

COMMITTEE OF ADJUSTMENT

Meeting #18

MINUTES

October 9, 2024

MEETING: Held on Wednesday October 9, 2024, virtually via Zoom Video Conferencing Technology at 5:30 P.M.

PRESENT:

V. Tinti	- Vice Chair
N. Leblovic	- Member
F. Capuano	- Member
E. Westerhof	- Member
A. Rawlings	- Alt. Member
E. Shacklette	- Secretary-Treasurer
C. Kabel	- Committee Clerk
J. O'Reilly	- Supervisor of Site Plan Review
R. Kochuta	- Planner, Site Plan Review

ABSENT: J. Riddell - Chair

1. DECLARATION OF INTEREST:

2. ADDENDUMS:

3. REQUEST FOR DEFERRALS:

4. CONSENT ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
4.1)	A-053/2024	Re: 475 Pinedale Ave., Burlington Ward 5 Pages 2-4
4.2)	A-054/2024	Re: 4052 Melba Lane, Burlington Ward 4 Pages 5-7

5. REGULAR ITEMS:

6. 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

7. ADJOURNMENT:

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Chair called the Committee of Adjustment meeting no. 18 to order at 5:30 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; None.

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HEARING NO. 4.1 - FILE NO. 540-02-A-053/24

APPLICANTS Tomasz Kubiak and Sylwia Kubiak

PROPERTY: 475 Pinedale Ave.,
PLAN 1306 LOT 133,
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:

- 1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without an attached garage.

Table with 2 columns: Category (PRESENT, MATERIALS, EVIDENCE, HEARING) and Description (Attendees, Staff reports, Evidence status, Start time).

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 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; 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-053/2024:

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*;

Members unanimously supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-054/2024** at **475 Pinedale Avenue Burlington,**

1. To permit lot coverage of 21.3% instead of the maximum permitted 17% for a two-storey dwelling without 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 dwelling maintained similar design and built form and was sympathetic to neighbouring homes; the addition was for only a portion of the second floor which helped reduce massing impacts; the proposal was within the required height and floor area ratio provisions of the zoning bylaw.

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

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

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate may be required.
3. A tree permit will be required for any and all works around regulated trees in accordance with the City's Tree By-laws.
4. Conservation Halton approval is 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. 4.2 - FILE NO. 540-02-A-054/24

APPLICANTS: Jesse McClure and Jhoanna Reyes

PROPERTY: 4052 Melba Lane,
PLAN 711 LOT 10,
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:

1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.
2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.
3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (11 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.

PRESENT:	Jesse McClure and Jhoanna Reyes – Owners Jenny Bognar of JB Drafting and Design – 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 5:38 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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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-054/2024:

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*;

Members unanimously supported the application therefore;

The Committee **GRANTS** the application under **File 540-02-A-054/2024 at 4052 Melba Lane, Burlington:**

1. To permit a front yard of 10 m instead of the minimum required 11 m for a proposed attached garage addition.
2. To permit an east side yard of 2.1 m instead of the minimum required 2.319 m for a proposed attached garage addition.
3. To permit a front yard of 7.8 m instead of the minimum required 10.35m (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 garage was being built within the existing carport footprint; the setback still maintained separation for privacy, light access and drainage in the side yard; the reduced front yard setback still allowed for retention of adequate landscaping; the front porch provided architectural interest but still maintained harmony with neighbouring properties, and was a functional addition as it allowed for protection from the elements.

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 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 Pre-Building Permit Application

The Applicant is advised of the following notes:

- 1. A building permit is required for all construction.
- 2. A grading and drainage clearance certificate may be required.
- 3. A tree permit may be required for any and all works around regulated trees in accordance with the City’s Tree By-laws.

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 September 25, 2024

6.2 Items for Discussion: None

6.3 Date of Next Meeting:

Wednesday October 23, 2024 at 1:00 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 September 25, 2024 be approved as distributed.

7. ADJOURNMENT:

The meeting was adjourned at 5:45 p.m.

CERTIFIED CORRECT



E. Shacklette
Secretary-Treasurer

CONFIRMED



J. Riddell
Chair