

COMMITTEE OF ADJUSTMENT

Meeting #11

MinutesJune 26, 2024

Chair called the Committee of Adjustment meeting no. 11 to order at 1:00 pm.

Secretary Treasurer provided introductory remarks; Committee Clerk advised of housekeeping items.

1. **DECLARATION OF INTEREST:** None
2. **ADDENDUMS:** None
3. **DEFERRALS:** None
4. **CONSENT ITEMS:**

Secretary Treasurer invited the public if they wished to speak to an item on the Consent Agenda; None.

Chair invited the Committee Members if they wished to pull an item from the Consent Agenda; 640 Dynes Rd was pulled from the Consent Agenda by Member Westerhof.

Items in the minutes are not represented in chronological order, as per the agenda, but in the order that the Item was heard.

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HEARING NO. 4.2 - FILE NO. 540-02-A-017/24

APPLICANTS: Steven Gray and Jodi Gray

PROPERTY: 891 Long Dr.,
PLAN 810 LOT 46,
City of Burlington, Regional Municipality of Halton.

HAVING REVIEWED 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:

Variations Required:

1. To permit a south-east side yard of 1.8 m instead of the minimum required 2.743 m for a proposed attached garage.
2. To permit a front yard of 10.2 m instead of the minimum required 10.35 m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang, excluding eaves and gutter.

PRESENT:	Steven Gray and Jodi Gray – Owners
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	None
HEARING:	Started at approximately 1:10 pm

This application was placed onto the Consent Agenda for the following reasons:

There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter.

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

Chair turned to Committee for Comments; None.

There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter.

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The Committee, having reviewed this information, considered that the application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda.

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.

DECISION 540-02-A-017/2024:

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 submission related to this application that were made at a public hearing, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter;

The Committee unanimously supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-017/2024** at **891 Long Drive, Burlington:**

1. To permit a south-east side yard of 1.8 m instead of the minimum required 2.743 m for a proposed attached garage.
2. To permit a front yard of 10.2 m instead of the minimum required 10.35 m (11 – 0.65m encroachment) for a proposed 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 variances **are** desirable for the appropriate development or use of the property.
4. The requested variances **are** minor.

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In addition to satisfying the four tests, the Committee’s rationale for supporting the application include: the proposed setback was consistent with the pattern of development in the neighbourhood; the proposed development allowed for continued residential use of the property; the garage addition was only one-storey and is non-habitable space thus reducing spatial impact on the neighbouring property.

CONDITIONS:

The decision of the subject minor variance application is subject to the conditions below. Where applicable, 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:

- 1. The Applicant shall apply for a Pre-building Approval Application.

The Applicant is advised of the following notes:

- 1. A Forestry permit may be required for any and all work around regulated trees in accordance with the City’s Public and Private Tree By-laws.
- 2. An Arborist Report and Tree Preservation Plan may be required.
- 3. A Building Permit is required for all building 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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HEARING NO. 4.3 - FILE NO. 540-02-A-030/24

APPLICANT: Khaled Kabbra

PROPERTY: 559 Walker's Line,
CON 3 SDS PT LOT 10,
City of Burlington, Regional Municipality of Halton.

HAVING REVIEWED an application by the Owner of the above-described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

Variances Required:

1. To permit lot coverage of 27.6% instead of the maximum permitted 25% for a two-storey detached dwelling with attached garage including accessory building.
2. To permit a front yard of 4.3 m instead of the minimum required 6 m for proposed additions and renovations to a detached dwelling.
3. To permit a front yard of 4.1 m instead of the minimum required 5.35 m (6 m – 0.65 m encroachment) for a proposed roofed-over one-storey porch including steps and roof overhang excluding eaves and gutter.
4. To permit a driveway length of 4.9 m instead of the minimum required 6 m.

PRESENT:	Khaled Kabbra – Owner Carlos Salazar – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	None
HEARING:	Started at approximately 1:11 pm

This application was placed onto the Consent Agenda for the following reasons:

There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter.

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

Chair turned to Committee for Comments; None.

There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter. The Committee, having reviewed this information, considered that the application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda.

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.

DECISION 540-02-A-030/2024:

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 submission related to this application that were made at a public hearing, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter;

The Committee unanimously supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-030/2024** at **559 Walker's Line, Burlington:**

1. To permit lot coverage of 27.6% instead of the maximum permitted 25% for a two-storey detached dwelling with attached garage including accessory building.
2. To permit a front yard of 4.3 m instead of the minimum required 6 m for proposed additions and renovations to a detached dwelling.
3. To permit a front yard of 4.1 m instead of the minimum required 5.35 m (6 m – 0.65 m encroachment) for a proposed roofed-over one-storey porch including steps and roof overhang excluding eaves and gutter.
4. To permit a driveway length of 4.9 m instead of the minimum required 6 m.

The reasons for the Committee's decision are that:

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- 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: enhanced the continued use of the property for residential purposes; the design of the dwelling and greater rear and side yard setbacks helped offset any perceived massing impacts related to a partial second storey addition; the reduced driveway length provided adequate space to accommodate 2 vehicles without any negative impact to the City road allowance.

CONDITIONS:

The decision of the subject minor variance application is subject to the conditions below. Where applicable, 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:

- 1. The Applicant shall apply for a Pre-Building Approval Application.

The Applicant is advised of the following notes:

- 1. A Forestry permit may be required for any and all work around regulated trees in accordance with the City’s Public and Private Tree By-laws.
- 2. An Arborist Report and Tree Preservation Plan may be required.
- 3. A Building Permit is required for all building 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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5. REGULAR ITEMS:

HEARING NO. 4.1 - FILE NO. 540-02-A-003/24

APPLICANT: Reece Collin Schofield

PROPERTY: 640 Dynes Rd.,
CON 3 SDS PT LOT 14,
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:

Variance Required:

1. To permit a 0.3 m north-west side yard instead of the minimum required 1.2 m for a proposed one storey attached garage addition.

PRESENT:	Reece Collin Schofield – Owner Camillo Pietrangelo – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	None
HEARING:	Started at approximately 1:12 pm

Discussion:

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

Cam Pietrangelo 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 staff.

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Comments from Committee:

Chair asked Members if they had comments on the application:

E. Westerhof had initial concerns about the reduced setback and initially felt there was not adequate space for access and maintenance, however, supported the application as noted for the following reasons: satisfied that Engineering staff confirmed that the reduced setback was adequate and appropriate; the application met the 4 tests of the *Planning Act*.

V. Tinti supported the application as noted for the following reasons: supported staff report; understood that grading and zoning certificates are still required as part of the pre-building permit process; the application met the 4 tests of the *Planning Act*.

F. Capuano supported the application as noted for the following reasons: concurred with staff report; engineering had no concerns; minor in nature; met the 4 tests of a minor variance.

Chair had initial concerns about the reduced side yard setback for the same reason as Member Westerhof however supported the application as noted for the following reasons: Staff particularly the Engineering Department had no concerns with the reduced setback; application met 4 tests under the *Planning Act*.

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

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

Chair read the decision; advised of the conditions and 20-day appeal period.

DECISION 540-02-A-003/2024:

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 submission related to this application that were made at a public hearing, held under the *Planning Act*, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter;

Committee members unanimously supported the application therefore;

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The Committee **GRANTS** the application under **File 540-02-A-003/2024** at **640 Dynes Rd, Burlington**:

1. To permit a 0.3 m north-west side yard instead of the minimum required 1.2 m for a proposed one storey attached garage addition.

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 location and design of the garage, with its absence of windows on the neighbouring side, helped to mitigate privacy concerns related to the reduced setback; drainage concerns were alleviated due to the roof design which will direct water towards the front and rear of the house rather than towards the side yard.

CONDITIONS:

The decision of the subject minor variance application is subject to the conditions below. Where applicable, 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:

1. The Applicant shall apply for a Pre-Building Approval application.

The Applicant is advised of the following notes:

1. A tree permit may be required for any and all work around regulated trees in accordance with the City's Public and Private Tree By-laws.
2. A building permit is required for all building 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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6. OTHER BUSINESS:

6.1 Correspondence:

Copies of Minutes for Meeting No. on June 12, 2024

6.2 Items for Discussion: None

6.3 Date of Next Meeting:

Wednesday July 10 2024 at 5:30 p.m., Virtual Meeting via Zoom Video Conferencing Technology.

6.4 Approval of Minutes:

After conferring with the Members, the Chair directed the minutes of June 12, 2024 be approved as distributed.

7. ADJOURNMENT:

The meeting was adjourned at 1:27 p.m.

CERTIFIED CORRECT



E. Shacklette
Secretary-Treasurer

CONFIRMED



J. Riddell
Chair