

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**December 11, 2024

---

Chair called the Committee of Adjustment meeting no. 22 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; 472 Brock Ave removed from consent agenda as a result of public opposition. Member Leblovic requested item 4.4 for 3181 Harvester Rd to be pulled from the consent agenda 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.*

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

**HEARING NO. 4.2 - FILE NO. 540-02-A-069/24**

**APPLICANT:** Peter Scott Price

**PROPERTY:** 2282 Fairleigh Pl.,  
 PLAN 439 LOT 5,  
 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 an existing 28 m2 accessory building to be partially located in the required north-east 3 m side yard whereas Zoning By-law 2020, as amended, does not permit an accessory building greater than 10 m2 in floor area and/or greater than 2.5 m in height to be located in a required side yard.
2. To permit a front yard of 3.7 m instead of the minimum required 5.35 m (6 m – 0.65 m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang, excluding eaves and gutter.
3. To permit a rear yard of 3.9 m instead of the minimum required 6.0 m for a proposed 20.2 m2 deck over 1.2 m high and greater than 15 m2.

<b>PRESENT:</b>	Peter Scott Price – Owner Lattag Studio 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 1:10pm

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.

**COMMITTEE OF ADJUSTMENT**

Meeting #22

Minutes

December 11, 2024

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.

**DECISION 540-02-A-069/2024**

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-069/2024** at **2282 Fairleigh Place Burlington:**

1. To permit an existing 28 m<sup>2</sup> accessory building to be partially located in the required north-east 3 m side yard whereas Zoning By-law 2020, as amended, does not permit an accessory building greater than 10 m<sup>2</sup> in floor area and/or greater than 2.5 m in height to be located in a required side yard.
2. To permit a front yard of 3.7 m instead of the minimum required 5.35 m (6 m – 0.65 m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang, excluding eaves and gutter.
3. To permit a rear yard of 3.9 m instead of the minimum required 6.0 m for a proposed 20.2 m<sup>2</sup> deck over 1.2 m high and greater than 15 m<sup>2</sup>.

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.

COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

In addition to satisfying the four tests, the Committee’s rationale for supporting the application include: the garage was an existing structure whose location on the property matched the existing street character; the front porch added character to the home and emphasized the front entrance; The rear yard abutted the publicly used Centennial Trail at a sufficient distance that no adverse impacts were anticipated for the proposed rear yard deck.

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. 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 new grading and drainage clearance certificate will 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. Revisions to the report and/or plans may be required through the tree permit process.
- 5. To ensure compliance with the Public tree by-law, the tree in the front yard should be protected. Please see our [Guide to Tree Protection](#) for more information.

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 #22

**Minutes**

December 11, 2024

**HEARING NO. 4.3 - FILE NO. 540-02-A-070/24**

**APPLICANTS:** Alayna Randall and Jason Randall

**PROPERTY:** 509 Townsend Ave.,  
 PLAN 839 PT LOTS 13,14,  
 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 building height of 3.2 m instead of the maximum permitted 2.5 m for an existing 8.6 m<sup>2</sup> accessory building with a peaked roof.
2. To permit a fence height of 2.5 m instead of the maximum permitted 2.0 m along the street side yard property line abutting Harvey Place, rear yard and north-east side yard property lines.

<b>PRESENT:</b>	Alayna Randall and Jason Randall – Owners Alayna Randall – 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 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.

Chair asked the Committee for a Motion. Member Tinti 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.

**COMMITTEE OF ADJUSTMENT**

Meeting #22

Minutes

December 11, 2024

---

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-070/2024:**

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 therefore;**

The Committee **GRANTS** the application under **File 540-02-A-070/2024** at **509 Townsend Avenue, Burlington:**

1. To permit a building height of 3.2 m instead of the maximum permitted 2.5 m for an existing 8.6 m<sup>2</sup> accessory building with a peaked roof.
2. To permit a fence height of 2.5 m instead of the maximum permitted 2.0 m along the street side yard property line abutting Harvey Place, rear yard and north-east side yard property lines.

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 majority of the increased fence height was limited to the entry gates only, the minor increases for the fence itself would increase privacy to the neighbour's pool area; the topography of the subject property would mitigate the visibility of the accessory building height from the street.

CONDITIONS:

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

---

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.

Notes:

1. A Pre-Building Approval application is not 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.

\* \* \* \*

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

**HEARING NO. 4.5 - FILE NO. 540-02-A-073/24**

**APPLICANTS:** Joseph Victor Lefebvre and Ingrid Gaspari

**PROPERTY:** 617 Edgewater Cres.,  
 PLAN 614 PT LOTS 87 AND 88 RP 20R22537 PART 2,  
 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 building height of 10.9 m instead of the maximum permitted 9.0m for a proposed one storey dwelling with attached garage with a peaked roof.

<b>PRESENT:</b>	Joseph Victor Lefebvre and Ingrid Gaspari – Owners Michael Sabelli – 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 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.

Chair asked the Committee for a Motion. Member Leblovic 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.

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

---

**DECISION 540-02-A-073/2024:**

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-073/2024** at **617 Edgewater Crescent, Burlington:**

1. To permit a building height of 10.9 m instead of the maximum permitted 9.0m for a proposed one storey dwelling with attached garage with a peaked roof.

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 majority of the roof height complied with the permitted height; the design included various setbacks of the roof which helped minimize the perception of increased height; this minimized potential adverse impacts due to the vertical massing.

**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.

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**December 11, 2024

---

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. 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. Revisions to plans and/or reports may be required through the tree permit application process.
6. Reasonable efforts shall be made to retain as many trees as possible in alignment with the City of Burlington's Tree Protection and Canopy Enhancement Policy. In the case that alternatives to the design are not possible, please provide detailed justification for the removal of every individual tree.
7. The City is not supportive of public tree removals for driveway installations. Understanding that a new entrance is proposed on Edgewater, the application should reasonably limit public tree removals and ensure justification for removal is made.

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 #22

Minutes

December 11, 2024

<b>HEARING NO. 4.6 - FILE NO. 540-02-A-077/24</b>
---

APPLICANTS: Andrew Dempsey and Amy Lin

PROPERTY: 234 Kent Cres.,  
PLAN 607 LOT 477,  
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 6.8 m instead of the minimum required 7.5 m for a proposed one storey addition.
2. To permit a front yard of 6.0 m instead of the minimum required 6.85m (7.5 – 0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.

<b>PRESENT:</b>	Andrew Dempsey and Amy Lin – Owners Creative Space Studio 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 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.

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.

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

---

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-077/2024:**

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-077/2024** at **234 Kent Crescent, Burlington:**

1. To permit a front yard of 6.8 m instead of the minimum required 7.5 m for a proposed one storey addition.
2. To permit a front yard of 6.0 m instead of the minimum required 6.85m (7.5 – 0.65m encroachment) for a proposed roofed over 1-storey porch including steps and roof overhang excluding eaves and gutter.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the reduced setbacks still provided adequate amenity space; the proposed setback aligned well and was consistent with the existing streetscape.

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.

**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

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

---

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. 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. The City's mapping system shows that an overhead hydro conductor is within close proximity to the proposed building/structure. It is recommended that Burlington Hydro be notified as a temporary service may need to be installed.
4. A grading and drainage clearance certificate 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.

\* \* \* \*

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

**5. REGULAR ITEMS:****HEARING NO. 4.1 - FILE NO. 540-02-A-052/24**

APPLICANT: Homestead Land Holdings Limited

PROPERTY: 472 Brock Ave.,  
 HALT CONDO PLAN 642,  
 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 of 122 apartment units instead of the maximum permitted 115 apartment units.
2. Notwithstanding Exception #425 (2), to permit the conversion of an apartment building with ground floor office uses to an apartment building without ground floor office uses.
3. To a maximum density of 375 units/ha instead of the maximum permitted 353 units/ha for a total of 122 residential units.
4. To permit a total amenity area of 2,307m<sup>2</sup> instead of the minimum required 2440m<sup>2</sup> for a total of 122 residential units.
5. To permit a parking spaces and driveways to be setback 0.25 m from a wall of a building containing windows of habitable rooms in dwelling units located on the ground floor instead of the minimum required 3 m for the proposed conversion of office space into residential units.

<b>PRESENT:</b>	Jason Gerrard-Homestead Land Holdings Ltd – 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 Jaclyn Schneider of 472 Brock Ave
<b>HEARING:</b>	Started at approximately 1:15 pm

**Discussion:**

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

---

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

Jason Gerrard 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:

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

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof **did not support** Variance 5 but **did support** Variances 1-4 as noted for the following reasons: supported V1-4 as she concurred with applicant that there were changes in market conditions since the building was first constructed; supported reduced amenity space as there were nearby parks and trails that could provide the needed amenity space for residents of the building as well as facilities provided within the building; however, Member felt **Variance 5 was not** minor in nature nor an appropriate form of development; the windows were too close to parking resulting in issues with dust, noise, vehicles, and vibrations; the amenity area was located directly outside the first floor units; the windows did not provide enough privacy and security to future residents.

V. Tinti **supported the application** as noted for the following reasons: considered all questions asked and comments made during the discussion and felt the application met the 4 tests of the *Planning Act*; as a general comment Member felt that blackout blinds look different from frosted glass when they are closed and that should be considered by all Members and recommended further discussion.

N. Leblovic **supported the application** as noted for the following reasons: although concerned about the removal of commercial space as it removed more commercial space from the downtown area; however, Member felt the application met the 4 tests of the *Planning Act* and supported it on its merits.

F. Capuano **supported the application** as noted for the following reasons: concurred with staff recommendation; understood colleagues' points but felt the market could change again; Member felt application met the 4 tests of the *Planning Act*; supported a condition of 'blackout blinds' as a condition of approval instead of 'frosted glass' or 'frosted film' as it was more desirable than frosted glass.

Chair did not initially support Variance 5 with the amended condition; would only support Variance 5 if the condition remained as recommended by staff; was concerned about

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

---

lack of privacy and vehicle exhaust for potential residents of the first-floor units; site not set up for residential use on the main floor. Upon further discussion about the pros and cons of frosted glass versus blackout blinds, Chair changed his mind and supported the amended condition and Variance 5 therefore, Chair **supported the entire application** as noted for the following reasons: felt the application met the general intent and purpose of the Official Plan and Zoning bylaw as a residential only use is permitted on site.

Chair asked the Committee for a Motion; Member Capuano moved for approval with an amendment to condition # 2 to remove reference to 'frosted glass' and 'frosted film' and insert the words 'blackout blinds; Member Tinti seconded.

The majority of Committee members voted in favour of amending Condition #2. Member Westerhof was not in favour of the amended Condition #2.

The majority of members voted that Variance 5 met the four tests of the *Planning Act* for similar reasons as the staff reports in the agenda and evidence presented at the hearing.

Committee members voted unanimously that Variances 1,2,3 and 4 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-052/2024:**

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 members supported the application with the amendment to Condition #2, therefore;**

The Committee **GRANTS** the application under **File 540-02-A-052/2024** at 472 Brock Avenue, **Burlington:**

1. To permit a maximum of 122 apartment units instead of the maximum permitted 115 apartment units.

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

- 
2. Notwithstanding Exception #425 (2), to permit the conversion of an apartment building with ground floor office uses to an apartment building without ground floor office uses.
  3. To a maximum density of 375 units/ha instead of the maximum permitted 353 units/ha for a total of 122 residential units.
  4. To permit a total amenity area of 2,307m<sup>2</sup> instead of the minimum required 2440m<sup>2</sup> for a total of 122 residential units.
  5. To permit parking spaces and driveways to be setback 0.25 m from a wall of a building containing windows of habitable rooms in dwelling units located on the ground floor instead of the minimum required 3 m for the proposed conversion of office space into residential units.

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: increased the stock of rental housing; there was adequate amenity space within walking distance of the subject property; there was adequate parking provided for the additional residential units and was located near existing public transit facilities; no changes were proposed to the exterior of the building.

**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 high-density 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:

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**December 11, 2024

---

1. The Applicant shall apply for a Zoning Clearance Certificate.
2. The Applicant shall submit updated floor plans and elevations demonstrating installation of blackout blinds on impacted windows which includes three windows located along the west elevation of the building related to the residential unit located on the southwest corner of the building and one window on the north elevation of the building related to the residential unit located on the northeast corner of the building prior to applying for a building permit in an effort to enhance privacy and reduce headlight glare for future residents to the satisfaction of the Director of Community Planning or their designate.
3. The Applicant shall submit a Letter from a Noise Consultant (Professional Engineer) confirming the existing and/or proposed windows on the 1<sup>st</sup> Floor are suitable to satisfy NPC-300 criteria for noise sensitive spaces to the satisfaction of the Director of Engineering Services of their designate. If determined that the windows aren't suitable, the owner will be required to install the according windows as outlined in the Noise Consultants letter to the satisfaction of the Director of Engineering Services of their designate.

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 or Architect or Professional Engineer.
3. It is recommended to provide a complete OBC analysis report as part of the Building Permit Application for review.
4. A grading and drainage clearance certificate may be required.
5. A tree permit may 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.

\* \* \* \*

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

**HEARING NO. 4.4 - FILE NO. 540-02-A-071/24**

**APPLICANT:** DOV Balco Limited and DOV Capital Corp.

**PROPERTY:** 3181 Harvester Rd.,  
 PLAN M130 PT LOTS 7,8,9 RP 20R19376 PARTS 3,4,6,  
 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 the total floor area of all retail, service commercial and recreation uses to be calculated based on the total floor area of all buildings on the lot municipally known as 3181 Harvester Rd, which includes 3183 (building A), 3185 (building B) and 3187 (building C) Harvester Road, to a maximum of 15.4%, whereas the Zoning By-law requires that the total floor area of all retail, service commercial and recreation uses to not exceed 15% of the floor area of each building within which a retail or service commercial use is located.

<b>PRESENT:</b>	Glenn Wellings - Wellings Planning Consultants 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 2:15 pm

**Discussion:**

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

Glenn Wellings 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:

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

## COMMITTEE OF ADJUSTMENT

Meeting #22

Minutes

December 11, 2024

---

**Comments from Committee:**

Chair asked Members if they had comments on the application:

E. Westerhof **supported the application** as noted for the following reasons: understood the intent of the application; was a good use of the property by combining recreation use into a single space; believed it supported the employment area and would remain ancillary to the employment use as it only represented 15% of the entire site.

V. Tinti **supported the application** as noted for the following reasons: concurred with staff report and planning staff comments during the hearing; felt application met 4 tests of a minor variance under the *Planning Act*.

N. Leblovic would like to support the application as noted for the following reasons: there was a need for recreational facilities; the location was appropriate for the use; however, he was concerned that the use was only for the ancillary use of the employment area and wanted changes to the Official Plan and Zoning-by-law to allow for a wider use; therefore, Member Leblovic **did not support the application**.

F. Capuano **supported the application** as noted for the following reasons: concurred with staff report; this was a technical variance; felt application met 4 tests of a minor variance under the *Planning Act*.

Chair **did not support the application** as noted for the following reasons: general intent and purpose of the Official Plan and Zoning By-law were not met; the size of the use being consolidated into a single facility was not appropriate; was not minor in nature.

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

The majority of members voted 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-071/2024:**

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**

Meeting #22

**Minutes**

December 11, 2024

---

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 members supported the application therefore;**

The Committee **GRANTS** the application under **File 540-02-A-071/2024** at **3181 Harvester Road, Burlington**:

1. To permit the total floor area of all retail, service commercial and recreation uses to be calculated based on the total floor area of all buildings on the lot municipally known as 3181 Harvester Rd, which includes 3183 (building A), 3185 (building B) and 3187 (building C) Harvester Road, to a maximum of 15.4%, whereas the Zoning By-law requires that the total floor area of all retail, service commercial and recreation uses to not exceed 15% of the floor area of each building within which a retail or service commercial use is located.

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 consolidation of floor area into one building would result in the same floor area on site being used for the recreational use but allow for a pickleball facility to be installed that could be enjoyed by everyone on the site.

**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 recreational establishment 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.

**COMMITTEE OF ADJUSTMENT**

Meeting #22

**Minutes**

December 11, 2024

---

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.

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 #22

**Minutes**December 11, 2024

---

**6. OTHER BUSINESS:****6.1 Correspondence:**

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

**6.2 Items for Discussion:**

Member Westerhof asked a question for staff related to committee procedures.

**6.3 Date of Next Meeting:**

Wednesday January 22, 2025, at 1:00 p.m., hybrid meeting via Zoom Video Conferencing Technology and in person at city hall, council chambers.

**6.4 Approval of Minutes:**

After conferring with the Members, the Chair directed the minutes of November 20, 2024 be approved as distributed.

**7. ADJOURNMENT:**

The meeting was adjourned at 3:09 p.m.

CERTIFIED CORRECT



---

E. Shacklette  
Secretary-Treasurer

CONFIRMED



---

J. Riddell  
Chair