

COMMITTEE OF ADJUSTMENT

Meeting 18

MINUTES

October 8, 2025

HYBRID	Held on October 8, 2025 at 5:30 P.M., Council Chambers and Zoom Webinar.	
PRESENT:	F. Capuano	- Chair
	J. Riddell	- Vice Chair
	B. Ursel	- Member
	E. Westerhof	- Member
	V. Tinti	- Member
	C. Susidko-Petriczko	- Secretary-Treasurer
	E. Shacklette	- Committee Clerk
	A. D'Angelo	- Supervisor, Business Services and CofA
	J. O'Reilly	- Supervisor of Site Plan Review
	M. Rusyn-Hynek	- Planner, Site Plan Review
ABSENT:	A. Rawlings	– Alt. Member (1)
	P. Calleja	– Alt. Member (2)

1. DECLARATION OF INTEREST:

2. ADDENDUMS:

Chair advised one addendum was added to the Agenda. Addendum No. 1 related to Hearing No. 5.2 at 2013 Amherst Heights Drive. File No. A-041-2025 which consisted of updated Planning Staff Comments. This information was shared with Committee Members and the applicants in advance of the meeting.

3. REQUEST FOR DEFERRALS:

4. CONSENT ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
1)	A-060/25	Re: 651 Mullin Way, Burlington Ward 5 Pages 2-4

5. REGULAR ITEMS:

HEARING NO.	FILE NO. 540-02-	ADDRESS
4.2)	A-056/25	Re: 5157 Mulberry Dr., Burlington Ward 5 Pages 5-9
5.1)	A-040/25	Re: 1006 North Shore Blvd. E, Burlington Ward 1 Pages 10-14
5.2)	A-041/25	Re: 2013 Amherst Heights Dr., Burlington Ward 3 Pages 15-18

6. OTHER BUSINESS:

6.1 Correspondence

6.2 Items for Discussion

6.3 Date of Next Meeting

6.4 Approval of Minutes from the previous Committee of Adjustment meeting

7. ADJOURNMENT:

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Chair called the Committee of Adjustment meeting no. 18 to order at 5:30 pm.

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

1. DECLARATION OF INTEREST: None.

2. ADDENDUMS:

Chair advised one addendum was added to the Agenda. Addendum No. 1 related to Hearing No. 5.2 at 2013 Amherst Heights Drive. File No. A-041-2025 which consisted of updated Planning Staff Comments. This information was shared with Committee Members and the applicants in advance of the meeting.

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; Item No. 4.2 for 5157 Mulberry Drive was pulled from the consent agenda and placed on the regular agenda by virtue of Committee Member feedback.

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HEARING NO. 4.1 - FILE NO. 540-02-A-060/25

APPLICANTS: Melissa Michelle West,
Andrew West

PROPERTY: 651 Mullin Way,
PLAN 1339 LOT 196,
City of Burlington, Regional Municipality of Halton.

HAVING REVIEWED an application by the Owners of the above described property, for a Minor Variance to the requirements of the Zoning By-Law 2020, as amended, as follows:

1. To permit lot coverage of 21.9% instead of the maximum permitted 17% for a two-storey detached dwelling without an attached garage.
2. To permit a north-west side yard of 1.9 m instead of the minimum required 3 m for a detached dwelling without an attached garage.

PRESENT:	Darren Sanger-Smith, Structured Creations Inc. – Agent
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services.
EVIDENCE:	Collective Letters of Support
HEARING:	Started at approximately 5:38 pm

This application was placed onto the Consent Agenda for the following reasons:
There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter.

Chair asked the Committee for a Motion. Member Riddell moved for approval with condition; Member Ursel seconded.

Chair turned to Committee for Comments; None.

There was no public opposition as a result of the public notice, staff and agencies supported the application, and there were no requests to delegate to this matter; Committee, having reviewed this information, considered that the application met the four tests of the *Planning Act* for similar reasons as the staff report in the agenda.

Chair called a vote; Members unanimously supported the application and therefore the decision was carried; application was approved, and the decision was now in the 20 day appeal period. The Secretary Treasurer will mail a copy of the decision within 10 days of this meeting.

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DECISION 540-02-A-060/2025:

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 and therefore;

The Committee **GRANTS** the application under **File 540-02-A-060/2025** at **651 Mullin Way., Burlington:**

1. To permit lot coverage of 21.9% instead of the maximum permitted 17% for a two-storey detached dwelling without an attached garage.
2. To permit a north-west side yard of 1.9 m instead of the minimum required 3 m for a detached dwelling without an attached garage.

The reasons for the Committee's decision are that:

1. The general intent and purpose of the Official Plan **will** be maintained.
2. The general intent and purpose of the zoning by-law **will** be maintained.
3. The requested 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 increase in lot coverage from 17% to 21.9% resulted from reclassifying the dwelling as one without an attached garage under Zoning By-law 2020, reducing the permitted coverage from 25% to 17%. Although the footprint remained unchanged, the garage conversion triggered this technical variance. The reduced side yard setback from 3.0 m to 1.9 m still ensured adequate separation for access, privacy, and drainage. Both variances stemmed from reclassification rather than overdevelopment and did not compromise the property's functionality, compatibility, or impact on 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

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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 2024.
3. 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.
4. The zoning review is based on the portion of the site affected by the proposed development only.
5. The variances are being reviewed under Section 45(1) of the *Planning Act*.
6. A grading and drainage clearance certificate will be required.
7. 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-056/25

APPLICANT: Jugraj Singh

PROPERTY: 5157 Mulberry Dr.,
PLAN 1099 LOT 182,
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 lot coverage of 27.9% instead of the maximum permitted 25% for proposed additions to the detached dwelling with attached garage.
2. To permit a floor area ratio of 0.48:1 instead of the maximum permitted 0.45:1 for proposed additions to the detached dwelling with attached garage.
3. To permit a building height of 7.1 m instead of the maximum permitted 6 m for proposed additions to the detached dwelling with attached garage measured from the 1st floor ceiling of the existing dwelling.

PRESENT:	Amritpal Bansal, Khalsa Design 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 5:41 pm

Discussion:

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

Agent 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: E. Westerhof, J. Riddell, B. Ursel, and Chair asked questions of the agent and staff.

Comments from Committee:

Chair asked Members if they had comments on the application:

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B. Ursel partially supported the application; noted for the following reasons: supported Variances 1 and 2; recognized the applicant's need for the proposal; appreciated the Committee's questions and comments regarding Variance 3 and the various methods by which height could be calculated; acknowledged the applicant's willingness to adjust or further investigate the height of the overall development; did not support Variance 3, as it did not satisfy the four tests outlined in the *Planning Act*.

E. Westerhof partially supported the application; noted for the following reasons: concurred with Member Ursel and expressed support of Variances 1 and 2; due to the lack of clarity and demonstrated need regarding the proposed height could not support Variance 3 as it did not meet the four tests of the *Planning Act*.

J. Riddell partially supported the application; noted for the following reasons: concurred with colleagues and expressed concern regarding the Official Plan Policy on height of structure which emphasizes consideration on existing residential height for compatibility and how it was used in the context of this proposal; found Variances 1 and 2 to be minor and consistent with the four tests of the *Planning Act*; however, did not find Variance 3 to meet those tests and could not support it

V. Tinti supported the application; noted for the following reasons: appreciated the recommendations on how to improve the review and calculation of height; believed the application met the four tests of the *Planning Act*.

Chair partially supported the application; noted for the following reasons: Variances 1 and 2 were found to meet the four tests of the *Planning Act*; however, Variance 3 did not satisfy these tests and was therefore not supported.

Chair asked the Committee for a Motion for variances 1 and 2. Member Ursel moved for approval with condition; Member Ridell seconded.

Chair asked the Committee for a Motion for variance 3. Member Ursel moved for approval with condition; Member Westerhof seconded.

Committee members voted unanimously that variances 1 and 2 of the 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.

Majority Committee members voted that variances 3 of the application did not meet the four tests of the *Planning Act* as there was no good planning justification for the increase and believed there was an opportunity to comply with the height regulation while still achieving the desired development proposal

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

DECISION 540-02-A-056/2025:

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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 variances 1 and 2 of the application and majority members did not support variance 3 of the application, therefore;

The Committee **GRANTS** variance 1 and 2 of the application under **File 540-02-A-056/2025 at 5157 Mulberry Dr., Burlington:**

1. To permit a lot coverage of 27.9% instead of the maximum permitted 25% for proposed additions to the detached dwelling with attached garage.
2. To permit a floor area ratio of 0.48:1 instead of the maximum permitted 0.45:1 for proposed additions to the detached dwelling with attached garage.

The reasons for the Committee's decision are that:

1. The general intent and purpose of the Official Plan **will** be maintained.
2. The general intent and purpose of the zoning by-law **will** be maintained.
3. The requested 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 variances 1 and 2 include: The requested variances for lot coverage (18.75 m²) and floor area ratio (17 m²) were modest in scale and did not result in an overbuilt condition. The dwelling maintained all required setbacks, preserved functional outdoor amenity space, and retained generous landscaped and pervious surfaces. Setbacks and a split-level design softened the massing and ensured compatibility with the surrounding neighbourhood. No adverse effects such as shadowing, overlook, or privacy loss were anticipated.

The majority of Committee **REFUSED** variance 3 of the application under **File 540-02-A-056/2025 at 5157 Mulberry Dr., Burlington:**

3. To permit a building height of 7.1 m instead of the maximum permitted 6 m for proposed additions to the detached dwelling with attached garage measured from the 1st floor ceiling of the existing dwelling.

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The reasons for the Committee's decision are that:

1. The general intent and purpose of the Official Plan **will not** be maintained.
2. The general intent and purpose of the zoning by-law **will not** be maintained.
3. The requested variance **was not** desirable for the appropriate development or use of the property.
4. The requested variance **was not** minor.

In addition to not satisfying the four tests, the Committee's rationale for not supporting the application include: building height variance was not minor in nature and did not meet the intent and purpose of the Official Plan; the applicant could not demonstrate or provide good planning rationale for the increased height; Majority of members felt the height would lead to an incompatible development and create a height massing that would detract from the existing character of 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.

Variances 1 and 2 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 2024.
3. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval is made, they will be the responsibility of the applicant to obtain.
4. The variances are being reviewed under Section 45(1) of the *Planning Act*.

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5. A grading and drainage clearance certificate **may** be required.
6. 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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APPLICANTS: Sahil Preet Kahlon,
Ripudaman Singh

PROPERTY: 1006 North Shore Blvd.E,
PLAN 180 PT LOTS 4,5,6,
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 a front yard of 8.3 m instead of the minimum required 11 m for a proposed one storey attached garage addition.
2. To permit an east side yard of 1.3 m instead of the minimum required 2.309 m for a proposed one storey attached garage addition.
3. To permit an accessory building to be located in the required 2.309 m side yard whereas Zoning By-law 2020, 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.
4. To permit an existing 12.2 m² balcony located above the first storey on a wall facing the rear 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.
5. To permit a street side yard abutting Allview Avenue of 1.3 m instead of the minimum required 4.5 m for an existing 12.2 m² balcony.

PRESENT:	Joe Domb, JD Domb COA Consulting – 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 6:18 pm

Discussion:

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

Agent 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: V. Tinti asked questions of the agent.

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Comments from Committee:

Chair asked Members if they had comments on the application:

V. Tinti partially supported the application; noted for the following reasons: supported Variances 1, 2, 3 as they met the four tests of the Planning Act; however, did not support Variance 4 and 5; believed the applicants should have been aware of the by-law concerning second-floor balconies; the member could not support the unauthorized balcony, as the applicant should have—or would have—known it was not in conformity with the zoning by-law.

E. Westerhof supported the application; noted for the following reasons: supported all proposed variances, as they met the four tests of the *Planning Act*; acknowledged the appropriateness of the design and considered the variances suitable to permit ongoing property maintenance; noted that no concerns were raised as a result of the public notice regarding the proposal and that there were no known issues with the abutting property; recognized that the balcony had been in existence for three years, with public notification circulated and signage posted; as no objections were received and no concerns regarding overlook were evident had no objection to Variance 4.

J. Riddell partially supported the application; noted for the following reasons: agreed with the staff report; with respect to Variances 4 and 5, it was noted that the existing dwelling already extended beyond the lot line, and the balcony served as an example of why restrictions were originally established in the zoning by-law; expressed concern about using conditions on adjoining properties as justification for approving a variance, as such conditions are subject to change; therefore, did not support Variances 4 and 5, as they did not meet the four tests of the *Planning Act*.

B. Ursel supported the application; noted for the following reasons: agreed with the staff report and supported the staff recommendations; considered the garage design to be a welcomed addition to the property; with respect to Variances 4 and 5, the member believed it was the onus of the property owner to understand zoning conformity during the transfer of lands, as that opportunity was available to all; issues related to the balcony should have been addressed at that time; however, due to the irregular lot configuration and the distance from the east adjoining property, the second-floor balcony concerns were sufficiently mitigated; the application was found to meet the four tests of the *Planning Act*.

Chair supported the application; noted for the following reasons: supported the application in its entirety; acknowledged the comments made by colleagues; however, given the distance from adjacent properties and the impact of inclement weather seasons and mature vegetation, the balcony was not considered a concern; believed the application met the four tests of the *Planning Act*.

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Chair asked the Committee for a Motion for variances 1, 2, and 3. Member Riddell moved for approval with condition; Member Westerhof seconded.

Chair asked the Committee for a Motion for variances 4 and 5. Member Ursel moved for approval with condition; Member Westerhof seconded.

Committee members voted unanimously that the variances 1, 2, and 3 of the application and majority of committee members voted that variances 4 and 5 of the 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-040/2025:

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 variances 1, 2, and 3 of the application and majority of committee members supported variances 4 and 5 of the application therefore;**

The Committee **GRANTS** the application under **File 540-02-A-040/2025** at **1006 North Shore Blvd. E., Burlington:**

1. To permit a front yard of 8.3 m instead of the minimum required 11 m for a proposed one storey attached garage addition.
2. To permit an east side yard of 1.3 m instead of the minimum required 2.309 m for a proposed one storey attached garage addition.
3. To permit an accessory building to be located in the required 2.309 m side yard whereas Zoning By-law 2020, 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.
4. To permit an existing 12.2 m² balcony located above the first storey on a wall facing the rear 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.
5. To permit a street side yard abutting Allview Avenue of 1.3 m instead of the minimum required 4.5 m for an existing 12.2 m² balcony.

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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 variances were deemed minor in nature, both in terms of their quantitative impact and the associated physical and functional implications on adjacent lands. Each of the five requested variances were intended to preserve compatibility with the surrounding neighbourhood character and did not result in any unacceptable adverse effects related to privacy, shadowing, drainage, or overall functionality. Accordingly, staff concluded that the impact of the proposed minor variances were indeed minor in nature which aligned with the majority of Committee members rationale for support

CONDITIONS:

The decision of the subject minor variance application is subject to the following conditions. Conditions as listed below must be fulfilled within the time period specified which period begins from the last date of appeal. Any time period given is a maximum period only and cannot be extended.

These variances are for the life and repair of the single detached residential use only; any construction associated with this approval shall be substantially in accordance with the plans submitted in support of the application.

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

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

The Applicant is advised of the following notes:

1. A building permit is required for all construction.
2. A grading and drainage clearance certificate **may** be required.
3. A tree permit **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.
4. Conservation Halton approval is required.

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5. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval is made, they will be the responsibility of the applicant to obtain.
6. The variances are being reviewed under Section 45(1) of the *Planning Act*.
7. In order to maintain the Region's Contaminated Sites Database, Regional staff request final copies of all environmental reports (if applicable) including: Geotechnical Studies, Hydrogeological Studies, Phase One and/or Two Environmental Site Assessments, Remediation Reports, Risk Assessments, Record of Site Condition (RSC), and/or Certificate of Property Use (CPU).

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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APPLICANTS: Nicole Banjavcic,
MAURICIO MARTINEZ

PROPERTY: 2013 Amherst Heights Dr.,
PLAN M142 LOT 7,
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 combined width of all hard surfaces to be 7.2 m instead of the maximum permitted 4.5 m to expand an existing driveway and walkway.

PRESENT:	Nicole Banjavcic, Mauricio Martinez – Owners
MATERIALS:	Staff reports containing advice of Planning Department – (Committee of Adjustment, Zoning, Site Planning, and Building) Site Engineering, and Transportation Services. Addendum to Staff Report
EVIDENCE:	Collective Letters of Support Applicant's Presentation Material
HEARING:	Started at approximately 6:42 pm

Discussion:

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

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: B. Ursel, J. Riddell, V. Tinti, E. Westerhof, and Chair asked questions of the owner and staff.

Chair asked the Committee for a Motion to amend the variance and amended draft conditions. Member Ursel moved for approval; Member Westerhof seconded.

Comments from Committee:

Chair asked Members if they had comments on the application:

B. Ursel supported the application; noted for the following reasons: primary concern was with the wording of the requested variance however, with staff's work, applicant's

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cooperation and committee's input, member could support the revision to the wording; it was understood that a significant and immediate concern with the current status of the site was time sensitive and was willing to support a revised variance on the floor in an effort to assist the homeowners in rectifying their situation before the winter months; believed the revised variance and added conditions met the four tests of the *Planning Act*; concerns regarding vegetation and soft landscaping were captured with the new wording and ensured that future adjustments to the site were protected based on the nature of the discussion.

E. Westerhof supported the application; noted for the following reasons: recognized the efforts made in the short term to reach agreement on the application; acknowledged the improvements the redevelopment would bring to the home and surrounding properties; identified the redevelopment as compatible with neighbouring homes and appreciated the inclusion of soft landscaping; believed that the revised variance and added conditions met the four tests of the *Planning Act*.

J. Riddell supported the application; noted for the following reasons: acknowledged staff's willingness to assist the applicant; noted that the surrounding circumstances were unique and that the Committee would not typically entertain revisions of this nature during a meeting, as such applications are usually deferred; recognized that, due to the compelling presentations and the mutual willingness between the applicant and staff to collaborate, the member was able to support the application; believed that the revised application met the four tests of the *Planning Act*.

V. Tinti supported the application; noted for the following reasons: agreed with Member Riddell and all colleagues; acknowledged the necessary change to the property and emphasized that the drafted decision should be dated to ensure complete and accurate documentation.

Chair supported the application; noted for the following reasons: agreed with colleagues and addendum; supported the revised variance and revised draft condition; found that the revised application met the four tests of the *Planning Act*.

Chair asked the Committee for a Motion. Member Ursel moved for approval with condition; Member Riddell 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, the addendum and evidence presented at the hearing.

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

DECISION 540-02-A-041/2025:

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO. 1990, c. P.13, as amended;

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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-041/2025 as amended at 2013 Amherst Heights Drive, Burlington:**

1. To permit the combined width of all hard surfaces to be 6.9m instead of the maximum 4.5m, and a further reduction to 5.5m maximum hard surface width for the first 4m measured from the front lot line to expand an 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 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 development was consistent with the existing streetscape and aligned with existing front yards of neighbouring properties; the preservation and enhancement of on-site vegetation would assist in maintaining the character of 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.

This variance is for the life and repair of the proposed driveway and walkway landing only; any construction associated with this approval shall be substantially in accordance with a revised site plan showing a 5.5-metre-wide long driveway at the property line framed by soft landscaping at the sides and between the driveway and the house, to a minimum depth of approximately 4 metres, beyond which the applicant may have an adjacent walkway landing at the base of the porch stairs measuring a maximum of 1.4 metres wide by 1.5 metres in depth.

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

1. The Applicant shall apply for a Pre-Building Approval Application to legalize the garage conversion.
2. The Applicant shall submit an updated site plan to show a 5.5-metre-wide driveway at the property line and an adjacent walkway landing at the base of the porch stairs measuring a maximum of 1.4 metres wide by 1.5 metres in depth to the satisfaction of the Director of Community Planning

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 2024.
3. 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.
4. The zoning review is based on the portion of the site affected by the proposed development only.
5. The variances are being reviewed under Section 45(1) of the Planning Act.
6. A grading and drainage clearance certificate **may** be required.
7. 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.
8. In order to maintain the Region's Contaminated Sites Database, Regional staff request final copies of all environmental reports (if applicable) including: Geotechnical Studies, Hydrogeological Studies, Phase One and/or Two Environmental Site Assessments, Remediation Reports, Risk Assessments, Record of Site Condition (RSC), and/or Certificate of Property Use (CPU).

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.

1. OTHER BUSINESS:

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6.1 Correspondence:

Copies of Minutes for Meeting No. 17 on September, 24, 2025

6.2 Items for Discussion: None.**6.3 Date of Next Meeting:**

Wednesday, October 22, 2025 at 1:00 p.m., in person at City Hall in Council Chambers and virtually via Zoom Video Conferencing Technology.

6.4 Approval of Minutes:

After conferring with the Members, the Chair directed the minutes September, 24, 2025 be approved as distributed.

2. ADJOURNMENT:

The meeting was adjourned at 7:35 p.m.

CERTIFIED CORRECT



C. Susidko-Petriczko
Secretary-Treasurer

CONFIRMED



F. Capuano
Chair