

COMMITTEE OF ADJUSTMENT

Meeting #21

MINUTES

November 20, 2024

MEETING:	Held on Wednesday November 20, 2024 at 1:00 P.M. virtually via Zoom Video Conferencing Technology	
PRESENT:	V. Tinti	- Vice Chair
	F. Capuano	- Member
	A. Rawlings	- Alternate Member
	E. Shacklette	- Secretary-Treasurer
	C. Kabel	- Committee Clerk
	M. Dalrymple	- Planner, Site Plan Review
	J. Puletto	- Manager, Planning Implementation
ABSENT:	E. Westerhof - Member	
	N. Leblovic - Member	
	J. Riddell – Chair	
	J. O'Reilly - Supervisor of Site Plan Review	

1. DECLARATION OF INTEREST:

2. ADDENDUMS:

3. REQUEST FOR DEFERRALS:

4. CONSENT ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
4.1	B-001/24	Re: 447 Nelson Ave., Burlington Ward 2 Pages 2-7
4.2	A-043/24	Re: 540 Bridgman Ave., Burlington Ward 2 Pages 14-17
4.3	A-046/24	Re: 1516 Newlands Cres., Burlington Ward 4 Pages 4-7
4.4	A-056/24	Re: 554 Belvenia Rd.,

Burlington
Ward 4
Pages 8-10

- 4.5 A-064/24 Re: 367 Strathallan Ave.,
Burlington
Ward 2
Pages 11-13
- 4.6 A-067/24 Re: 1303 Leighland Rd.,
Burlington
Ward 2
Pages 18-20

5. REGULAR ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
5.1	A-060/24	Re: 3083 Lakeshore Rd., Burlington Ward 4 Pages 21-24

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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Vice Chair called the Committee of Adjustment meeting no. 21 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.

Vice Chair invited the Committee Members if they wished to pull an item from the Consent Agenda; 540 Bridgman Ave and 1303 Leightland Rd. were pulled from the consent agenda and placed on the regular agenda by Member Rawlings for further discussion.

Items in the minutes are not represented in chronological order like the agenda, but in the order in which they were heard by the Committee.

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HEARING NO. 4.1 - FILE NO. 540-02-B-001/2024-Validation of Title

APPLICANT: Kathy Klodt

PROPERTY: 447 Nelson Ave.,
PLAN 65 PT LOT 8,
City of Burlington, Regional Municipality of Halton.

HAVING REVIEWED an application by the Owner of the above-described property, for a Validation of Title of the subject lands, as follows:

To correct a past title error, the result of which has caused the current owner to not hold legal title to her property.

Table with 2 columns: Category (PRESENT, MATERIALS, EVIDENCE, HEARING) and Description (Kathy Klodt – Owner, Sidney Troister of Torkin Manes LLP – Agent, Staff reports containing advice of Planning Department – (Committee of Adjustment, Site Planning, and Region), None, Started at approximately 1:11 pm)

This application was placed onto the Consent Agenda for the following reasons: As per Section 57(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended, A council authorized to give a consent under section 53, may issue a certificate of validation in respect of land described in the certificate, providing that the contravention of section 50 or a predecessor of it does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land. Public circulation and consultation is not a requirement of Validation applications.

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

Secretary Treasurer turned to Committee for Comments; None.

Secretary Treasurer called a vote; Members unanimously supported the application and therefore the decision was carried, and the application was approved, The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting. Validation applications do not have an appeal period and as such the Committee’s decision is final.

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DECISION 540-02-B-001/2024-Validation Certificate:

Having considered the matters set out under Sections 50 and 57 (1) 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 therefore;

The Committee **GRANTS** the application under **File 540-02-B-001/2024** at **447 Nelson Avenue**, Burlington:

For a Validation Certificate to correct a title error in respect of land known municipally as 447 Nelson Avenue. The certificate will also have the effect of correcting the legal ownership of 445 and 451 Nelson Avenue, and all transactions involving the three properties.

The decision is subject to the following condition:

CONDITIONS OF VALIDATION OF TITLE

1. The Applicant shall provide a copy of the wording for the validation certificate to the satisfaction of the Secretary – Treasurer.

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HEARING NO. 4.3 - FILE NO. 540-02-A-046/2024

APPLICANTS: Monika Kaczmarek and Michael Kaczmarek

PROPERTY: 1516 Newlands Cres.,
 PLAN M60 LOT 8,
 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 south-west side yard of 1.3 m instead of the minimum required 1.8 m for a proposed second storey addition.
2. To permit a north-east side yard of 1.3 m instead of the minimum required 1.8 m for a proposed second storey addition.
3. To permit a yard abutting a pipeline easement to be 4.8 m instead of the minimum required 7 m for a proposed second storey addition.
4. To permit lot coverage of 29.5% instead of the maximum permitted 25% for a two-storey detached dwelling with attached garage including one 5.3 m² accessory building.
5. To permit floor area ratio of 0.50:1 instead of the maximum permitted 0.45:1 for a two-storey dwelling with attached garage.

PRESENT:	Monika Kaczmarek and Michael Kaczmarek – Owners Michael Kaczmarek – 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

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.

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

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Secretary Treasurer 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.

Secretary Treasurer 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-046/2024:

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-046/2024** at **1516 Newlands Crescent, Burlington:**

1. To permit a south-west side yard of 1.3 m instead of the minimum required 1.8 m for a proposed second storey addition.
2. To permit a north-east side yard of 1.3 m instead of the minimum required 1.8 m for a proposed second storey addition.
3. To permit a yard abutting a pipeline easement to be 4.8 m instead of the minimum required 7 m for a proposed second storey addition.
4. To permit lot coverage of 29.5% instead of the maximum permitted 25% for a two-storey detached dwelling with attached garage including one 5.3 m² accessory building.
5. To permit floor area ratio of 0.50:1 instead of the maximum permitted 0.45:1 for a two-storey dwelling with attached garage.

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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 use was permitted under the official plan; massing impacts were mitigated by a lower second storey than the zoning bylaw permitted; existing front and rear yard setbacks were maintained;; no new crossings or disturbances were being proposed within existing pipeline infrastructure; the variances would improve the home design and maintain compatibility with the neighbourhood.

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 condition 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. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit may be required for any and all work around regulated trees in accordance with the City's Tree By-laws.

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5. Lot Coverage calculation includes one existing shed in rear yard.
 6. Enbridge approval in the form of a crossing agreement will 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. 4.4 - FILE NO. 540-02-A-056/24

APPLICANT: Faiza Abdulwahid

PROPERTY: 554 Belvenia Rd.,
 PLAN M185 LOT 48,
 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 a south-east side yard of 0.9 m instead of the minimum required 1.2 m for a proposed basement walkout.

PRESENT:	Faiza Abdulwahid – Owner Out of the Box Engineering – 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 1:13 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.

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

Secretary Treasurer 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.

Secretary Treasurer 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-056/2024:

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-056/2024** at **554 Belvenia Road, Burlington:**

1. To permit a south-east side yard of 0.9 m instead of the minimum required 1.2 m for a proposed basement walkout.

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: maintained official plan goal to help facilitate residential development while maintaining compatibility with the neighbourhood character; the reduced setback did not increase the massing of the building; the alteration was small in scale and any perceived visual impact was mitigated by the presence of an existing shed, fence, and trees.

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.

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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 condition 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. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws. Revisions to the report and/or plans may be required through the tree permit process.
5. The owner shall submit as part of their Pre-Building Permit Application. a "Single Dwelling Unit Acknowledgement Letter" to confirm the application does not include the proposal of an additional residential unit.

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. 4.5 - FILE NO. 540-02-A-064/24

APPLICANTS Steven William Thode and Laura Catherine Machardy

PROPERTY: 367 Strathallan Ave.,
 PLAN 396 LOT 64,
 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 3.5 m instead of the minimum required 5.35m (6 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.
2. To permit a north-west side yard of 0.9 m instead of the minimum required 1.2 m for a proposed roofed over patio up to 1.2 m high.

PRESENT:	Steven William Thode and Laura Catherine Machardy – Owners Kimberley Lalonde Home Design – 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 1:14 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.

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

Secretary Treasurer 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.

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Secretary Treasurer 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-064/2024:

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-064/2024** at **367 Strathallan Avenue, Burlington:**

1. To permit a front yard of 3.5 m instead of the minimum required 5.35m (6 – 0.65m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.
2. To permit a north-west side yard of 0.9 m instead of the minimum required 1.2 m for a proposed roofed over patio up to 1.2 m high.

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 front porch added character to the dwelling and emphasized the front entrance making it the focal point of the dwelling rather than the garage; the patio roof was a design feature meant to match the overhang depth of the enlarged garage; the reduced side yard setback did not create any privacy or overlook impacts on neighbouring properties.

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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 condition 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. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws. Revisions to the report and/or plans may be required through the tree permit process.

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. 4.2 - FILE NO. 540-02-A-043/2024**

APPLICANTS: Robert Kevin Irish and Lisa Joanne Wilcox Irish

PROPERTY: 540 Bridgman Ave.,
PLAN 455 LOT 37,
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 front yard of 5.0 m instead of the minimum required 5.35 m (6.0 m – 0.65 m encroachment) for a proposed attached carport addition.
2. To permit lot coverage of 25.2% instead of the maximum permitted 17% for a two-storey dwelling without attached garage.
3. To permit the combined width of all hard surfaces to be 8.8 m instead of the maximum permitted 7.5 m for the existing driveway and walkway.

PRESENT:	Robert Kevin Irish and Lisa Joanne Wilcox Irish – Owners Robert Kevin Irish – 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 1:16 pm

Discussion:

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

The owner Robert Irish appeared 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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Vice Chair asked if any Members had any questions:

A. Rawlings asked questions of the owner and staff.

Comments from Committee:

Vice Chair asked Members if they had comments on the application:

A. Rawlings supported the application noted for the following reasons: felt the application was reasonable; met the 4 tests of a minor variance; concurred with staff report; proposal was a good addition and compatible with the streetscape.

F. Capuano supported the application noted for the following reasons: felt it met the 4 tests of a minor variance; concurred with staff report.

Vice Chair supported the application noted for the following reasons: agreed with colleagues; felt it met the 4 tests of a minor variance; the architectural work would be a nice addition to the streetscape.

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

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

DECISION 540-02-A-043/2024:

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-0043/2024** at **540 Bridgman Avenue, Burlington:**

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1. To permit a front yard of 5.0 m instead of the minimum required 5.35 m (6.0 m – 0.65 m encroachment) for a proposed attached carport addition.
 2. To permit lot coverage of 25.2% instead of the maximum permitted 17% for a two-storey dwelling without attached garage.
 3. To permit the combined width of all hard surfaces to be 8.8 m instead of the maximum permitted 7.5 m for the 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: although the carport would be visible from the street the massing impacts would be mitigated by its open construction, flat roof and no living space above it; only a portion of the dwelling would be a full 2-storeys; the walkway provided for access to the dwelling from the driveway and greenery provided a visual break in the hard surface closer to the front of the dwelling.

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 condition 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.

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2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws. Revisions to the report and/or plans may be required through the tree permit process.
5. Lot coverage does not include the proposed carport addition.

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. 4.6 - FILE NO. 540-02-A-067/24

APPLICANT: Jeremy Heeringa

PROPERTY: 1303 Leighland Rd.,
PLAN 99 PT LOT 15,
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 total floor area of 100.5 m² instead of the maximum permitted 50 m² for a proposed one-storey accessory building with basement.

PRESENT:	Jeremy Heeringa – Owner G.L. Heeringa Ltd. – 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 1:38 pm

Discussion:

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

The owner Jeremy Heeringa appeared and provided evidence in support of the application.

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

Vice Chair asked if any Members had any questions:

F. Capuano, A. Rawlings asked questions of the owner and staff.

Comments from Committee:

Vice Chair asked Members if they had comments on the application:

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A. Rawlings supported the application noted for the following reasons: concurred with staff report; considered the application met the 4 tests of a minor variance; was a useful addition to the site.

F. Capuano supported the application noted for the following reasons: concurred with Member Rawlings; felt the application met the 4 tests of the *Planning Act*; agreed with the staff report,

Vice Chair supported the application noted for the following reasons: concurred with staff report; felt the application met the 4 tests of the *Planning Act*; served a needed purpose.

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

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

DECISION 540-02-A-067/2024:

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-067/2024** at **1303 Leighland Road, Burlington:**

1. To permit a total floor area of 100.5 m² instead of the maximum permitted 50 m² for a proposed one-storey accessory building with basement.

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.

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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: although half of the 100.5 m² floor area of the accessory structure was below grade and thus would not create negative visual impact, the zoning bylaw included it in the definition of accessory structure floor area; the proposed accessory building complied with all other 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.

The following condition 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. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit may be required for any and all work 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.

COMMITTEE OF ADJUSTMENT

Meeting #21

Minutes

November 20, 2024

HEARING NO. 5.1 - FILE NO. 540-02-A-060/24

APPLICANT: E&T Braun Holding Inc.

PROPERTY: 3083 Lakeshore Rd.,
PLAN 136 PT LOTS 19,20 RP 20R20605 PART 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:

1. To permit a north-east side yard of 1.6 m instead of the minimum required 3.9285 m for a proposed addition and renovations including walkout.
2. To permit a 22.2 m² balcony located above the first storey on a wall facing the side yard whereas Zoning By-law 2020 does not permit balconies to be located above the first storey on a wall facing the side and rear yard of detached dwellings.

PRESENT:	E&T Braun Holding Inc. – Owner William Oughtred of W.E. Oughtred & Associates Inc – 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 1:52 pm

Discussion:

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

William Oughtred of W.E. Oughtred & Associates 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.

Vice Chair asked if any Members had any questions:

F. Capuano, and A. Rawlings asked questions of staff.

COMMITTEE OF ADJUSTMENT

Meeting #21

Minutes

November 20, 2024

Comments from Committee:

Vice Chair asked Members if they had comments on the application:

A. Rawlings supported the application noted for the following reasons: range of housing and property sizes in the area; proposal was in keeping with the neighbourhood; balcony was being reduced; appreciated that the proposal for a circular driveway and the removal of trees was not part of the application; was a good addition to the home; concurred with the staff report; felt the application met the 4 tests of the Planning Act.

F. Capuano supported the application noted for the following reasons: concurred with Member Rawlings and staff report; felt the application met the four tests of the Planning Act.

Vice Chair supported the application noted for the following reasons: met the 4 tests of the Planning Act; several mitigating factors to support the approval of the reduced balcony size; concurred with the staff report.

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

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

DECISION 540-02-A-060/2024:

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-060/2024** at **3083 Lakeshore Road, Burlington:**

COMMITTEE OF ADJUSTMENT

Meeting #21

Minutes

November 20, 2024

-
1. To permit a north-east side yard of 1.6 m instead of the minimum required 3.9285 m for a proposed addition and renovations including walkout.
 2. To permit a 22.2 m² balcony located above the first storey on a wall facing the side yard whereas Zoning By-law 2020 does not permit balconies to be located above the first storey on a wall facing the side and rear yard of detached dwellings.

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 balcony would only be one-third the size of the existing balcony and set back over 9 metres from the adjacent property, thus reducing privacy and overlook impacts; the northeast side yard setback was being maintained as existing with a slight height increase maintaining that same setback, while the two-storey addition would have a greater setback and help keep the dwelling compatible with the Roseland Character Area.

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.
2. The Applicant shall submit the details of any window repairs and/or specifications for new replacement windows to the satisfaction and approval of the Director of

COMMITTEE OF ADJUSTMENT

Meeting #21

Minutes

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Community Planning or their designate in accordance with Heritage Permit No. 501-06-4-04/24.

3. The Applicant shall submit revised drawings showing a driveway configuration that will preserve the public trees located within the public right-of-way adjacent to the subject lands, to the satisfaction of the Director of Forestry and Director of Community Planning, or their designates.

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
3. A grading and drainage clearance certificate may be required.
4. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws. Revisions to the report and/or plans may be required through the tree permit process.

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

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At the request of the Vice Chair, the Secretary Treasurer took carriage of the remainder of the agenda items to help close out the meeting.

6. OTHER BUSINESS:

6.1 Correspondence:

Copies of Minutes for Meeting No. 20 November 6, 2024

6.2 Items for Discussion: None

6.3 Date of Next Meeting:

Wednesday December 11, 2024 at 1:00 p.m., Virtual Meeting via Zoom Video Conferencing Technology.

6.4 Approval of Minutes:

After conferring with the Members, the Secretary Treasurer directed the minutes of November 6, 2024 be approved as distributed took ca

7. ADJOURNMENT:

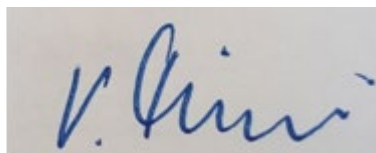
The meeting was adjourned at 2:12 p.m.

CERTIFIED CORRECT



E. Shacklette
Secretary-Treasurer

CONFIRMED



V. Tinti
Vice Chair