

COMMITTEE OF ADJUSTMENT

Meeting #13

MinutesJuly 24, 2024

Chair called the Committee of Adjustment meeting no. 13 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:** One request for deferral was presented for Item 5.1 at 3426 Lansdown Drive.
- 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; **None**.

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HEARING NO. 4.1 - FILE NO. 540-02-A-018/24

APPLICANT: Halton Development & Non Profit Housing Accom c/o
Garett Turcott

PROPERTY: 2300 Walker's Line,
PLAN M499 BLK 2,
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:

- 1. To permit 2 parking spaces instead of the minimum required 3 parking spaces for the conversion of unit 11 into a community institutional use.

PRESENT:	Halton Community Housing Corporation – Owner Lindsay Fialkov of Cion Coulter – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	Letter of No Objection from Burlington Hydro
HEARING:	Started at approximately 1:06 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; 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.

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DECISION 540-02-A-018/2024:

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 as part of their deliberations and final decision on this matter 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 the public hearing held under the *Planning Act*;

The Committee unanimously supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-018/2024** at **2300 Walker's Line, Burlington:**

1. To permit 2 parking spaces instead of the minimum required 3 parking spaces for the conversion of unit 11 into a community institutional use.

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 parking reduction was reasonable and compatible with the parking requirements of the surrounding uses; the majority of the users of the proposed community institutional use would be local residents; transportation staff had no concerns with the requested variance.

CONDITIONS:

The decision of the subject minor variance application is subject to the following 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 community institutional 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 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 building construction.
2. A grading and drainage clearance certificate may be required.
3. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws.
4. The property is regulated by Conservation Halton. An approval or permit may be required from Conservation Halton prior to initiating any development activities.

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. 5.1 - FILE NO. 540-02-A-023/24

APPLICANTS: John McKay Hemingway and Brenda Willson

PROPERTY: 3426 Lansdown Dr.,
PLAN M216 LOT 22,
City of Burlington, Regional Municipality of Halton.

TO HEAR AND DETERMINE an application by the Owners of the above-described property, for Permission under Zoning By-Law 2020, as amended:

1. To permit the enlargement or extension of a legal non-conforming building under Section 45 (2) of the *Planning Act*, to include a 9.2 m² balcony located above the first storey on a wall facing the rear yard with a setback of 6.7 m.

PRESENT:	John McKay Hemingway and Brenda Willson – Owners Paul Demczak of Batory Planning + Management – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	Letter from Applicant in response to staff report
HEARING:	Started at approximately 1:08 pm

Discussion:

Paul Demczak appeared on behalf of the owners and requested the application be deferred on behalf of his client so they may prepare more details and case law evidence to better support their Section 45(2) application.

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

Chair asked if any Members had any questions: **None.**

Comments from Committee:

Chair asked Members if they had comments on the requested deferral: **None.**

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Chair asked the Committee for a Motion for Deferral with deferral fee. Member Westerhof moved for approval; Member Leblovic seconded.

The Committee unanimously supported the motion for deferral therefore;

MOTION NO. 17/2024

BE IT RESOLVED THAT the application under File: 545-02-A-023/2024 at municipal address 3426 Lansdown Drive be **DEFERRED** at the request of the applicant;

That the \$685.00 deferral fee be **PAID** prior to rescheduling;

That the application (as may be revised) * be proceeded with by July 24, 2025 at the latest (or earlier at the call of the Chair), failing which the Committee will consider the application withdrawn and the file closed.

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HEARING NO. 5.2 - FILE NO. 540-02-A-031/24

APPLICANT: 4301 Palladium Way Inc.

PROPERTY: 4301 Palladium Way,
 PLAN M1066 BLK 295 RP 20R18486 PARTS 1,2,3,
 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:

1. To permit a maximum yard abutting a street (Palladium Way) of 60m instead of the maximum permitted 9m for proposed buildings B-E.
2. To permit an exterior wall length of 148.5m facing a residential zone instead of the maximum permitted 36m for an exterior wall facing a residential zone.

PRESENT:	4301 Palladium Way Inc. – Owner Paul Demczak of Batory Planning + Management – 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.

Paul Demczak appeared on behalf of the owners and provided evidence in support of the application; talked through a presentation summarizing the site layout, expanded on the proposed use and architectural design, layout and location of Building A, which was proposed to abut Palladium Way.

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

Chair asked if any Members had any questions:

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N. Leblovic and E. Westerhof asked questions of the agent. The Chair asked questions of staff and the agent. F. Capuano asked questions of staff.

Comments from Committee:

Chair asked Members if they had comments on the application:

E. Westerhof supported variance 1 but did not support variance 2 as noted for the following reasons: understood the purpose behind the request for variance 1 and that it met the 4 tests of a minor variance under the *Planning Act*. Regarding Variance 2, Member felt the design was good, staggering and breaking up of Building 'A' was good, but still had concerns with the overall length of the façade of Building 'A'; it was not compatible with the nearby residential neighbourhood and not what the community was expecting; Building 'A' was not keeping with the development pattern of the surrounding employment area along Palladium Way.

V. Tinti supported the full application as noted for the following reasons: concurred with Member Capuano's assessment; felt the design was incredible and that it helped to mitigate the appearance of a long front façade for Building 'A'; agreed with the staff report.

F. Capuano supported the full application as noted for the following reasons: supported the staff report; development created more employment for Burlington which was positive; the architectural features of Building 'A' along with the road design of Palladium Way helped to mitigate the width of the front façade; did not feel like there was any benefit to breaking the façade up into multiple buildings.

N. Leblovic supported variance 1 but did not support variance 2 as noted for the following reasons: Felt there should be a condition that Building 'A' should be built first to eliminate the need for variance 1 but understood the technical nature of the variance and felt it met the 4 tests of a minor variance under *The Planning Act*. Member Leblovic shared same concerns as Member Westerhof regarding variance 2; front façade was too long; although he appreciated the design configuration, this did not mitigate the massing of Building 'A'; did not feel variance 2 was desirable or minor in nature.

Chair had some concerns with variance 2 similar to Members Westerhof and Leblovic but ultimately supported the full application as noted for the following reasons: variance 1 was more technical in nature; this was a large development on one site and will take time for completion; wanted Building 'A' to be approved and built first to alleviate any concerns with variance 1; there were no objections from the residents and staff were supportive of the proposal.

At the request of Member Westerhof, variances 1 and 2 were split into two separate votes.

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

The Committee members voted unanimously that Variance 1 met the four tests of the *Planning Act* for similar reasons as the staff reports in the agenda and evidence presented at the hearing.

Three (3) members voted in favour of variance 2, and two (2) members voted against variance 2, therefore a majority of members of the Committee felt it 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-031/2024:

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 as part of their deliberations and final decision on this matter 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 the public hearing held under the *Planning Act*;

The majority of Committee members supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-031/2024** at **4301 Palladium Way, Burlington:**

1. To permit a maximum yard abutting a street (Palladium Way) of 60m instead of the maximum permitted 9m for proposed buildings B-E.
2. To permit an exterior wall length of 148.5m facing a residential zone instead of the maximum permitted 36m for an exterior wall facing a residential zone.

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 development encouraged the expansion of corporate and professional offices; the increase to the maximum setback allowed for a more functional site and helped conceal parking and loading; the architectural features of the front façade of Building 'A' helped to break up what would otherwise be a solid wall facing Palladium Way.

CONDITIONS:

The decision of the subject minor variance application is subject to the following 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 industrial use and ancillary office 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 public tree permit will be required for any and all work around public trees inclusive of the submission and approval of an Arborist Report and Tree Protection Plan.
3. Landscape plans and cost estimates will be required for review and approval as part of Site Plan Application 535-02/23. The applicant shall ensure there is sufficient space along the frontage for 30cubic metres of high-quality soil per tree and that appropriate tree species are selected based on sun exposure and other soil and site use conditions.
4. The property is regulated by Conservation Halton. An approval or permit will be required from Conservation Halton prior to initiating any development activities.
5. A Ministry of Transportation (MTO) Building and Land Use permit is required prior to 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.

6. OTHER BUSINESS:

6.1 Correspondence:

Copies of Minutes for Meeting No. on July 10, 2024

6.2 Items for Discussion:

6.3 Date of Next Meeting:

Wednesday August 7, 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 July 10, 2024 be approved as distributed.

7. ADJOURNMENT:

The meeting was adjourned at 2:10 p.m.

CERTIFIED CORRECT



E. Shacklette
Secretary-Treasurer

CONFIRMED



J. Riddell
Chair