COMMITTEE OF ADJUSTMENT

Meeting #02 **MINUTES** February 5, 2025

MEETING:	Held on Wednesday February 5 2025 at 5:30 P.M. Council Chambers and Zoom Webinar	
PRESENT:	F. Capuano	- Chair
	J. Riddell	- Vice Chair
	A. Rawlings	- Alt. Member
	E. Westerhof	- Member
	E. Shacklette	- Secretary-Treasurer
	C. Kabel	- Committee Clerk
	J. O'Reilly	- Supervisor of Site Plan Review
	M. Morgan	- Planner, Site Plan Review
ABSENT:	V. Tinti	- Member

1. **DECLARATION OF INTEREST:**

2. **ADDENDUMS:**

3. **REQUEST FOR DEFERRALS:**

4. **CONSENT ITEMS:**

HEARING NO.	FILE NO. 540-02-	ADDRESS
4.2)	A-078/24	Re: 1043 Maplehurst Ave., Burlington Ward 1 Pages 2-4
4.3)	A-084/24	Re: 237 Cheltenham Rd., Burlington Ward 5 Pages 5-7

5. REGULAR ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
4.1)	A-065/24	Re: 904 Easterbrook Ave., Burlington Ward 1 Pages 8-11

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:

COMMITTEE OF ADJUSTMENT

Meeting #02 **Minutes** February 5, 2025

Chair called the Committee of Adjustment meeting no. 2 to order at 5:30 pm.

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

1. **DECLARATION OF INTEREST:** None

2. **ADDENDUMS:** 237 Cheltenham Rd

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; Member Rawlings requested for Item 4.1 for 904 Easterbrook Ave be pulled from the consent agenda.

COMMITTEE OF ADJUSTMENT

Meeting #02 **Minutes** February 5, 2025

HEARING NO. 4.2 - FILE NO. 540-02-A-078/24

APPLICANT: Glenda Wood

PROPERTY: 1043 Maplehurst Ave.,
PLAN 1073 LOT 12,
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:

Variance required:

1. To permit a south-east side yard of 0.7 m instead of the minimum required 1.2 m for an existing 23.1 m^2 accessory building.

PRESENT:	Glenda Wood – Owner Zen Construction – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	A letter of support from Samy Emira and Sherine Said of 511 Mary St
HEARING:	Started at approximately 5:40 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 Westerhof moved for approval with condition; Member Rawlings 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.

DECISION 540-02-A-078/2024:

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-078/24** at **1043 Maplehurst Avenue, Burlington:**

1. To permit a south-east side yard of 0.7 m instead of the minimum required 1.2 m for an existing 23.1 m^2 accessory building.

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 accessory building remained subordinate to the primary dwelling and was of similar size to accessory buildings on adjacent properties; an existing fence provided sufficient screening of the accessory building from neighbouring lots; sufficient space remained to permit maintenance of the structure if ever required.

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 Applicant is advised of the following notes:

1. A new Zoning Clearance Certificate is not required.
2. For Accessory Buildings or Structures, floor area means the total area of all floors measured to the outside of all exterior walls or posts.
3. The zoning review is based on the portion of the site affected by the proposed development only.
4. The variances are being reviewed under 45(1) of the *Planning Act*.
5. A building permit is required for all construction.
6. Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
7. No unprotected openings permitted in exterior wall less than 1.2m to property line.
8. 45-minute fire resistance rating required for exterior wall where limiting distance is less than 1.2m but not less than 0.6m.
9. A grading and drainage clearance certificate may be required.
10. 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.

* * * *

HEARING NO. 4.3 - FILE NO. 540-02-A-084/24

APPLICANTS: Bradley and Jennifer Stapleford

PROPERTY: 237 Cheltenham Rd.,
PLAN 1445 LOT 21,
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:

Variance Required:

1. To permit lot coverage of 29.5% instead of the maximum permitted 25% for a two-storey dwelling with attached garage including an existing 7.8 m^2 accessory building.

PRESENT:	Bradley and Jennifer Stapleford – Owners Tenhouse Building Workshop – 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 5:41 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 Rawlings moved for approval with condition; Member Riddell seconded.

Chair turned to Committee for Comments; A. Rawlings acknowledged the addendum from staff helped her to confirm her decision to approve this application.

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-084/2024:

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-084/24** at **237 Cheltenham Road, Burlington:**

1. To permit lot coverage of 29.5% instead of the maximum permitted 25% for a two-storey dwelling with attached garage including an existing 7.8 m^2 accessory building.

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 proposed addition maintained the existing side yard setback on the northwest side; the dwelling complied with FAR and height further reducing massing impacts; in spite of the addition, there remained an appropriate amount of amenity space in the rear yard.

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

1. The Applicant shall apply for a Pre-Building Approval 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 **will** 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. Variances were identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval Application is made, they will be the responsibility of the applicant to obtain.
6. The existing lot coverage of 23.3% complied with the maximum permitted 35% for a one storey dwelling with attached garage in a Designated Area.
7. The variances were reviewed under 45(1) of the *Planning Act*.
8. Please reach out to Burlington Hydro to disconnect the existing hydro service before stating any demolition and/or construction.

The decision of the Committee is subject to a 20-day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

* * * *

5. REGULAR ITEMS:

HEARING NO. 4.1 - FILE NO. 540-02-A-065/24

APPLICANTS: Jason Peter Rutledge and Emily Victory

PROPERTY: 904 Easterbrook Ave.,
PLAN 791 LOT 14 PLAN 661 PT CLSD RD ALLNCE RP
PLAN 20R-11208 PARTS 1,2,
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:
The applicant is proposing the construction of a two-storey detached dwelling with an attached garage and Additional Residential Unit in the basement.

Variances required:

1. To permit a front yard of 9.2 m instead of the minimum required 11 m for a proposed two storey dwelling with attached garage.

2. To permit a front yard of 6.1 m instead of the minimum required 10.35 m (11 – 0.65 m encroachment) for a proposed roofed-over 1-storey porch including steps and roof overhang excluding eaves and gutter.

PRESENT:	Jason Peter Rutledge and Emily Victory – Owners Kevin Webster Designs 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 5:42 pm

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

Kevin Webster appeared on behalf of the owners and provided evidence in support of the application.

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

Chair asked if any Members had any questions:

A. Rawlings asked questions of staff.

Comments from Committee:

Chair asked Members if they had comments on the application:

E. Westerhof supported the application as noted for the following reasons: acknowledged the development would be the first two-storey dwelling south of Hendrie; but felt the design mitigated massing impacts to the existing homes in the neighbourhood; the application met the 4 tests of a minor variance under the *Planning Act*.

A. Rawlings supported the application as noted for the following reasons: initially expressed concerns with the proposed lot coverage; however, given the new provincial regulations regarding additional dwelling units, Member Rawlings supported the application; felt it met the 4 tests of a minor variance under the *Planning Act*.

J. Riddell supported the application as noted for the following reasons: the existing front yard setback was respectful and in keeping within the existing streetscape; an additional residential unit was already permitted as of right; felt the application met the 4 tests of a minor variance under the *Planning Act*.

Chair supported the application as noted for the following reasons: concurred with his colleagues and the staff report; application was minor in nature; felt it met the 4 tests of a minor variance under the *Planning Act*.

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

Committee members voted unanimously that the variance application met the four tests of the *Planning Ac*t 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-065/2024:

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-084/24** at **904 Easterbrook Avenue, Burlington:**

1. To permit a front yard of 9.2 m instead of the minimum required 11 m for a proposed two storey dwelling with attached garage.

2. To permit a front yard of 6.1 m instead of the minimum required 10.35 m (11 – 0.65 m 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.

In addition to satisfying the four tests, the Committee's rationale for supporting the application include: the additional impacts of mass were mitigated due to the design of the roof which incorporated gable dormers over the porch, entrance and second storey windows; the front yard setback would remain the same as the existing dwelling; the development allowed for continued use of the property for residential purposes with minimal land use impacts.

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 Approval 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. Revisions to the report and/or plans may be required through the tree permit process.

5. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval Application is made, they will be the responsibility of the applicant to obtain.

6. The zoning review is based on a proposed Additional Residential Unit being constructed in the basement. If an Additional Residential Unit is not constructed, it will be the applicant's responsibility to comply with the maximum lot coverage restriction of 25% or apply for an additional variance.

7. The variances are being reviewed under 45(1) of the *Planning Act*.

8. Before starting any construction, please reach out to Burlington Hydro Inc. (BHI) via email at engineering@burlingtonhydro.com to coordinate the disconnection of the overhead secondary service wire.

The decision of the Committee is subject to a 20-day appeal period that starts today. The Secretary-Treasurer will mail a copy of the decision within 10 days of this meeting.

6. OTHER BUSINESS:

6.1 Correspondence:

Copies of Minutes for Meeting No. on January 22, 2025

6.2 Items for Discussion: None

6.3 Date of Next Meeting:

Wednesday February 19, 2025 at 1:00 p.m., In person at City Hall and virtually via Zoom video.

6.4 Approval of Minutes:

After conferring with the Members, the Chair directed the minutes of January 22, 2025 be approved as distributed.

7. ADJOURNMENT:

The meeting was adjourned at 5:52 p.m.

CERTIFIED CORRECT

E. Shacklette
Secretary-Treasurer

CONFIRMED

J. Riddell
Acting Chair