred to as the "Lands") shall only be developed in accordance with the plans approved by the Director of Engineering Services (hereinafter referred to as the "Plans"). No modification of the Plans shall be permitted without prior written approval of the City;
- ii. A permit or other authorizing documentation shall be obtained from the Public Works Department of the Regional Municipality of Halton allowing for the connection of the development specified in the Plans to Regional Municipality of Halton water and waste water services or in the event that such services are not available, that the Owner shall obtain a certificate or other authorizing documentation from the Health Department of the Regional Municipality of Halton permitting the development outlined in the Plans to be serviced using private services;
- iii. All costs associated with the relocation of existing services or utilities shall be borne by the Owner;
- iv. A Trench Excavation Permit for works within the road allowance shall be secured from the Engineering Services Department before any vegetation is disturbed or any grading or construction commenced, if necessary;

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- v. An Entrance Permit for construction of a new driveway entrance within the road allowance shall be secured from the Engineering Services Department before any vegetation is disturbed or any grading or construction commenced, if necessary;
  - vi. A Site Alteration Permit (as per By-law 64-2014, as amended) shall be secured from the Engineering Services Department before any vegetation is disturbed or any grading or construction commenced, if necessary;
  - vii. A Tree Permit (as per By-law 68-2013, as amended) shall be secured from the Roads, Parks & Forestry Department before any vegetation is disturbed or any grading or construction commenced, if necessary. The Owner shall provide continuous and careful protection of existing City trees, as per City of Burlington Tree Protection and Preservation Specification No. SS12A, as amended, to minimize negative impacts to existing City trees until all construction, grading and other works contemplated in the Plans are fully completed. During the said time period, care shall also be taken by the Owner to store construction materials and park construction vehicles outside of the municipal right-of-way and to the satisfaction of the City Arborist;
  - viii. Noncompliance with the City's tree protection and preservation requirements or removal of the tree protection without the approval of the City Arborist will result in the loss of the associated securities. The security deposit shall be returned to the Owner if the City trees are deemed not injured or damaged by the City Arborist, otherwise the deposit shall be retained by the City, indefinitely, for the on-going maintenance, preservation and/ or eventual replacement of the tree;
  - ix. Throughout the duration of construction, the Lands shall be maintained in a safe and orderly condition, construction debris shall be contained and removed on a regular basis and appropriate temporary fencing, barriers and signage shall be utilized to prevent injury to persons and/ or property to the satisfaction of the City. Where construction is being undertaken within an existing developed area or on an existing developed site, the Owner will ensure that the functioning of the surrounding area, including pedestrian and vehicular movement, is maintained;
  - x. Throughout the duration of construction, all streets abutting the Lands and to be used for access shall be kept in good and usable condition and, if damaged, will be restored immediately and to the satisfaction of the Director of Engineering Services. All costs associated with restoration of the streets shall be borne by the Owner. The Owner's failure to complete the restoration works in a period of time deemed satisfactory to the Director of Engineering Services may result in the necessary works being carried out by the City's contractor and charged against associated securities;
  - xi. Provide continuous and careful control measures to minimize dust emanating from the Lands until all construction, grading and other works contemplated in the Plans are fully completed. During the said time period, care shall also be taken by the Owner to minimize the tracking of soil/ material onto municipal road allowance. The Owner shall expeditiously suppress dust or remove all soil/ material from the municipal road allowance when requested to do so by City inspection staff and to the satisfaction of the Director of Engineering Services;
  - xii. Throughout the duration of construction, tires of all vehicles/ equipment leaving the Lands are to be scraped during wet conditions;

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- xiii. Roads are to be flushed and swept on Friday afternoons;
- xiv. Silt control measures, to the satisfaction of the Director of Engineering Services, shall be provided by the Owner until all construction, grading and other works contemplated in the Plans are fully completed, to prevent silt or other substances entering onto adjacent properties, roads, sewers or watercourses from the Lands. Plans to control silt will be provided to the City's Director of Engineering Services for review and approval before any vegetation is disturbed or any grading or construction commenced
- xv. Throughout the duration of construction, noncompliance with the City's dust/soil/ silt control requirements or any and all damage to lands other than the Lands of the Owner caused or as a result of anything done in connection with the construction as set out in the Plans shall be remediated and repaired at the direction of the Director of Engineering Services and all work in connection thereto shall be borne by the Owner. Should the Owner fail to comply with said direction, the City may, in its discretion, remediate and repair damage using securities collected and/or pursue remedies as set out in section 446 of the Municipal Act, S.O.2001, as amended;
- xvi. Should construction require or otherwise cause the normal flow of traffic on a street to be disrupted, the provisions of the Ontario Traffic Manual, Book7 (Temporary Conditions), as amended, shall be followed at all times, including but not limited to the appropriate traffic control person(s) and related signage. More particularly, the City requires:
- i) two flag person(s) shall be dedicated to direct construction vehicles into and out of the Lands at all times;
  - ii) at the discretion of the Director of Transportation Services, pay duty police officers provided by the Halton Regional Police Service may be required to direct traffic. All costs associated with the requirement for pay duty police officers shall be borne by the Owner;
  - iii) traffic lanes shall not be closed completely. Lane closures and/ or restrictions require the approval of the Director of Transportation Services;
  - iv) lane closures and/ or restrictions shall be communicated in advance to outside agencies, including Burlington Transit, Burlington Fire Department, Region of Halton Land Ambulance Services, Halton Regional Police Service and Ontario Provincial Police;
- xvii. Throughout the duration of construction, should any adverse environmental impact to the Lands be discovered or occur the Owner agrees to inform the City of Burlington/ Regional Municipality of Halton/ Ministry of the Environment and Climate Change and immediately retain a qualified environmental consultant to investigate, report and remediate, as may be required, all in compliance with Ontario Regulation 153/04, as amended;
- xviii. Disposal of excavated material from the Lands will comply with a preapproved haulage route to the satisfaction of the Director of Engineering Services. The haulage route will be monitored twice daily (at noon and end of work day) to ensure the route is clean. Should unforeseen problems arise, remedial action will be taken to the satisfaction of the Director of Engineering Services;
- xix. Upon completion of construction, all municipal boulevards will be sodded at the expense of the Owner with minimum 150 mm of topsoil and No. 1 Nursery Sod. Prior to

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sodding on the Lands and/ or municipal boulevards, Engineering Services staff will be called for inspection.

**MAINTENANCE**

The Owner agrees that:

- i. All weeping tiles shall be pumped as per the City's stormwater management policy. Sump pumps shall discharge onto permeable areas via concrete splash pads or extensions and not onto walkways, driveways, parking lots, etc. Sump pumps which cannot discharge onto permeable areas may connect to the storm sewers on the Lands with written approval from the Director of Engineering Services;
- ii. All downspouts shall discharge onto permeable areas via concrete splash pads or downspout extensions and not onto walkways, driveways, parking lots, etc.. All downspouts which cannot discharge onto permeable areas shall be connected to the storm sewers on the Lands;
- iii. The Owner shall re-establish grass or other vegetation on all disturbed or graded areas on the Lands as quickly as possible after a disturbance;
- iv. Stormwater management controls are not to be removed or altered without prior approval from the City of Burlington. The Owner further acknowledges that removal or alteration of stormwater management controls, without the prior written authorization of the Director of Engineering Services, may result in flooding within the Owner's building and/ or on the Lands as well as lands external to the Owner's;
- v. Should changes to the approved lighting be necessary details will be provided for approval to the satisfaction of the Director of Engineering Services;
- vi. Should the approved lighting be identified as a problem by the Director of Engineering Services on adjacent properties or right-of-ways, the Owner will implement appropriate remedial measures to the satisfaction of the Director of Engineering Services.

**PERFORMANCE**

- i. The Owner will be required to deposit with the City securities satisfactory to the Director of Engineering Services (hereinafter referred to as the "Performance Guarantee") in an amount to be determined for:
  - i) completion of the Site Works in conformity with the provisions of this Agreement; and
  - ii) performance and satisfaction of any other provision of this Agreement.
- ii. The Owner agrees that, prior to the release of the required securities held by the City, the Site Works and all other things are to be completed and/ or provided by the Owner and to the satisfaction of the Director of Engineering Services;
- iii. The Performance Guarantee provided shall be released by the City when the Site Works set out in the Plans and all other acts, matters or things required to be done under the provisions of the agreement are finally completed by the Owner and approved by the Director of Engineering Services.
- iv. In the event that the Owner:
  - i) fails to complete, repair or maintain the Site Works to the satisfaction of the City; or
  - ii) fails to do any other act, matter or thing required to be done, under the provisions of this Agreement to the satisfaction of the City;

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the City may, at its sole discretion, cause a notice in writing to be served on the Owner specifying such default and requiring that same be remedied forthwith and if no action satisfactory to the City to remedy such default is taken by the Owner within seven (7) days after the service of such notice, the City has and is hereby given right to do and perform any and all matters and things that may be in default as stated in the notice at the expense of the Owner and for such purposes, if necessary, to purchase such materials and to purchase or hire such tools or machinery and to employ such contractors or work persons as the City considers necessary to remedy the default.

v. Notwithstanding the notice provisions in Subsection iii., where, in the opinion of the City, any damage to persons or property has been, might be or could be caused directly or indirectly by or by reason of any default of the Owner, the City has and is hereby given the right to remedy such default at the expense of the Owner without notice to the Owner.

vi. The costs of all work done by the City shall be determined by the City, which determination of such costs shall be final and shall include a management fee equal to 20% of the cost of labour, materials and equipment for such work, and all such costs shall forthwith be payable by the Owner to the City.

vii. In the event that the Owner fails to make, on demand in writing by the City, any payment required to be made under the provisions of this Agreement within seven (7) days after the service of notice on the Owner demanding such payment, the City may, at any time thereafter authorize the use of the Performance Guarantee provided by the Owner to pay any monies owed by the Owner to the City or the City may collect any such outstanding amounts in like manner as municipal taxes, pursuant to Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

viii. Where the City supplies any necessary materials or carries out any work, it shall be deemed to have been undertaken and completed by the City as an agent of the Owner and shall not be deemed to be an acceptance of any of the Site Works by the City nor an assumption by the City of any liability in connection therewith, nor a release or discharge of the Owner from any obligation.

ix. The City through its employees, contractors or agents may, at any time and from time to time, enter the Lands and buildings thereon to inspect, maintain, repair or complete any of the Site Works.

**RELEASE AND INDEMNITY**

i. No work, act, matter or thing done or omitted to be done by the City, its officers, employees or agents or City Council, pursuant to or in connection with the property development, shall give rise to any action, claim, counter-claim or demand by the Owner, or the Owner's heirs, executors, administrators, successors or assigns, for damages or compensation of any kind because of such work, act, matter or thing done or omitted to be done by the City, its officers, employees or agents or City Council, pursuant to or in connection with this Agreement.

ii. The Owner agrees to indemnify and forever save harmless the City, its officers employees, and agents and City Council, from any claim, suit, demand, action, costs or causes of action against the City by any other party, arising out of or in connection the property development or any work, act, matter or thing done or omitted to be done by

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the City, its officers, employees or agents or City Council pursuant to or in connection with the property development.

16) The Applicant is advised that once all conditions have been satisfied and the final consent for the severance has been granted, the Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their detailed servicing drawings, to review any water and wastewater servicing concerns, obtain a Services Permit(s) 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, will 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 utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing. The Owner will also be responsible for obtaining all applicable plumbing/building/servicing/excavation/municipal consent etc. permits from the City of Burlington for work they plan to undertake on private property and within the City road allowance.

17) The Applicant will ensure, to the satisfaction of Halton's Public Works Department, that the proposed water and wastewater (sanitary) service connection laterals, will not cross the proposed lot lines.

18) The Applicant is required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017 every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the *Planning Act* have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purpose only. All residential development applicants and every owner of land located in Halton Region assume all of the responsibilities and risks related to the use of the information provided herein. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current information which is subject to change.

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## COMMITTEE OF ADJUSTMENT

MEETING #16

Minutes

September 13, 2023

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**HEARING NO. 8 - FILE NO. 540-02-A-063-2023**

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APPLICANT: 1000253081 Ontario Inc

PROPERTY: 727 King Rd.,  
CON BF PT LOT 1,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

## Proposal:

The proposed severance changes the configuration of the lot and creates variances for the existing 2 ½ storey dwelling. Variances are required for a reduced rear yard setback to the existing dwelling, reduced side yard setback to the existing dwelling, increased dwelling depth and to permit a proposed new attached garage to project beyond the first storey of the dwelling.

## Variances Required:

1. To permit a rear yard setback of 2.1m instead of the minimum required 4.5m for an existing detached dwelling and proposed attached garage.
2. To permit a south-east side yard setback of 1.8m instead of the minimum required 2.964m for an existing detached dwelling and proposed attached garage.
3. To permit an attached garage to project 12.5m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a door facing the 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.
4. To permit a dwelling depth of 19.1m instead of the maximum permitted 18 m measured from building wall closest to front lot line to building wall closest to rear lot line for proposed additions and alterations to an existing detached dwelling.

## COMMITTEE OF ADJUSTMENT

MEETING #16

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<b>PRESENT:</b>	Michael Barton, MB1 Development Consulting – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	Letter of Opposition from Ashley Taylor and Dan Taylor of 623 Greenwood Dr. Letter of Opposition from Jennifer and Edward Hadzocos of 635 Greenwood Dr. Letter of Concern from Jaskarn Sahota and spouse of 715 King Rd.
<b>HEARING:</b>	Started at approximately 7:00 pm

### **Discussion:**

Chair noted pertinent details outlined in the application and on the plans and evidence received.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: A. Rawlings and Chair asked questions of the agent and staff.

The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

### **Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: based on site inspection, presented evidence and staff report, member is satisfied the application met the four tests of the *Planning Act*.

V. Tinti partially supported the application; noted for the following reasons: concurred with Member Rawlings; the garage is a large structure which will diminish the existing streetscape and can not support variance 3; member was in full support of variance 1, 2, and 4.

A. Rawlings partially supported the application; noted for the following reasons: acknowledged concern of variance 3 regarding proposed garage as it will have an impact on the streetscape, the height is excessive and the location was undesirable; undue impact on street; member is in full support of variances 1, 2 and 4 as the met the four tests of the *Planning Act*.

## COMMITTEE OF ADJUSTMENT

MEETING #16

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F. Capuano supported the application; noted for the following reasons: architecture is well done and development is favourable; concurred with staff report; application is minor and met the 4 tests.

Chair supported the application; noted for the following reasons: believed there are alternatives for the proposed garage; Greenwood would suffer a change in character and the change in neighbourhood due to variance 3 and therefore can not support it; supportive of variance 1, 2, and 4 as it meets the four tests of the *Planning Act*.

Chair called a vote; Members unanimously supported variances 1, 2, and 4 application; variance 3 was refused; and therefore the decision was carried; application was partially approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted variances 1, 2 and 4 of the application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing. Majority Committee Members voted against variance 3 and was refused due to the potential of undue impacts it would cause in the neighbourhood.

**DECISION 540-02-A-063/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported variance 1, 2, and 4 of the application and; Majority members did not support variance 3 of the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-063/2023** at **727 King Rd., Burlington:**

1. To permit a rear yard setback of 2.1 metres instead of the minimum required 4.5 metres for an existing detached dwelling and proposed attached garage.
2. To permit a southeast side yard setback of 1.8 metres instead of the minimum required 2.964 metres for an existing detached dwelling and proposed attached garage.
- ~~3. To permit an attached garage to project 12.5 metres beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a door facing the 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.~~

## COMMITTEE OF ADJUSTMENT

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4. To permit a dwelling depth of 19.1 metres instead of the maximum permitted 18 metres measured from building wall closest to front lot line to building wall closest to rear lot line for proposed additions and alterations to an existing detached dwelling.

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variances **are** desirable for the appropriate development or use of the property.
- 4) The requested variances **are** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting variances 1, 2 and 4 of the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential dwelling use was desirable and appropriate use of the subject property and was a good development proposal for the City.

The Committee **REFUSES** the following variance of the application under **File 540-02-A-063/2023** at **727 King Rd., Burlington**:

3. To permit an attached garage to project 12.5 metres beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a door facing the 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.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will not** be maintained.
- 2) The general intent and purpose of the zoning by-law **will not** be maintained.
- 3) The requested variance **is not** desirable for the appropriate development or use of the property.
- 4) The requested variance **is not** minor.

In addition to not satisfying the four tests, the Committee's rationale for refusing variance 3 of the application include: the proposed development was not reasonable and appropriate request; the proposed variances were not in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential use was not desirable and appropriate use of the subject property and poses undue impacts to the neighbouring properties and diminished the character of the area.

### CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

**COMMITTEE OF ADJUSTMENT**

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These variances are for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate for the future dwelling;
2. The existing attached garage, deck, pergola and pool are required to be removed prior to final consent with respect to application B-002-2023 at 727 King Rd.

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate and forestry permit may be required.

The decision of the Committee is subject to a 20 day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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## COMMITTEE OF ADJUSTMENT

MEETING #16

Minutes

September 13, 2023

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**HEARING NO. 9 - FILE NO. 540-02-A-064/2023**

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APPLICANT: 1000253081 Ontario Inc

PROPERTY: 727 King Rd.,  
CON BF PT LOT 1,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

## Proposal:

Variations are required for the proposed dwelling to permit a reduced front yard setback to the dwelling and front porch, a reduced rear yard setback, a reduced west side yard setback, and to permit increased roof overhang encroachments in the west and east side yards.

## Variations Required:

1. To permit a front yard setback of 9.1m instead of the minimum required 11m for a proposed two-storey dwelling with attached garage.
2. To permit a front yard setback of 7.4m instead of the minimum required 10.35m (11 m – 65 cm encroachment) for a proposed 1-storey roofed over porch including steps and overhang excluding eaves and gutter.
3. To permit a rear yard setback of 9.5m instead of the minimum required 10m for a proposed two-storey dwelling with attached garage.
4. To permit a north-west side yard setback of 2.2m instead of the minimum required 2.705m for a proposed two-storey dwelling with attached garage.
5. To permit a south-east side yard encroachment of 0.62m 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.
6. To permit a north-west side yard encroachment of 0.62m 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

MEETING #16

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<b>PRESENT:</b>	Michael Barton, MB1 Development Consulting – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	Letter of Opposition from Ashley Taylor and Dan Taylor of 623 Greenwood Dr. Letter of Opposition from Jennifer and Edward Hadzocos of 635 Greenwood Dr. Letter of Concern from Jaskarn Sahota and spouse of 715 King Rd.
<b>HEARING:</b>	Started at approximately 7:00 pm

### Discussion:

Chair noted pertinent details outlined in the application and on the plans and evidence received.

Michael Barton appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: A. Rawlings and Chair asked questions of the agent and staff.

The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

### Comments from Committee:

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: proposal facilities residential development; through evidence in the staff report, site inspection member acknowledged good development; satisfies the four tests of the *Planning Act*.

V. Tinti supported the application; noted for the following reasons: good addition to the neighbourhood; application met the four tests of the *Planning Act*.

A. Rawlings supported the application; noted for the following reasons: application met the four tests of the *Planning Act*.

F. Capuano supported the application; noted for the following reasons: acknowledged good development; concurred with the curated application and staff report; application met the four tests of the *Planning Act*.

## COMMITTEE OF ADJUSTMENT

MEETING #16

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Chair supported the application; noted for the following reasons: concurred with the staff report; application met the four tests of the *Planning Act*.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted that the variance application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing.

**DECISION 540-02-A-063/2023:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-063/2023** at **727 King Rd., Burlington:**

1. To permit a front yard setback of 9.1m instead of the minimum required 11m for a proposed two-storey dwelling with attached garage.
2. To permit a front yard setback of 7.4m instead of the minimum required 10.35m (11 m – 65 cm encroachment) for a proposed 1-storey roofed over porch including steps and overhang excluding eaves and gutter.
3. To permit a rear yard setback of 9.5m instead of the minimum required 10m for a proposed two-storey dwelling with attached garage.
4. To permit a north-west side yard setback of 2.2m instead of the minimum required 2.705m for a proposed two-storey dwelling with attached garage.
5. To permit a south-east side yard encroachment of 0.62m 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.
6. To permit a north-west side yard encroachment of 0.62m 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.

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.

## COMMITTEE OF ADJUSTMENT

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- 
- 3) The requested variances **are** desirable for the appropriate development or use of the property.
  - 4) The requested variances **are** minor.

## CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

These variances are for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate for the future dwelling;
2. The existing attached garage, deck, pergola and pool are required to be removed prior to final consent with respect to application B-002-2023 at 727 King Rd.

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate and forestry permit may be required.

The decision of the Committee is subject to a 20 day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

\* \* \* \*

*The Chair asked the Committee for a Motion for Recess;  
Member Rawlings moved for approval; Member Capuano seconded;*

## COMMITTEE OF ADJUSTMENT

MEETING #16

Minutes

September 13, 2023

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**HEARING NO. 10 - FILE NO. 540-02-A-075/20**

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APPLICANT: Christopher Graham Jackson

PROPERTY: 437 Burlington Ave.,  
PLAN 74 PT LOT 21,  
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

The applicant is proposing the construction of a rear and side two-storey addition, covered front porch, rear covered deck, internal renovations to the detached dwelling and a two-storey, 136.78m<sup>2</sup> accessory building. The proposed dwelling renovations and additions are to accommodate an accessory dwelling unit on the second floor at the rear of the dwelling and an accessory dwelling unit on the second floor of the accessory building as permitted under Bill 23.

Variations required:

1. To permit a front yard setback of 5.3m instead of the minimum required 5.35m (6m – 0.65m encroachment) for a proposed roofed-over one-storey porch including steps and roof overhang, excluding eaves and gutter.
2. To permit a dwelling depth of 18.8m 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 addition.
3. To permit a 0.7m roof overhang encroachment instead of the maximum permitted 0.5m for the proposed two-storey accessory building.
4. To permit a total floor area of 137m<sup>2</sup> instead of the maximum permitted 50m<sup>2</sup> for the proposed two-storey accessory building.
5. To permit a two-storey accessory building instead of the maximum permitted one-storey.
6. To permit a building height of 8.5m instead of the maximum permitted 4.6m for a proposed 137m<sup>2</sup> two storey accessory building.
7. To permit the combined width of all hard surfaces to be 9.3m instead of the maximum permitted 7.5m for an existing driveway and walkway.

## COMMITTEE OF ADJUSTMENT

MEETING #16

Minutes

September 13, 2023

<b>PRESENT:</b>	Darren Sanger-Smith, Structured Creations Inc. – Agent
<b>MATERIALS:</b>	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
<b>EVIDENCE:</b>	None
<b>HEARING:</b>	Started at approximately 8:05 pm

### **Discussion:**

Chair noted pertinent details outlined in the application and on the plans.

Agent appeared on behalf of the owners and provided evidence in support of the application.

No one appeared before the Committee in support or opposition to the request.

Chair asked if any Members had any questions: E. Westerhof, A. Rawlings, and Chair asked questions of the owner, agent, staff.

Member Tinti advised it would be beneficial for the Applicant to defer the application to get an additional report from staff with clarification. Recommendation was acknowledged however, owner desired a decision from the Committee Members at the hearing.

The Chair asked the Committee for a Motion. Member Westerhof moved for approval with condition; Member Capuano seconded.

### **Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof supported the application; noted for the following reasons: acknowledge the front porch is minor in nature, would benefit the dwelling by providing amenity space; the addition and rear yard will establish building line; four variances regarding the accessory building based on the site inspection, while it may look large, it is appropriate for the subject property; the rear yard has multi-storey behind it and surrounding parking lots; the accessory structure is able to be accommodated and member concurred with staff report regarding same; addition of additional dwelling unit is good planning; overlook from the garage is mitigated, affords privacy from the neighbours; confusion regarding how much parking is required; member acknowledged no letters of concern or objection have been received; application met the four tests of the *Planning Act*.

V. Tinti partially supported the application; noted for the following reasons: concurred with Member Rawlings; there are questions still outstanding and therefore can not support 3, 4, 5, 6; Supportive of variances 1, 2, and 7 as they met the four tests of the *Planning Act*.

## COMMITTEE OF ADJUSTMENT

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A. Rawlings partially supported the application; noted for the following reasons: supported variances 1, 2, and 7 as they are minor; difficult application as there are questions still outstanding; cannot support the variances regarding the proposed accessory building with a dwelling unit on the second floor, variances 3, 4, 5, and 6.

F. Capuano supported the application; noted for the following reasons: through the discussion and presentation and identifying the location and surrounding streetscape, the application is appropriate; Supported all 7 variances due to location and evaluation of file; concurred with staff report.

Chair partially supported the application; noted for the following reasons: planning concerns remain outstanding; supportive of variance 1 and 2; can not support variances 3, 4, 5, and 6, due to lack of clarity regarding corporate position; the request for accessory dwelling unit is too big, too high and the location is not desirable; an existing situation does not make it right, there is a lack of need and desirability for variance 7, for those reasons could not support it.

Chair called a vote; Members unanimously supported variances 1 and 2 of the application; majority of members did not support variances 3, 4, 5, 6 and 7 and therefore; the decision was carried; application was partially approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting; advised of the conditions and 20 day appeal period.

Committee Members unanimously voted variances 1 and 2 of the application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda and evidence presented at the hearing. Majority Committee Members refused variance 3, 4, 5, 6 and 7.

**DECISION 540-02-A-075/2020:**

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended; And after having fully considered any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the *Planning Act*, these have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter; Members unanimously supported variances 1 and 2 of the application; 2 members supported variances 3, 4, 5, 6 and 7 and 3 members did not support variances 3, 4, 5, 6 and 7 the application and therefore;

The Committee **GRANTS** the application under **File 540-02-A-075/2020** at **437 Burlington Ave., Burlington:**

## COMMITTEE OF ADJUSTMENT

MEETING #16

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- 
1. To permit a front yard setback of 5.3m instead of the minimum required 5.35m (6m – 0.65m encroachment) for a proposed roofed-over one-storey porch including steps and roof overhang, excluding eaves and gutter.
  2. To permit a dwelling depth of 18.8m 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 addition.
  - ~~3. To permit a 0.7m roof overhang encroachment instead of the maximum permitted 0.5m for the proposed two-storey accessory building.~~
  - ~~4. To permit a total floor area of 137m<sup>2</sup> instead of the maximum permitted 50m<sup>2</sup> for the proposed two-storey accessory building.~~
  - ~~5. To permit a two-storey accessory building instead of the maximum permitted one-storey.~~
  - ~~6. To permit a building height of 8.5m instead of the maximum permitted 4.6m for a proposed 137m<sup>2</sup> two storey accessory building.~~
  - ~~7. To permit the combined width of all hard surfaces to be 9.3m instead of the maximum permitted 7.5m for an existing driveway and walkway.~~

The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will** be maintained.
- 2) The general intent and purpose of the zoning by-law **will** be maintained.
- 3) The requested variances **are** desirable for the appropriate development or use of the property.
- 4) The requested variances **are** minor.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the proposed development was a reasonable and appropriate request; the proposed variances were in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed residential dwelling was desirable and appropriate use of the subject property and was a good development proposal for the City.

The Committee **REFUSES** the application under **File 540-02-A-075/2020 at 437 Burlington Ave., Burlington:**

3. To permit a 0.7m roof overhang encroachment instead of the maximum permitted 0.5m for the proposed two-storey accessory building.
4. To permit a total floor area of 137m<sup>2</sup> instead of the maximum permitted 50m<sup>2</sup> for the proposed two-storey accessory building.
5. To permit a two-storey accessory building instead of the maximum permitted one-storey.
6. To permit a building height of 8.5m instead of the maximum permitted 4.6m for a proposed 137m<sup>2</sup> two storey accessory building.
7. To permit the combined width of all hard surfaces to be 9.3m instead of the maximum permitted 7.5m for an existing driveway and walkway.

## COMMITTEE OF ADJUSTMENT

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The reasons for the Committee's decision are that:

- 1) The general intent and purpose of the Official Plan **will not** be maintained.
- 2) The general intent and purpose of the zoning by-law **will not** be maintained.
- 3) The requested variances **are not** desirable for the appropriate development or use of the property.
- 4) The requested variances **are not** minor.

In addition to not satisfying the four tests, the Committee's rationale for not supporting the proposed dwelling unit within the proposed accessory building include: the proposed development was not reasonable or appropriate request; the proposed variances were not in accord with the general intent and purpose of the City's Zoning By-law and Official Plan; the proposed accessory dwelling and parking requests were not desirable or appropriate use of the subject property and was not good development proposal for the City.

## CONDITIONS:

The decision of the subject minor variance application is subject to the below conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

This variance is for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

The following conditions must be satisfied within 2 years for the subject site:

1. The Applicant shall apply for a Zoning Clearance certificate;

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate and forestry permit may be required.

The decision of the Committee is subject to a 20 day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

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COMMITTEE OF ADJUSTMENT

MEETING #16

Minutes

September 13, 2023

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**OTHER BUSINESS**

**Correspondence:**

Copies of Minutes for Meeting No. 15 on August 30, 2023

**Date of Next Meeting:**

Wednesday September 27, 2023, at 1:00 p.m., Virtual Meeting Zoom Platform

**Approval of Minutes:**

After conferring with the Members, the Chair directed the minutes of August 30, 2023, be approved as distributed.

**Adjournment:**

The meeting was adjourned at 9:30 p.m.

CERTIFIED CORRECT

CONFIRMED

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C. Susidko-Petriczko  
Secretary-Treasurer

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J. Riddell  
Chair