



## Committee of Adjustment & Consent

### Agenda

Date: March 25, 2026  
Time: 1:00 pm  
Location: Council Chambers, City Hall, second floor

Pages

#### 1. Call to Order

#### 2. Land Acknowledgement

Burlington as we know it today is rich in history and modern traditions of many First Nations and the Métis. From the Anishinaabeg to the Haudenosaunee and the Métis – our lands spanning from Lake Ontario to the Niagara Escarpment are steeped in Indigenous history.

The territory is mutually covered by the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy, the Ojibway and other allied Nations to peaceably share and care for the resources around the Great Lakes.

We acknowledge that the land on which we gather is part of the Treaty Lands and Territory of the Mississaugas of the Credit.

#### 3. Roll Call

#### 4. Declarations of Interest

#### 5. Addendums

#### 6. Request for Deferrals

##### 6.1 Item 8.2\_1158 Fisher Avenue\_A-088-2025

The Committee has received a request for deferral for 1158 Fisher Avenue file no 640-04-A-088-2025 at the request of Staff.

This item will be rescheduled to a future hearing.

## 7. Consent Items

Hearings of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

### 7.1 535 Regina Drive\_A-003-2026

1 - 44

#### **Proposal:**

The applicant is proposing the construction of a one storey addition to the existing one storey dwelling without attached garage. Variance for increased lot coverage and reduced side yard are required.

#### **Variations required:**

1. To permit a south-east side yard of 1.2 m instead of the minimum required 3.0 m for a proposed one-storey addition.
2. To permit lot coverage of 29.2% instead of the maximum permitted 27% for a proposed one-storey addition onto an existing one storey dwelling without an attached garage.

### 7.2 2253 Empire Crescent\_A-082-2025

45 - 83

#### **Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

#### **Variance required:**

1. To permit the combined width of all hard surfaces to be 7.2 m instead of the maximum permitted 5.5 m for an existing driveway and walkway.

**Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

**Variance required:**

1. To permit the combined width of all hard surfaces to be 7.2 m instead of the maximum permitted 5.5 m for an existing driveway and walkway.

**Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

**Variance required:**

1. To permit the combined width of all hard surfaces to be 8.7 m instead of the maximum permitted 7.5 m for an existing driveway and walkway.

**8. Regular Items**

**Proposal:**

The applicant is proposing the construction of a two-storey detached dwelling with an attached garage.

**VariANCES required:**

1. To permit lot coverage of 28.8% instead of the maximum permitted 25% for a proposed two-storey detached dwelling with attached garage.
2. To permit floor area ratio of 0.51:1 instead of the maximum permitted 0.4:1 for a proposed two-storey detached dwelling with attached garage located within the Shoreacres Character Area.
3. To permit a south-east side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
4. To permit a north-west side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
5. To permit a dwelling depth of 20.2 m instead of the maximum permitted 18 m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey detached dwelling with attached garage.
6. To permit a proposed attached garage to project 1.1 m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
7. To permit a north-west side yard of 1.2 m instead of the minimum required 1.981 m for a proposed basement walkout stair.

**Proposal:**

The applicant is proposing the construction of a 178 m<sup>2</sup> one-storey rear yard accessory building with uncovered deck. The accessory building is proposed for use as a single Additional Residential Unit which is inclusive of a full basement containing living space.

**Variances required:**

1. To permit a total floor area of 178 m<sup>2</sup> instead of the maximum permitted 80 m<sup>2</sup> for a proposed one-storey detached accessory building containing an Additional Residential Unit with a full basement.
2. To permit a building height of 4.8 m instead of the maximum permitted 4.6 m for a proposed 178 m<sup>2</sup> one-storey accessory building with a peaked roof.

**9. Other Business**

9.1 Correspondence

9.2 Items for Discussion

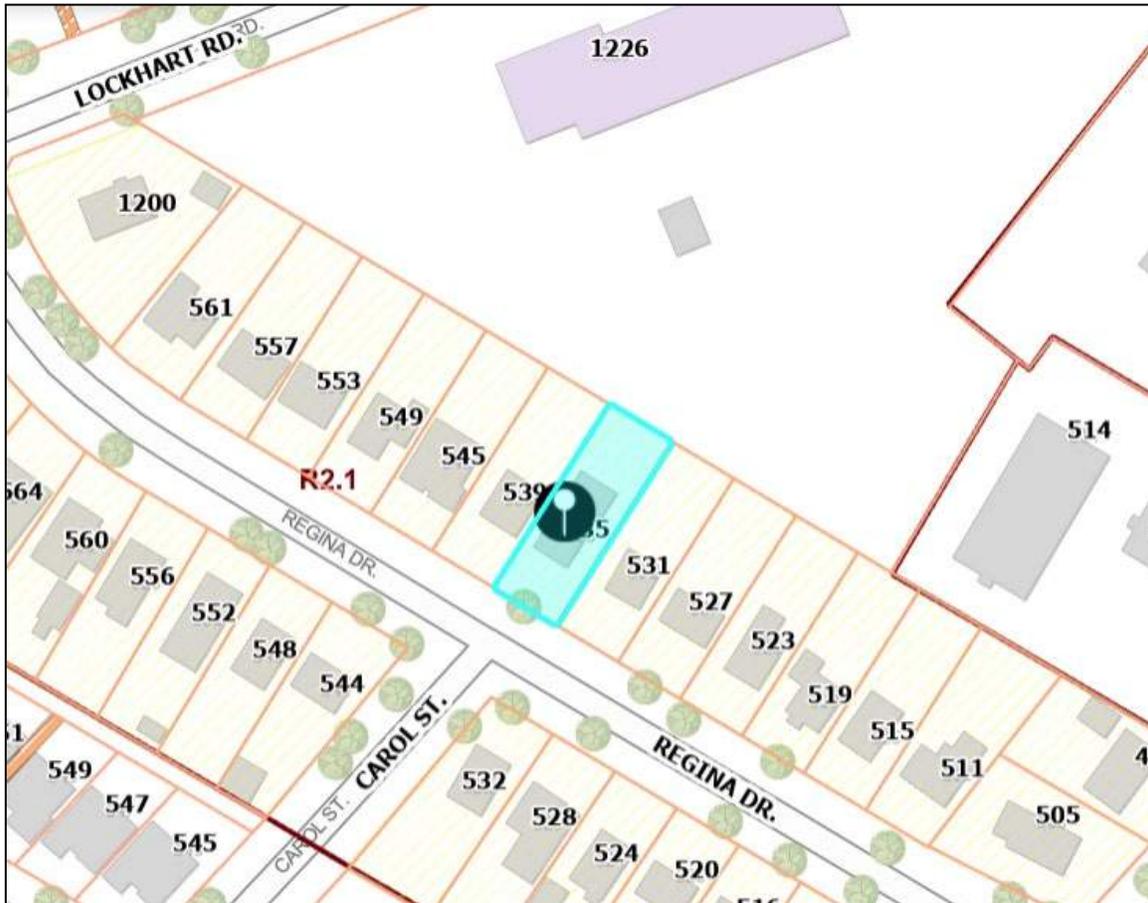
9.3 Date of Next Meeting

9.4 Motion to Approve Committee of Adjustment Meeting Minutes

**10. Adjournment**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

Owner(s): Humberto Gutierrez and Ana Morreo  
Address: 535 Regina Dr. Burlington  
File No. **A-003/26**  
Ward: 1



**Staff Comments:**

**Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: January 13 2026

Prepared By: E. Shacklette

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## Zoning

The subject property is zoned R2.1, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The R2.1 zone requires, among other things, the following:

### 4.1 LOT WIDTH, AREA, YARDS

**Table 2.4.1**

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
<b>R2 ZONES</b>						
<b>R2.1</b>	18 m	700 m <sup>2</sup>	11 m <b>(e)(f)</b>	10 m <b>(c)</b>	<b>(a)(d)</b>	4.5 m

#### Footnotes to Table 2.4.1

<b>(a)</b> With attached garage or carport:	10% of actual lot width
<b>Without attached garage or carport:</b>	10% of actual lot width <b>(15.24 m x 10% = 1.524 m), 3 m minimum on one side</b>

### 4.2 MAXIMUM LOT COVERAGE

**Table 2.4.3**

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
<b>All Dwellings in Designated Areas (b) (c)</b>	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	<b>27% for one storey dwellings plus 8% for accessory buildings</b> 22% for one and a half storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

#### Proposal:

The applicant is proposing the construction of a one storey addition to the existing one storey dwelling without attached garage. Variance for increased lot coverage and reduced side yard are required.

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**Variations required:**

1. To permit a south-east side yard of 1.2 m instead of the minimum required 3.0 m for a proposed one-storey addition.
2. To permit lot coverage of 29.2% instead of the maximum permitted 27% for a proposed one-storey addition onto an existing one storey dwelling without an attached garage.

**Condition:**

1. The applicant shall apply for a Pre-Building Approval Application.

**Notes:**

1. Minor variations have been identified based on the plans submitted for zoning review. If changes to the plans are made after minor variance approval that result in the need for additional minor variations, they will be the responsibility of the applicant to obtain.
2. The zoning review is based on the portion of the site affected by the proposed development only.
3. 2 required parking spaces are provided in the front yard.
4. The variations are being reviewed under 45(1) of the *Planning Act*.

Date: January 24, 2026Prepared By: Tina Vassalli for Steve Boich**Site Planning**

<b>Site Characteristics</b>	
<b>Lot Frontage (m)</b>	15.24 m
<b>Lot Area (m<sup>2</sup>)</b>	696.77 m <sup>2</sup>
<b>Existing Land Uses</b> <i>(ex. buildings, structures, driveways, fences, etc...)</i>	Single storey detached dwelling without an attached garage; existing driveway; board fence along the south side and partially along the north, the remainder is chain link fence.
<b>Site Grading</b>	Flat and level

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<i>(ex. Flat and level, significant grade differences)</i>	
<b>Notable Site Features</b>	The property backs onto the playground of the Renaissance Elementary School.
<b>Surrounding Land Uses</b> <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Low-rise residential
<b>Nearest Major Intersection</b>	Maple Avenue and Lockhart Road
<b>Neighbourhood Boundaries*</b>  <small>*Based on OP, 1997 residential neighbourhood definition</small>	North: Maple Park East: Maple Avenue South: Lakeshore Road West: QEW

Neighbourhood Characteristics:

- A mix of one-storey bungalows, one-and-a-half storey dwellings, and larger two-storey homes, some of which have been extensively renovated. While architectural styles and façade treatments vary, the overall character remains distinctly low-rise and residential in scale, with no abrupt transitions in built form.
- Rooflines are predominantly pitched, including gable and cross-gable forms, which visually reduces massing and maintain a traditional residential appearance. Even where homes are larger in footprint or height, the use of sloped roof forms and varied materials helps maintain compatibility within the streetscape.
- Homes in the neighbourhood usually have large front yards with mature landscaping, contributing to an open and green character. Mature trees are a prominent feature along the street and within individual lots, providing natural buffering between properties.
- Side yard conditions vary across the street, reflecting incremental additions and redevelopment over time. Some homes maintain wider separations, while others exhibit reduced side yard setbacks associated with additions or attached garages.
- Driveways extending directly to multi-vehicle garages or parking areas are a common feature of the streetscape. Garage configurations vary, including attached, integrated, and side-access forms, further demonstrating the diversity of built form while maintaining the overall low-density residential character of the area.

A site visit was conducted on February 25, 2026, and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

**1) City of Burlington Official Plan:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?**

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**Yes**

Regional Official Plan (2022):

The proposal meets the general intent and purpose of the Regional Official Plan, 2022 (ROP, 2022) for the following reasons:

- Section 76 of the ROP indicates that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. Given that detached dwellings are permitted by the City's Zoning By-law, staff are of the opinion that the requested variances meet the general intent and purpose of the ROP.

Regional Staff have also reviewed this application and have no objections to the Minor Variance application.

Official Plan, 1997 & 2020

Parts of the Burlington Official Plan, 2020 (BOP, 2020) are not in-force due to ongoing Ontario Land Tribunal Appeals, so applications are reviewed against a combination of in-force policies under BOP, 2020 and the older Burlington Official Plan 1997 (BOP, 1997).

The proposal/variances meet the general intent and purpose of the Official Plan for the following reasons:

- The proposed use is consistent with the property's 'Low-Rise Neighbourhoods I' designation under Schedule 'C'/Schedule 'B' (Land Use - Urban Area/Comprehensive Land Use Plan- Urban Planning Area) of the BOP, 1997/BOP, 2020, as amended, which permits ground-oriented, low-density housing, and where compatible infill, small-scale additions, and renovations are encouraged.
- Whereas Part II, Section 8.3.2(1)(a)–(d) of the BOP, 2020 (Low-Rise Neighbourhoods I) directs that new development and additions shall be compatible with the surrounding context and maintain the predominant character of the neighbourhood with respect to height, massing, and setbacks, the proposal is consistent with these objectives in the following ways:
  - The proposed addition is located along the south-easterly side of the existing one-storey dwelling, maintaining the established front building line and preserving the streetscape rhythm.
  - The massing is directed laterally rather than vertically, which fits the low-rise character of the dwelling and surrounding neighbourhood
  - The addition remains one-storey in height and continues the existing roof pitch and architectural detailing.
  - The addition is a small extension (64m<sup>2</sup>) which is smaller in floor area than the original structure (138m<sup>2</sup>). The articulation of the roofline and the

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- continuation of horizontal siding and fenestration patterns helps ensure that the addition integrates seamlessly with the existing built form.
- The reduced south-east side yard setback of 1.2 m is limited to a single-storey wall plane and does not result in excessive massing or overlook conditions.
  - The maximum height of the house is not changing. The height from grade to the tallest portion of the roof is 6.33 metres, and the height of the new addition will be below this maximum.
  - Given the horizontal scale and absence of increased height, the visual and shadow impacts are less than a full second storey addition and are consistent with other side additions observed within the neighbourhood context.
  - The proposed lot coverage of 29.2% represents a small numerical increase over the permitted 27% and is achieved through a ground-oriented expansion rather than vertical intensification. The dwelling remains proportionate to the lot, with a zoning compliant rear yard area retained and no encroachment into the front yard.
- Whereas *compatible* is defined as “Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health”, which is evaluated in accordance with measurable/objective standards, the planner notes the following:
    - The proposed addition maintains a one-storey height and does not introduce additional vertical massing, maintaining the prevailing low-scale built form character of the neighbourhood.
    - The reduced south-east side yard setback is limited to a single-storey wall and maintains adequate separation between dwellings.
    - A sideyard of 1.2 m can still provide access for maintenance, and drainage, as indicated by the “no-objection” comment from engineering
    - The modest increase in lot coverage (29.2% vs. 27%) represents a minor intensification that does not result in overdevelopment of the site. Sufficient rear yard area and soft landscaping are retained, consistent with the prevailing lot fabric in the area.
    - The proposal does not introduce new land uses or changes to access or parking arrangements, and therefore does not create functional impacts on traffic or servicing.
    - No unacceptable environmental or human health risks are anticipated, as the development remains within a fully serviced urban lot and does not encroach into environmentally sensitive features or regulated areas.

**2) City of Burlington Zoning By-law 2020:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

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**Yes – (South Side Yard (Section 4.1, Table 2.4.1))**

The general intent and purpose of the side yard setback provision of Burlington Zoning By-law 2020 is to ensure adequate separation between buildings for access, maintenance, drainage and privacy between neighbouring dwellings. The proposed minor variance to permit a south side yard of 1.2 m instead of the minimum required 3.0 m maintains the general intent and purpose of this provision for the following reasons:

- The reduced south side yard continues to provide sufficient separation between dwellings to allow for safe access and ongoing maintenance of the building envelope without creating adverse impacts on the abutting property.
- Wider dwellings have been observed throughout the neighbourhood, including along Regina Drive as well as Lockhart Road. Some older properties on Regina Drive also exhibit reduced side yard setbacks (557, 553 and 545 Regina Drive), which is in line with the proposal to widen the existing dwelling and supports its consistency with the prevailing-built form pattern.
- Development engineering has indicated no objections and no concerns with the proposed setback from a drainage standpoint.
- The variance will not create undue impacts to light and privacy for adjacent properties, particularly given the orientation of the dwelling and the overall lot configuration.
- The requested relief remains consistent with the established built form and spacing pattern observed within the surrounding neighbourhood.

**Yes – (Coverage (Section 4.2, Table 2.4.3))**

The general intent and purpose of the lot coverage provision of Burlington Zoning By-law 2020 is to ensure that the scale and massing of development remain compatible with the character of the surrounding neighbourhood, while maintaining adequate space for landscaping, amenity areas, and stormwater management. The regulation is intended to prevent overbuilding on lots, ensuring that built form does not dominate the site or detract from the open, low-density character of residential neighbourhoods.

The proposed minor variance to permit lot coverage of 29.2% instead of the maximum permitted 27% maintains the general intent and purpose of this provision for the following reasons:

- The requested increase in lot coverage is minor in nature (2.2% over the permitted maximum) and does not result in overdevelopment of the lot or a built form that dominates the site.
- A 10.27m front yard setback, 2.67m northwest side yard setback and 15.59m rear yard setback are maintained, in compliance with the Zoning Bylaw
- Adequate landscaped open space is maintained on the property, preserving soft landscaping and outdoor amenity areas, consistent with the character of the neighbourhood.
- The overall scale and massing of the dwelling will continue to be modest and compatible with surrounding residential properties, maintaining the prevailing character of the area.

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- The slight increase in coverage does not undermine the intent of the zoning regulation, as the site continues to function appropriately and retains sufficient open space and separation from lot lines.

### **3) Desirability:**

**Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?**

#### **Yes**

The proposed variances are desirable for the appropriate development of the land because:

- They facilitate residential reinvestment that supports the ongoing renewal and gradual evolution of the surrounding low-rise neighbourhood.
- The variances facilitate a small addition that adds a new master bedroom, dining room and family room, improving the functional layout of the dwelling while maintaining a functional side yard setback and adequate landscaping around the home
- The proposal represents a more efficient use of the property, allowing the homeowner to make the dwelling more functional for a larger family, without altering the established character of the neighbourhood.
- The scale and design of the addition is subordinate in height and floor area to the existing structure and does not result in adverse impacts to adjacent properties.
- The development continues to respect the intent of the zoning framework by enabling reinvestment in the property and maintaining the low-density residential character of the area.

### **4) Minor in Nature:**

**Is the proposed minor variance(s) from the zoning by-law considered minor in nature?**

#### **Yes**

The proposed variances are considered minor in nature for the following reasons:

- The reduction in the south side yard from 3.0 m to 1.2 m still maintains a functional, accessible side yard with adequate separation to the neighbouring home.
- The increase in lot coverage from 27% to 29.2% is modest (2.2% over the permitted maximum) and does not qualitatively alter the built form or open space character of the lot.
- The addition is limited in scale, remains subordinate to the existing dwelling, and does not introduce additional storeys or significant massing impacts.

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- There are no anticipated adverse impacts related to privacy, light, access, or compatibility with surrounding properties.
- While the variances represent deviations from the standards, they are minor numerically (2.2% coverage exceedance) and in terms of their physical impact, they do not undermine the intent of the Zoning By-law, and result in a form of development that is compatible and appropriate for the property and the surrounding neighbourhood.

**Cumulative Effects of Multiple Variances and Other Planning Matters:**

The cumulative effect is minor, and staff are supportive for the following reasons:

- The two requested variances — a reduction to the south side yard setback and a modest increase in lot coverage — work together to facilitate a small-scale addition that maintains the overall low-rise residential character of the area.
- When considered together, the variances do not create any unacceptable cumulative impacts related to massing, scale, privacy, or shadowing. The proposed addition maintains the same north side and rear yard relationships as the existing dwelling and preserves sufficient open space for drainage, landscaping, and amenity.

**Recommendation:**

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Date: February 27, 2026

Prepared By: Melissa Gasic, MCIP RPP

**Report Schedules & Attachments:**

Attachment No. 1 (Site Photos)



**View of the front/driveway**



**View of south easterly property line**

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**View of the abutting southerly property**



**View of the northerly abutting property**



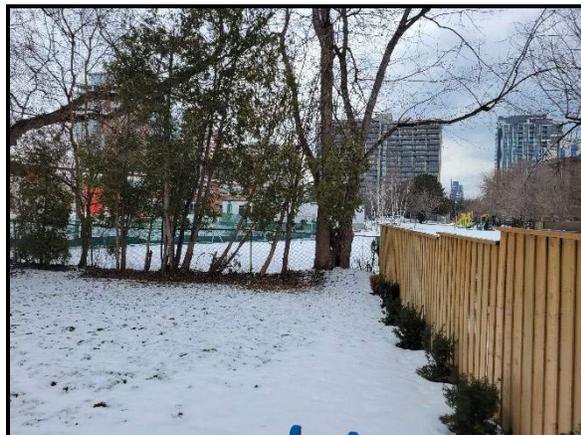
**View of the existing deck in the southeast side yard**



**View from the southeast side yard towards the front gate**



**View of the existing deck (to be demolished) in the southeast side yard**



**View of the backyard**

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**View of the backyard**



**View of the southeast side yard from the rear**



**View from the rear yard**



**View towards the existing southerly neighbour**



**View of 528 Regina Drive**



**Neighbourhood Context- 519 Regina Drive**

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**Neighbourhood Context- 552 Regina Drive**



**Neighbourhood Context- 564 Regina Drive**



**Neighbourhood Context- 545 Regina Dr.**



**Neighbourhood Context- 1203 Lockhart Dr.**

**Technical Reviewer Comments:**

**Development Engineering**

Development has no objection to the variance(s) requested. Revisions to the plans may be required through the Grading and Drainage Clearance Certificate process. A **Grading and Drainage plan** will be required for the GDCC application.

Date: February 9, 2026

Prepared By: Robert Bardaloo

**Forestry**

Forestry has no objection to the proposed minor variance(s) and provides the following advisory note(s) to the applicant:

1. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws.

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

Date: February 10, 2026Prepared By: R. Shaw-Lukavsky**Building**

1. A Building Permit is required for all building 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.

Date: Feb. 18, 2026Prepared By: A. Kuzmichuk**Transportation Planning**Deemed Road Width Analysis

Regina Drive is under the authority of the City of Burlington, and the deemed right-of-way width is 20 metres. The right-of-way adjacent to the subject site is approximately 20 metres; therefore, no additional lands are required.

Date: January 15, 2026Prepared By: E. Chen

Transportation Planning have reviewed the proposed minor variance application and have no comments or concerns.

Date: February 4, 2026Prepared By: Thalia Thompson**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

**Tax**

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: February 3, 2026Prepared By: L. Bray

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**Agency Comments:****Halton Region****Regional Contaminated Sites Database:**

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).

Regional Staff have reviewed the Minor Variance application proposing the construction of a one storey addition to the existing one storey dwelling without attached garage. Variance are requested to the minimum required side yard and maximum permitted lot coverage.

- Due to Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.
- Regional Staff have no objections to the Minor Variance application.

Date: February 19, 2026Prepared By: Navjot Kaur**Burlington Hydro**

Burlington Hydro comments are attached at the end of this report.

Date: February 9, 2026Prepared By: Zakariya Al-Doori



February 5, 2026

Applicant: Humberto Gutierrez, Ana Morreo

Subject: Minor Variance.

File No:540-02-A-003/26.

Location: 535 Regina Dr, Burlington, ON.

In response to your correspondence(s), a member of our Engineering Department has reviewed the information and has the following comments.

We have no objections to the proposed construction of a one-storey addition to the existing one storey dwelling without an attached garage.

**Please Notes:**

1. Prior to working within 1m (3') of the overhead secondary service wire. Please do not hesitate to contact Burlington Hydro Inc. (BHI) via email at [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com) to coordinate the disconnection of the overhead secondary service wire.
2. Arrange for disconnect of the power if a person or equipment is encroaching in the minimum safety distance permitted under The OSHA and OESC.

In addition, we want to stipulate the following:

- Customers and their agents planning and designing for electricity service must refer to all applicable Provincial and Canadian electrical codes, and all applicable federal, provincial, and municipal laws, regulations, codes, and by-laws to ensure compliance.
- All work on the BHI distribution system, shall be conducted in accordance with the latest edition of the Ontario Occupational Health and Safety Act (OSHA), the Regulations for Construction Projects, the Regulations for Industrial Establishments and the Electrical Utility Safety Rules published by the Infrastructure Health and Safety Association (IHSA).
- Service is available under BHI's latest Standard Service Conditions:  
<https://www.burlingtonhydro.com/about/regulatory-affairs/conditions-of-service.html>
- Relocation, modification, or removal of existing hydro facilities, if required, shall be at the customer's expense. BHI will refer to the latest Standards and Regulations if possible issues with the clearances arise between existing BHI facilities and existing/proposed building structures.

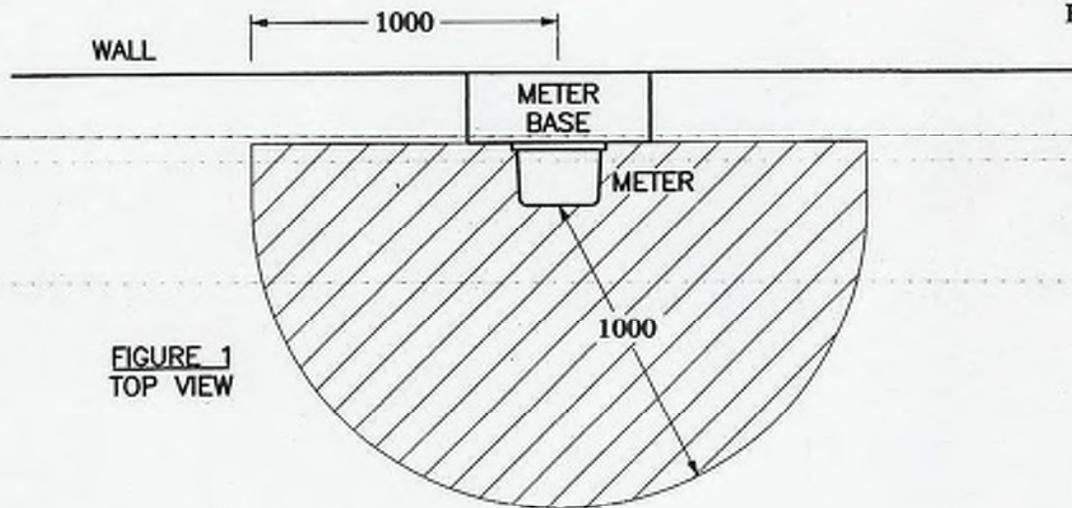


- BHI easement (if any) is to remain clear of heavy vehicle traffic and the customer is responsible for keeping the easement lands free and clear of any trees, fences, buildings, structures, or obstructions unless any of forgoing is approved in writing by Burlington Hydro Inc. Further, the Customer shall remove the same upon the request of Burlington Hydro Inc.
- The customer is to ensure that Burlington Hydro Inc (BHI) has access to the hydro facilities.
- The customer is to acquire any easements for BHI if required.
- The project must meet City of Burlington Standards.
- Machine excavation within one meter of the underground plant is not permitted.
- Do not excavate within two meters of BHI's transformer, poles and anchors.
- Please arrange for underground hydro cable locate(s), prior to beginning construction, by contacting Ontario One Call (800) 400-2255.
- Please refer to the latest edition of the Occupational Health and Safety Act ("OHSA") and Regulations for Construction Projects when work is planned to be performed in proximity of the hydro distribution system.
- Arrange for disconnect and isolation of the power supply if a person or equipment is to encroach on the minimum distance permitted under the OHSA and OESC.
- Please arrange for a site meeting with a BHI representative, by sending an email to Eng. Desk [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com), prior to beginning any construction/demolition near existing overhead or underground hydro facilities to get approved BHI service layout/consent and avoid any possible service complications or safety issues.

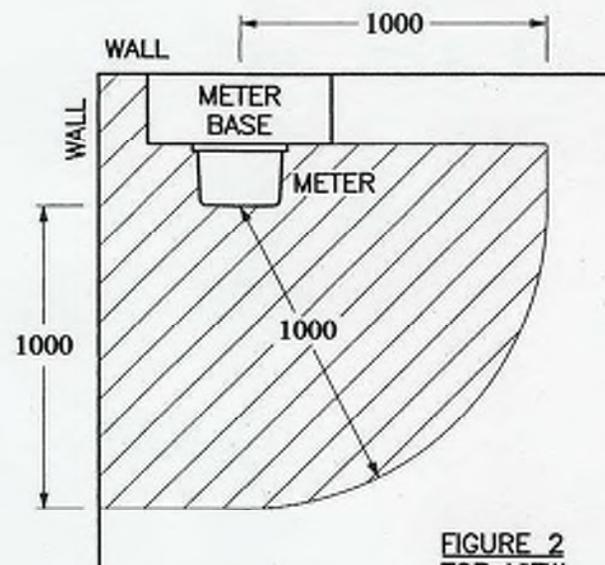
Regards,  
Zakariya Al-Doori  
Engineering Services Technician

Cc: Rosso Parra, P. Eng  
Engineering Manager, Customer Connections  
& Key Accounts

FEB 06/2026  
RP

FIGURE 1  
TOP VIEW**NOTES**

1. HATCHED AREA TO BE KEPT CLEAR OF ANY OBSTRUCTION TO ALLOW FOR SAFE WORKING CLEARANCE.
2. WHERE MULTIPLE METERS ARE INSTALLED, CLEARANCES ARE REQUIRED AROUND EACH METER.
3. WHERE METERS ARE INSTALLED IN CABINETS, ALL DOORS MUST BE ABLE TO BE OPENED 100 DEGREES.

FIGURE 2  
TOP VIEW**REQUIRED WORKING CLEARANCE AROUND METERS****METRIC**  
LINEAR DIMENSIONS SHOWN IN MILLIMETRES

# Clearances to Overhead Electrical Infrastructure

Communication between all parties involved in the design, construction, renovation, for the use and maintenance of buildings near overhead (OH) electrical infrastructure is key. Planners, architects, developers / contractors, and property owners must be informed and work together to ensure all laws, regulations and local requirements are met for the safety of workers and occupants.

## New Buildings or Additions to Buildings

It is essential that Burlington Hydro Inc. is notified on proposed projects early in the design phase to review and provide feedback. Site plan applications should be provided, including the drawings, to capture any conflicts before any permit is issued by the municipality. Ideally, Burlington Hydro Inc. will be asked to provide pre-design input.

For any new building or additions to existing buildings, there are a number of codes and regulations that govern the proximity to overhead electrical infrastructure that must be adhered to by all stakeholders. The Ontario Building Code (OBC), Ontario Electrical Safety Code (OESC), Ontario Occupational Health and Safety Act (OHSA), and Ontario Regulation 22/04 all have the same requirements regarding clearances. **These clearances take into account the conductor swing as per the OBC and apply to the outermost part of the building, which includes the balconies, fire escapes, flat roofs, or other projections beyond the face of the building as shown in Figure 1.**

The OBC regulates the design and construction of all new buildings and for additions, alterations and change of use of existing buildings. Applying Article 3.1.19.1, Above Ground Electrical Conductors; Clearances to Buildings, **minimum horizontal clearances to OH electrical infrastructure are as follows:**

Clearance from the OH Power Line	<750V	>750V
Radial to conductor	3 m (10 ft)	5 m (16.5 ft)
Along the OH pole line (from a vertical line drawn from power line to ground level)	2 m (6.5 ft)	5 m (16.5 ft)

All stakeholders should contact Burlington Hydro Inc. to determine the requirements for the specific design scenario.

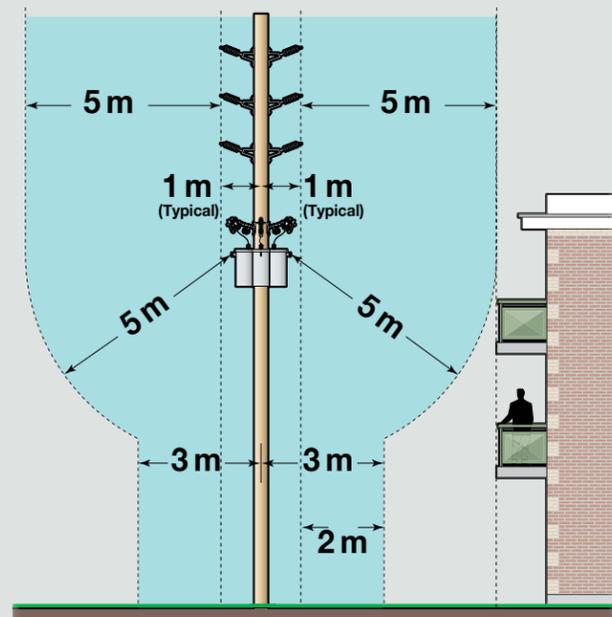
According to CSA C22.3 No. 1, permanent or temporary structures / buildings or their extensions, should not be over or underneath overhead electrical infrastructure.

### Examples of instances when these clearances become necessary for workers and occupants:

- **Workers** – using scaffolding during construction, putting up signs and lighting, or other equipment to maintain the building, i.e. resurfacing, window washing or use of cranes.
- **Occupants** – using clothes lines, business signs, flags, or general reach from a balcony

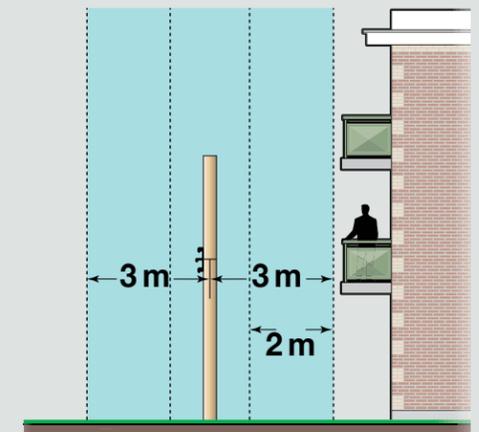
Burlington Hydro Inc. should be contacted prior to any activity within 3 m of the OH electrical infrastructure, such as tree trimming or working on the sides of a building. According to the Ministry of Labour's Occupational Health and Safety Act and the Electrical Safety Code, only Burlington Hydro's employees or approved contractors can work in proximity to these lines.

Figure 1: Ontario Building Code Clearance Requirements



Clearance from Medium Voltage (>750V)

**Maximum swing:** The greatest horizontal displacement of any point on a power line, from its position at rest. In other words, the maximum swing is the distance a wire strung on a pole can potentially swing in any direction.



Clearance from Low Voltage (<750V)



# Guideline for Working near Overhead Electrical Powerlines & Equipment on Construction Projects

*Working near overhead powerlines can be dangerous—even deadly—if proper safety precautions are not taken. Being aware of the hazards and keeping a safe distance from electrical powerlines and equipment are the best means of protection.*

Powerline Technicians need specialized training and equipment to protect themselves when working on or near powerlines. Construction workers may also have to work near powerlines. However, they may not know the hazards of working around powerlines or have the knowledge, training, and experience to protect themselves.



**This guideline can help construction workers protect themselves and their co-workers from electrical hazards when working near powerlines.**

## STEP 1 Identify Electrical Hazards

The first step is to recognize where electrical hazards exist and identify the precautions that need to be taken to avoid contact. Ideally, this should be done at the planning stage before work begins. Look around the work area to see if powerlines are close by. Then, consider whether the type of work being done or the type of equipment being used may come close enough to powerlines to present an electrical hazard.

Table 1 shows the minimum safe distances to powerlines based on their voltage. The distance for 750 volts and above is taken from the Construction Projects regulation (O. Reg. 213/91, s. 188(2)) under the OHSA. A distance of 1 metre (3.3 ft) is recommended for less than 750 volts.

**Table 1: Minimum Distances to Powerlines**

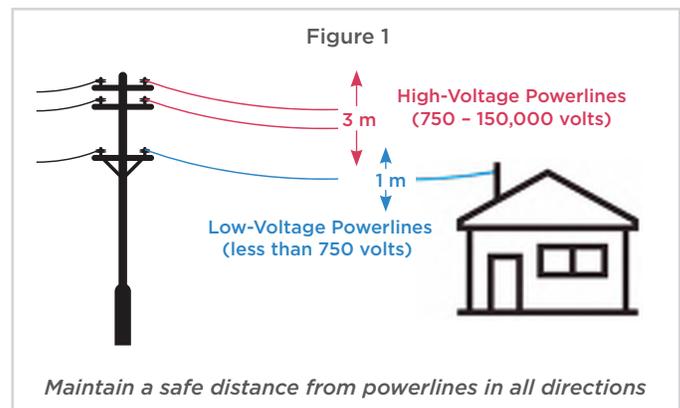
Voltage Rating	Minimum Distance
Less than 750 volts	1 metre (3.3 feet)*
750 to 150,000 volts	3 metres (10 feet)†
More than 150,000 volts, but no more than 250,000 volts	4.5 metres (15 feet)†
More than 250,000 volts	6 metres (20 feet)†

\*Recommendation from the Working Group

†Source: O. Reg. 213/91, s. 188 (2)

Employers must take every reasonable precaution to prevent hazards to workers from energized electrical equipment, installations, and conductors (O. Reg. 213/91, s. 183). This means keeping the minimum distance as required by Table 1.

Powerlines or electrical equipment rated at less than 750 volts are considered **low voltage**, while those rated at 750 volts or above are considered **high voltage**. Workers must keep a safe distance of at least 1 metre (3.3 feet) from low-voltage powerlines to be protected from exposure to electrical shock or arc flash burn. For high-voltage powerlines, the distance is 3 metres (10 feet) or more, depending on the voltage (Figure 1).

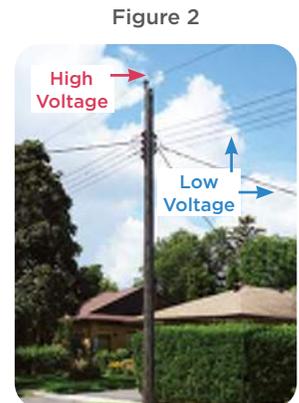


High-voltage powerlines are usually located higher on a pole than low-voltage powerlines (Figure 2). However, some high-voltage lines can look like low-voltage lines and can be located below low-voltage lines on a pole.

Misidentifying the voltage of powerlines can cause workers to go beyond the minimum safe distance and lead to an electrical incident.

In addition, workers have been known to focus on maintaining their distance from low-voltage lines, only to make contact with high-voltage lines.

If you are uncertain of the voltage, get help from an electrically qualified person or contact the owner.



### Respect Electricity!

Every wire that brings ELECTRICITY to a business, home, or area CAN KILL YOU. No matter the voltage, keep a safe distance from powerlines to avoid electrical contact, shock, and burns.

The type of equipment being used when working near overhead powerlines may indicate that precautions need to be taken to prevent electrical injury. This includes tall or long-reach equipment such as:

- Cement trucks, concrete pumps, hydro-vac trucks (Figure 3)
- Excavators, backhoes, front-end loaders
- Cranes, drill rigs, boom trucks, bucket trucks
- Ladders, scaffolds
- Dump trucks, waste material/recycling trucks, material delivery trucks
- Swing stages, scissor lifts, forklifts, zoom booms
- Snow-removal equipment, paving machines, farm machinery (including augers).

Figure 3



In addition to the type of equipment being used, the type of work being done near overhead powerlines may indicate that electrical hazards need to be identified and assessed. This type of work can include:

- Siding and painting (Figure 4)
- Roofing and eavestroughing
- Framing
- Stucco and brick work
- Window cleaning and balcony work
- Tree pruning, tree removal, and landscaping.

Figure 4



Keep the following points in mind when doing a hazard assessment on overhead powerlines:

- Electrical hazards can sometimes be hard to identify. Electricity is invisible in its usual state and any wire that contains electricity looks exactly the same as a wire without electricity.
- Electricity can jump through the air and into objects and people nearby. Direct contact is not required to make it an electrical hazard.
- Wind and weather can cause wires to swing and heat, ice, or changing electrical demand can cause them to sag. Higher-voltage wires have been known to sag as much as three metres in one hour from heating up during high-demand conditions.
- Long building materials and equipment such as ladders, boards, poles, or scaffold members can be extended or repositioned to the point where they may contact or come near enough to electrical equipment to cause an electrical arc.
- A slip or a fall can move a worker or their tools, equipment, and materials closer than the recommended distance to an electrical hazard.
- Electricity is not only carried by the wires on an electric pole but also by other electrical equipment such as transformers, which can be shaped like a box (Figure 5) or a steel barrel (Figure 6).

Figure 5



Figure 6



A JSA or HRA can also help when estimating the costs associated with a project. Early detection of the hazards and pre-planning control options to prevent these hazards can affect the quote because health and safety concerns must always be taken into consideration. Before work begins, consideration should be given to questions such as:

- How will materials be brought in or removed from the site?
- How will workers access the work location?
- Will wires have to be moved or disconnected for work to be completed safely?
- Are workers knowledgeable/qualified or will assistance be needed to determine voltage/proper clearance distances, etc.?

## STEP 2 Complete a Hazard Assessment

Electrical incidents can result in serious injuries or fatalities caused by:

- direct contact from touching energized equipment
- contact with an electrical arc
- exposure to an arc flash.

Completing a **Job Safety Analysis (JSA)** or a **Hazard Risk Assessment (HRA)** is a good way to ensure that hazards have been identified and safe work procedures have been put in place to prevent electrical incidents.

### Don't Guess. Do it Right!

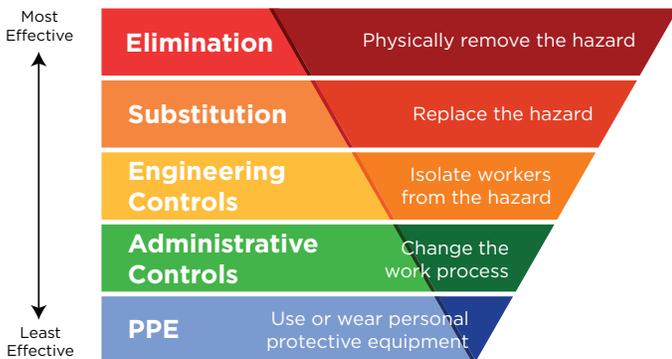
Always contact the owner of the overhead powerline to verify the correct voltage.

## STEP 3 Eliminate or Control the Hazards

Once the electrical hazards have been identified and the workers have been made aware of them, the hazards need to be eliminated. If this is not possible, the hazards should be controlled. This means using barriers or other controls to reduce the possibility of a hazard or lessen its severity as much as possible.

Before putting controls in place to address health and safety hazards, consideration should also be given to their effectiveness. Figure 7 below shows the **hierarchy of controls**, which ranks control options from most effective to least effective.

Figure 7



### Hierarchy of Controls

**Eliminating** the hazards of working near overhead powerlines is most effective because the hazard no longer exists. This can be done by:

- Relocating the work to another location that is farther away from overhead powerlines.
- Having a **qualified** person (e.g., a Powerline Technician) who has been **authorized** by the owner of the powerline shut the electricity off, verify that it is off, and ensure that all stored energy is removed.

If the hazard cannot be eliminated, **engineering controls** may be put in place to isolate the worker from the hazard. This can include asking the owner of the powerline to raise or move them, making it more difficult to go beyond the minimum safe work distance.

The utility owner may provide additional assistance, such as installing powerline coverups to protect workers from accidental contact with energized components (Figure 8).

Figure 8



If engineering controls are not practicable, the next best option is putting **administrative controls** in place to change the work process. This may include the following:

- Taking additional precautions to ensure workers keep a safe distance away from powerlines (i.e., the minimum distance shown in Table 1 and Figure 1).
- Designating a signaller (Figure 9) to make sure that workers, loads, and equipment do not go beyond the minimum safe distance from powerlines. (Refer to the requirements of a signaller in O. Reg. 213/91, s. 188(8)).

Figure 9



- Ensuring that all workers are aware of the location of overhead electrical hazards, know how to protect themselves, and are familiar with the safe work procedures.

- Installing warning signs (Figure 10) or flags to remind workers about the dangers of working near powerlines.

Figure 10



- Ensuring that the emergency response plan deals with treating electrical injuries and that proper first aid supplies are available.

Although using or wearing **PPE** (personal protective equipment) is not the most effective method of injury prevention according to the Hierarchy of Controls (Figure 7), it can still minimize exposure to a hazard or reduce its severity.

Some PPE is required by law. Depending on the possible hazards workers may encounter, this can include:

- A Class E hard hat
- Grade 1 work boots with dielectric protection (i.e., an Omega tag)
- CSA-approved safety glasses with side shields
- A high-visibility safety vest
- Protective work gloves
- Hearing protection devices.



As best practice, always consider electricity to be on and electrical wires to be live unless a qualified electrical worker who is authorized by the owner of the electrical equipment confirms that it is off.

## STEP 4 Ensure that All Legal Requirements Are Met

Under Ontario's *Occupational Health and Safety Act* (OHS) and its associated regulations, employers and supervisors have a legal duty to identify hazards (including electrical hazards), inform workers about these hazards, and protect workers from them.



*Employers and supervisors must ensure that their legal duties under the OHS and the requirements of the Construction Projects regulation (213/91) are met*

### Duties of Employers and Supervisors under the OHS

Section 25 of the OHS requires the **employer** to:

- Acquaint a worker or a person in authority with any hazard in the work
- Provide information, instruction, and supervision to workers to protect their health or safety
- Ensure the equipment, materials, and protective devices prescribed by law are provided, are used as prescribed, and are maintained in good condition
- Ensure the measures and procedures prescribed by law are carried out
- Take every reasonable precaution to protect workers.

Section 27 requires the **supervisor** to:

- Advise workers if they are aware of potential or actual danger to their health or safety
- Where prescribed by the health and safety legislation, provide workers with written instructions on protective measures and procedures
- Ensure that workers follow protective measures and procedures and use the required protective devices.

### Regulatory Requirements for Employers and Supervisors

Additional requirements are found in the Construction Projects regulation (O. Reg. 213/91):

- The **supervisor** will inspect all machinery and equipment, including electrical installations, at least once a week (s. 14).
- The **employer** will ensure that workers wear and use protective clothing, equipment, and devices, and be trained in their care and use (s. 21). This includes protective headwear (s. 22), protective footwear (s. 23), and eye protection when there is a risk of eye injury to the worker (s. 24).
- Do not store material or equipment moved by a crane or hoisting device near an energized overhead electrical conductor (s. 37 (2)).
- Post a sign where there is a potential hazard from an energized overhead electrical conductor at more than 750 volts (s. 44 (3)).
- The **employer** will ensure that the site-specific work plan for a suspended work platform system or boatswain's chair includes identification of electrical hazards (s. 141.5).
- The **constructor** and **employer** will take every reasonable precaution to prevent hazards from energized electrical equipment (s. 183).
- The **supervisor** will authorize any person who is permitted to enter a room or enclosure containing exposed energized electrical parts (s. 184 (1)).
- Do not store tools, equipment, or materials capable of conducting electricity so close to energized electrical equipment that they can make electrical contact (s. 187).
- Do not bring any object closer to an energized overhead electrical conductor than the minimum distances in Table 1 (s. 188 (2)).
- Designate a competent worker as a signaller to warn the equipment operator if part of the equipment or its load may encroach on the minimum distance to powerlines (s. 188 (8)).

*NOTE: This is not a complete list of relevant legislation. Always consult a current version of the OHS and its associated regulations.*

Developed by a collaborative working group from IHSA's Labour-Management Network in partnership with IHSA



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## NOTICE OF PUBLIC HEARING

Humberto Gutierrez and Ana Morreo of 535 Regina Dr, Burlington have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **535 Regina Dr. Burlington** (see map).

The applicant is proposing the construction of a one storey addition to the existing one storey dwelling without attached garage. This proposal results in the following variances:

1. To permit a south-east side yard of 1.2 m instead of the minimum required 3.0 m for a proposed one-storey addition.
2. To permit lot coverage of 29.2% instead of the maximum permitted 27% for a proposed one-storey addition onto an existing one storey dwelling without an attached garage.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca** **on or after March 9, 2026.**

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

**WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

### How to participate if I have comments or concerns?

#### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

City of Burlington Committee of Adjustment - Community Planning  
426 Brant Street P.O. Box 5013 Burlington, Ontario, L7R 3Z6  
[committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

## Oral Submissions

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

### 1. Virtual Oral Submissions

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

### 2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

## Attend or View the Committee of Adjustment Hearing:

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

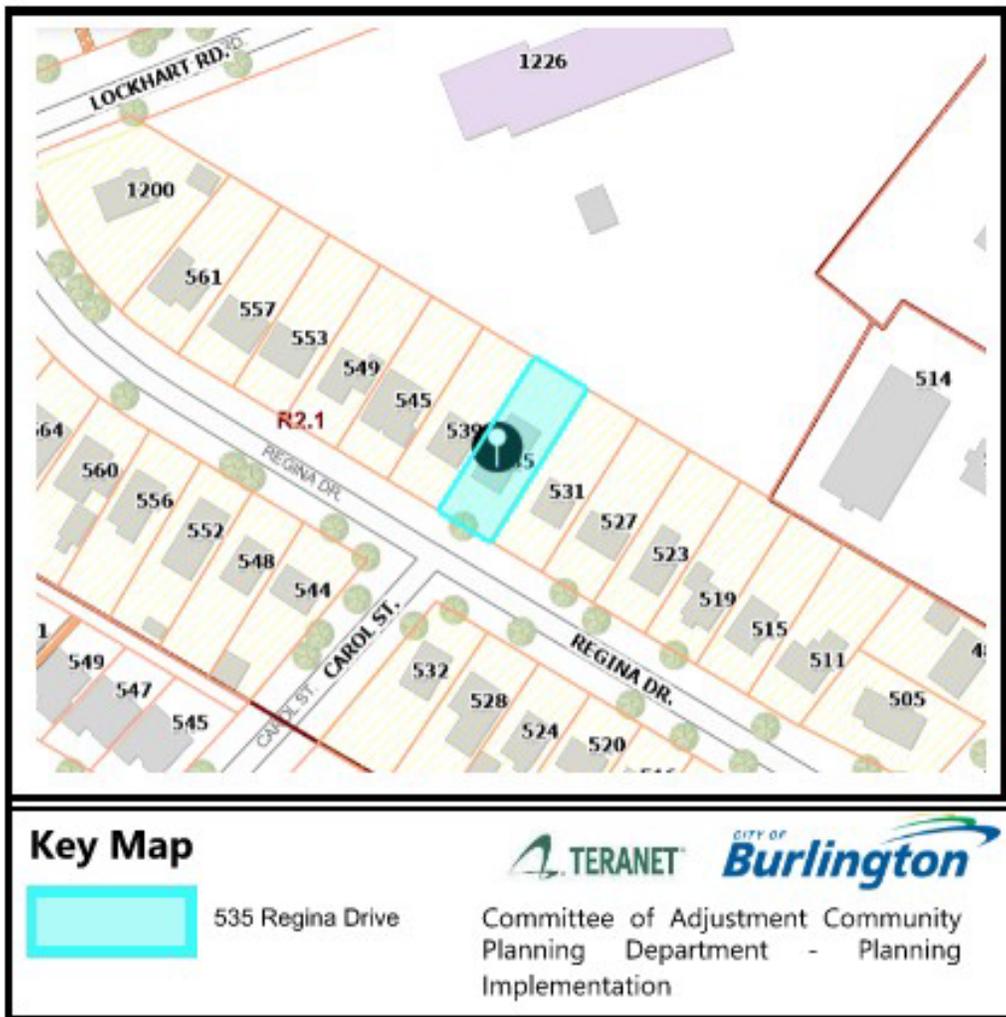
Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

### Key Map



**PLANNING ACT, R.S.O. 1990, C.P. 13  
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

**THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)**

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y  or N

Name of Planner: MELISSA GASIC

Name of Zoning Examiner: STEVE BOICH

**PROPERTY INFORMATION**

Municipal Address(es) of property:

535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7

Legal Description of property:

LOT 6 REGISTERED PLAN NO. 464

Official Plan Designation: RESIDENTIAL

Current Zoning Designation R2.1

**OWNER(S) INFORMATION:**

Legal Name (as it appears on the title for the property):

HUMBERTO GUTIERREZ / ANA MILLAN



Mailing Address: 535 REGINA DRIVE

City: BURLINGTON

Postal Code: L7S 1L7

Home Phone: \_\_\_\_\_

Mobile Phone: [REDACTED]

Work Phone: \_\_\_\_\_

E-Mail: [REDACTED]

**AGENT INFORMATION** (if applicable): (This person will be the primary point of contact if provided)

Name:

JONATHAN NETTA / NETTA DESIGNS INC.

Business Address: 1219 DE QUINCY CRESCENT

City: BURLINGTON

Postal Code: L7P 1E2

Home Phone: \_\_\_\_\_

Mobile Phone: [REDACTED]

Work Phone: \_\_\_\_\_

E-Mail: [REDACTED]

**PROPOSED DEVELOPMENT** Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

PROPOSED 1-STOREY SIDE ADDITION

Variance(s) Requested	Zoning Bylaw Requirement
2.67 METERS SIDE YARD SETBACK (EXISTING WEST SIDE)	3 METERS REQUIRED AS PER 2.4.1.
29.2% LOT COVERAGE (203.09 SQUARE METERS)	27% LOT COVERAGE (188.13 SQUARE METERS) AS PER 2.4.3.

**In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:**

1. Why is the variance(s) minor in nature? \_\_\_\_\_

NEEDED TO FACILITATE A SIDE YARD ADDITION WITH APPROPRIATE DIMENSION

EXISTING CONDITIONS

2. Why are the variance(s) desirable for the appropriate use of the land? \_\_\_\_\_

NEEDED TO SERVE THE GROWING FAMILY'S NEEDS. IT STILL REMAINS MODEST IN SIZE AND A TRUE BUNGALOW

3. Do the variance(s) meet the intent and purpose of the Official Plan? \_\_\_\_\_

YES. SINGLE FAMILY MODEST DWELLING

4. Do the variance(s) meet the intent and purpose of the Zoning By-law? \_\_\_\_\_

YES. SINGLE FAMILY MODEST DWELLING

<b>PROPERTY DETAILS (please complete all fields):</b>			
Date property purchased:	OCTOBER 2024 <small>mmm/dd/yyyy</small>	Date property first built on:	UNKNOWN <small>mmm/dd/yyyy</small>
		Date of proposed construction:	APR/01/2026 <small>mmm/dd/yyyy</small>
<b>Existing Use of the Subject Property</b> (check one): Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		<b>Length of time the existing uses of the subject property have continued:</b>  UNKNOWN	
		<b>Proposed Use of the Land:</b>  RESIDENTIAL SINGLE FAMILY DWELLING	
<b>Existing Uses of Abutting Properties</b> (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>			
<b>Additional Information</b> Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>  Is the property on the Municipal Cultural Heritage Register for the City of Burlington? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <div style="text-align: right;">Unknown <input type="checkbox"/></div>			
<b>Type of Access to the Subject Lands</b> Provincial Highway <input type="checkbox"/> Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other(specify) <input type="checkbox"/>			
<b>Municipal Services Provided</b> Water <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Sanitary Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Storm Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____			
<b>IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:</b> <input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Zoning By-law Amendment <input type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent			

**FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS**

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Frontage 15.24 METERS	Depth 45.73 METERS	Area 696.77 SQ.M.	Actual 20 METERS	Deemed 20 METERS	Required 20 METERS		

Particulars of all buildings and structures on or proposed for the subject lands (attach additional page if required)			
EXISTING (Dwelling/Building)		PROPOSED (Dwelling/Building/Addition)	
Ground Floor Area (incl. attached garage)	138.52 M <sup>2</sup>	Ground Floor Area (incl. attached garage)	203.09 M <sup>2</sup>
Gross Floor Area:	138.52 M <sup>2</sup>	Gross Floor Area:	203.09 M <sup>2</sup>
Number of Storeys:	1	Number of Storeys:	1
Width:	8.10 M	Width:	11.29 M
Length:	17.98 M	Length:	17.98 M
Height:	6.33 M	Height:	6.33 M
<b>Garage/Car Port</b>		<b>Garage/Car Port</b>	
Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Accessory Structures (Shed, Gazebo, etc.)</b> NONE		<b>Accessory Structures</b> NONE	
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Other (pool, additional sheds, decks, driveways, etc.)</b>		<b>Other</b>	
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M

LOCATION of all existing and proposed buildings and structures			
EXISTING		PROPOSED	
Front:	10.35 M	Front:	10.35 M
Rear:	15.59 M	Rear:	15.59 M
Side/Street Side:	2.67 M	Side/Street Side:	2.67 M
Side/Other Side:	5.07 M	Side/Other Side:	1.2 M

**EXEMPTION FROM NEW SURVEY REQUIREMENT**

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner: HUBERTO GUTIERREZ / ANA MILLAN Property Address: 535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7

1. I, HUBERTO GUTIERREZ / ANA MILLAN In my capacity as OWNER do attest to the following:  
 Print Name (Owner or agent)

**Please complete Section A, B, or C**

**A.** The OLS survey/sketch of survey dated mmm/dd/yyyy  
 has been revised by: (Person or Company Name)  
 OR

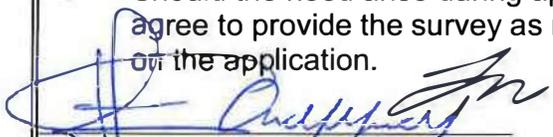
**B.** The site plan, architect's plan or engineer's plan dated mmm/dd/yyyy  
 has been revised by: (Person or Company Name)  
 OR

**C.** The sketch or plot plan\*\* dated NOV/21/1978  
 \*\*Accepted for applications involving variances for Uses only. mmm/dd/yyyy  
 was prepared by: A.T. MCLAREN  
 (Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of: NOV/21/1978  
mmm/dd/yyyy

3. The material submitted shows all measurements in metric, as calculated/converted by: A.T. MCLAREN  
 (Person or Company Name)

4. Should the need arise during application processing for an new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

  
 Signature of Owner/Applicant

DEC/08/2025  
 Date (mmm/dd/yyyy)

**POSTING OF ADVISORY SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

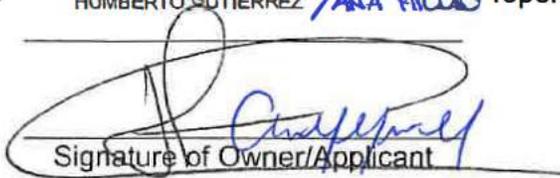
The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

**DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.**

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

**I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.**

Owner Name HUMBERTO GUTIERREZ / ANA KILIA Property Address 535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7

  
Signature of Owner/Applicant

DEC/08/2025  
Date (mmm/dd/yyyy)

**AFFIDAVIT**

\*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)  Signature of Applicant or Authorized

Agent: JONATHAN NETTA / NETTA DESIGNS INC.

I, JONATHAN NETTA of the REGION of HALTON in the CITY  
(print name) (Region/City/County) (City/Town/Township)

of BURLINGTON solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the REGION of HALTON in the CITY OF BURLINGTON  
(Region/City/County) (City/Town/Township)

this 8TH day of DECEMBER 20 25.

*Kristen Netta LSO#p06794*  
Signature of Commissioner, etc.

*[Signature]*  
Signature of Applicant or Authorized Agent

**PERMISSION TO ENTER**

**\*IMPORTANT\*** This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

*[Signature]*  
Signature of Owner

HUMBERTO GUTIERREZ / ANA MILLAN  
Print Name

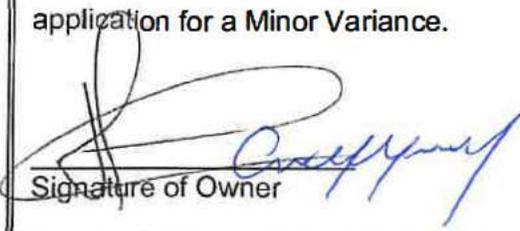
**OWNERS AUTHORIZATION**

If using an agent, the owner must also complete the following form:

I, HUMBERTO GUTIERREZ / ANA MILLAN being the registered owner of the subject lands, hereby  
(print name)

Authorize JONATHAN NETTA / NETTA DESIGNS INC. to prepare, submit and act on my behalf with respect to this  
(print agent name)

application for a Minor Variance.

  
Signature of Owner

Dec 11<sup>th</sup>, 2025  
Date (mmm/dd/yyyy)

**Notice of collection of personal information**

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.

<b>Minor Variance Application Checklist</b> Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	<b>Select</b> (✓)
<b>LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor)</b>  * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	
OR	
<b>DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.</b>	
AND	
<b>PLAN and ELEVATION DRAWINGS which include the following as applicable:</b> (Missing details or illegible drawings will be sent back to the applicant for correction)	
<b>SITE PLAN</b> <ul style="list-style-type: none"> <li>■ Metric Scale</li> <li>■ North Arrow</li> <li>■ Frontage</li> <li>■ Depth</li> <li>■ Lot Area</li> <li>■ Lot Coverage</li> <li>■ Deemed Street Line</li> <li>■ Existing Front Yard Setbacks</li> <li>■ Existing Rear Yard Setbacks</li> <li>■ Existing Side Yard Setbacks</li> <li>■ Existing Street Side Yard Setbacks</li> <li>■ Existing Porch, Stairs and Overhang Setbacks</li> <li>■ Proposed Front Yard Setbacks</li> <li>■ Proposed Rear Yard Setbacks</li> <li>■ Proposed Side Yard Setbacks</li> <li>■ Proposed Street Side Yard Setbacks</li> <li>■ Proposed Porch, Stairs and Overhang Setbacks</li> <li>■ Streets (Public and Private)</li> <li>■ Street Names</li> <li>■ Parking (Dimensioned spaces, Driveway Width, Arrangement)</li> <li>■ Railways (Location of them and setbacks to structures)</li> <li>■ All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)</li> </ul>	

**Minor Variance Application Checklist**

Please add a check mark beside the items you have provided with your application.  
Illegible drawings or those missing required details will be returned to applicant.

**LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES**

- Setbacks
- Height
- Area
- Length
- Width

**ELEVATIONS**

- Metric
- Front
- Rear
- Side 1
- Side 2

**FLOOR PLANS**

- Metric
- North Arrow
- Gross Floor Area Calculation
- Ground Floor Area Calculation
- Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.



\_\_\_\_\_  
Signature of Owner/Agent

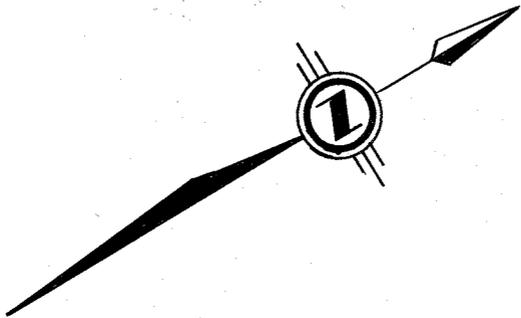
DEC/08/2025

\_\_\_\_\_  
Date (mmm/dd/yyyy)

PLAN  
OF  
LOT 6  
KING'S COURT SURVEY  
REGISTERED PLAN No. 464  
IN THE  
CITY OF BURLINGTON  
REGIONAL MUNICIPALITY  
OF HALTON

SCALE : 1 INCH = 20 FEET

REGINA DRIVE

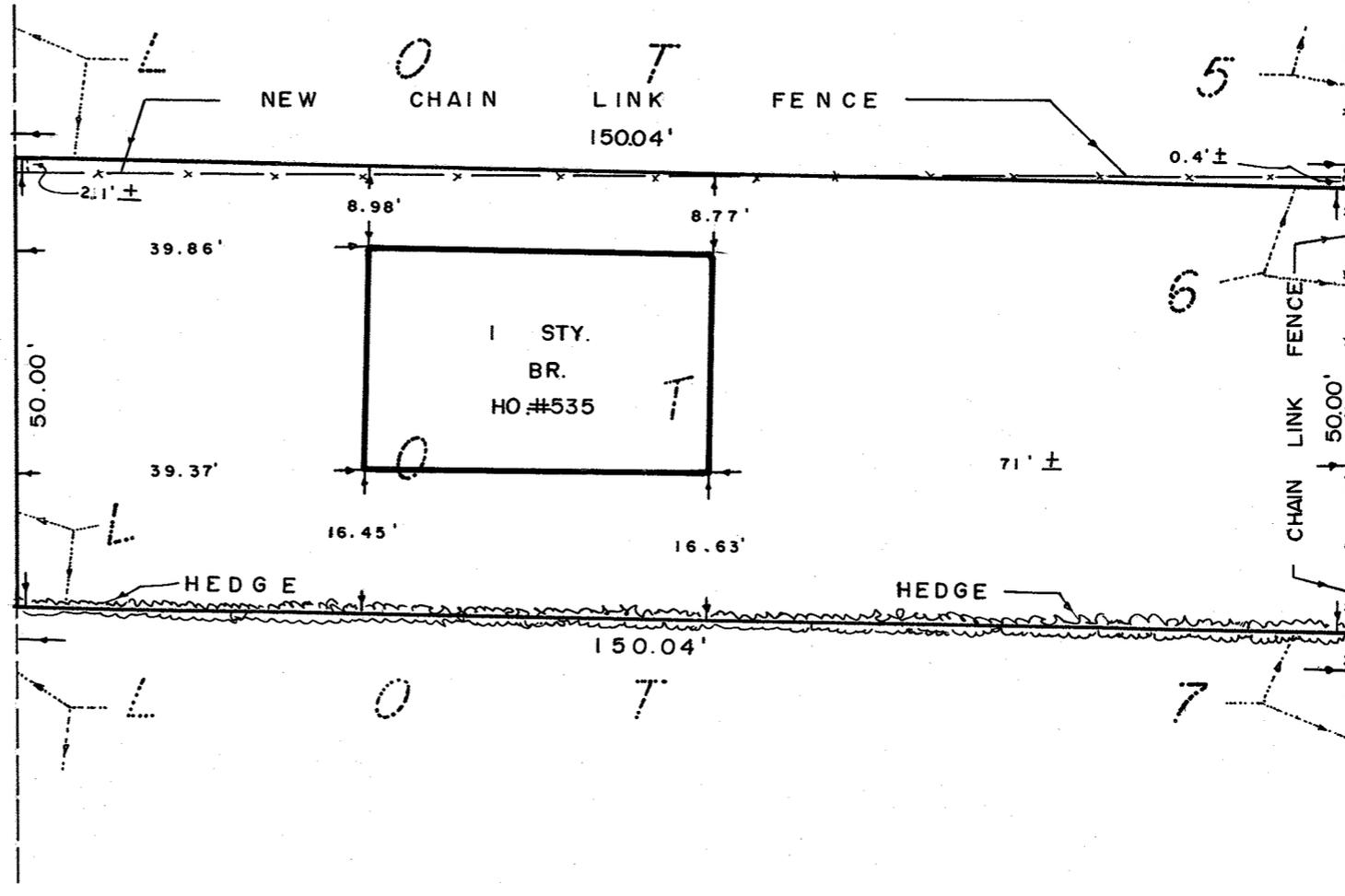


CAUTION: PLAN IS PREPARED FOR MORTGAGE PURPOSES,  
BASED UPON THE SUBJECT DEED ONLY, IT IS  
NOT FOR PURPOSES OF CORRECTING TITLE AND  
IS NOT PREPARED FOR REGISTRATION.

A.T. McLAREN LIMITED  
ENGINEERS AND SURVEYORS

NOV. 21, 1978  
DATE

*A.T. McLaren*  
A.T. McLAREN, O.L.S.  
66 KING ST. EAST  
HAMILTON - ONT.  
527.8559 - 527.0032



# GUTIERREZ HOME ADDITION

535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7

## ARCHITECTURAL DRAWING INDEX

- A0.1 COVER PAGE & PROPOSED SITE PLAN
- A1.1 EXISTING & PROPOSED BASEMENT PLAN
- A1.2 EXISTING & PROPOSED MAIN FLOOR PLAN
- A1.3 EXISTING & PROPOSED ROOF PLAN
- A2.1 EXISTING & PROPOSED FRONT ELEVATION
- A2.2 EXISTING & PROPOSED REAR ELEVATION
- A2.3 EXISTING & PROPOSED LEFT ELEVATION
- A2.4 EXISTING & PROPOSED RIGHT ELEVATION

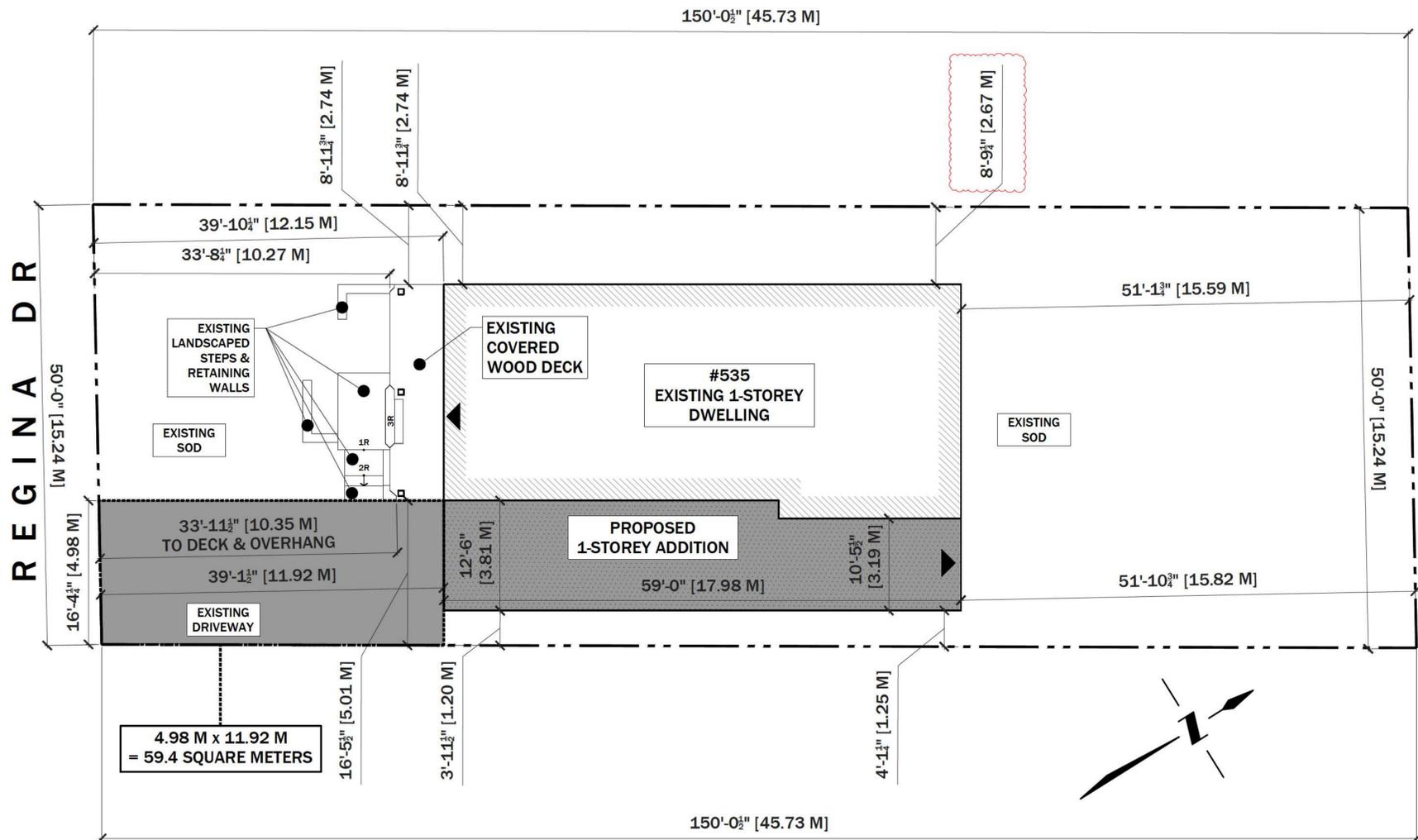
## PROJECT CONTACTS

<b>ARCHITECTURAL DESIGNER</b>	<b>STRUCTURAL ENGINEER</b>	<b>HOMEOWNER</b>
NETTA DESIGNS INC.;	SRK & ASSOCIATES;	HUMBERTO GUTIERREZ;
CONTACT: JONATHAN NETTA	CONTACT: SUMESH RAJKARNIKAR	416 904 3415;
416 821 6533;	647 915 9572;	HJGA19@YAHOO.COM
JONATHAN@NETTADDESIGNS.COM	SUMESH@YAHOO.COM	

## EXISTING HOUSE PHOTO



## PROPOSED SITE PLAN SCALE: 1/8" = 1'-0"



## LOCATION PLAN



SITE STATISTICS				
PROPERTY ADDRESS: 535 REGINA DRIVE, BURLINGTON, ON, L7S 1L7				
DESIGNATED ZONE:	R2.1			
APPLICABLE CONSERVATIONS:	NONE			
TOTAL LOT AREA	7,500.00	S.F.	696.77	S.M.
LOT COVERAGE				
MAXIMUM LOT COVERAGE	2,025	S.F.	188.13	S.M.
PROPOSED LOT COVERAGE	2,186	S.F.	203.09	S.M.
EXISTING MAIN FLOOR	1,491	S.F.	138.52	S.M.
PROPOSED MAIN FLOOR	695	S.F.	64.57	S.M.
EXISTING COVERED WOOD DECK	148	S.F.	13.75	S.M.
BUILDING SETBACKS				
YARD	REQUIRED SETBACKS		PROPOSED SETBACKS	
FRONT	33.96	F	10.35	M
REAR	32.81	F	10.00	M
LEFT SIDE	9.84	F	3.00	M
RIGHT SIDE	3.94	F	1.20	M

CITY ELECTRONIC STAMP:

**NETTA DESIGNS**

GENERAL NOTES:

- DO NOT SCALE DRAWINGS. FULL SCALE: 24" x 36"
- ALL DIMENSIONS AND INFORMATION SHOWN ON THESE DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE AND ANY DISCREPANCIES REPORTED TO THE DESIGNER PRIOR TO CONSTRUCTION AND FABRICATION OF ITS COMPONENTS. SHOULD EXISTING CONDITIONS OR SERVICES BE FOUND TO VARY FROM THAT INDICATED ON THE DRAWINGS, THE DESIGNER/DESIGNER MUST BE NOTIFIED IMMEDIATELY.
- FEATURES OF CONSTRUCTION NOT FULLY SHOWN ARE ASSUMED TO BE THE SAME CHARACTER AS THOSE NOTED FOR SIMILAR CONDITIONS.
- UNLESS SPECIFICALLY NOTED OTHERWISE ON THE DRAWINGS, NO PROVISION HAS BEEN MADE IN THE DESIGN FOR CONDITIONS OCCURRING DURING CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL NECESSARY BRACING, SHORINGS, SHEET PILING OR OTHER TEMPORARY SUPPORTS, TO SAFEGUARD ALL EXISTING OR ADJACENT STRUCTURES AFFECTED BY THE WORK.
- USE LATEST REVISED DRAWINGS.
- ALL CONSTRUCTION TO MEET LATEST ONTARIO BUILDING CODE.
- ALL DRAWINGS, SPECIFICATIONS, RELATED DOCUMENTS AND DESIGN ARE THE COPYRIGHT PROPERTY OF NETTA DESIGNS INC. REPRODUCTION OF THIS PROPERTY IN WHOLE OR IN PART IS STRICTLY PROHIBITED WITHOUT WRITTEN PERMISSION FROM NETTA DESIGNS INC. NETTA DESIGNS INC. ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THIS PROPERTY UNLESS IT BEARS THE APPROPRIATE BCIN NUMBER AND SIGNATURE.
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- CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01	23 JAN 2026	ISSUED FOR MY APPLICATION	JN

SITE PLAN LEGEND:

- PROPERTY LINE
- EXISTING HOUSE FOOTPRINT
- SETBACK
- PROPOSED HOUSE FOOTPRINT
- ENTRANCE

CONSTRUCTION NORTH TRUE NORTH

DESIGNER'S INFO:

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION:

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1. OF THE BUILDING CODE.

JONATHAN NETTA 1277572  
NAME SIGNATURE BCIN

REGISTRATION INFORMATION:

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1. OF THE BUILDING CODE.

NETTA DESIGNS INC. 1294659  
FIRM NAME BCIN

STRUCTURAL ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

**GUTIERREZ HOME ADDITION**  
535 REGINA DRIVE  
BURLINGTON, ON, L7S 1L7

SHEET NAME:  
**COVER PAGE & PROPOSED SITE PLAN**

SCALE: AS NOTED

PROJECT NO. 2025-31 START DATE: 31 OCT 2025

DRAWN BY: JONATHAN NETTA REVIEWED BY: JONATHAN NETTA

SHEET NO. **A0.1**



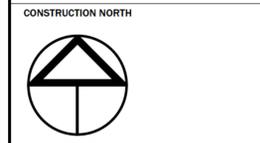
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  - CONTRACTOR WILL BE RESPONSIBLE FOR ALL CONSTRUCTION AND SAFETY REQUIREMENTS ON SITE.

REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01	08 DEC 2025	ISSUED FOR MV APPLICATION	JN

WALL LEGEND:

	PROPOSED		LOAD-BEARING
	INSULATION		



DESIGNER'S INFO  
 THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER

QUALIFICATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1. OF THE BUILDING CODE

JONATHAN NETTA *JN* 127572  
 NAME SIGNATURE BCIN

REGISTRATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1. OF THE BUILDING CODE

NETTA DESIGNS INC. 129469  
 FIRM NAME BCIN

STRUCTURAL ENGINEER'S STAMP:

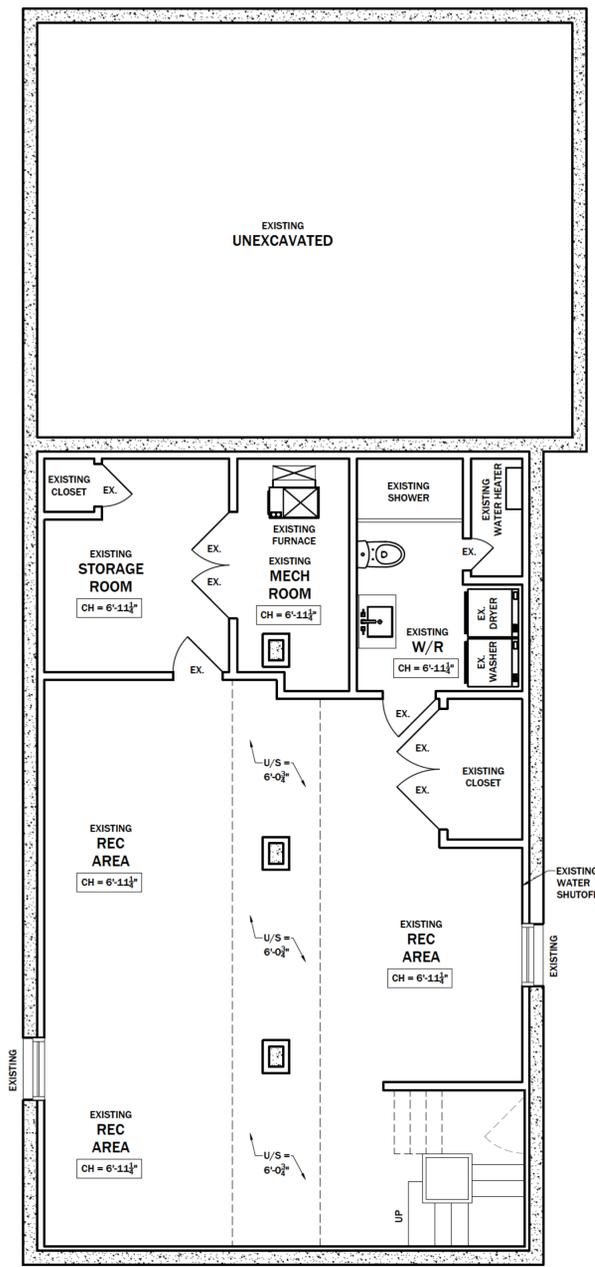
PROJECT NAME/ADDRESS:  
**GUTIERREZ HOME ADDITION**  
 535 REGINA DRIVE  
 BURLINGTON, ON, L7S 1J7

SHEET NAME:  
**EXISTING & PROPOSED BASEMENT PLAN**

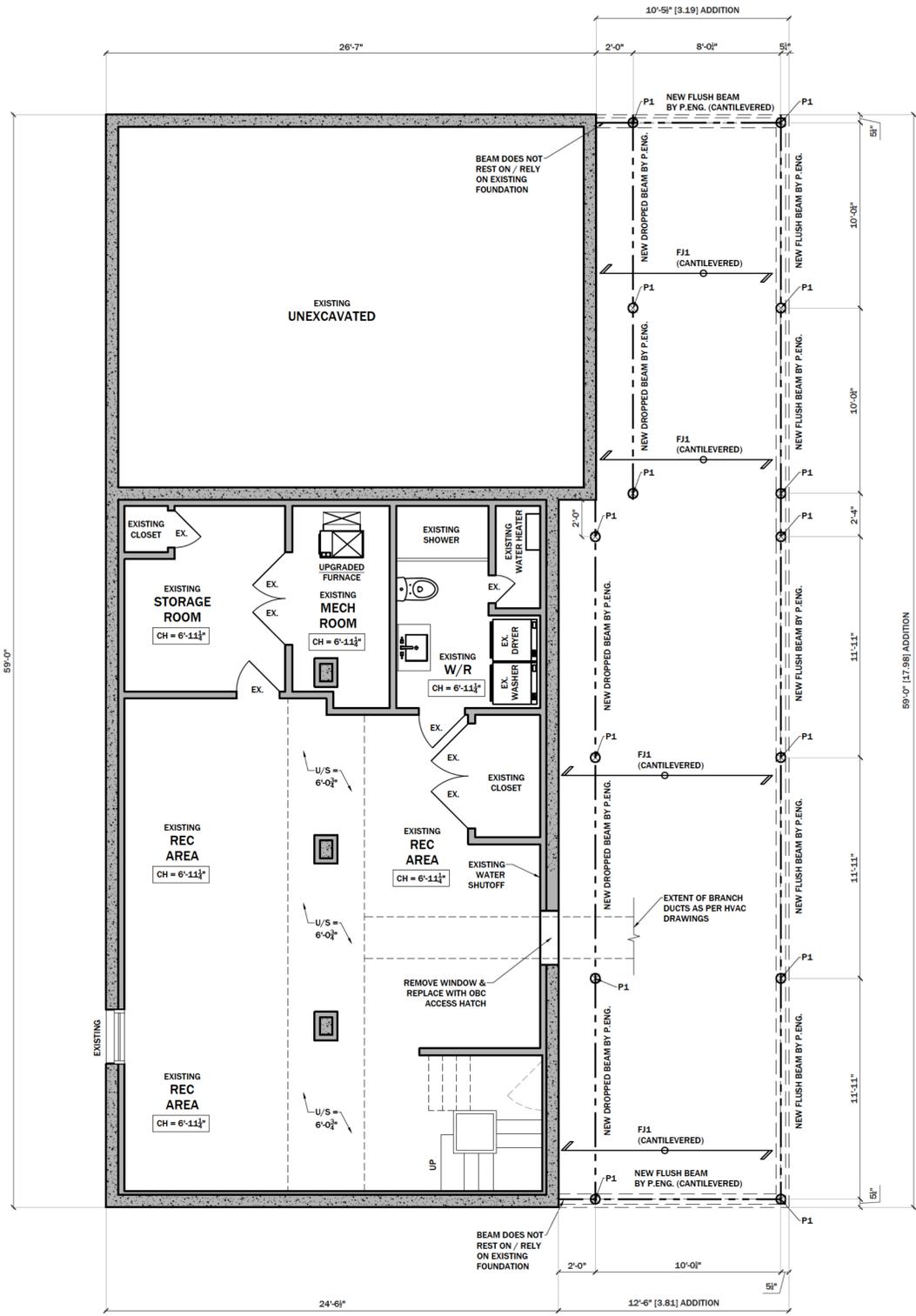
SCALE: 1/4" = 1'-0"

PROJECT NO. 2025-31	START DATE 31 OCT 2025
DRAWN BY: JONATHAN NETTA	REVIEWED BY: JONATHAN NETTA

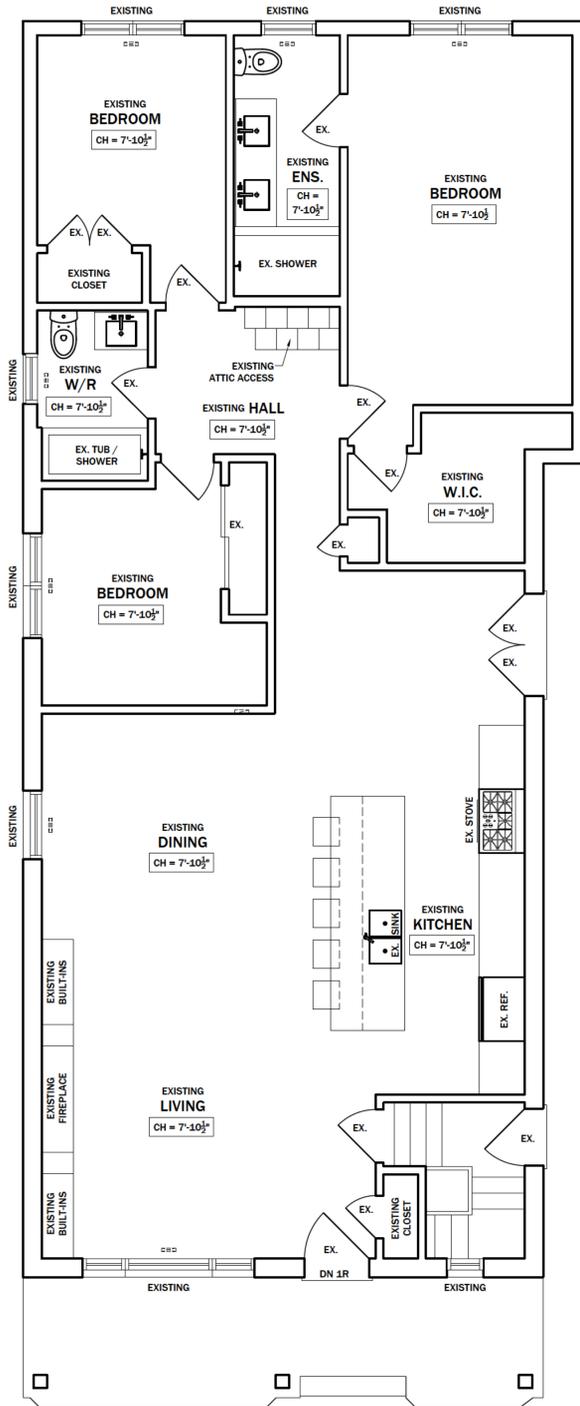
SHEET NO.  
**A1.1**



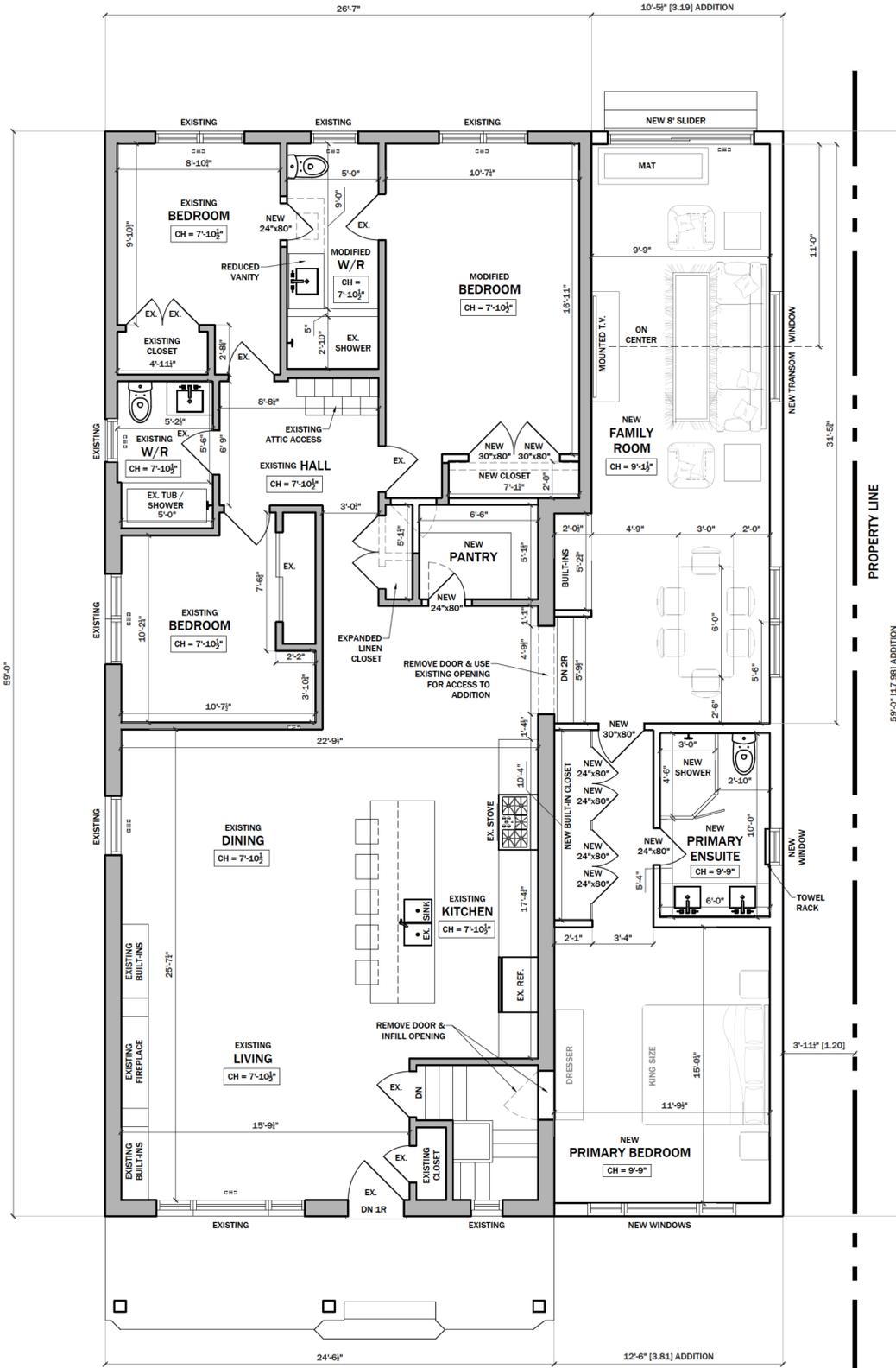
**1** EXISTING BASEMENT PLAN  
 A1.1 1/4" = 1'-0"



**2** PROPOSED BASEMENT PLAN  
 A1.1 1/4" = 1'-0"



**1** EXISTING MAIN FLOOR PLAN  
A1.2 1/4" = 1'-0"



**2** PROPOSED MAIN FLOOR PLAN  
A1.2 1/4" = 1'-0"

CITY ELECTRONIC STAMP:

**NETTA DESIGNS**

GENERAL NOTES:

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REVISIONS:

NO.	DATE	GENERAL DESCRIPTION	INITIALS
01	08 DEC 2025	ISSUED FOR MY APPLICATION	JN

WALL LEGEND:

— PROPOSED    LOAD-BEARING  
 INSULATION

CONSTRUCTION NORTH

DESIGNER'S INFO

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QUALIFICATION INFORMATION

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.5.1. OF THE BUILDING CODE

JONATHAN NETTA 127572  
NAME SIGNATURE BCIN

REGISTRATION INFORMATION

REQUIRED UNLESS DESIGN IS EXEMPT UNDER 3.2.4.1. OF THE BUILDING CODE

NETTA DESIGNS INC. 129469  
FIRM NAME BCIN

STRUCTURAL ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:

**GUTIERREZ HOME ADDITION**  
535 REGINA DRIVE  
BURLINGTON, ON, L7S 1L7

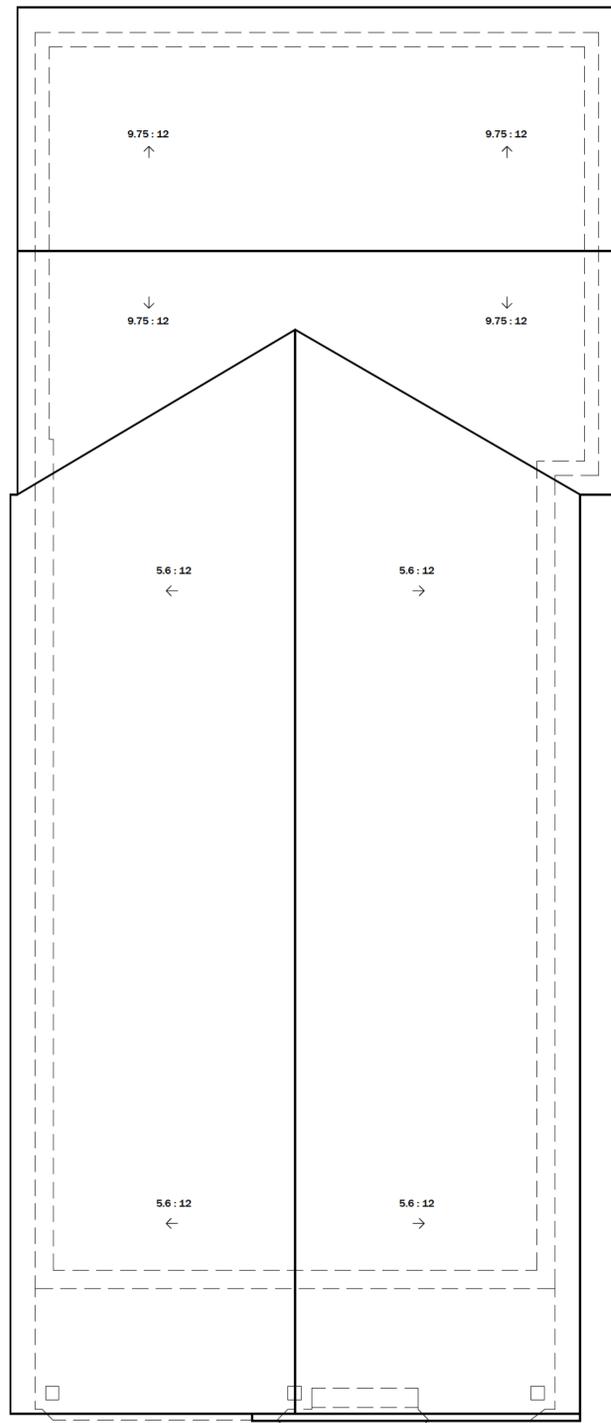
SHEET NAME:  
**EXISTING & PROPOSED MAIN FLOOR PLAN**

SCALE: 1/4" = 1'-0"

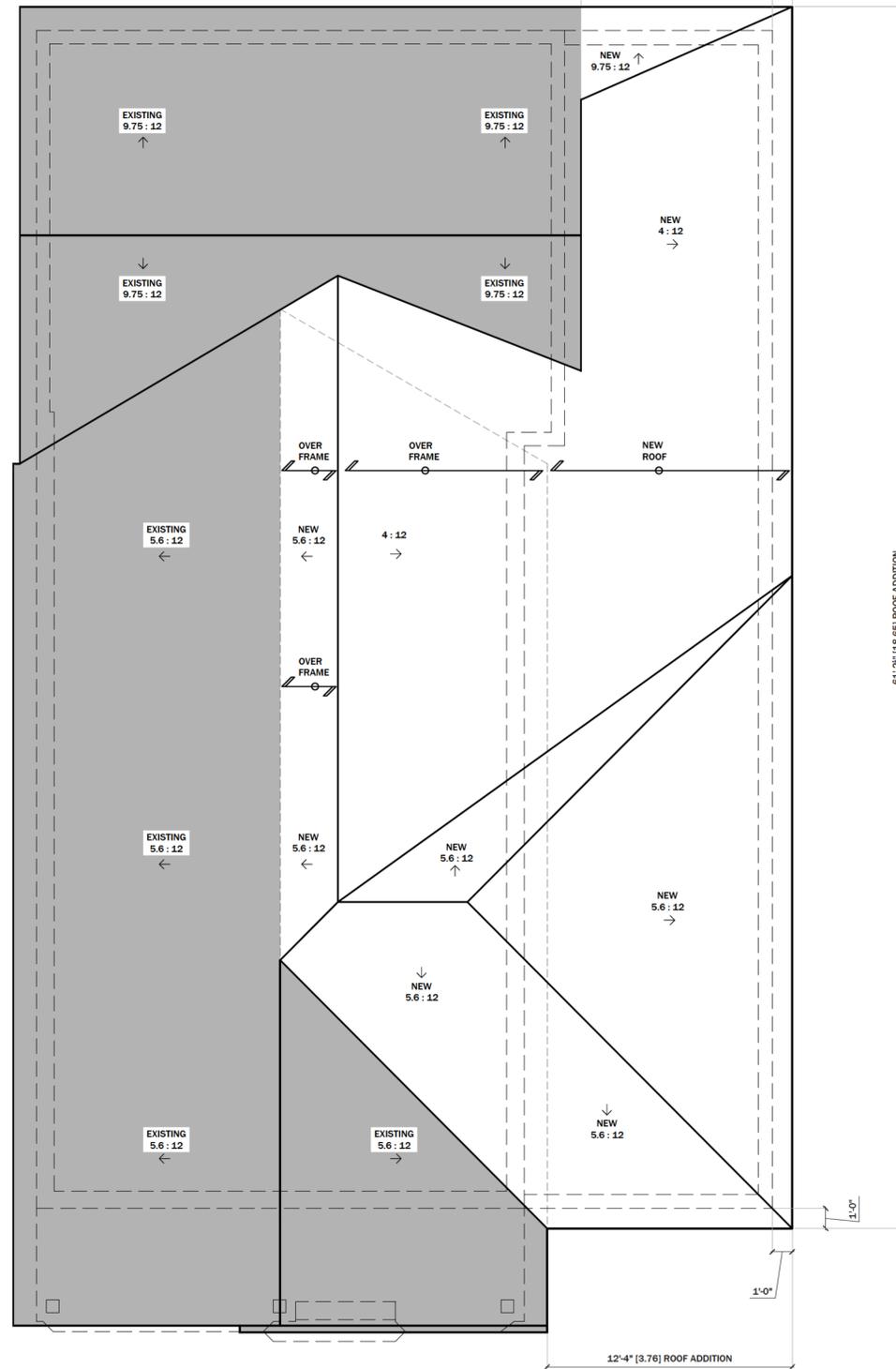
PROJECT NO. 2025-31    START DATE: 31 OCT 2025

DRAWN BY: JONATHAN NETTA    REVIEWED BY: JONATHAN NETTA

SHEET NO. **A1.2**



**1** EXISTING ROOF PLAN  
A1.3 1/4" = 1'-0"



**2** PROPOSED ROOF PLAN  
A1.3 1/4" = 1'-0"

CITY ELECTRONIC STAMP:



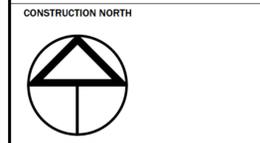
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01	08 DEC 2025	ISSUED FOR MV APPLICATION	JN

WALL LEGEND:

	PROPOSED		LOAD-BEARING
	INSULATION		



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JONATHAN NETTA *JN* 127572  
NAME SIGNATURE BCIN

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NETTA DESIGNS INC. 129469  
FIRM NAME BCIN

STRUCTURAL ENGINEER'S STAMP:

PROJECT NAME/ADDRESS:  
**GUTIERREZ HOME ADDITION**  
535 REGINA DRIVE  
BURLINGTON, ON, L7S 1L7

SHEET NAME:  
**EXISTING & PROPOSED ROOF PLAN**

SCALE: 1/4" = 1'-0"

PROJECT NO. 2025-31	START DATE 31 OCT 2025
DRAWN BY: JONATHAN NETTA	REVIEWED BY: JONATHAN NETTA

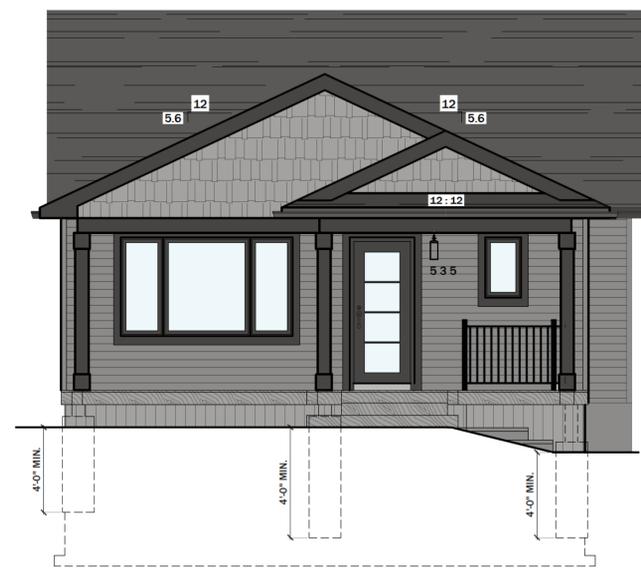
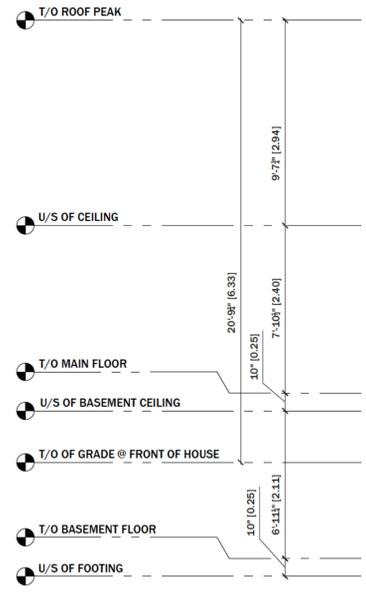
SHEET NO.  
**A1.3**



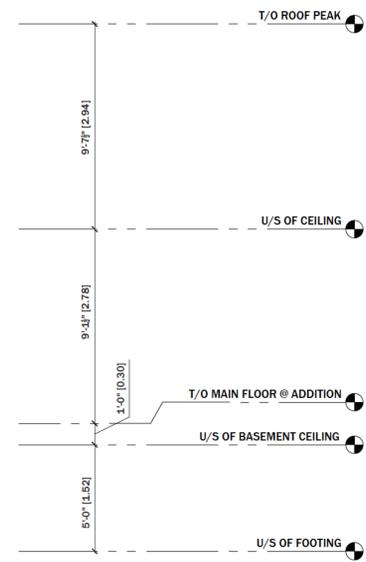
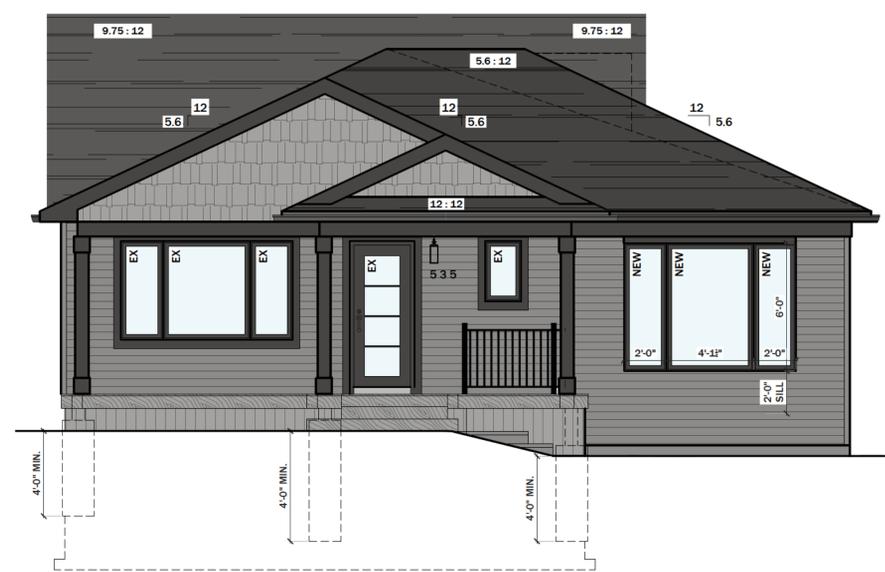
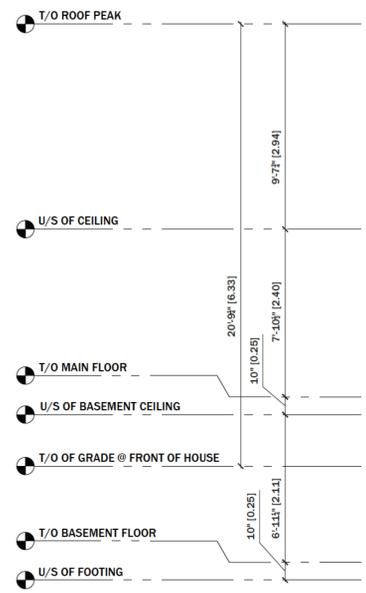
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**1** EXISTING FRONT ELEVATION  
A2.1 1/4" = 1'-0"



**2** PROPOSED FRONT ELEVATION  
A2.1 1/4" = 1'-0"

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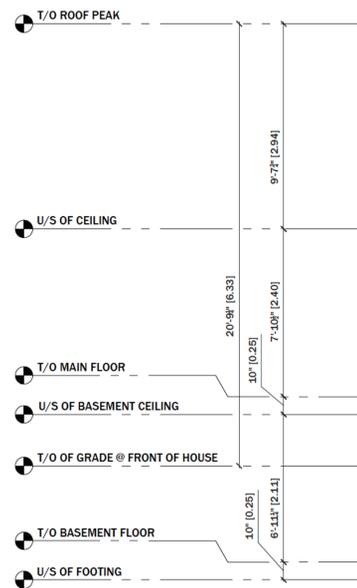
SHEET NAME:  
**EXISTING & PROPOSED FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

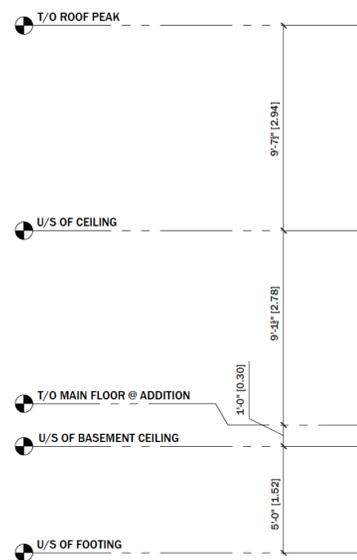
PROJECT NO. 2025-31 START DATE: 31 OCT 2025

DRAWN BY: JONATHAN NETTA REVIEWED BY: JONATHAN NETTA

SHEET NO. **A2.1**



**1** EXISTING REAR ELEVATION  
**A2.2** 1/4" = 1'-0"



**2** PROPOSED REAR ELEVATION  
**A2.2** 1/4" = 1'-0"

CITY ELECTRONIC STAMP:



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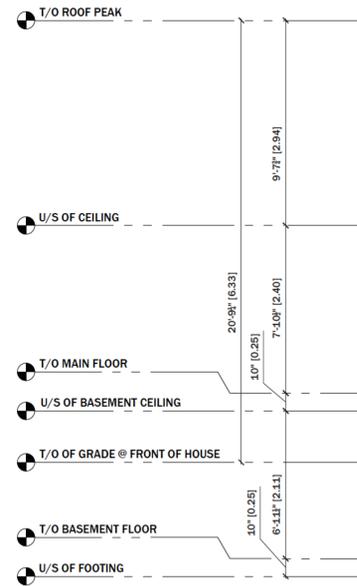
SHEET NAME:  
**EXISTING & PROPOSED REAR ELEVATION**

SCALE: 1/4" = 1'-0"

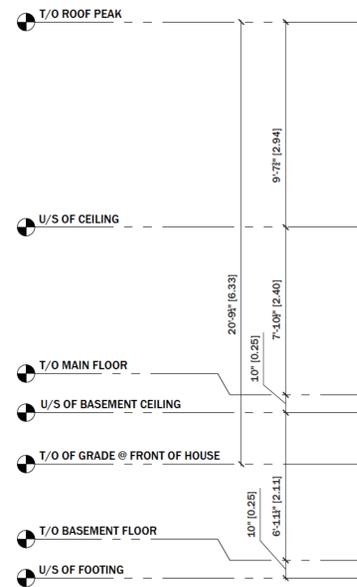
PROJECT NO.	START DATE:
2025-31	31 OCT 2025

DRAWN BY:	REVIEWED BY:
JONATHAN NETTA	JONATHAN NETTA

SHEET NO.  
**A2.2**



**1** EXISTING LEFT ELEVATION  
A2.3 1/4" = 1'-0"



**2** PROPOSED LEFT ELEVATION  
A2.3 1/4" = 1'-0"

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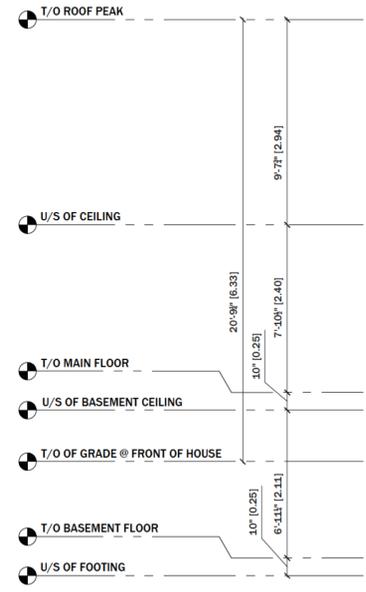
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535 REGINA DRIVE  
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SHEET NAME:  
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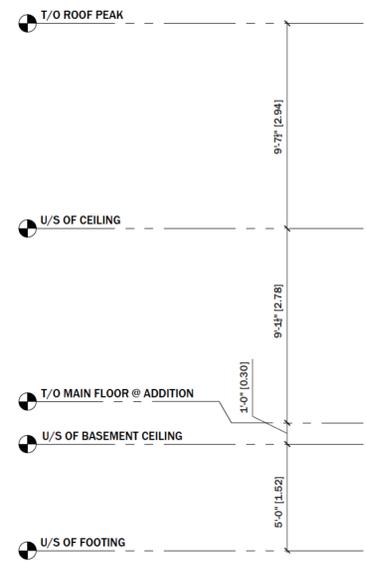
SCALE: 1/4" = 1'-0"

PROJECT NO. 2025-31	START DATE 31 OCT 2025
DRAWN BY: JONATHAN NETTA	REVIEWED BY: JONATHAN NETTA

SHEET NO.  
**A2.3**



**1** EXISTING RIGHT ELEVATION  
A2.4 1/4" = 1'-0"



**2** PROPOSED RIGHT ELEVATION  
A2.4 1/4" = 1'-0"

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BURLINGTON, ON L7S 1L7

SHEET NAME:  
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SCALE: 1/4" = 1'-0"

PROJECT NO. 2025-31 START DATE: 31 OCT 2025

DRAWN BY: JONATHAN NETTA REVIEWED BY: JONATHAN NETTA

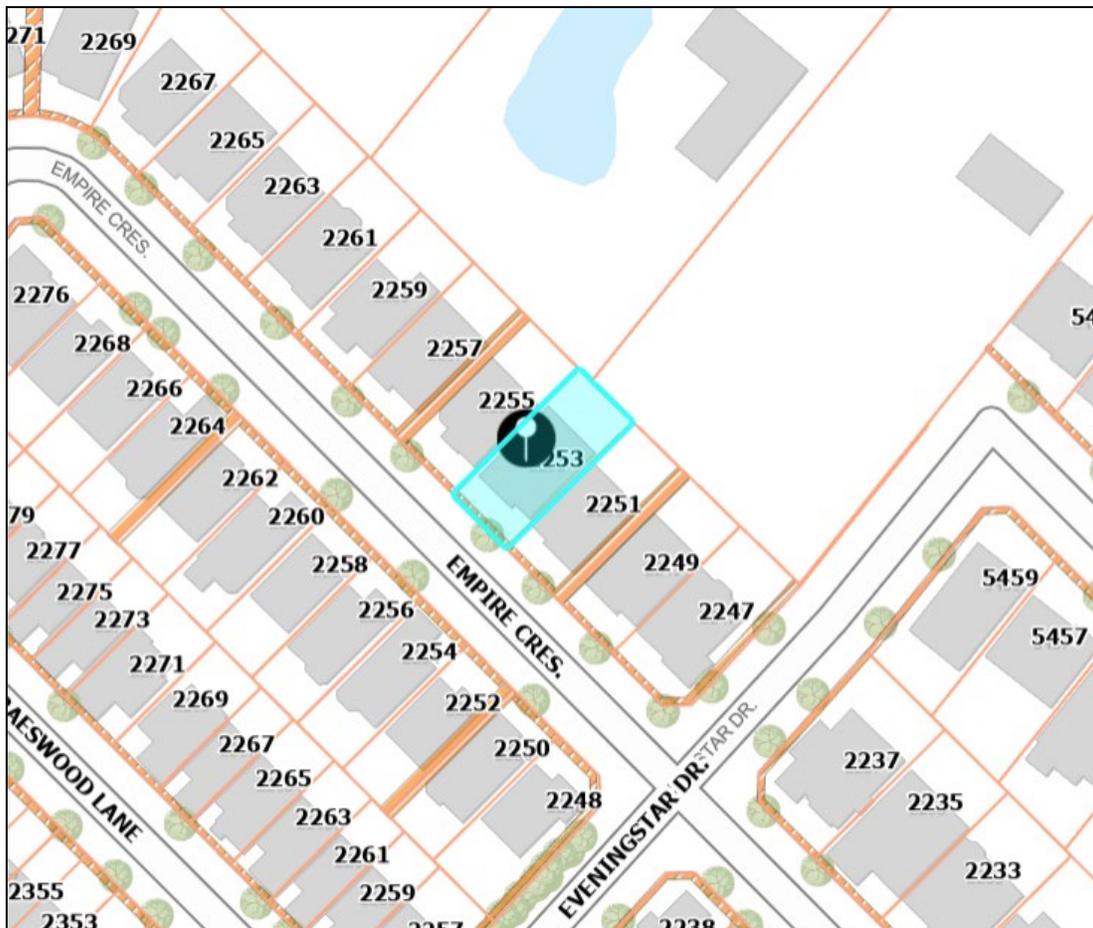
SHEET NO.

**A2.4**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

---

Owner(s): Piotr Baniak and Malgorzata Baniak  
 Address: 2253 Empire Cres. Burlington  
 File No. **A-082/25**  
 Ward: 5



### Staff Comments

### Committee of Adjustment

There is one previous minor variance applications on record for this property.

File No. A122/2000 – Approved

- To permit a maximum driveway width of 5.5m for a lot less than 12.0m wide instead of the permitted maximum driveway width of 3.5m

Date: October 29, 2025

Prepared By: E. Shacklette

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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## Zoning

### 1) **Background information:**

The subject property is zoned RO3, Orchard Community, under Zoning By-law 2020, as amended. The RO3 zone requires, among other things, the following:

#### **2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA**

- 1) The width of driveways and walkways shall be measured perpendicular to the direction of travel of the vehicle or person.
  
- 4) Unless otherwise specified in this by-law, the following combined maximum width of all hard surfaces (driveways plus walkways) and landscaped open space area requirements shall apply for detached, semi-detached, duplex, triplex, fourplex, common element townhouse, common element back-to-back townhouse, and street townhouse dwellings:
  - (a) Notwithstanding the above, for lots with front or street side lot lines less than 12 m in width with an existing dwelling containing a two-car garage on or before December 14, 2009:
    - (i) The combined maximum width of all hard surfaces is 7 m.
    - (ii) The remaining lot area between a street line and a building elevation facing a street shall be landscaped open space area.

### **History / Background:**

City records indicate that the dwelling contains a two-car garage and was constructed in 2001.

### 2) **Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

### 3) **Variance required:**

1. To permit the combined width of all hard surfaces to be 9.9 m instead of the maximum permitted 7 m for an existing driveway and walkway.

### 4) **Notes and conditions:**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

**Notes:**

1. The zoning review is based on the portion of the site affected by the proposed development only.
2. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.
3. This application was reviewed under Section 45(1) of the *Planning Act*.

Date: November 11, 2025Prepared By: Danielle Beck, CPT**Site Planning**

<b>Site Characteristics</b>	
<b>Lot Frontage (m)</b>	11 m
<b>Lot Area (m<sup>2</sup>)</b>	286.11 m <sup>2</sup>
<b>Existing Land Uses</b> <i>(ex. buildings, structures, driveways, fences, etc...)</i>	Two storey detached dwelling with an attached garage; existing driveway;
<b>Site Grading</b> <i>(ex. Flat and level, significant grade differences)</i>	Flat and level
<b>Notable Site Features</b>	Easement along frontage for City and Regional infrastructure
<b>Surrounding Land Uses</b> <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Low-rise Residential, with a mix of two-storey detached, semi-detached and two-and-a-half storey townhouse dwellings (along Sutton Dr)
<b>Nearest Major Intersection</b>	Upper Middle Road and Appleby Line
<b>Neighbourhood Boundaries*</b>	North: Dundas St East: Bronte Creek Valley South: Upper Middle Rd West: Appleby Line/Canadian National Railway Line
<b>*Based on OP, 1997 residential neighbourhood definition</b>	

**Neighbourhood Characteristics:**

- The property is part of a master-planned neighbourhood locally known as the “Orchard Community”, which according to the Burlington Official Plan, 1997 (BOP, 1997) “comprises several residential neighbourhoods developed with a full

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

range of housing forms, community services and facilities and other complementary land uses.”

- On Empire Crescent, north of Eveningstar Drive, there are 33 properties with driveways fronting onto Empire Crescent. Of those, 20 are one-car garages (61%) and 13 are two-car garages (39%).
- Front yard setbacks are small by design. The zoning by-law requires a front yard setback of only 3 metres to the front wall, and 5.5 metres (depth of one parking space) to the garage door. The short driveway depths mean that vehicles are positioned close to the street.
- Some driveways include decorative paving or brick strip accents, while others are standard asphalt.
- Lots on Empire Crescent are compact, with widths ranging from 7.5 metres to 12 metres for corner lots.
- Houses with double-car garages are situated on larger lots, with wider driveways corresponding to the width of the garage. Permitted driveway widths vary based on the lot width:

Lot size	< 9m	9-12m	Under 12m, two-car garage built before 2009	12m-18m
Permitted Driveway Size	4.5m	5.5m	7m	7.5m

- Landscaping typically consists of small lawn areas, foundation plantings, low shrubs, and occasional ornamental features positioned in the foreground of the entrance and front porch of each home, which when combined with the reduced setback, enable these features to be more prominent in the streetscape.
- On the west side of Empire Crescent, front porches and entrances of homes are positioned side-by-side so that adjoining front yard landscaped areas appear as a single, larger, continuous landscaped area. The pattern on the east side of Empire Crescent is different, with driveways being located in between the front yards of each property
- Hardscaping is common, including widened driveway aprons and walkway pavers.
- Mature street trees are present along the boulevard (city trees) and in front yards, contributing to a consistent tree canopy along the street. For the most part, trees are generally medium-sized deciduous species, evenly spaced and integrated into the municipal boulevard. While trees provide visual continuity and seasonal interest, they do not significantly screen the homes due to the relatively shallow front yard setbacks.
- Houses on the street are predominantly two-storeys tall. Rooflines include a mix of front gables, cross-gables, and first-storey projecting roofed over porches and garage overhangs that emphasize horizontal separation between the first and second storeys, adding variation to the façades while maintaining a consistent overall scale and rhythm along the street.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

- Exterior finishes are primarily red and beige brick, occasionally combined with stone veneer or siding accents. Garage doors are prominent design elements and vary in colour and detailing. Front porches are generally covered, supported by columns, and elevated slightly above the driveway grade.

**A site visit was conducted on December 5, 2025, and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).**

**1) City of Burlington Official Plan:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?**

**Yes (Conditional)**

**Regional Official Plan (2022):**

The proposal meets the general intent and purpose of the Regional Official Plan, 2022 (ROP, 2022) for the following reasons:

- Section 76 of the ROP indicates that development within the Urban Area is to occur in accordance with Local Official Plans and Zoning By-laws. The subject lands are located within the Urban Area and are designated for residential use. The proposed variance relates solely to a driveway widening associated with a detached dwelling and does not introduce a new use, intensification, or change in land use.
- The variance does not impact the planned function of the neighbourhood, municipal servicing capacity, transportation network, or the overall residential character contemplated by the ROP. The proposal represents a minor modification to hard surface area on a developed residential lot and does not affect regional infrastructure, natural heritage systems, or growth management objectives.

Regional Staff have also reviewed this application and have no objections to the Minor Variance application.

**Official Plan, 1997 & 2020**

Parts of Burlington Official Plan, 2020 (BOP, 2020) are not in-force due to ongoing Ontario Land Tribunal Appeals, so applications are reviewed against a combination of in-force policies under BOP, 2020 and the older Burlington Official Plan 1997 (BOP, 1997).

The proposal/variances meet the general intent and purpose of the Official Plan for the following reasons:

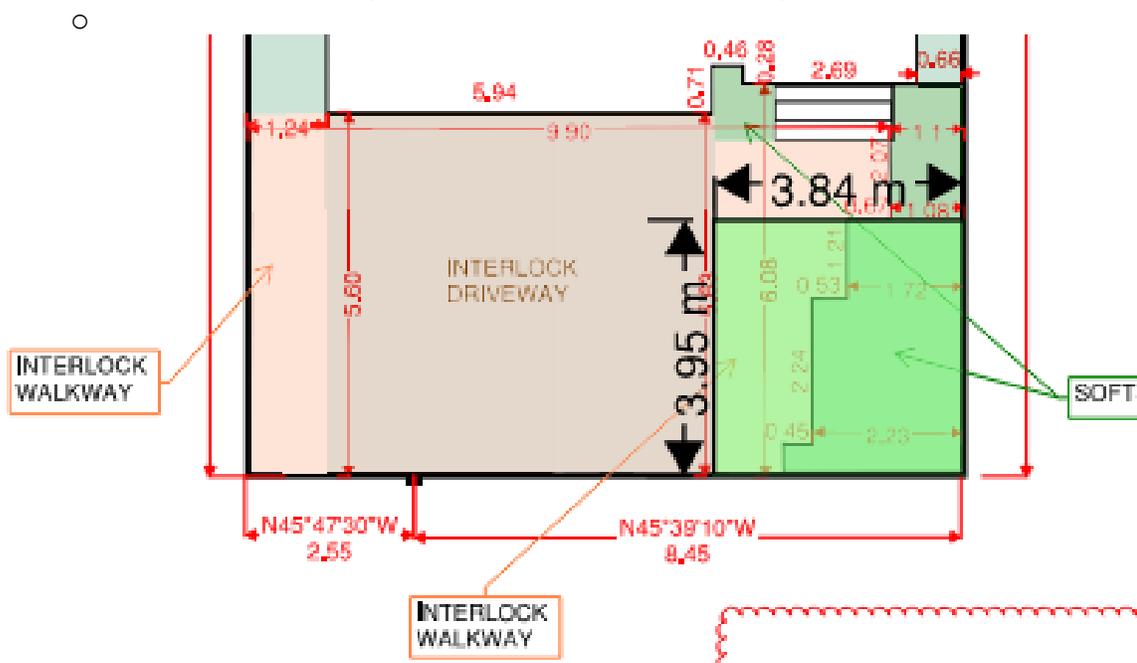
**COMMITTEE OF ADJUSTMENT  
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- The site is designated ‘Low-Rise Neighbourhoods I’ according to Schedule ‘C’/Schedule ‘B’ (Land Use - Urban Area/Comprehensive Land Use Plan- Urban Planning Area) of the BOP, 1997/BOP, 2020, as amended, which permits ground-oriented, low-density residential uses and supports compatible infill, small-scale additions, and residential improvements that maintain the established neighbourhood character.
- Whereas General Objectives for Residential Neighbourhood Areas under Section 8.3.1 of the BOP, 2020 directs that new development “be balanced with other planning considerations” and achieve “compatibility and integration within existing residential neighbourhoods” (a), while considering the “surrounding *physical character*” (i) and recognizing that “healthy mature trees contribute to physical character” (k), and whereas Part II, Section 2.1(f) of the BOP, 1997 states that “all development should provide a high level of environmental protection and maintenance of compatibility”, the proposal is consistent with these objectives in the following ways:
  - The proposal does not alter the permitted residential use of the property and maintains the ground-oriented, low-density character of the neighbourhood.
  - The driveway widening does not impact building height, massing, setbacks, or overall built form, and therefore does not undermine the physical character of the surrounding Low-Rise Neighbourhood.
  - Part II, Section 2.3(c)(i) of the BOP, 1997 provides that measures and guidelines to protect and enhance the environment shall include tree protection standards. Forestry has advised that paver stones have been installed within the public tree’s Minimum Tree Protection Zone (MTPZ). Subject to the removal of pavers within the MTPZ and other portions of the front yard and restoration to soft landscaping, the proposal will achieve the intended environmental protection objectives of the Official Plan and support the health and longevity of the City-owned boulevard tree.
  - Staff support the variance conditional upon the protection of the City tree and removal of hard surface materials within the limits defined on figure 1 on the following page, consistent with the environmental protection principles of the Official Plan.
- Whereas, the Design Guidelines under Part II, Section 6.5 (g) of the BOP, 1997 state that “the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact” and policy (m) states “All development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of this Plan”, which identifies the preservation of existing trees and vegetation as a sustainable development consideration, the planner notes the following:
  - A defining feature of the streetscape is the presence of regularly spaced municipal boulevard trees framed by soft landscaping. The front yard

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

currently has minimal landscaping, with up to 89% of the yard occupied by the expanded driveway and walkway. Unpaved portions of the front yard are infilled with rocks. This is inconsistent with the intent of the OP policies respecting preservation of trees and vegetation and erodes the qualities of the streetscape. Staff conditionally support the variance for a widened driveway given that a portion of the walkway connecting the driveway to the porch is counted towards the total driveway width and given that the widened portion on the opposite (north) side of the driveway facilitates access to the side yard and offers the applicant some additional space for parking while not being a significant landscaping opportunity. However, it is not desirable or necessary for the driveway to maintain the same width for its entire length, and continue onto public land near the city-owned tree, so staff recommend that approval of the variance be subject to a condition requiring removal of pavers, rocks and restoration of sodding and soft landscaping from the edge of the porch walkway to the back of curb, and from the edge of the driveway to the south property line, which is an area measuring approximately 3.95 metres long by 3.84 metres wide on private property, as shown in the below image:



**Figure 1- Defined Protection Limits highlighted in Green Box**

- With the removal of hard surface materials within the public tree protection area and restoration to soft landscaping (no pavers or rocks), the proposal will maintain the environmental integrity of the boulevard tree, preserve the landscaped character of the front yard, and ensure that the parking area does not erode the qualities of the public streetscape.
- Staff are satisfied that, with the recommended condition securing tree protection and pavement removal within the defined protection limits, the

**COMMITTEE OF ADJUSTMENT  
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proposal meets the Official Plan definition of compatibility and maintains both environmental protection and neighbourhood character objectives.

**2) City of Burlington Zoning By-law 2020:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

**Yes (Conditional)**

The subject property is zoned RO3 (Orchard Community) under Zoning By-law 2020, as amended. Section 2.24 of the By-law regulates driveway widths and landscaped open space based on the lot width to ensure that front yards maintain an appropriate proportion of hard surface areas (approx. 50-64%) and soft landscaping (36-50%).

These provisions are intended to preserve the streetscape character, support stormwater infiltration, maintain opportunities for tree planting, and prevent excessive paving within residential neighbourhoods. The proposed minor variance to permit driveway width of 9.9m instead of the maximum permitted 7m maintains the general intent and purpose of this provision for the following reasons:

- The intent of Section 2.24 is to regulate the extent of hard surfacing in the front yard to ensure that landscaped open space is retained and that front yard areas do not become extensively paved. Subject to the proposed removal of pavers and restoration to soft landscaping within the area defined on the previous page, a portion of landscaped open space will be re-established and maintained on the lot.
- The regulation is also intended to support tree health, stormwater infiltration, and the overall environmental function of front yards. With removal of hard surface materials between the driveway and the south side property line and restoration to sod (no pavers), the environmental objectives of the provision will be upheld.
- The proposed hard surface area remains confined to the established driveway while the pavers are extending beyond the driveway to the north and to the south for the walkway to the entrance. The front yard, with partial pavers removed, will retain a soft landscaping area that will continue to contribute to the visual rhythm of alternating driveway and landscaped areas along the street.
- Staff are satisfied that, with the recommended condition securing tree protection and restoration of a portion of the front yard, the proposal would achieve the underlying purpose of Section 2.24 by maintaining an appropriate balance between hard surface and landscaped open space within the RO3 zone.

**3) Desirability:**

**Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?**

**Yes (Conditional)**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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**The proposed variance is desirable for the appropriate development of the land because:**

- The variance facilitates vehicular access and parking on the lot, reducing the likelihood of vehicles encroaching onto the roadway.
- Subject to the required removal of pavers and restoration of a portion of the front yard measuring approximately 3.84 metres by 3.95 metres, the variance will continue to allow for appropriate landscaped open space and protection of the municipal boulevard tree.

**4) Minor in Nature:**

**Is the proposed minor variance(s) from the zoning by-law considered minor in nature?**

**Yes (Conditional)**

The proposed variances are considered minor in nature for the following reasons:

- The variance relates to the combined width of hard surfaces within the front yard and does not affect the permitted use of the property.
- The proposal does not impact municipal servicing, traffic operations, or the function of the surrounding transportation network.
- Subject to the removal of pavers and restoration of soft landscaping within a portion of the front yard, the environmental and streetscape impacts will be appropriately mitigated.

**Cumulative Effects of Multiple Variances and Other Planning Matters:**

**N/A**

**Recommendation:**

Staff has reviewed the proposed variance in accordance with the *Planning Act*, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection subject to the below condition.

**Condition:**

That all pavers and hard surface materials located between the south property line and the edge of the 7.18-metre-wide driveway, and between the back of curb and the edge of the 2.07m wide porch walkway be removed, and that the area be restored to soft landscaping, to the satisfaction of the Director of Community Planning.

**Date:** February 11, 2026

**Prepared By:** Melissa Gasic, MCIP RPP

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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**Report Schedules & Attachments:**

**Attachment No. 1 (Site Photos)**



View of the front/driveway



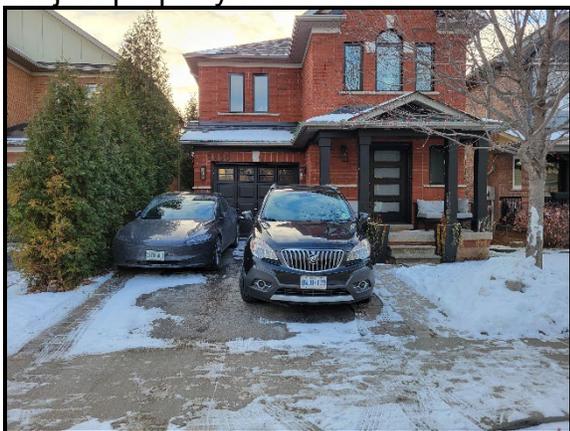
View of the front and the municipal tree to the south



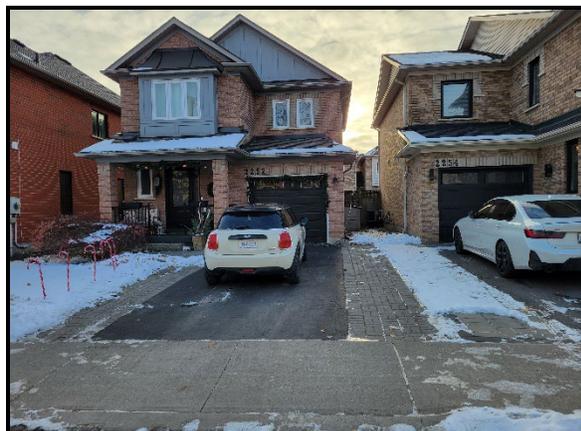
View of 2251 Empire Crescent, abutting subject property to the south



View of 2249 and 2247 Empire Crescent



View of 2250 Empire Crescent



View of 2252 Empire Crescent

COMMITTEE OF ADJUSTMENT  
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View of 2254 Empire Crescent



View of the northerly property line and existing driveway extension



View of the shared property line between the subject property and the abutting property to the north (2255 Empire Cres.)



View of 2255 Empire Crescent driveway



View of 2257 Empire Crescent



View of the shared property line between the subject property and the abutting property to the north

**COMMITTEE OF ADJUSTMENT  
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**Development Engineering**

Development Engineering has reviewed the proposed minor variances and has no objection to the variance(s) requested.

Date: November 18, 2025

Prepared By: R. Maximo

Development Engineering has reviewed the proposed minor variances and has no objection to the variance(s) requested. While there is a City easement along the frontage of the property, it contains no infrastructure and access to the easement is not obstructed in the event that access is required in the future.

Date: January 13, 2026

Prepared By: J. McIsaac

**Forestry**

Forestry has reviewed the application and has no objection to the proposed minor variance(s) and provides the following advisory comment(s) to the applicant:

**Advisory Comments:**

1. A public tree permit will be required in accordance with the City's Public Tree By-law.

Date: February 27, 2026

Prepared By: M. Krzywicki

**Building**

Building has reviewed the proposed minor variances and has no objection to the variance(s) requested.

Date: January 2, 2026

Prepared By: Q. Tan

**Transportation Planning**

Deemed Road Width Analysis

Empire Crescent is under the authority of the City of Burlington, and the deemed right-of-way width is 14 metres. The right-of-way adjacent to the subject site is approximately 14 metres; therefore, no additional lands are required.

Date: October 30, 2025

Prepared By: E. Chen

**COMMITTEE OF ADJUSTMENT  
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Transportation Planning have reviewed the proposed minor variance application and offer the following comments.

Transportation Planning have no objection to the minor variance to recognize the widened driveway **subject to compliance with the Forestry enforcement requirements.**

- The community pre-dates implementation of the 2025 City-Wide Parking Permit.
- Transportation Planning note that in a new development the increased driveway width would not be supported.

Date: February 12, 2026

Prepared By: Sandra Lucas

### **Finance**

#### **Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

#### **Tax**

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: November 17, 2025

Prepared By: L. Bray

### **Halton Region**

Regional Staff have reviewed the Minor Variance application requesting relief from the maximum hard surface area to recognize the existing driveway widening for the detached dwelling.

- Due to Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
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defines the continued scope of interests for the Region and the Conservation Authorities in these matters.

- Regional Staff have no objections to the Minor Variance application.

Date: January 16, 2026

Prepared By: Navjot Kaur

**Burlington Hydro**

Please see attached document at end of this report for Burlington Hydro Comments.

Date: November 25, 2025

Prepared By: Zakariya Al-Doori



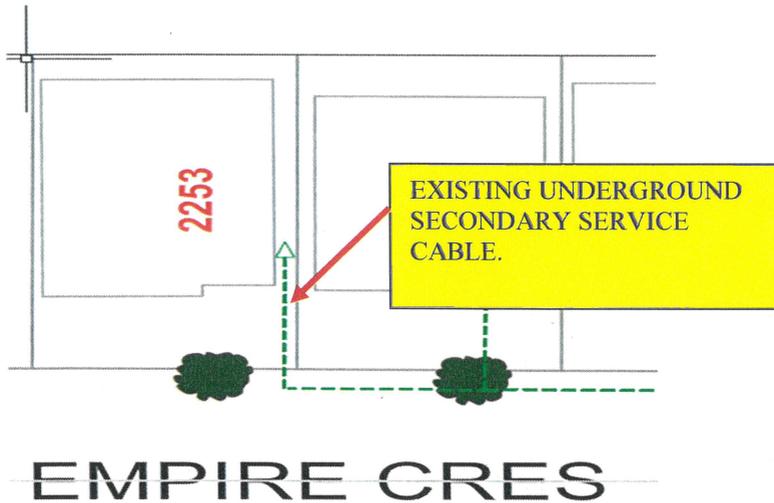
November 21, 2025

Applicants: Piotr Baniak And Malgorzata Baniak  
Subject: Minor Variance  
File NO: 540-02-A-082/25  
Location: 2253 Empire Cres, Burlington, ON.

In response to your correspondence(s), a member of our Engineering Department has reviewed the circulated information and has the following comments:

We have **no objection** to the proposal to recognize the existing driveway widening for the detached dwelling.

**Please note:**



1. Please arrange for underground hydro cable locate(s), prior to beginning construction, by contacting Ontario One Call (800) 400-2255.
2. Please ensure that no work is performed in close proximity to the hydro service cable. Machine excavation within 1.0m of the underground hydro plant is strictly prohibited.
3. Prior to beginning any construction near existing underground hydro facilities, please arrange a site meeting with a BHI representative by emailing [ZDoori@burlingtonhydro.com](mailto:ZDoori@burlingtonhydro.com) to obtain an approved hydro service layout/consent and avoid potential delays or safety issues.



In addition, we want to stipulate the following:

- Customers and their agents planning and designing for electricity service must refer to all applicable Provincial and Canadian electrical codes, all applicable federal, provincial, municipal laws, regulations, codes, and by-laws to ensure compliance.
- All work on the BHI distribution system shall be conducted in accordance with the latest edition of the Ontario Occupational Health and Safety Act (OSHA), the Regulations for Construction Projects, the Regulations for Industrial Establishments and the Electrical Utility safety Rules published by the Infrastructure Health and Safety Association (IHSA).
- Service is available under BHI's latest Standard Service Conditions:**  
<https://www.burlingtonhydro.com/about/regulatory-affairs/conditions-of-service.html>
- Relocation, modification, or removal of existing hydro facilities, if required, shall be at the customer's expense. BHI will refer to the latest Standards and Regulations if possible issues with the clearances arise between existing BHI facilities and existing/proposed building structures.
- BHI easement (if any) is to remain clear of heavy vehicle traffic, and the customer is responsible for keeping the easement lands free and clear of any trees, fences, buildings, structures, or obstructions unless any of the foregoing is approved in writing by Burlington Hydro Inc. Further, the Customer shall remove the same upon the request of Burlington Hydro Inc.
- The customer is to ensure that Burlington Hydro Inc. (BHI) has access to the hydro facilities.
- The customer is to acquire any easements for BHI if required.
- The project must meet City of Burlington Standards.
- A building, permanent structure or building apparatus shall maintain minimum horizontal clearance from existing power lines (Refer to the Burlington Hydro brochure, notice that the clearances shown on the standard are minimum; additional clearances are required to allow conductor swing, scaffold installation and future building maintenance). Please arrange for a site meeting with the BHI representative, calling Eng. Desk at 905 332-2250, or emailing [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com) to validate the required minimum clearances to existing power lines, obtain approved hydro service layout/consent and avoid any possible safety issues.
- Do not excavate within two meters of BHI's transformer, poles and anchors.
- Please refer to the latest edition of the Occupational Health and Safety Act ("OHSA") and Regulations for Construction Projects when work is planned to be performed in proximity to the hydro distribution system.
- Arrange for the disconnect and isolation of the power supply if a person or equipment is to encroach on the minimum distance permitted under the OHSA and OESC.



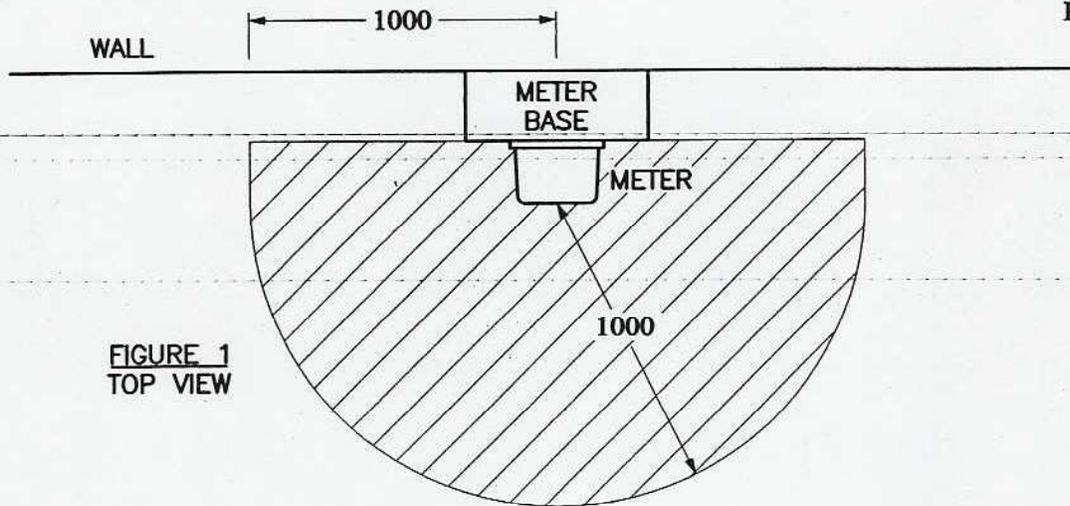
Burlingtonhydro inc.

- ☑ Please arrange for a site meeting with a BHI representative by sending an email to Eng. Desk [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com), prior to beginning any construction/demolition near existing overhead or underground hydro facilities, to get approved BHI service layout/consent and avoid any possible service complications or safety issues.

Regards,  
  
 Zakariya Al-Doori  
 Engineering Services Technician

 NOV 24/2025  
 Cc: Rosso Parra, P. Eng  
 Engineering Manager, Customer Connections  
 & Key Accounts  
 RP

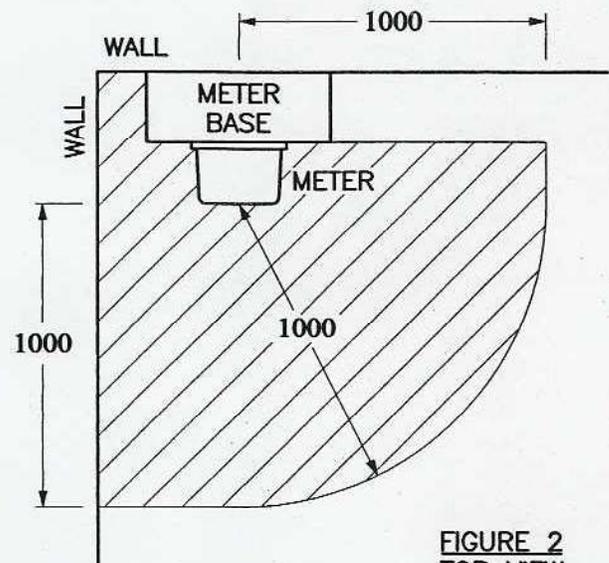




**FIGURE 1**  
TOP VIEW

**NOTES**

1. HATCHED AREA TO BE KEPT CLEAR OF ANY OBSTRUCTION TO ALLOW FOR SAFE WORKING CLEARANCE.
2. WHERE MULTIPLE METERS ARE INSTALLED, CLEARANCES ARE REQUIRED AROUND EACH METER.
3. WHERE METERS ARE INSTALLED IN CABINETS, ALL DOORS MUST BE ABLE TO BE OPENED 100 DEGREES.



**FIGURE 2**  
TOP VIEW

**REQUIRED WORKING CLEARANCE AROUND METERS**

**METRIC**  
LINEAR DIMENSIONS SHOWN IN MILLIMETRES

## Clearances to Underground Electrical Infrastructure

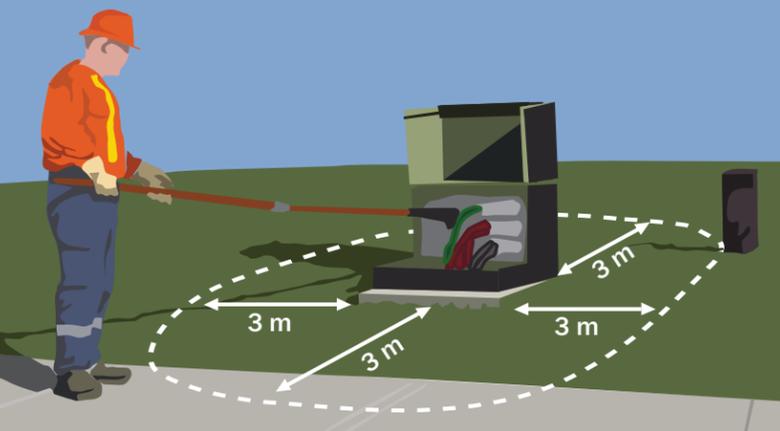
Clearances around underground (UG) electrical infrastructure as per Burlington Hydro's specifications and standards must be met by planners, architects, developers / contractors, municipalities, and property owners.

Electrical workers must be able to safely access equipment to operate, maintain or replace it, see **Figure 1**. The property owner will be responsible for any costs related to removing an obstruction, or if power restoration is delayed due to the obstruction.



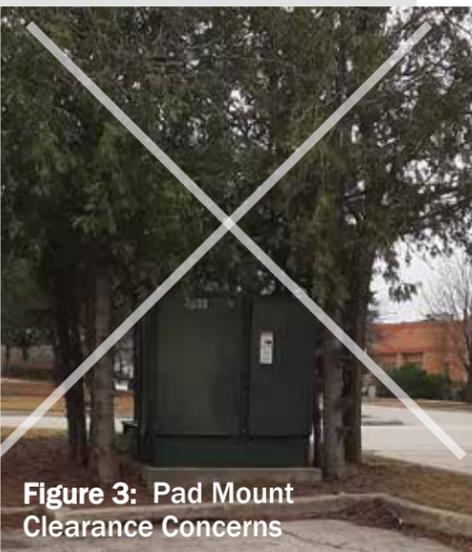
**Figure 2:** Pad Mount Clearance Concerns

**Figure 1:** Clearances to Pad Mounted Equipment



The following clearances around pad mounted electrical equipment mitigate all risks associated with working space and hazards related to the ground grid. This area must remain free of any structures, obstructions, or plantings:

**3 m (10 ft) on all sides**



**Figure 3:** Pad Mount Clearance Concerns

### Other UG Utilities

Burlington Hydro Inc. and all other UG utility stakeholder infrastructure including communications, water, wastewater, and gas facilities must **meet the clearances to UG electrical infrastructure as per CSA C22.3 No.7 Underground Systems**.

In order to meet these requirements, coordination of all facilities within proximity of other UG equipment is essential.

### Municipalities & Property Owners

Above ground obstructions or hiding the electrical equipment is not permitted, see **Figures 2 and 3**. Municipalities and property owners must be aware of the clearances for the safety of its assets in proximity to UG electrical infrastructure, including but not limited to:

**Municipalities:** bus shelters, traffic signs

**Property Owners:** decks or patio blocks, retaining walls, pool equipment, hot tubs, storage sheds, metallic objects like mail-boxes, flag posts, outdoor patio seating (temporary and permanent)

### Locates

It is important to know where UG electrical infrastructure and other utilities are located before work begins, regardless of the project size. Examples include but are not limited to:

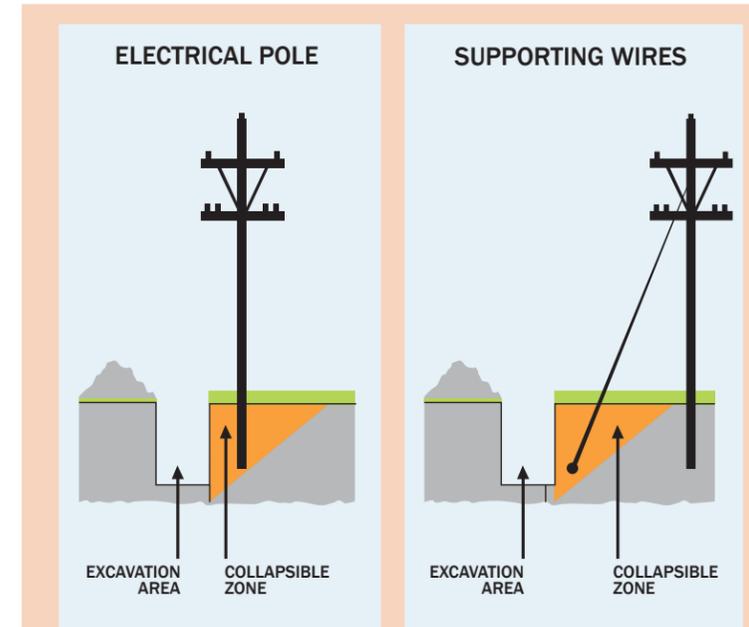
**Contractors:** excavating for an addition, new building, sidewalks, or repairing buried infrastructure

**Property Owners:** planting a tree, landscaping, installing a fence, deck, driveway, or repairing buried infrastructure (pools, heated driveways, irrigation and sprinkler systems)

To protect the project from unnecessary damage, injuries, and financial penalties, contractors and property owners involved in the above activities must contact Ontario One Call at:

**Request a locate**  
**Ontario One Call or 1-800-400-2255**  
**www.ontarioonecall.ca**

The various utilities will mark the location of buried UG infrastructure so the dig can be done safely.



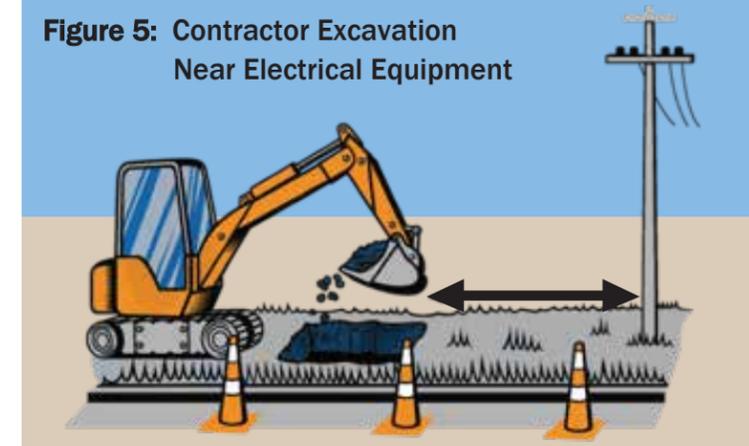
**Figure 4:** Excavation Near Electrical Equipment

### Excavating & Digging

Extreme caution should be used when digging near the marked UG infrastructure or electrical pole (including guy wires, ground grid) see **Figures 4 and 5**. **Contact with a sharp shovel or excavation equipment could easily damage electrical infrastructure and could result in harmful electrical current.**

See ESA's "Guideline for Excavating in the Proximity of UG Distribution Lines" [www.esasafe.com](http://www.esasafe.com) and contact Burlington Hydro Inc. for guidance before excavation in the proximity of electrical infrastructure.

**Figure 5:** Contractor Excavation Near Electrical Equipment



**Contact:** Engineering Clerk  
**Email:** [Permits@BurlingtonHydro.com](mailto:Permits@BurlingtonHydro.com)  
[www.BurlingtonHydro.com](http://www.BurlingtonHydro.com)

## NOTICE OF PUBLIC HEARING

Piotr Baniak and Malgorzata Baniak, the owners of 2253 Empire Cres. Burlington, have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **2253 Empire Cres. Burlington** (see map).

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required. This proposal results in the following variance:

1. To permit the combined width of all hard surfaces to be 9.9 m instead of the maximum permitted 7 m for an existing driveway and walkway.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **March 9, 2026**.

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

**WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

### How to participate if I have comments or concerns?

#### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

#### **2. In person Oral Submissions**

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

### **Attend or View the Committee of Adjustment Hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

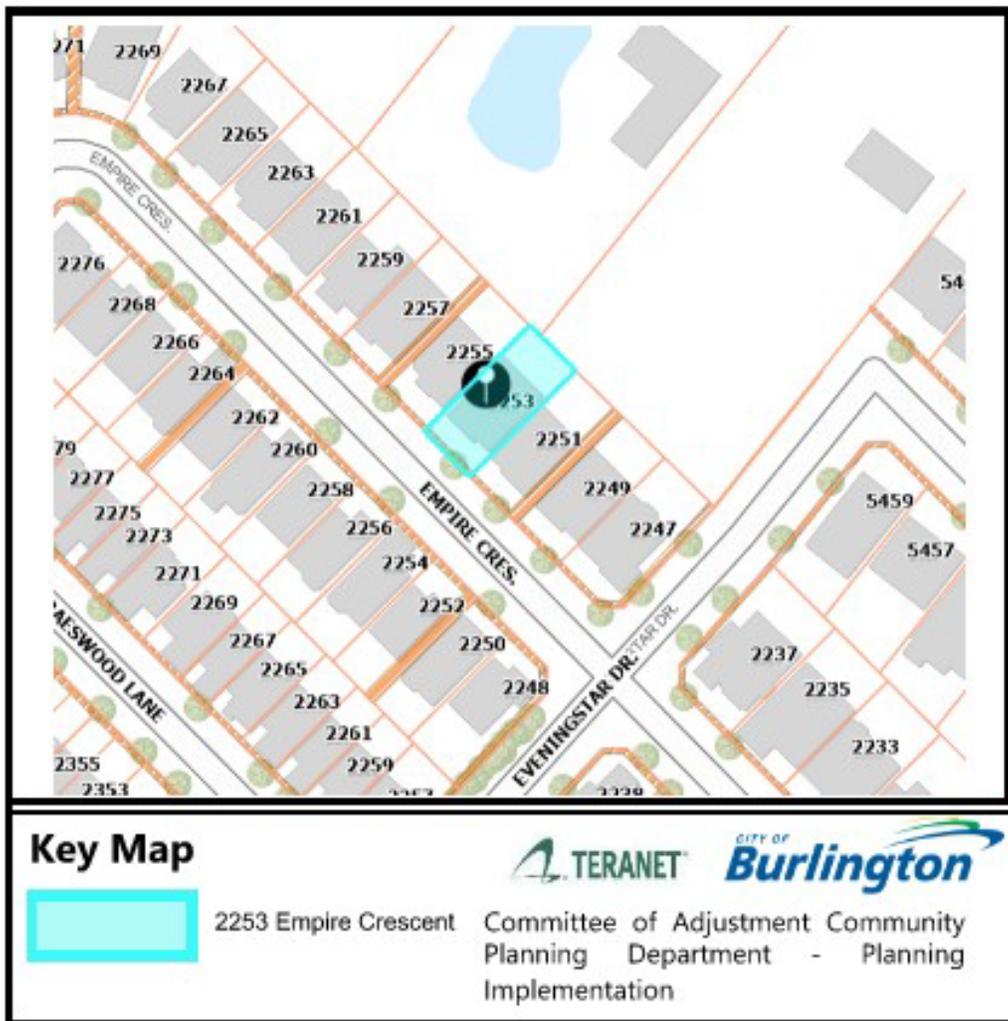
Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

### Key Map



**PLANNING ACT, R.S.O. 1990, C.P. 13  
 APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

**THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)**

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y  or N

Name of Planner: \_\_\_\_\_ Name of Zoning Examiner: Danielle Beck

**PROPERTY INFORMATION**

Municipal Address(es) of property:

2253 Empire Cres, Burlington, ON.

Legal Description of property:

Plan M798 lot 45

Official Plan Designation: Residential. Current Zoning Designation R03

**OWNER(S) INFORMATION:**

Legal Name (as it appears on the title for the property):

BANIAK PIOTR BANIAK MALGORZATA

Mailing Address: 2253 EMPIRE CRES City: BURLINGTON

Postal Code: L7L 6Y9 Home Phone: [REDACTED] Mobile Phone: [REDACTED]

Work Phone: \_\_\_\_\_ E-Mail: [REDACTED]

**AGENT INFORMATION** (if applicable): (This person will be the primary point of contact if provided)

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_ City: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**PROPOSED DEVELOPMENT** Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

recognizing existing walkway and  
driveway widths

Variance(s) Requested	Zoning Bylaw Requirement
9.9m total hard surface width	maximum driveway width permitted 5.5m max walkway 1.5m combined hard surfaces is 7m

In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature? convenience for stepping out of car and not stepping onto grass and using walkway, trying to make beautiful, extra width for walkway.

2. Why are the variance(s) desirable for the appropriate use of the land? allows us to use the front of the property and see neighbours, looks nice to the neighbourhood.

3. Do the variance(s) meet the intent and purpose of the Official Plan? \_\_\_\_\_

4. Do the variance(s) meet the intent and purpose of the Zoning By-law? only 1 vehicle typically parked in driveway, mostly used for access and getting family in

**FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS**

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Frontage	Depth	Area	Actual	Deemed	Required		
11m	26.01	286.11m <sup>2</sup>	14m	14m	0m		

**Particulars of all buildings and structures on or proposed for the subject lands**  
 (attach additional page if required)

EXISTING (Dwelling/Building)		PROPOSED (Dwelling/Building/Addition)	
Ground Floor Area (incl. attached garage)	M <sup>2</sup>	Ground Floor Area (incl. attached garage)	M <sup>2</sup>
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Number of Storeys:		Number of Storeys:	
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Garage/Car Port</b>		<b>Garage/Car Port</b>	
Detached?	Y <input type="checkbox"/> N <input type="checkbox"/>	Detached?	Y <input type="checkbox"/> N <input type="checkbox"/>
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Accessory Structures (Shed, Gazebo, etc)</b>		<b>Accessory Structures</b>	
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Other (pool, additional sheds, decks, driveways, etc.)</b>		<b>Other</b>	
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	9.9m
Length:	Unknown	Length:	5.6m
Height:	M	Height:	M

**LOCATION of all existing and proposed buildings and structures**

EXISTING		PROPOSED	
Front:	M	Front:	M
Rear:	M	Rear:	M
Side/Street Side:	M	Side/Street Side:	M
Side/Other Side:	M	Side/Other Side:	M

**PROPERTY DETAILS (please complete all fields):**

Date property purchased: <u>12 / 30 / 2003</u> mmm/dd/yyyy	Date property first built on: <u>2000 / 01</u> mmm/dd/yyyy	Date of proposed construction: _____ mmm/dd/yyyy
------------------------------------------------------------------	------------------------------------------------------------------	--------------------------------------------------------

**Existing Use of the Subject Property** (check one):

- Detached Dwelling    Semi-Detached Dwelling  
 Townhouse Dwelling    Street Townhouse Dwelling  
 Stacked Townhouse Dwelling  
 Apartment    Mixed Use    Hi Rise  
 Commercial    Industrial    Vacant  
 Other \_\_\_\_\_

Length of time the existing uses of the subject property have continued:

*same*

**Proposed Use of the Land:**



**Existing Uses of Abutting Properties** (check all that apply)

- Residential    Commercial    Industrial    Multi-Residential    Vacant    Hydro right of-way  
 Railway right-of-way    Provincial Highway    Park    Other \_\_\_\_\_  
 Conservation Halton Lands: Lake Ontario    Creek    Storm Water Management Pond/Channel  
 Ravine

**Additional Information**

Is liquor sold on site? Y  or N

Is the property on the Municipal Cultural Heritage Register for the City of Burlington? Y  N  Unknown

**Type of Access to the Subject Lands**

- |                                             |                                                    |                                       |                                |                                         |
|---------------------------------------------|----------------------------------------------------|---------------------------------------|--------------------------------|-----------------------------------------|
| Provincial Highway <input type="checkbox"/> | Municipal Road <input checked="" type="checkbox"/> | Private Road <input type="checkbox"/> | Water <input type="checkbox"/> | Other(specify) <input type="checkbox"/> |
|---------------------------------------------|----------------------------------------------------|---------------------------------------|--------------------------------|-----------------------------------------|

**Municipal Services Provided**

- Water  If not available, by what means is it provided: \_\_\_\_\_  
 Sanitary Sewers  If not available, by what means is it provided: \_\_\_\_\_  
 Storm Sewers  If not available, by what means is it provided: \_\_\_\_\_

**IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:**

- Official Plan Amendment    Zoning By-law Amendment    Building Permit  
 Site Development Plan    Plan of Subdivision    Previous Minor Variance    Consent

**EXEMPTION FROM NEW SURVEY REQUIREMENT**

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner: BANIAK MALGORZATA | Property Address: 2253 Empire Cres

1. I, BANIAK MALGORZATA In my capacity as Owner do attest to the following:  
Print Name (Owner or agent)

**Please complete Section A, B, or C**

A. The OLS survey/sketch of survey dated \_\_\_\_\_ mmm/dd/yyyy  
has been revised by: \_\_\_\_\_  
(Person or Company Name)

OR

B. The site plan, architect's plan or engineer's plan dated Aug 2025  
has been revised by: \_\_\_\_\_ mmm/dd/yyyy  
MATEUSZ BANIAK  
(Person or Company Name)

OR

C. The sketch or plot plan\*\* dated \_\_\_\_\_ mmm/dd/yyyy  
\*\*Accepted for applications involving variances for Uses only.  
was prepared by: \_\_\_\_\_  
(Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of: \_\_\_\_\_ mmm/dd/yyyy

3. The material submitted shows all measurements in metric, as calculated/converted by: MATEUSZ BANIAK  
(Person or Company Name)

4. Should the need arise during application processing for a new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

Baniak Malgorzata  
Signature of Owner/Applicant

Oct. 29. 2025  
Date (mmm/dd/yyyy)

**POSTING OF ADVISORY SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

**DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.**

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

**I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.**

Owner Name	BANIAK PIOTR BANIAK MALGORZATA	Property Address	2253 EMPIRE CRES BURLINGTON L7L 6Y9
	 Signature of Owner/Applicant		09 03 2025 Date (mmm/dd/yyyy)

**AFFIDAVIT**

\*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)  Signature of Applicant or Authorized

Agent: \_\_\_\_\_

I, BANIAK MALGORZATA of the REGION of HALTON in the BURLINGTON  
(print name) (Region/City/County) (City/Town/Township)

of \_\_\_\_\_ solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Region of Halton in the City of Burlington  
(Region/City/County) (City/Town/Township)

this 3rd day of September 2025.

*Shelby Clements*  
Shelby Olivia Clements, a  
Commissioner, etc., Province of  
Ontario, for The Corporation of the  
City of Burlington.

Expires January 24, 2028.  
Signature of Commissioner, etc.

*Baniala Malgorzata*  
*Baniala Piotr*  
Signature of Applicant or Authorized Agent

**PERMISSION TO ENTER**

**\*IMPORTANT\*** This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 2253 EMPIRE CRES

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

*Baniala Malgorzata*  
*Baniala Piotr*  
Signature of Owner

BANIAK MALGORZATA  
BANIAK PIOTR  
Print Name

<b>Minor Variance Application Checklist</b> Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	<b>Select (✓)</b>
<b>LEGAL SURVEY</b> (must be prepared and signed and dated by an Ontario Land Surveyor)  * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	✓
OR	
<b>DETAILED SITE PLAN</b> (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.	✓
AND	
<b>PLAN and ELEVATION DRAWINGS</b> which include the following as applicable: (Missing details or illegible drawings will be sent back to the applicant for correction)	N/A.
<b>SITE PLAN</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Metric Scale</li> <li><input checked="" type="checkbox"/> North Arrow</li> <li><input type="checkbox"/> Frontage</li> <li><input type="checkbox"/> Depth</li> <li><input type="checkbox"/> Lot Area</li> <li><input type="checkbox"/> Lot Coverage</li> <li><input type="checkbox"/> Deemed Street Line</li> <li><input checked="" type="checkbox"/> Existing Front Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Rear Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Street Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks</li> <li><input type="checkbox"/> Proposed Front Yard Setbacks</li> <li><input type="checkbox"/> Proposed Rear Yard Setbacks</li> <li><input type="checkbox"/> Proposed Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Street Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks</li> <li><input type="checkbox"/> Streets (Public and Private)</li> <li><input type="checkbox"/> Street Names</li> <li><input type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement)</li> <li><input type="checkbox"/> Railways (Location of them and setbacks to structures)</li> <li><input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)</li> </ul>	

**Minor Variance Application Checklist**

Please add a check mark beside the items you have provided with your application.  
Illegible drawings or those missing required details will be returned to applicant.

**LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES**

- Setbacks
- Height
- Area
- Length
- Width

**ELEVATIONS**

- Metric
- Front
- Rear
- Side 1
- Side 2

**FLOOR PLANS**

- Metric
- North Arrow
- Gross Floor Area Calculation
- Ground Floor Area Calculation
- Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

*Jouriah Khaloua*

Signature of Owner/Agent

*Oct. 29. 2025*

Date (mmm/dd/yyyy)



# CONCESSION I, SOUTH OF DUNDAS STREET GEOGRAPHIC TOWNSHIP OF NELSON

PIN 07184-0014

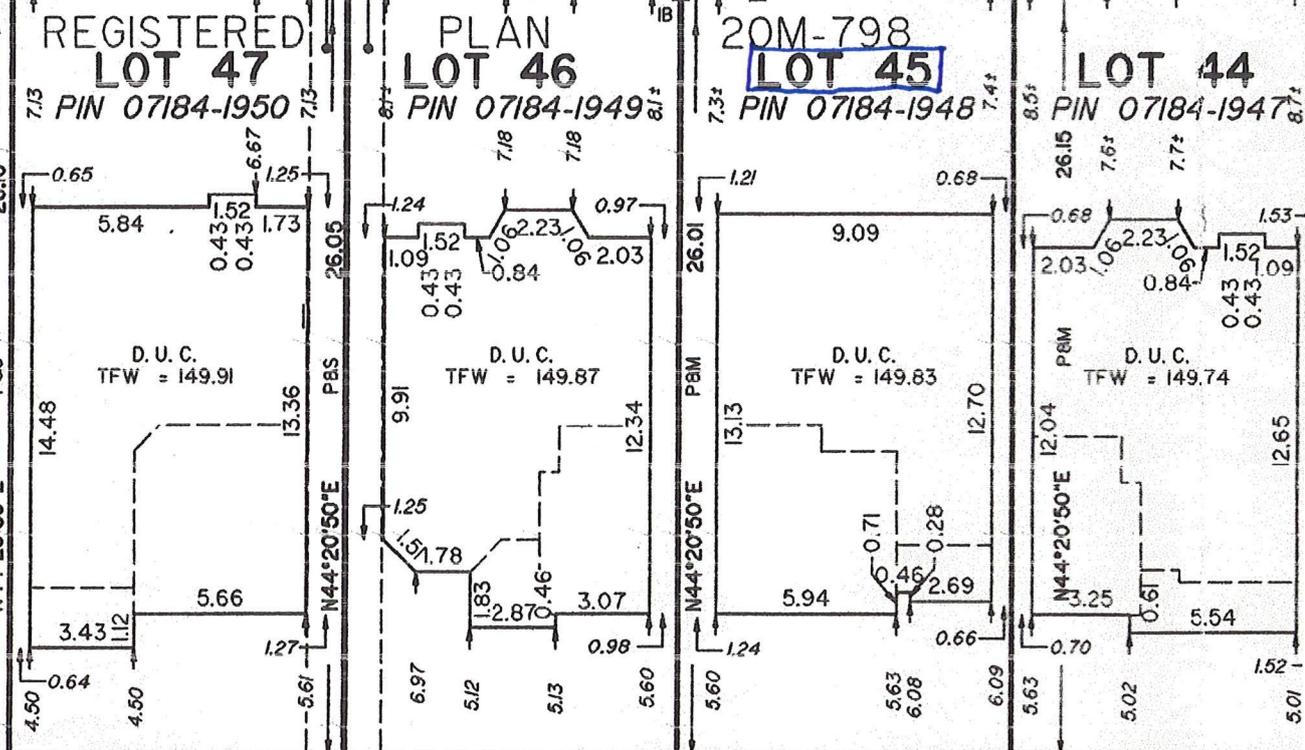
PIN 07184-0013

PART 242  
PLAN 20R-14284  
SUBJECT TO AN EASEMENT  
AS SET OUT IN HR79773

PART 243  
PLAN 20R-14284  
SUBJECT TO AN EASEMENT  
AS SET OUT IN HR79773

PART 314  
PLAN 20R-14284  
SUBJECT TO AN EASEMENT  
AS SET OUT IN HR79773

N45°33'40"W P&M 11.00    N45°33'40"W P&M 11.00    P&M SIB N45°33'40"W 2.52    P&M N46°40'40"W 8.49    IB N46°40'40"W P&M 11.00



LOT 48

PART 48    PART 47    PART 46    PART 45    PART 44  
N45°47'30"W P&M 49.44    N45°47'30"W P&S 11.00    IB N45°47'30"W P&S 11.00    2.65    8.45    IB N45°39'10"W P&S 11.00

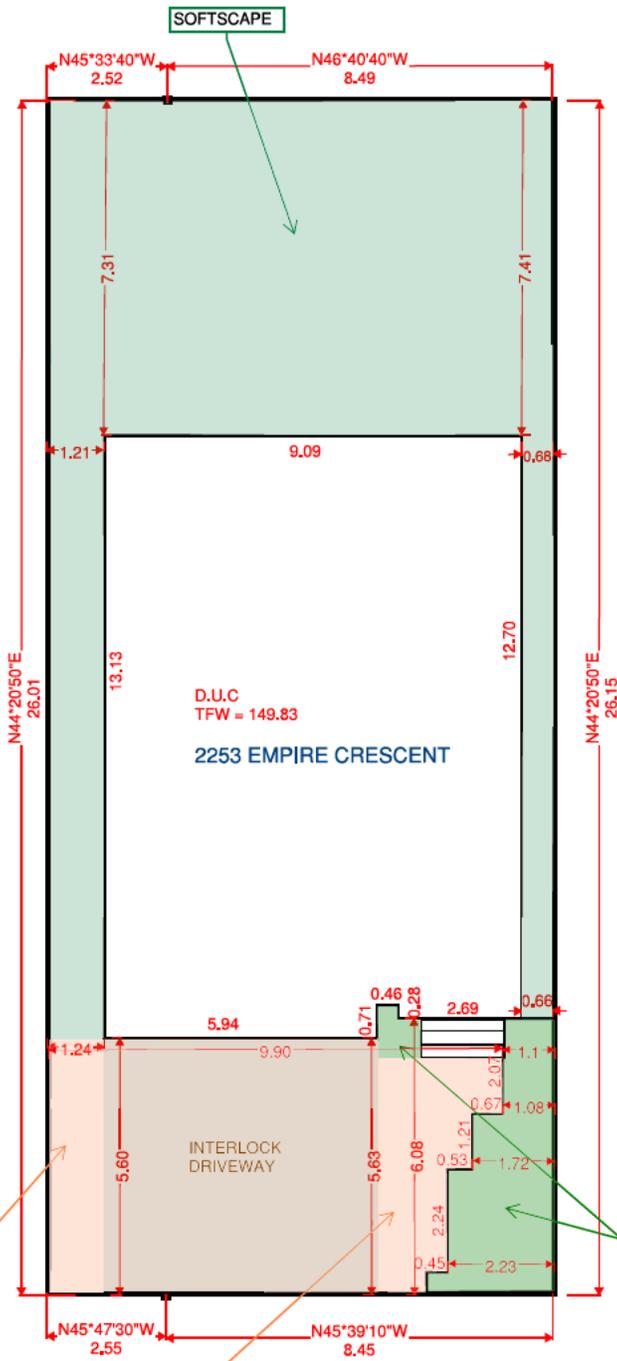
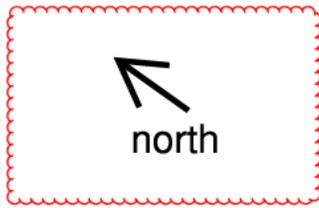
PART 241

PART 244

PART 312

PLAN 20R-14284  
SUBJECT TO AN EASEMENT AS SET OUT IN HR79773 AND HR84898

EMPIRE CRESCENT  
DEDICATED BY REGISTERED PLAN 20M-798



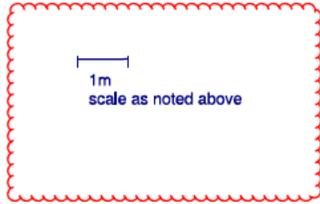
\*Area shaded in peach includes driveway and walkway

INTERLOCK WALKWAY

INTERLOCK WALKWAY

SOFTSCAPE

SOFTSCAPE



Empire Crescent

Site Plan  
August 2025

October 29, 2025

To Whom it May Concern:

My husband and I are direct neighbours of Malgorzata and Piotr Baniak of 2253 Empire Cres.

Please use this letter as support for their existing driveway which only adds to the overall property value of the street.

Kind Regards

Jennifer Hopkins & Rob Felske  
of 2255 Empire Cres.



(Jennifer)

Oct 29, 2025.

To whom it may concern,

This note is Related to the Driveway owned by Piotr & Malgorzata Baniak residing at 2253 Empire Cre. Burlington.

For the record, I support the Baniak's to keep the Driveway. It was professionally built & always maintained and well kept.

The Driveway is a nice addition for the home and I have no issues with this drive at all

I am 100% supportive to maintain the drive as is.

Thank you

Derek Fischer

2251 Empire Cr.  
Burlington On.

(Oct 25, 2025)

2025 October 29, Wednesday

To whom it may concern,

I am writing to formally confirm that we have no objection to the modifications to the driveway and hardscaping of our neighbours, MALGORZATA and PIOTR BANIAK, located at 2253 Empire Crescent in Burlington, Ontario.

We understand that this confirmation may be required as part of their application or permit review process with the City of Burlington, and we are pleased to provide our consent.

Should the City require any further information or documentation from us to support this statement, please do not hesitate to contact me.

Thank you for your time and attention to this matter.

Sincerely,



David and Alison McNicol  
2269 Empire Crescent  
Burlington, ON L7L 6Y6



OCT 29/2025

SERGIO & MARLENE MARCOCCIA  
2260 EMPIRE CRES  
BURLINGTON, ON  
L7L 6Y6

TO WHOM IT MAY CONCERN,

RE: BANIAK MALGORATA, BANIAK PIOTR  
2253 EMPIRE CRES

WE DO NOT HAVE AN ISSUE WITH THE DIMENSIONS OF THE  
DRIVEWAY AT THIS RESIDENCE,

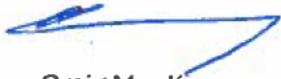
REGARDS,



October 29, 2025

To whom it may Concern,

Please accept this letter as notice that Craig and Allison MacKay, located at 2262 Empire Cres, Burlington, ON, L7L6Y6, do not have any issue with the driveway of Piotr and Malgorzata Baniak, located at 2253 Empire Cres.



Craig MacKay



Allison MacKay

Sarah Burns  
2252 Empire Crescent  
Burlington, ON  
L7L 6Y9

Re: Malgorzata and Piotr Baniak  
2253 Empire Crescent

To Whom It May Concern,

I am writing to confirm that we have no concerns or objections regarding our neighbour's driveway as it currently exists. We have no issues with its placement, design or use.

Sincerely,

Sarah Burns

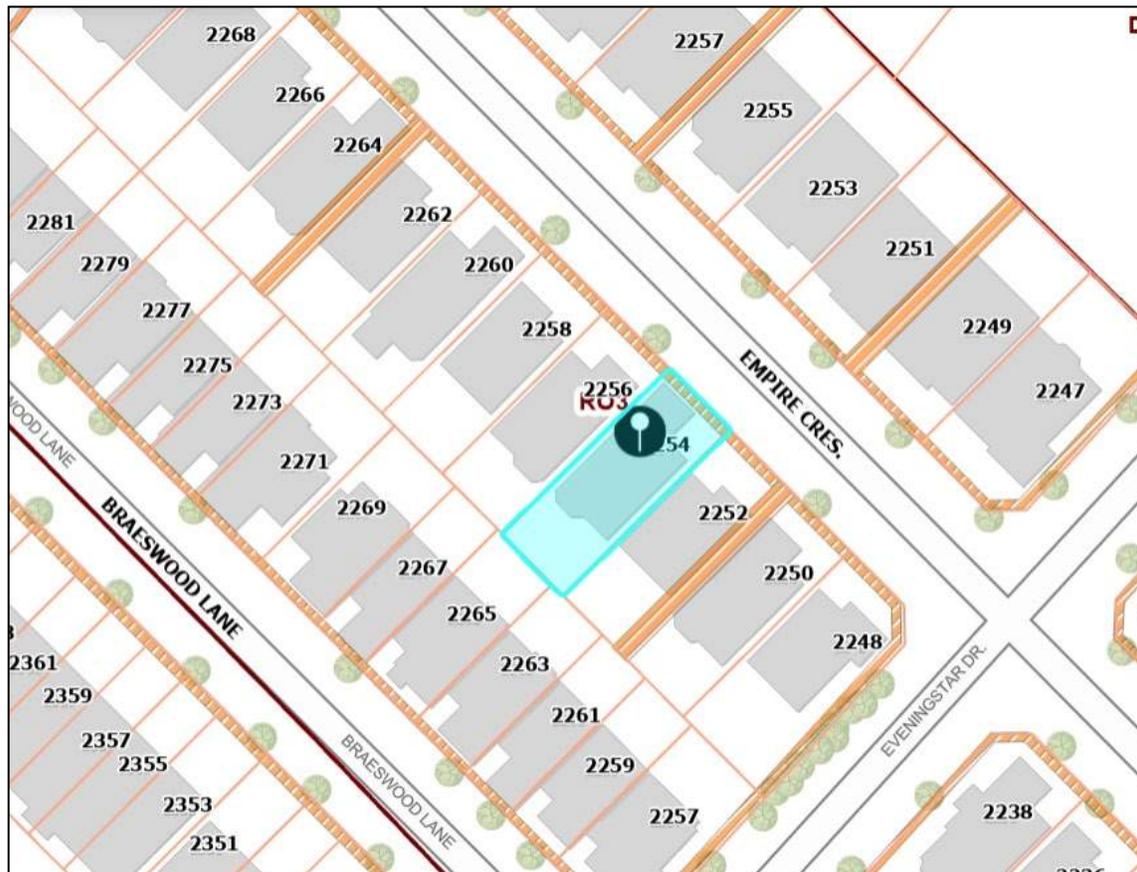


Oct 28/25

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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Owner(s): Sumika Singh and Johnathan Nicholson  
Address: 2254 Empire Crescent, Burlington  
File No. **A-001/26**  
Ward: 5



**Staff Comments:**

**Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: January 12, 2026

Prepared By: E. Shacklette

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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**Zoning****1) Background information:**

The subject property is zoned RO3, Orchard Community, under Zoning By-law 2020, as amended. The RO3 zone requires, among other things, the following:

**2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA**

- 1) The width of driveways and walkways shall be measured perpendicular to the direction of travel of the vehicle or person.
- 4) Unless otherwise specified in this by-law, the following combined maximum width of all hard surfaces (driveways plus walkways) and landscaped open space area requirements shall apply for detached, semi-detached, duplex, triplex, fourplex, common element townhouse, common element back-to-back townhouse, and street townhouse dwellings:
  - (b) For front or street side lot lines equal to or greater than 9 m and less than 12 m in width:
    - (i) The combined maximum width of all hard surfaces is 5.5 m.
    - (ii) The remaining lot area between a street line and a building elevation facing a street shall be landscaped open space area.

**2) Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

**3) Variance required:**

1. To permit the combined width of all hard surfaces to be 7.2 m instead of the maximum permitted 5.5 m for an existing driveway and walkway.

**4) Notes and conditions:****Notes:**

1. The zoning review is based on the portion of the site affected by the proposed development only.
2. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

3. This application was reviewed under Section 45(1) of the *Planning Act*.

Date: January 26, 2026

Prepared By: Danielle Beck, CPT

### Site Planning

<b>Site Characteristics</b>	
<b>Lot Frontage (m)</b>	9.45 m
<b>Lot Area (m<sup>2</sup>)</b>	245.7 m <sup>2</sup>
<b>Existing Land Uses</b> <i>(ex. buildings, structures, driveways, fences, etc...)</i>	Two-storey detached-dwelling with garage accessed by driveway from Crosby Ave
<b>Site Grading</b> <i>(ex. Flat and level, significant grade differences)</i>	Flat and level
<b>Notable Site Features</b>	Easement along frontage for City and Regional infrastructure
<b>Surrounding Land Uses</b> <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Low to medium density residential, with a mix of two-storey detached, semi-detached and two-and-a-half storey townhouse dwellings (along Sutton Dr)
<b>Nearest Major Intersection</b>	Upper Middle Road and Appleby Line
<b>Neighbourhood Boundaries*</b>  <small>*Based on OP, 1997 residential neighbourhood definition</small>	North: Dundas St East: Bronte Creek Valley South: Upper Middle Rd West: Appleby Line/Canadian National Railway Line

### Neighbourhood Characteristics:

- The property is part of a master-planned neighbourhood locally known as the “Orchard Community”, which according to the Burlington Official Plan, 1997 (BOP, 1997) “comprises several residential neighbourhoods developed with a full range of housing forms, community services and facilities and other complementary land uses.”
- On Empire Crescent, north of Eveningstar Drive, there are 33 properties with driveways fronting onto Empire Crescent. Of those, 20 are one-car garages (61%) and 13 are two-car garages (39%)
- Front yard setbacks are small by design. The zoning by-law requires a front yard setback of only 3 metres to the front wall, and 5.5 metres (depth of one parking space) to the garage door. The short driveway depths mean that vehicles are positioned close to the street
- Some driveways include decorative paving or brick strip accents, while others are standard asphalt. Street-facing garages are a dominant feature of the frontages.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

- Lots on Empire Crescent are compact, with widths ranging from 7.5 metres to 12 metres for corner lots)
- Houses with double-car garages are situated on larger lots, with wider driveways corresponding to the width of the garage. Permitted driveway widths vary based on the lot width:

Lot size	< 9m	9-12m	Under 12m, two-car garage built before 2009	12m-18m
Permitted Driveway Size	4.5m	5.5m	7m	7.5m

- Landscaping typically consists of small lawn areas, foundation plantings, low shrubs, and occasional ornamental features positioned in the foreground of the entrance and front porch of each home, which when combined with the reduced setback, enable these features to be more prominent in the streetscape.
- On the west side of Empire Crescent, front porches and entrances of homes are positioned side-by-side so that adjoining front yard landscaped areas appear as a single larger, continuous landscaped area. The pattern on the east side of Empire Crescent is different, with driveways being located in between the front yards of each property
- Hardscaping is common, including widened driveway aprons and walkway pavers.
- Mature street trees are present along the boulevard (city trees) and in front yards, contributing to a consistent tree canopy along the street. For the most part, trees are generally medium-sized deciduous species, evenly spaced and integrated into the municipal boulevard. While trees provide visual continuity and seasonal interest, they do not significantly screen the homes due to the relatively shallow front yard setbacks.
- Garages and driveways are prominent and visually dominant from the public realm. Front porches are typically raised slightly above grade and shallow in depth, serving as transitional elements between the sidewalk and front entrance.
- The dwellings are predominantly two-storey detached houses. Rooflines include a mix of front gables, cross-gables, and first-storey projecting roofed over porches and garage overhangs that emphasize horizontal separation between the first and second storeys, adding variation to the façades while maintaining a consistent overall scale and rhythm along the street.
- Exterior finishes are primarily red and beige brick, occasionally combined with stone veneer or siding accents. Garage doors are prominent design elements and vary in colour and detailing. Front porches are generally covered, supported by columns, and elevated slightly above the driveway grade.

A site visit was conducted on February 25<sup>th</sup>, 2026 and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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Although the widening of hard surfaces is already complete, the proposal has been evaluated as if it has not been constructed.

**1) City of Burlington Official Plan:**

**Do the proposed minor variances from the zoning by-law maintain the general intent and purpose of the Official Plan?**

**Yes**

Regional Official Plan (2022):

The proposal meets the general intent and purpose of the *Regional Official Plan, 2022 (ROP, 2022)* for the following reasons:

- Section 76 of the ROP indicates that development within the Urban Area is to occur in accordance with Local Official Plans and Zoning By-laws. The subject lands are located within the Urban Area and are designated for residential use. The proposed variance relates solely to a driveway widening associated with a detached dwelling and does not introduce a new use, intensification, or change in land use.
- The variance does not impact the planned function of the neighbourhood, municipal servicing capacity, transportation network, or the overall residential character contemplated by the ROP. The proposal represents a minor modification to hard surface area on a developed residential lot and does not affect regional infrastructure, natural heritage systems, or growth management objectives.

Regional Staff have also reviewed this application and have no objections to the Minor Variance application.

Official Plan, 1997 & 2020

Parts of *Burlington Official Plan, 2020 (BOP, 2020)* are not in-force due to ongoing Ontario Land Tribunal Appeals, so applications are reviewed against a combination of in-force policies under *BOP, 2020* and the older *Burlington Official Plan 1997 (BOP, 1997)*.

The proposal meets the general intent and purpose of the Official Plan for the following reasons:

- The site is designated 'Low-Rise Neighbourhoods I' with the Residential Neighbourhood Areas according to Schedule 'C' (Land Use - Urban Area) of the BOP, 2020, as amended, which consists of low-rise, ground-oriented dwellings and encourages the integration of a wide range of housing types

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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- Whereas General Objectives for Residential Neighbourhood Areas under Section 8.3.1 of the BOP, 2020 directs that new development “be balanced with other planning considerations” and achieve “compatibility and integration within existing residential neighbourhoods” (a), the proposal is consistent with these objectives in the following ways:
  - The front façade of the subject property features a prominent and protruding front porch directly abutting the 3.15 metre asphalt driveway, originally approved to match the exterior width of the attached and inset single-car garage.
  - The existing driveway is also a required parking space and as such, the proposed widening of hard surfaces provides an unobstructed pedestrian walkway from the public sidewalk to the front entry as well as rear yard
  - The widening consists of landscape pavers which are well integrated into the existing streetscape and low-rise neighbourhood overall
- Sentence k) of Part 8, Section 8.3.1 further states that healthy mature trees contribute to physical character, or the distinctive qualities within an area. In a similar way, Section 8.3.2 d) states that the preservation and enhancement of on-site trees and vegetation is encouraged in order to assist in maintaining the character of the surrounding neighbourhood.
  - The proposal incorporates a raised planter directly in front of the porch as well as landscaped open space area along the sidewalk. The mix of hard and soft landscaping offers opportunities for trees and vegetation and enhances the overall character of the street
  - Forestry staff have also reviewed the application and have no objection, subject to applicable tree protection standards and approvals
  - Staff note that a stone wall was constructed partially in the public boulevard without permission next to a public tree and encroaches into the tree protection zone. Staff support the variance conditional upon the removal of the wall close to the City tree, consistent with the environmental protection principles of the Official Plan.
- Whereas, the Design Guidelines under Part II, Section 6.5 (g) of the BOP, 1997 state that “the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact” and policy (m) states “All development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of this Plan”, which identifies the preservation of existing trees and vegetation as a sustainable development consideration under this section.
  - Due to the building footprint, shallow front yard and steps leading up to the covered porch, the subject property is physically unable to support additional vehicles
  - The proposed configuration of hard surfaces does not introduce additional parking which would dominate the street but rather, it maintains a high degree of landscaping which contributes to an attractive streetscape
- Whereas *compatible* is defined as “Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health”, which is

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

evaluated in accordance with measurable/objective standards, the planner notes the following:

- The proposed variance supports the ongoing pattern of gradual residential reinvestment and maintains visual continuity by incorporating quality materials and finishes while preserving natural features.
- As evident from the non-objection by Development Engineering staff, there are no anticipated adverse effects nor significant disturbances to existing grading and drainage patterns.

**2) City of Burlington Zoning By-law 2020:**

**Do the proposed minor variances from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

**Yes**

The subject property is zoned RO3 (Orchard Community) under Zoning By-law 2020, as amended. Section 2.24 of the By-law regulates driveway widths and landscaped open space based on the lot width to ensure that front yards maintain an appropriate proportion of hard surface areas (approx. 50-64%) and soft landscaping (36-50%). These provisions are intended to preserve the streetscape character, support stormwater infiltration, maintain opportunities for tree planting, and prevent excessive paving within residential neighbourhoods. The proposed minor variance to permit a combined width of all hard surfaces to be 7.2 metres instead of the maximum permitted 5.5 metres, for a lot width between 9 and 12 metres, is consistent with this intent for the following reasons:

- The maximum permitted width under the by-law incorporates all hard surfaces, including driveways and walkways. In this instance, the overall width is exceeded by 1.7 metres however, the existing building footprint combined with the delineation of materials reinforces that the stone paver widening is intended to serve as a pedestrian walkway only
- Based on a lot width of 9.45 metres, the combined width of hard surfaces represents a total of 76% of the lot frontage. Staff are of the opinion that the remaining soft landscaping and vegetation maintains a visual balance and achieves sufficient stormwater infiltration.
- As noted above, a stone wall was constructed partially in the public boulevard without permission next to a public tree. Staff are requesting that the wall close to the City tree be removed to increase the balance of soft landscaping in the front yard

**3) Desirability:**

**Is the proposed minor variance from the Zoning By-law desirable for the appropriate development or use of the land, building or structure?**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

**Yes**

The proposed minor variance is desirable for the appropriate development and use of the building for the following reasons:

- The proposal does not introduce additional parking in the front yard
- By creating a designated walkway, the hard surface widening promotes pedestrian safety and comfort while maintaining the compact density and active streetscape originally envisaged for the Orchard Community
- It improves the overall quality of the street not just from an aesthetic and functional perspective, but also by reinforcing the connection between the public and private realm and contributing to a welcoming and socially-active space

**4) Minor in Nature:**

**Is the proposed minor variance from the Zoning By-law considered minor in nature?**

**Yes**

The proposed minor variance is minor in nature for the following reasons:

- The proposal provides grade-related activity areas, visual interest and an appropriate transition from the public streetscape
- The widening represents an increase of 1.7 metre, or 18% over what is permitted under the current zoning by-law. In combination with the raised planter directly in front of the covered porch, the remaining lot width is dedicated to decorative landscaping, ornamental grasses, shrubs and plantings.
- Development Engineering and Urban Forestry staff have reviewed the application and have indicated no objection

**Cumulative Effects of Multiple Variances and Other Planning Matters:**

- n/a

**Recommendation:**

Staff has reviewed the proposed variance in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection, subject to the below condition.

Date: February 27, 2026

Prepared By: Magda Rusin-Hynek

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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**Condition:**

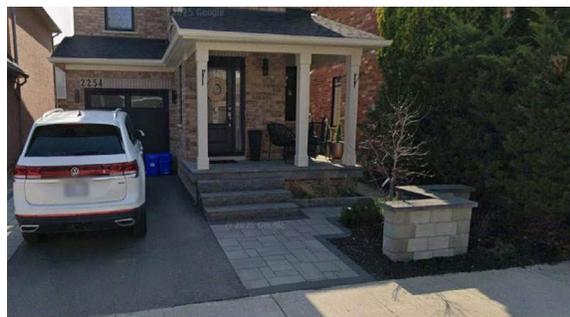
That the applicant remove the wall adjacent to the public tree and provide photographs of the completed work to the satisfaction of the Director of Community Planning.

**Report Schedules & Attachments:**

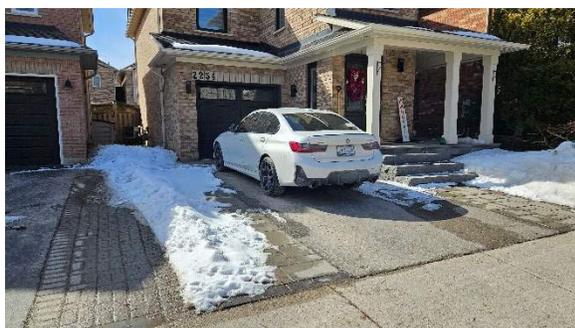
Attachment No. 1 (Site Photos)



Front view of the subject property



Front view of the subject property without snow  
(taken from Google images)



Front view of the subject property



Front view of the subject property



Street view along Empire Crescent, including  
subject property



Street view along Empire Crescent

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
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**Technical Reviewer Comments:**

**Development Engineering**

Development Engineering has reviewed the proposed minor variances and has no objection to the variance(s) requested. While there is a City easement along the frontage of the property, it contains no infrastructure and access to the easement is not obstructed in the event that access is required in the future.

Date: January 29, 2026

Prepared By: R. Maximo

**Forestry**

Forestry has reviewed the application and has no objection to the proposed minor variance(s) and provides the following advisory comment(s) to the applicant:

**Advisory Comments:**

1. A public tree permit will be required in accordance with the City's Public Tree By-law.

Date: February 27, 2026

Prepared By: M.Krzywicki

**Building**

1. A Building Permit is required for all building 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. Guards appear to have been removed from the front porch. Designer to ensure required guards are located where the difference in elevation is more than 600 mm (~23 5/8 in) in accordance with OBC Div. B, 9.8.8.1.
4. Grades appear to have been altered increasing the number of risers required for the front porch stairs. Designer to ensure there are required handrails for all exterior stairs having more than three risers in accordance with OBC Div. B, 9.8.7.1.

Date: Feb. 17, 2026

Prepared By: A. Kuzmichuk

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

## **Transportation Planning**

### Deemed Road Width Analysis

Empire Crescent is under the authority of the City of Burlington, and the deemed right-of-way width is 14 metres. The right-of-way adjacent to the subject site is approximately 14 metres; therefore, no additional lands are required.

Date: January 15, 2026

Prepared By: E. Chen

Transportation Planning have reviewed the proposed minor variance application and offer the following comments:

1. Transportation Planning have no objection to the minor variance to recognize the widened driveway and have taken the following context into consideration.
  - a. The hard surfacing of the front yard is an existing condition since some point after 2022. Prior to that it has been covered by various types of raised planter beds.
  - b. The design of the neighbourhood leaves very little potential for legal on-street parking.
  - c. The community pre-dates implementation of the 2025 City-Wide Parking Permit.
  - d. The garages in this subdivision are not to current standards and may not be sized for the occupants' vehicle(s).
  - e. The same condition occurs on many other properties in the neighbourhood.
  - f. There are no suitable alternate solutions for vehicle parking.
  - g. Transportation Planning note that in a new development the increased driveway width would not be supported.

Date: February 5, 2026

Prepared By: Sandra Lucas

## **Finance**

### **Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

**Tax**

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: January 27, 2026Prepared By: L. Bray**Agency Comments:****Halton Region****Regional Contaminated Sites Database:**

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).

Regional Staff have reviewed the Minor Variance application proposing to recognize the existing driveway widening for the detached dwelling. Variance is requested to allow for the increased hard surface area.

- Due to Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.
- Regional Staff have no objections to the Minor Variance application.

Date: February 19, 2026Prepared By: Navjot Kaur**Burlington Hydro**

Burlington Hydro staff have reviewed this application and have no comment.

Date: January 30, 2026Prepared By: Harpreet Singh



(905) 335-7629  
[committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)  
FILE NO. 540-02-**A-001/26**  
Committee of Adjustment  
**Date of Mailing: March 9, 2025**

## NOTICE OF PUBLIC HEARING

Sumika Singh and Johnathan Nicolson of 102 Saddlewood Ln, Hendersonville TN have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **2254 Empire Cres. Burlington** (see map).

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. This proposal results in the following variance:

1. To permit the combined width of all hard surfaces to be 7.2 m instead of the maximum permitted 5.5 m for an existing driveway and walkway.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **March 9, 2026**.

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

### **WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

## **How to participate if I have comments or concerns?**

### **Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

#### **2. In person Oral Submissions**

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

### **Attend or View the Committee of Adjustment Hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

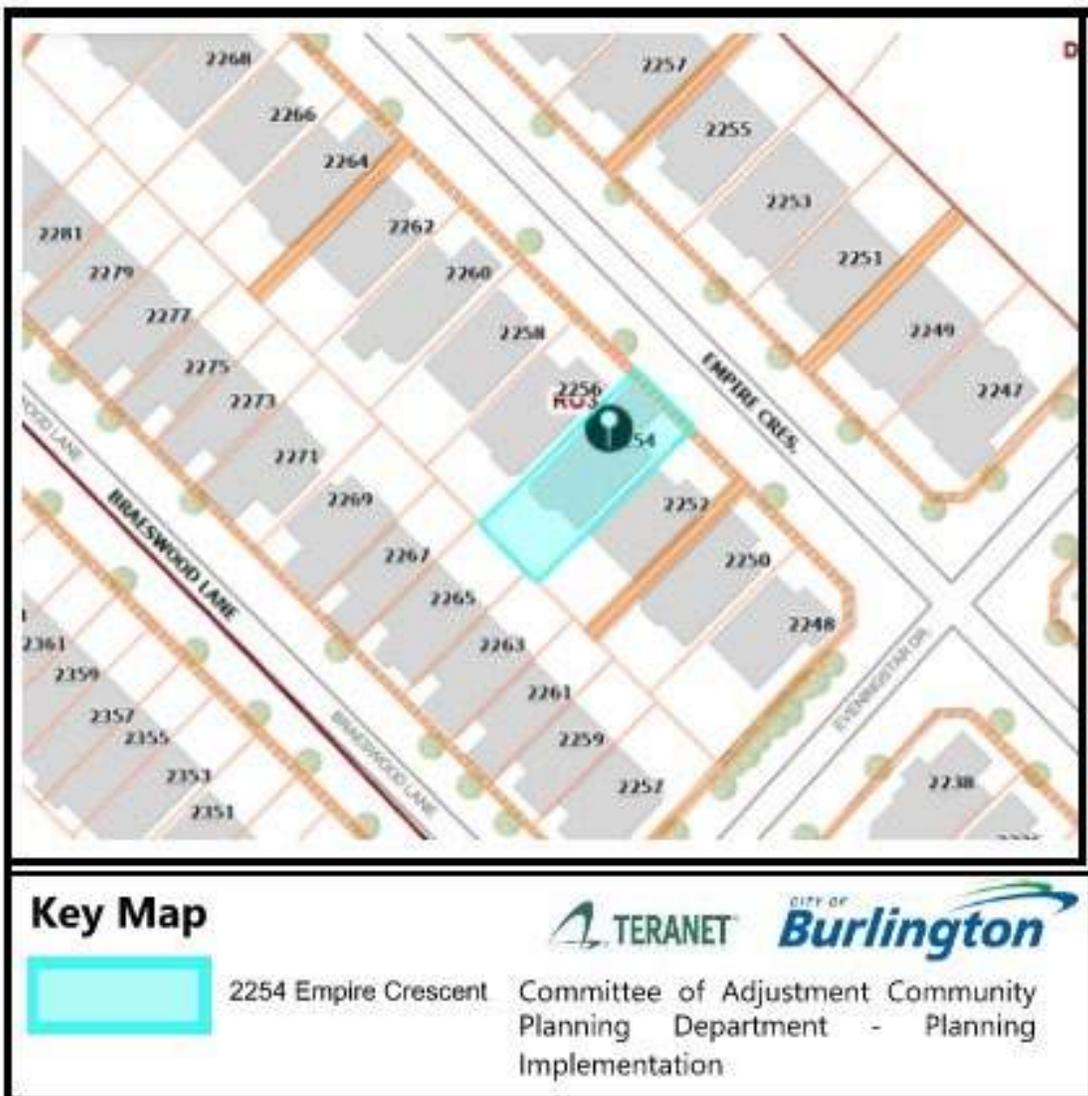
Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

### Key Map



**PLANNING ACT, R.S.O. 1990, C.P. 13**  
**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

**THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)**

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y  or N

Name of Planner: \_\_\_\_\_ Name of Zoning Examiner: \_\_\_\_\_

**PROPERTY INFORMATION**

Municipal Address(es) of property:

2254 EMPIRE CRESCENT, BURLINGTON, ON, L7L 6Y9

Legal Description of property:

M798 LOT 71

Official Plan Designation: RESIDENTIAL - <sup>LOW</sup>DENSITY Current Zoning Designation R03

**OWNER(S) INFORMATION:**

Legal Name (as it appears on the title for the property):

SUMIKA SINGH AND JONATHAN NICHOLSON

Mailing Address: 102 SADDLE WOOD LN City: HENDERSONVILLE

Postal Code: 37075 (USA) Home Phone: — Mobile Phone: [REDACTED]

Work Phone: — E-Mail: [REDACTED]

**AGENT INFORMATION** (if applicable); (This person will be the primary point of contact if provided)

Name: CRISTIAN CUELLO

Business Address: 5578 FIRST LINE City: ERIN

Postal Code: L7J 2L9 Home Phone: \_\_\_\_\_ Mobile Phone: [REDACTED]

Work Phone: \_\_\_\_\_ E-Mail: [REDACTED]

**PROPOSED DEVELOPMENT** Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

(SEE ATTACHED DOCUMENT FOR MORE INFO)

THIS MINOR VARIANCE IS TO RECOGNIZE AN IMPROVED DRIVEWAY AND WALKWAY, COMPLETED IN APRIL 2022 AT A COST OF \$25,000.

Variance(s) Requested	Zoning Bylaw Requirement
FRONT LOT = 9.6m	SECTION 2.24, PART 1 OF THE
DRIVEWAY WIDTH = 6.1m	ZONING BYLAW 2020. (4B)
WALKWAY WIDTH = 0.98m	(i) COMBINED MAX WIDTH OF ALL HARD SURFACES IS 5.5m
VARIANCE REQUESTED OF	(ii) THE REMAINING LOT AREA
MAX HARD SURFACE OVER	BETWEEN A STREET LINE AND
BY 1.58m.	A BUILDING ELEVATION FACING A STREET SHALL BE LANDSCAPED OPEN SPACE

In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:

1. Why is the variance(s) minor in nature? YES, THE 1.58M DIFFERENCE IS A SMALL ADJUSTMENT THAT DOESN'T NEGATIVELY IMPACT ADJACENT PROPERTIES, DRAINAGE, OR OVERALL APPEARANCE OF STREETScape.
2. Why are the variance(s) desirable for the appropriate use of the land? YES, THE VARIANCE ALIGNS WITH THE ORCHARD SECONDARY PLAN, AND OFFERS HIGH QUALITY DESIGN, SAFE ACCESS AND ENHANCING CURB APPEAL.
3. Do the variance(s) meet the intent and purpose of the Official Plan? YES, THE VARIANCE SUPPORTS THE OFFICIAL PLAN'S OBJECTIVES OF SUPPORTING ATTRACTIVE, SAFE AND FUNCTIONAL RESIDENTIAL ENVIRONMENTS
4. Do the variance(s) meet the intent and purpose of the Zoning By-law? YES, THE VARIANCE STILL MEETS THE INTENT, THE MINOR INCREASE OF 1.58m ALLOWS FOR A MORE FUNCTIONAL LAYOUT WHILE IMPROVING OVERALL AESTHETIC OF THE PROPERTY.

<b>PROPERTY DETAILS (please complete all fields):</b>		
Date property purchased: <u>11 / 13 / 2020</u> <small>mmm/dd/yyyy</small>	Date property first built on: <u>10/25/2001</u> <small>mmm/dd/yyyy</small>	Date of proposed construction: <u>N/A</u> <small>mmm/dd/yyyy</small>
<b>Existing Use of the Subject Property</b> (check one): Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		Length of time the existing uses of the subject property have continued: <u>24 YRS</u>
		<b>Proposed Use of the Land:</b>
<b>Existing Uses of Abutting Properties</b> (check all that apply) Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>		
<b>Additional Information</b> Is liquor sold on site? Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>  Is the property on the Municipal Cultural Heritage Register for the City of Burlington? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> <div style="text-align: right;">Unknown <input type="checkbox"/></div>		
<b>Type of Access to the Subject Lands</b> Provincial Highway <input type="checkbox"/> Municipal Road <input checked="" type="checkbox"/> Private Road <input type="checkbox"/> Water <input type="checkbox"/> Other(specify) <input type="checkbox"/>		
<b>Municipal Services Provided</b> Water <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Sanitary Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____ Storm Sewers <input checked="" type="checkbox"/> If not available, by what means is it provided: _____		
<b>IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:</b> <input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Zoning By-law Amendment <input type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent		

**FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS**

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Frontage	Depth	Area	Actual	Deemed	Required		
9.45m	26m	245.7m <sup>2</sup>	14m	14m		38.2%	

**Particulars of all buildings and structures on or proposed for the subject lands**

(attach additional page if required)

**EXISTING (Dwelling/Building)**

**PROPOSED (Dwelling/Building/Addition)**

Ground Floor Area (incl. attached garage)	93.88 M <sup>2</sup>	Ground Floor Area (incl. attached garage)	M <sup>2</sup>
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Number of Storeys:	2	Number of Storeys:	
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M

**Garage/Car Port**

**Garage/Car Port**

Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M

**Accessory Structures (Shed, Gazebo, etc)**

**Accessory Structures**

Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M

\* **Other (pool, additional sheds, decks, driveways, etc.)**

\* **Other**

Gross Floor Area:	27 M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width: 125 1/2"	M	Width: 125 1/2"	M
Length: 317"	M	Length: 317"	M
Height:	M	Height:	M

**LOCATION of all existing and proposed buildings and structures**

**EXISTING**

**PROPOSED**

Front:	M	Front:	M
Rear:	M	Rear:	M
Side/Street Side:	M	Side/Street Side:	M
Side/Other Side:	M	Side/Other Side:	M

**EXEMPTION FROM NEW SURVEY REQUIREMENT**

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner: SUMIKA SINGH | Property Address: 2254 EMPIRE CRES  
BURLINGTON, ON, L7L 6Y9

1. I, SUMIKA SINGH In my capacity as OWNER do attest to the following:  
 \_\_\_\_\_  
 Print Name (Owner or agent)

**Please complete Section A, B, or C**

**A.** The OLS survey/sketch of survey dated \_\_\_\_\_  
 has been revised by: \_\_\_\_\_  
 (Person or Company Name)

**OR**

**B.** The site plan, architect's plan or engineer's plan dated \_\_\_\_\_  
 has been revised by: \_\_\_\_\_  
 (Person or Company Name)

**OR**

**C.** The sketch or plot plan\*\* dated 09/13/2001  
 \*\*Accepted for applications involving variances for Uses only.  
 was prepared by: CHARLTON ENGINEERING LIMITED  
 (Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of: 09/13/2001  
 (Person or Company Name)

3. The material submitted shows all measurements in metric, as calculated/converted by: CHARLTON ENGINEERING LIMITED  
 (Person or Company Name)

4. Should the need arise during application processing for a new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

[Signature] | 10/25/2025  
 Signature of Owner/Applicant Date (mmm/dd/yyyy)

**POSTING OF ADVISORY SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

**DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.**

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

**I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.**

Owner Name SUMIKA SINGH

Property Address

2254 EMPIRE CRES  
BURLINGTON, ON,  
L7R6Y9

  
Signature of Owner/Applicant

10/25/2025  
Date (mmm/dd/yyyy)

**AFFIDAVIT**

\*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)  Signature of Applicant or Authorized

Agent: \_\_\_\_\_

I, CRISTIAN CUELLO of the REGION CL of WELLINGTON in the CITY CL  
(print name) (Region/City/County) (City/Town/Township)  
EMM

of EMM solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Region of Halton in the City of Burlington  
(Region/City/County) (City/Town/Township)

this 5 day of Nov. 2025.

  
Signature of Commissioner, etc.  
Debra Ann Hordyk, a  
Commissioner, etc., Province of  
Ontario, for The Corporation of the  
City of Burlington.  
Expires October 25, 2027.

  
  
Signature of Applicant or Authorized Agent

**PERMISSION TO ENTER**

\*IMPORTANT\* This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 2254 EMPIRE CRES, BURLINGTON, ON, L7L6Y9

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

  
Signature of Owner

SUMIKA SINGH  
Print Name

**OWNERS AUTHORIZATION**

If using an agent, the owner must also complete the following form:

I, SUMIKA SINGH being the registered owner of the subject lands, hereby  
(print name)

Authorize CRISTIAN CUELLO to prepare, submit and act on my behalf with respect to this  
(print agent name)

application for a Minor Variance.

  
\_\_\_\_\_  
Signature of Owner

10/25/2025  
\_\_\_\_\_  
Date (mmm/dd/yyyy)

**Notice of collection of personal information**

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.

## Minor Variance Application

**Owner: Sumika Singh**

**Agent: Cristian Cuello**

**Property: 2254 Empire Crescent, Burlington, L7L 6Y9**

- The current owner acquired the property in November 2020.
- At the time of acquisition, the front yard already contained extensive hard surfaces, including a gravel area, a tarred driveway, and a paved walkway.
- A pre-existing brick structure was also present, which contained a small number of shrubs. This structure was dilapidated and posed a safety risk.
- The existing configuration presented the following issues:
  - Was a complete eyesore that lowered property value and street appeal.
  - The driveway and walkway were in a state of significant disrepair.
  - When a vehicle was parked in the driveway, there was insufficient space for pedestrian access to the front entrance without traversing the brick structure containing the shrubs.

Pictures below of previous configuration.





- In April 2022, the current owner invested over \$25,000 CAD to modernize and improve the front yard, significantly enhancing both the property's appearance and the overall streetscape.
- The work was completed with the intent to restore and beautify the existing layout, while maintaining consistency with the original design established by the previous owner. Key enhancements included:
  - Replacing the gravel area to the left of the driveway with uniform paving for improved durability and aesthetics.
  - Re-tarring the driveway to correct deterioration and ensure safety and functionality.
  - Repaving the walkway leading to the right side of the home.
  - Adding a new front walkway to the porch to address prior accessibility issues and provide safe, direct pedestrian access to the entrance.
  - Installing a new garden bed with greenery in front of the porch to enhance the visual appeal of the property.
- At the time the landscaping was undertaken, the owner acted in good faith and was unaware of the specific Bylaw restrictions concerning maximum hard surface coverage. The assumption was that replicating the same general configuration as the previous owner would remain in compliance.
- The owner respectfully requests that the Committee take into consideration the good-faith efforts, substantial investment, and positive contribution to the community's appearance when reviewing this matter.

Picture below of the front yard uplift.



<b>Minor Variance Application Checklist</b> Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	<b>Select</b> (✓)
<b>LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor)</b>  <b>* For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.</b>	
OR	
<b>DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.</b>	✓
AND	
<b>PLAN and ELEVATION DRAWINGS which include the following as applicable:</b> (Missing details or illegible drawings will be sent back to the applicant for correction)	✓
<b>SITE PLAN</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Metric Scale</li> <li><input checked="" type="checkbox"/> North Arrow</li> <li><input checked="" type="checkbox"/> Frontage</li> <li><input checked="" type="checkbox"/> Depth</li> <li><input checked="" type="checkbox"/> Lot Area</li> <li><input checked="" type="checkbox"/> Lot Coverage</li> <li><input checked="" type="checkbox"/> Deemed Street Line</li> <li><input checked="" type="checkbox"/> Existing Front Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Rear Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Street Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks</li> <li><input type="checkbox"/> Proposed Front Yard Setbacks</li> <li><input type="checkbox"/> Proposed Rear Yard Setbacks</li> <li><input type="checkbox"/> Proposed Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Street Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks</li> <li><input checked="" type="checkbox"/> Streets (Public and Private)</li> <li><input checked="" type="checkbox"/> Street Names</li> <li><input checked="" type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement)</li> <li><input type="checkbox"/> Railways (Location of them and setbacks to structures)</li> <li><input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)</li> </ul>	

**Minor Variance Application Checklist**

Please add a check mark beside the items you have provided with your application.

Illegible drawings or those missing required details will be returned to applicant.

**LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES**

- Setbacks
- Height
- Area
- Length
- Width

**ELEVATIONS**

- Metric
- Front
- Rear
- Side 1
- Side 2

**FLOOR PLANS**

- Metric
- North Arrow
- Gross Floor Area Calculation
- Ground Floor Area Calculation
- Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

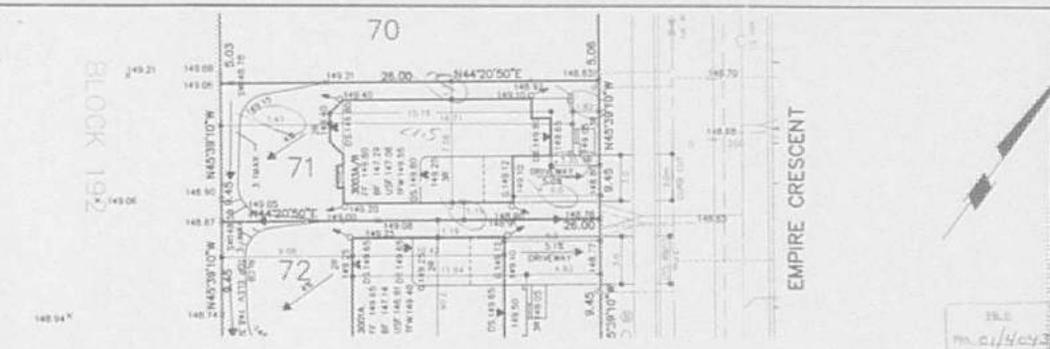


Signature of Owner/Agent

10/25/2025

Date (mmm/dd/yyyy)





R03 - Notwithstanding Part 1, Subsection 2.23 a maximum of 70% of the lot area within a yard abutting a street may be used for driveways, walkways and patios. On lots less than 12m in width the maximum driveway width shall be 3.5m.

R03 MINIMUM REQUIREMENTS  
 FRONT: 3.0m to SFD, 1.5m TO PORCH, 5.5m TO GARAGE  
 REAR: 7.0m  
 SIDE: 1.2m & 0.60m other side

SITE STATISTICS	
ZONING	R03
LOT FRONTAGE	9.45
LOT AREA	245.7m <sup>2</sup>
BUILDING COVERAGE	93.88% (38.2%)
FRONT YARD AREA	45m <sup>2</sup>
DRIVEWAY, WALKWAY AND PATIOS AREA	27m <sup>2</sup> (60%)

100Year HGL ELEVATION 146.40m  
 (AS PER STATISTICAL CONSULTANTS)  
 PROPOSED BASEMENT ELEVATION 147.29m

SUMP PUMP IS NOT REQUIRED  
 I HEREBY CERTIFY THAT THE PROPOSED GRADING AND APPURTENANT DRAINAGE WORKS COMPLY WITH SOUND ENGINEERING DESIGN AND THAT THE PROPOSED GRADING IS IN CONFORMITY FOR DRAINAGE AND RELATIVE ELEVATIONS WITH THE OVERALL GRADING PLANS FOR BRONTE WOODS SUBDIVISION, PHASE 1

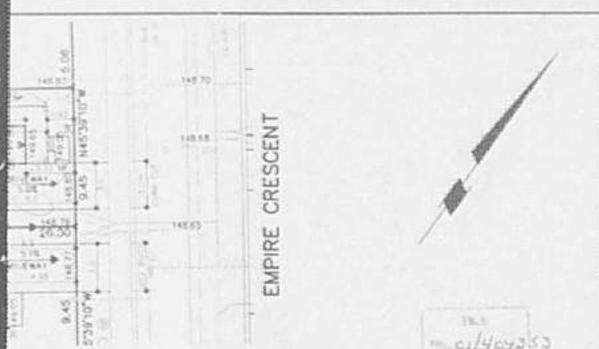
THE ROOF LEADERS SHALL NOT BE CONNECTED TO THE STORM SEWER SYSTEM. THE ROOF LEADERS TO DISCHARGE ONTO THE GROUND USING SPLASH PADS, AT LOCATIONS AS SHOWN ON THIS DRAWING.

5740  
 CITY OF BURLINGTON  
 BUILDING DEPARTMENT  
 ZONING APPROVED  
 FOR DEVELOPMENT  
 PERMIT  
 DATE 02/16/07  
 R03 (2000)



- GENERAL:**
- BUILDER MUST VERIFY ALL SERVICES AND UTILITIES WITH RESPECT TO LOCATIONS AND THEIR INVERT ELEVATIONS PRIOR TO CONSTRUCTION. DISCREPANCIES MUST BE REPORTED TO THE ENGINEER.
  - THE BUILDER MUST CHECK PROPOSED GRADES AND ELEVATIONS AND DRAINAGE PATTERNS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  - BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, LIGHT STANDARDS, TRANSFORMERS AND OTHER SERVICES. IF MINIMUM DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT HIS OWN EXPENSE.
  - ANY ABOVE GROUND UTILITIES WITHIN LESS THAN 1.2m OF A PROPOSED DRIVEWAY MUST BE RELOCATED AT THE BUILDER'S EXPENSE.
  - THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL EXISTING CONSTRUCTION GAS, HYDRO, TELEPHONE OR ANY OTHER UTILITY THAT MAY EXIST ON THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY UTILITY COMPANY AND VERIFIED PRIOR TO CONSTRUCTION.
  - ALL LOTS ARE TO BE GRADED TOPSOILED (100mm MIN NOT AVERAGE) AND DODGED (NUMBER ONE NURSERY SOIL) IN ACCORDANCE WITH THE APPROVED PLANS.
  - ALL DRIVEWAYS SHALL BE CONSTRUCTED USING 150mm MIN (NOT AVERAGE) CRUSHED STONE AND 75mm OF H.S.A ASPHALT.
  - GRADES MUST BE MET WITHIN A .33% MAXIMUM SLOPE AT THE PROPERTY WITHIN THE SITE.
  - ALL THE DISTURBED AREAS WITHIN ROAD ALLOWANCE SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
  - THE ROOF LEADERS FOR ALL THE LOTS MUST NOT BE CONNECTED TO STORM SEWER SYSTEM.
  - WHERE A DOWNSPOUT DISCHARGING ACROSS A WALKWAY IS UNAVOIDABLE, PERFORATED PIPE EXTENSION SHALL BE INSTALLED UNDER THE WALKWAY.

DATE	REVISIONS



**COPYRIGHT ACT APPLIES TO USE AND REPRODUCTION**

- GENERAL:**
- BUILDER MUST VERIFY ALL SERVICES AND UTILITIES WITH RESPECT TO THEIR LOCATIONS AND THEIR INVERT ELEVATIONS PRIOR TO CONSTRUCTION AND ANY DISCREPANCIES MUST BE REPORTED TO THE ENGINEER.
  - THE BUILDER MUST CHECK PROPOSED GRADES AND ELEVATIONS AND VERIFY DRAINAGE PATTERNS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  - BUILDER TO VERIFY LOCATION OF ALL HYDRANTS, LIGHT STANDARDS, TRANSFORMERS AND OTHER SERVICES. IF MINIMUM DIMENSIONS ARE NOT MAINTAINED, BUILDER IS TO RELOCATE AT HIS OWN EXPENSE.
  - ANY ABOVE GROUND UTILITIES WITHIN LESS THAN 1.2m OF A PROPOSED DRIVEWAY MUST BE RELOCATED AT THE BUILDER'S EXPENSE.
  - THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES DURING CONSTRUCTION. GAS, HYDRO, TELEPHONE OR ANY OTHER UTILITIES THAT MAY EXIST ON THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY THE UTILITY COMPANY AND VERIFIED PRIOR TO CONSTRUCTION.
  - ALL LOTS ARE TO BE GRADED TOPSOILED (100mm MIN NOT AVERAGE) AND DODGED (NUMBER ONE NURSERY SOIL) IN ACCORDANCE WITH THE APPROVED GRADING PLANS.
  - ALL DRIVEWAYS SHALL BE CONSTRUCTED USING 150mm MIN (NOT AVERAGE) OF CRUSHED STONE AND 75mm OF H.S.A ASPHALT.
  - GRADES MUST BE MET WITHIN A .33% MAXIMUM SLOPE AT THE PROPERTY LINES WITHIN THE SITE.
  - ALL THE DISTURBED AREAS WITHIN ROAD ALLOWANCE SHALL BE RESTORED TO ITS ORIGINAL CONDITION OR BETTER.
  - THE ROOF LEADERS FOR ALL THE LOTS MUST NOT BE CONNECTED TO THE STORM SEWER SYSTEM.
  - WHERE A DOWNSPOUT DISCHARGING ACROSS A WALKWAY IS UNAVOIDABLE, A PERFORATED PIPE EXTENSION SHALL BE INSTALLED UNDER THE WALKWAY.

DATE	REVISIONS	INIT.



**KEY PLAN**

**LEGEND**

PROPOSED ELEVATION	WALKWAY CONNECTION
FINISHED FLOOR ELEVATION	STORM AND SANITARY CONNECTION
UNDERSIDE OF FOOTING	ACCESSIBLE CABLE PEDESTAL
TOP OF FOUNDATION WALL	BELL PEDESTAL
DOOR ELEVATION	200mm CLEAR STONE BETWEEN HOUSES
GARAGE SLAB ELEVATION	DIRECTION OF SURFACE FLOW
LIGHT STANDARD	DOOR
HYDRO TRANSFORMER	ROOF LEADER
CATWALK	CANADA POST MAILBOX
MANHOLE	
HYDRANT AND VALVE	
1.5m CHAIN LINK FENCE	
1.5m CHAIN LINK FENCE	
1.5m WOOD PRIVACY FENCE	

**BENCH MARKS**  
 BRASS PLaque SET ON SOUTHEAST FACE OF BRIDGE OVER 1.2 MILE CREEK ON HIGHWAY No. 3, 0.30m IN FROM SOUTHEAST END AND 0.30m BELOW TOP OF CONCRETE WALL ELEVATION 158.301  
 BRASS PLaque SET ON CONCRETE BOX CULVERT ON SOUTHWEST END OF WEST FACE APPROXIMATELY 4500m EAST OF JUNCTION LINE ON UPPER MOOLE ROAD ELEVATION 138.031m

**Charlton Engineering Limited**  
 1140 Burnhamthorpe Road West, Suite 105, Mississauga, Ontario, L5C 4E5  
 Telephone: 905.896.7364 Fax: 905.896.9433

**SUNDIAL HOMES (BRONTE WOODS) LTD.**  
 4576 YONGE STREET, SUITE 500 NORTH YORK, ONTARIO, M2N 5M4  
 PHONE: (416) 224-1200 FAX: (416) 224-9214

**BRONTE WOODS SUBDIVISION PHASE 1**  
 LOT 71, PLAN EMPIRE CRESCENT

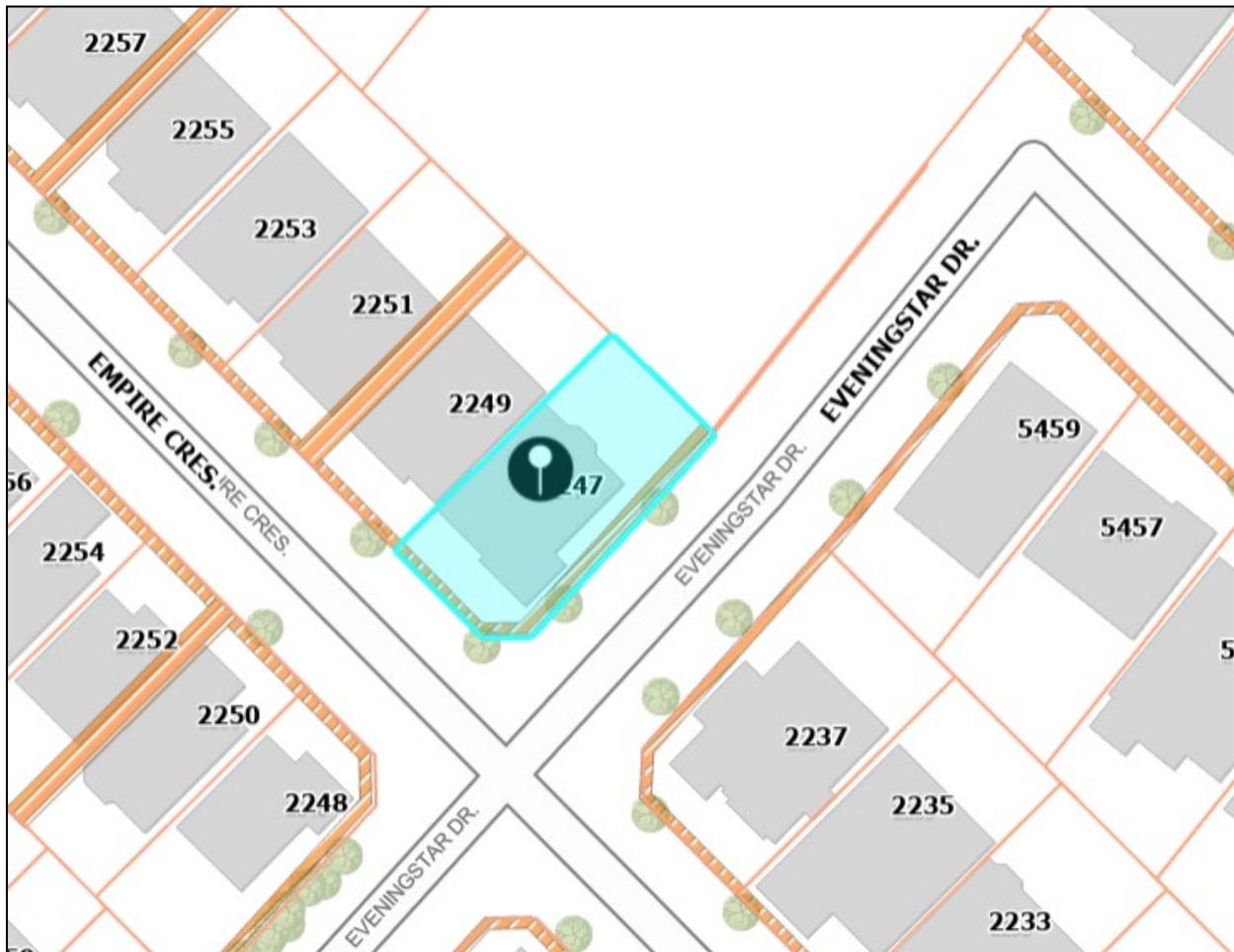
**CITY OF BURLINGTON**  
**SITE GRADING PLAN**

DATE	MAY/01	AREA	BURLINGTON	JOB No.
SCALE	1:250	DRAWN BY	G.S.	01 102-71



**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

Owner(s): Imad Brohi  
Address: 2247 Empire Cres. Burlington  
File No. **A-004/26**  
Ward: 5



**Staff Comments:**

**Committee of Adjustment**

There are no previous land division or minor variance applications on record for this property.

Date: January 19, 2026

Prepared By: E. Shacklette

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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**Zoning****1) Background information:**

The subject property is zoned RO3, Orchard Community, under Zoning By-law 2020, as amended. The RO3 zone requires, among other things, the following:

**2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA**

- 1) The width of driveways and walkways shall be measured perpendicular to the direction of travel of the vehicle or person.
- 4) Unless otherwise specified in this by-law, the following combined maximum width of all hard surfaces (driveways plus walkways) and landscaped open space area requirements shall apply for detached, semi-detached, duplex, triplex, fourplex, common element townhouse, common element back-to-back townhouse, and street townhouse dwellings:
  - (d) For front or street side lot lines equal to or greater than 12 m and less than 18 m in width:
    - (i) The combined maximum width of all hard surfaces is 7.5 m.
    - (ii) The remaining lot area between a street line and a building elevation facing a street shall be landscaped open space area.

**2) Proposal:**

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. A variance to allow for an increased hard surface area is required.

**3) Variance required:**

1. To permit the combined width of all hard surfaces to be 8.7 m instead of the maximum permitted 7.5 m for an existing driveway and walkway.

**4) Notes and conditions:****Notes:**

1. The zoning review is based on the portion of the site affected by the proposed development only.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

2. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.

3. This application was reviewed under Section 45(1) of the *Planning Act*.

Date: January 26, 2026

Prepared By: Danielle Beck, CPT

### Site Planning

<b>Site Characteristics</b>	
<b>Lot Frontage (m)</b>	12.31m as described by applicant 13.74m as shown on Siting and Grading plan
<b>Lot Area (m<sup>2</sup>)</b>	361.66m <sup>2</sup>
<b>Existing Land Uses</b> <i>(ex. buildings, structures, driveways, fences, etc...)</i>	Detached dwelling
<b>Site Grading</b> <i>(ex. Flat and level, significant grade differences)</i>	Flat and level
<b>Notable Site Features</b>	Corner lot, easement along frontage for City and Regional infrastructure
<b>Surrounding Land Uses</b> <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Low-rise residential, with a mix of two-storey detached, semi-detached and townhouse dwellings (along Sutton Dr)
<b>Nearest Major Intersection</b>	Upper Middle Road and Appleby Line
<b>Neighbourhood Boundaries*</b> <b>*Based on OP, 1997 residential neighbourhood definition</b>	North: Dundas St East: Bronte Creek Valley South: Upper Middle Rd West: Appleby Line/Canadian National Railway Line

### Neighbourhood Characteristics:

- The property is part of a master-planned neighbourhood locally known as the “Orchard Community”, which according to the Burlington Official Plan, 1997 (BOP, 1997) “comprises several residential neighbourhoods developed with a full range of housing forms, community services and facilities and other complementary land uses.”
- On Empire Crescent, north of Eveningstar Drive, there are 33 properties with driveways fronting onto Empire Crescent. Of those, 20 are one-car garages (61%) and 13 are two-car garages (39%)

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

- Front yard setbacks are small by design. The zoning by-law requires a front yard setback of only 3 metres to the front wall, and 5.5 metres (depth of one parking space) to the garage door. The short driveway depths mean that vehicles are positioned close to the street.
- Some driveways include decorative paving or brick strip accents, while others are standard asphalt. Street-facing garages are a dominant feature of the frontages.
- Lots on Empire Crescent are compact, with widths ranging from 7.5 metres to 12 metres for corner lots.
- Houses with double-car garages are situated on larger lots, with wider driveways corresponding to the width of the garage. Permitted driveway widths vary based on the lot width:

Lot size	< 9m	9-12m	Under 12m, two-car garage built before 2009	12m-18m
Permitted Driveway Size	4.5m	5.5m	7m	7.5m

- Landscaping typically consists of small lawn areas, foundation plantings, low shrubs, and occasional ornamental features positioned in the foreground of the entrance and front porch of each home, which when combined with the reduced setback, enable these features to be more prominent in the streetscape.
- On the west side of Empire Crescent, front porches and entrances of homes are positioned side-by-side so that adjoining front yard landscaped areas appear as a single, larger, continuous landscaped area. The pattern on the east side of Empire Crescent is different, with driveways being located in between the front yards of each property
- Hardscaping is common, including widened driveway aprons and walkway pavers.
- Mature street trees are present along the boulevard (city trees) and in front yards, contributing to a consistent tree canopy along the street. For the most part, trees are generally medium-sized deciduous species, evenly spaced and integrated into the municipal boulevard. While trees provide visual continuity and seasonal interest, they do not significantly screen the homes due to the relatively shallow front yard setbacks.
- Houses on the street are predominantly two-storeys tall. Rooflines include a mix of front gables, cross-gables, and first-storey projecting roofed over porches and garage overhangs that emphasize horizontal separation between the first and second storeys, adding variation to the façades while maintaining a consistent overall scale and rhythm along the street.
- Exterior finishes are primarily red and beige brick, occasionally combined with stone veneer or siding accents. Garage doors are prominent design elements and vary in colour and detailing. Front porches are generally covered, supported by columns, and elevated slightly above the driveway grade.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

A site visit was conducted on February 25, 2026, and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

**1) City of Burlington Official Plan:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?**

**Yes**

**Regional Official Plan (2022):**

The proposal meets the general intent and purpose of the Regional Official Plan, 2022 (ROP, 2022) for the following reasons:

- Section 76 of the ROP indicates that development within the Urban Area is to occur in accordance with Local Official Plans and Zoning By-laws. The subject lands are located within the Urban Area and are designated for residential use. The proposed variance relates solely to a driveway widening associated with a detached dwelling and does not introduce a new use, intensification, or change in land use.
- The variance does not impact the planned function of the neighbourhood, municipal servicing capacity, transportation network, or the overall residential character contemplated by the ROP. The proposal represents a minor modification to hard surface area on a developed residential lot and does not affect regional infrastructure, natural heritage systems, or growth management objectives.

Regional Staff have also reviewed this application and have no objections to the Minor Variance application.

**Official Plan, 1997 & 2020**

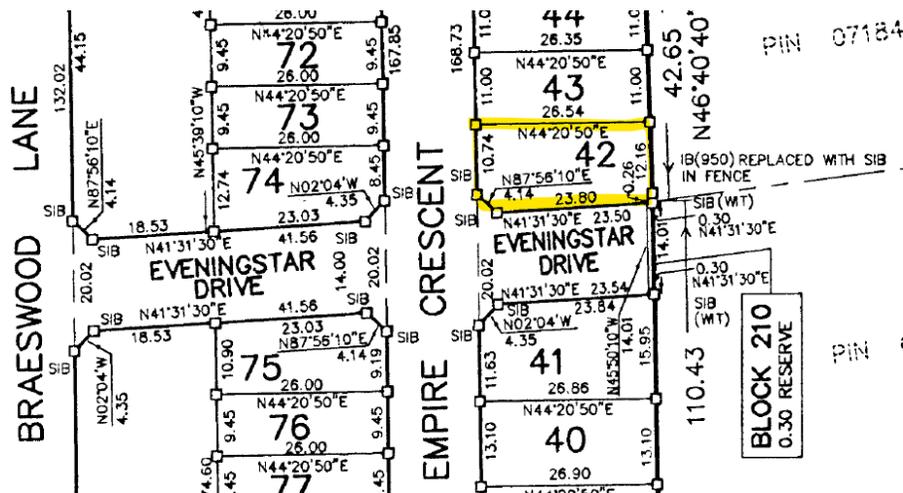
Parts of Burlington Official Plan, 2020 (BOP, 2020) are not in-force due to ongoing Ontario Land Tribunal Appeals, so applications are reviewed against a combination of in-force policies under BOP, 2020 and the older Burlington Official Plan 1997 (BOP, 1997).

The proposal meets the general intent and purpose of the Official Plan for the following reasons:

- The site is designated 'Low-Rise Neighbourhoods I' according to Schedule 'C'/Schedule 'B' (Land Use - Urban Area/Comprehensive Land Use Plan- Urban Planning Area) of the BOP, 1997/BOP, 2020, as amended, which permits ground-oriented, low-density housing, and where compatible infill, small-scale additions, and renovations are encouraged.

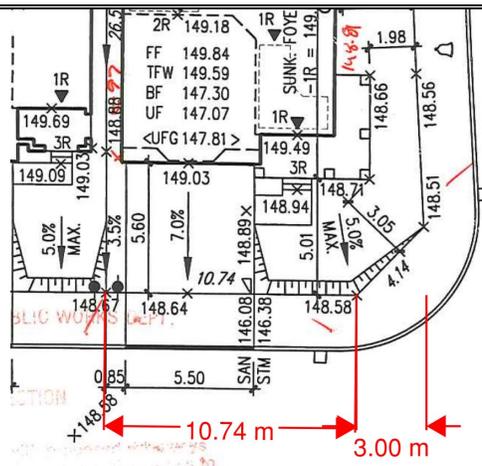
**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

- Whereas General Objectives for Residential Neighbourhood Areas under Section 8.3.1 of the BOP, 2020 directs that new development “be balanced with other planning considerations” and achieve “compatibility and integration within existing residential neighbourhoods” (a), while considering the “surrounding physical character” (i) and recognizing that “healthy mature trees contribute to physical character” (k), and whereas Part II, Section 2.1(f) of the BOP, 1997 states that “all development should provide a high level of environmental protection and maintenance of compatibility”, the proposal is consistent with these objectives in the following ways:
  - The proposal is limited to the widening of an existing driveway and does not alter the height, massing, footprint, or setback relationships of the dwelling.
  - The subject lands are a corner lot located along the periphery of the subdivision where lot frontages and yard areas are generally wider than interior lots.
  - The lot frontage and additional street side yard area allow landscaped open space to be maintained notwithstanding the increased driveway width.
  - Staff identified a discrepancy between the lot frontage information provided by the applicant and measurements obtained through a review of historic records. A siting and grading plan located by staff indicates the subject lands have an irregular frontage measuring approximately 13.74 m rather than the 12.31 m identified by the applicant.



Excerpt of Registered Plan of Subdivision PLAN 20M-798 depicting the subject lands (David B.Searles Surveying Ltd. September 17, 2001)

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**



*Excerpt of Siting and Grading Plan depicting the lot frontage of the subject lands (Hunt Design Associates Inc. July 27, 2001)*

- Based on a frontage of approximately 13.74 m, the hard surface portion of the driveway represents approximately 64% of the lot frontage, which is within the range contemplated by the Zoning By-law for maximum hard surface width.
- The widened driveway does not affect the established building alignment or built form pattern along Empire Crescent.
- The variation in driveway width is reflective of the subdivision's lot hierarchy, where wider peripheral and corner lots accommodate broader driveway configurations.
- Whereas compatible is defined as "Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health", which is evaluated in accordance with measurable/objective standards, the planner notes the following:
  - The requested widening represents a 1.2 m increase (approximately 16%) beyond the permitted 7.5 m maximum.
  - While the driveway width accommodates up to three vehicles across, it does not extend across the full frontage and landscaped open space is maintained within the front and street side yard.
  - The lot frontage and additional street side yard area allow landscaped open space to be maintained notwithstanding the increased driveway width.
  - Staff note a discrepancy between the info provided by the applicant and the lot frontage measurement taken by staff. A siting and grading plan was uncovered by staff in historic records for the property which suggests the property is a slight irregular shape and has a frontage measurement of 13.74 metres rather than the 12.31 provided by the applicant.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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- As the lot width measurement is approximately 13.74m in width, the hardscape portion of the driveway would accent for approximately 64% of the frontage, which is within the range of what the Zoning by-law contemplates for hardscape width
  - The corner lot configuration provides additional street side yard area, which reduces the visual concentration of hard surface along the frontage.
  - The widening does not result in physical impacts to adjacent properties, does not encroach into the public right-of-way or required daylight triangle, and does not alter the built form of the dwelling.
  - The proposal does not introduce functional impacts such as additional traffic generation, unsafe vehicular movements, or servicing concerns, as confirmed through departmental review.
- Whereas Part II, Section 2.1(f) of the BOP, 1997 directs that All development should provide a high level of environmental protection and maintenance of compatibility. The proposal is consistent with this policy in the following ways:
    - The proposal is limited to the widening of an existing driveway and does not involve changes to the dwelling footprint or broader site alteration beyond the established hard surface area.
    - Urban Forestry, as the City's subject matter expert with respect to tree protection, has reviewed the application and has no objection to the proposed minor variance.
    - Forestry has advised that a public tree permit will be required in accordance with the City's Public Tree By-law, ensuring that any tree-related impact
- Whereas Part II, Section 2.3 (c) (i) of the BOP, 1997 directs measures and guidelines that protect and enhance the environment shall be prepared and adopted by the City; these include but are not limited to: tree protection standards for site plans. The proposal is consistent with this policy in the following ways:
    - Urban Forestry has reviewed the application and has no objection to the proposed minor variance.
    - Forestry has advised that a public tree permit will be required in accordance with the City's Public Tree By-law, ensuring that any tree-related impacts are regulated and managed through the appropriate permitting process.
    - The widening maintains landscaped open space within the front and street side yard areas.
    - Existing vegetation within the street side yard is retained, and no impacts to protected natural heritage features have been identified.
    - The increase in hard surface area does not eliminate landscaped open space on the lot nor introduce identified environmental concerns through departmental review.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

- 
- Whereas Part II, Section 3.3.2 (e) of the BOP, 1997 directs that the Land requirements for daylight triangles, on routes under the City’s jurisdiction shall be based on the following (I) 3 m x 3 m: Local Street to Local or Collector Street;
    - The daylight triangle has been addressed as part of the original subdivision design.
    - The intersection of Empire Crescent and Valley High Drive consists of two local roads, and no elements of the proposed widening encroach into the required daylight triangle.
  
  - Whereas, the Design Guidelines under Part II, Section 6.5 (g) of the BOP, 1997 state that “the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact” and policy (m) states “All development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of this Plan”, which identifies the preservation of existing trees and vegetation as a sustainable development consideration, the proposal is consistent in the following ways:
    - While the widened driveway accommodates up to three vehicles across, it does not extend across the full 13.74 m lot frontage and landscaped open space is maintained within the front and street side yard areas.
    - Staff identified a discrepancy between the lot frontage information provided by the applicant and measurements obtained through a review of historic records. A siting and grading plan located by staff indicates the subject lands have an irregular frontage measuring approximately 13.74 m rather than the 12.31 m identified by the applicant.
    - Based on a frontage of approximately 13.74 m, the hard surface portion of the driveway represents approximately 64% of the lot frontage, which is within the range contemplated by the Zoning By-law for maximum hard surface width.
    - The subject lands are a corner lot with additional street side yard area, which distributes the hard surface area and reduces its concentration along the primary frontage.
    - The retained lawn and vegetation within the street side yard provide separation between the driveway and the roadway.
    - No adverse streetscape impacts have been identified through departmental review.

**2) City of Burlington Zoning By-law 2020:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

**Yes**

The subject property is zoned RO3 (Orchard Community) under Zoning By-law 2020, as amended. Section 2.24 of the By-law regulates driveway widths and landscaped open

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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space based on the lot width to ensure that front yards maintain an appropriate proportion of hard surface areas (approx. 50-64%) and soft landscaping (36-50%). These provisions are intended to preserve the streetscape character, support stormwater infiltration, maintain opportunities for tree planting, and prevent excessive paving within residential neighbourhoods. The proposed minor variance is consistent with this intent for the following reasons:

- The requested combined width of 8.7 m represents a 1.2 m (approximately 16%) increase beyond the permitted 7.5 m maximum.
- The subject lands have a frontage of 13.74m, and the driveway does not extend across the full lot width.
- The property is a corner lot with additional street side yard area where landscaped open space is maintained.
- No impacts to municipal infrastructure, pedestrian safety, or drainage have been identified.
- The widening does not extend into the public right-of-way or required daylight triangle.
- Driveway widths on peripheral and corner lots within the subdivision vary in scale, and the subject property reflects that established lot pattern.

### **3) Desirability:**

**Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?**

#### **Yes**

The proposed minor variance is desirable for the appropriate development and use of the land for the following reasons:

- No impacts from the proposed driveway have been identified by forestry or development engineering staff.
- The requested increase of 1.2 m (approximately 16%) results in a combined driveway width of 8.7 m on a lot with 13.74 m of frontage, and the driveway does not extend across the full lot width.
- Staff identified a discrepancy between the lot frontage information provided by the applicant and measurements obtained through a review of historic records. A siting and grading plan located by staff indicates the subject lands have an irregular frontage measuring approximately 13.74 m rather than the 12.31 m identified by the applicant.
- The subject lands are a corner lot with additional street side yard area where landscaped open space is maintained.
- The driveway does not extend into the public right-of-way or required daylight triangle and does not introduce identified impacts related to traffic, pedestrian safety, or drainage.

**COMMITTEE OF ADJUSTMENT  
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- Driveway widths on peripheral and corner lots within the subdivision vary in scale, and the subject property reflects that established lot pattern.
- Urban Forestry has reviewed the application and has no objection to the minor variance, subject to the applicant obtaining a public tree permit in accordance with the City's Public Tree By-law.
- Engineering has reviewed the application and has no objection to the proposed variance.

**4) Minor in Nature:**

**Is the proposed minor variance(s) from the zoning by-law considered minor in nature?**

**Yes**

The proposed minor variance is minor in nature for the following reasons:

- While the requested increase of 1.2 m represents a 16% deviation from the permitted 7.5 m maximum, the minor test is evaluated based on practical impact rather than numerical deviation alone.
- There are no identified impacts to adjacent properties, pedestrian movement, municipal infrastructure, or drainage.
- The subject lands have 13.74 m of frontage and are a corner lot with additional street side yard area where landscaped open space is maintained.
- The widening does not encroach into the required daylight triangle and does not alter the dwelling footprint, massing, or setback relationships.
- Engineering and Urban Forestry have reviewed the application and have no objection to the proposed variance, subject to standard permitting requirements.
- No tangible adverse impacts have been identified through circulation or site review.

**Cumulative Effects of Multiple Variances and Other Planning Matters:**

NA

**Recommendation:**

Staff has reviewed the proposed variance in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

**Date:** March 13, 2026

**Prepared By:**           Ryan Kochuta

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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Report Schedules & Attachments:

**Attachment No. 1 (Site Photos)**



View from the front of the subject driveway



View of existing front and side yard



View of the existing streetscape looking southeast



View of the existing streetscape looking northwest

**Technical Reviewer Comments:**

**Development Engineering**

Development Engineering has reviewed the proposed minor variances and has no objection to the variance(s) requested. While there is a City easement along the frontage of the property, it contains no infrastructure and access to the easement is not obstructed in the event that access is required in the future.

Date: January 29, 2026

Prepared By: R. Maximo

**Forestry**

Forestry has reviewed the application and has no objection to the proposed minor variance(s) and provides the following advisory comment(s) to the applicant:

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
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**Advisory Comments:**

1. A public tree permit will be required in accordance with the City's Public Tree By-law.

Date: February 27, 2026Prepared By: M.Krzywicki**Building**

1. A Building Permit is required for all building 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.

Date: February 13, 2026Prepared By: Q. Tan**Transportation Planning**Deemed Road Width Analysis

Empire Crescent is under the authority of the City of Burlington and the deemed right-of-way width is 14 metres. The right of-way adjacent to the subject site is approximately 14 metres therefore no additional lands are required.

Date: January 27, 2026Prepared By: Thalia Thompson

Transportation Planning have reviewed the proposed minor variance application and offer the following comments:

1. Transportation Planning have no objection to the minor variance to recognize the widened driveway and have taken the following context into consideration.
  - a. The hard surfacing of the front yard is an existing condition since before 2007.
  - b. The design of the neighbourhood leaves very little potential for legal on-street parking.
  - c. The community pre-dates implementation of the 2025 City-Wide Parking Permit.
  - d. The garages in this subdivision are not to current standards and may not be sized for the occupants' vehicle(s).
  - e. The same condition occurs on many other properties in the neighbourhood.
  - f. There are no suitable alternate solutions for vehicle parking.
  - g. Transportation Planning note that in a new development the increased driveway width would not be supported.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
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Date: February 5, 2026Prepared By: Sandra Lucas**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

**Tax**

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: January 27, 2026Prepared By: L. Bray**Agency Comments:****Halton Region****Regional Contaminated Sites Database:**

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).

Regional Staff have reviewed the Minor Variance application proposing to recognize the existing driveway widening for the detached dwelling. Variance is requested to allow for an increased hard surface area.

- Due to Provincial legislation, as of July 1, 2024, the Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.
- Regional Staff have no objections to the Minor Variance application.

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
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Date: February 19, 2026 \_\_\_\_\_ Prepared By: Navjot Kaur \_\_\_\_\_

**Burlington Hydro**

Burlington Hydro comments are attached at the end of this report.

Date: February 9, 2026 \_\_\_\_\_ Prepared By: Zakariya Al-Doori \_\_\_\_\_



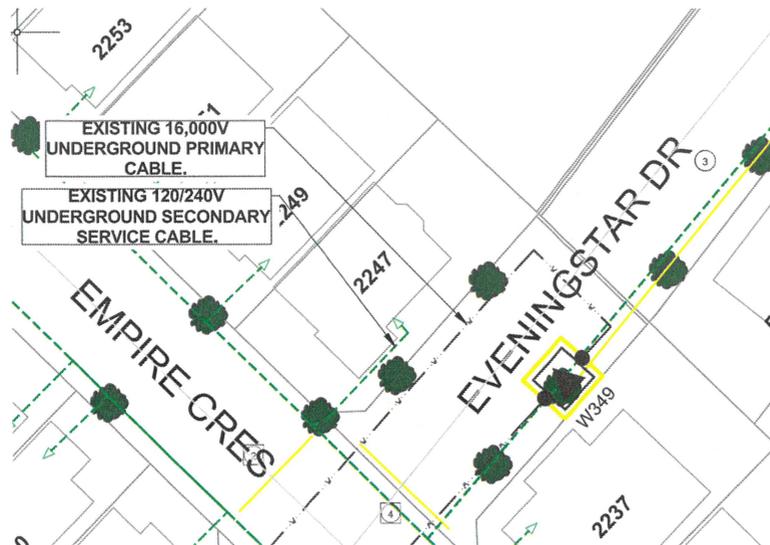
February 5, 2026

Applicant: Imad Brohi  
Subject: Minor Variance  
File NO: 540-02-A-004/26  
Location: 2247 Empire Cres, Burlington, ON.

In response to your correspondence(s), a member of our Engineering Department has reviewed the circulated information and has the following comments:

We have no objection to the proposal to recognize the existing driveway widening for the detached dwelling.

**Please note:**



1. Please arrange for underground hydro cable locate(s), prior to beginning construction, by contacting Ontario One Call (800) 400-2255.
2. Please ensure that no work is performed in close proximity to the hydro service cable. Machine excavation within 1.0m of the underground hydro plant is strictly prohibited.
3. Prior to beginning any construction near existing underground hydro facilities, please arrange a site meeting with a BHI representative by emailing [ZDoori@burlingtonhydro.com](mailto:ZDoori@burlingtonhydro.com) to obtain an approved hydro service layout/consent and avoid potential delays or safety issues.

1340 Brant street, Burlington, ON - L7R 3Z7 [burlingtonhydro.com](http://burlingtonhydro.com) (905) 332-1851



In addition, we want to stipulate the following:

- Customers and their agents planning and designing for electricity service must refer to all applicable Provincial and Canadian electrical codes, all applicable federal, provincial, municipal laws, regulations, codes, and by-laws to ensure compliance.
- All work on the BHI distribution system shall be conducted in accordance with the latest edition of the Ontario Occupational Health and Safety Act (OSHA), the Regulations for Construction Projects, the Regulations for Industrial Establishments and the Electrical Utility safety Rules published by the Infrastructure Health and Safety Association (IHSA).
- Service is available under BHI's latest Standard Service Conditions:**  
<https://www.burlingtonhydro.com/about/regulatory-affairs/conditions-of-service.html>
- Relocation, modification, or removal of existing hydro facilities, if required, shall be at the customer's expense. BHI will refer to the latest Standards and Regulations if possible issues with the clearances arise between existing BHI facilities and existing/proposed building structures.
- BHI easement (if any) is to remain clear of heavy vehicle traffic, and the customer is responsible for keeping the easement lands free and clear of any trees, fences, buildings, structures, or obstructions unless any of the foregoing is approved in writing by Burlington Hydro Inc. Further, the Customer shall remove the same upon the request of Burlington Hydro Inc.
- The customer is to ensure that Burlington Hydro Inc. (BHI) has access to hydro facilities.
- The customer is to acquire any easements for BHI if required.
- The project must meet City of Burlington Standards.
- A building, permanent structure or building apparatus shall maintain minimum horizontal clearance from existing power lines (Refer to the Burlington Hydro brochure, notice that the clearances shown on the standard are minimum; additional clearances are required to allow conductor swing, scaffold installation and future building maintenance). Please arrange for a site meeting with the BHI representative, calling Eng. Desk at 905 332-2250, or emailing [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com) to validate the required minimum clearances to existing power lines, obtain approved hydro service layout/consent and avoid any possible safety issues.
- Do not excavate within two meters of BHI's transformer, poles and anchors.
- Please refer to the latest edition of the Occupational Health and Safety Act ("OHSA") and Regulations for Construction Projects when work is planned to be performed in proximity to the hydro distribution system.
- Arrange for the disconnect and isolation of the power supply if a person or equipment is to encroach on the minimum distance permitted under the OHSA and OESC.



Burlington**hydro**<sub>inc.</sub>

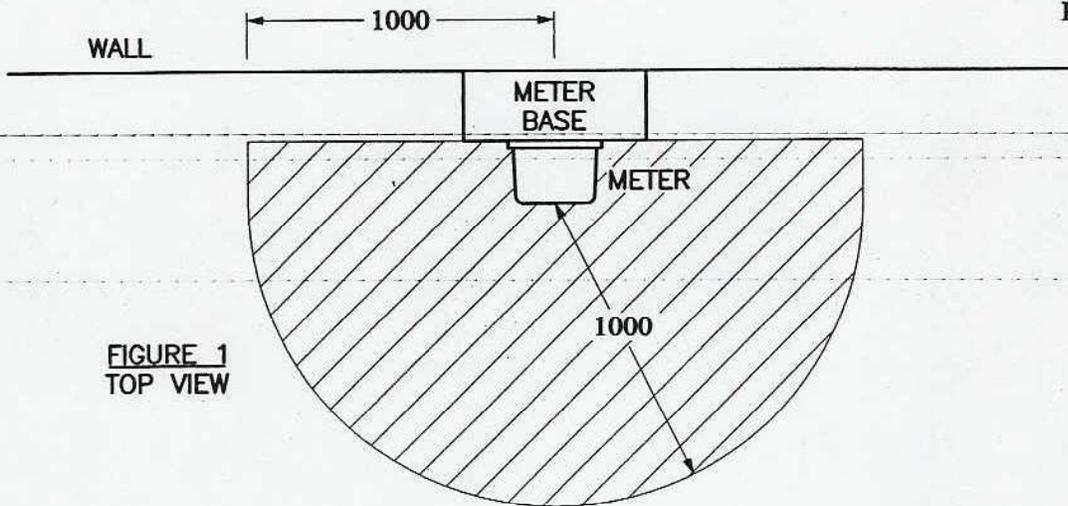
- ☑ Please arrange for a site meeting with a BHI representative by sending an email to Eng. Desk [Engineering@burlingtonhydro.com](mailto:Engineering@burlingtonhydro.com), prior to beginning any construction/demolition near existing overhead or underground hydro facilities, to get approved BHI service layout/consent and avoid any possible service complications or safety issues.

Regards,  
 Zakariya Al-Doori  
 Engineering Services Technician

Cc: Rosso Parra, P. Eng  
 Engineering Manager, Customer Connections & Key Accounts

FEB. 06/2026  
RP

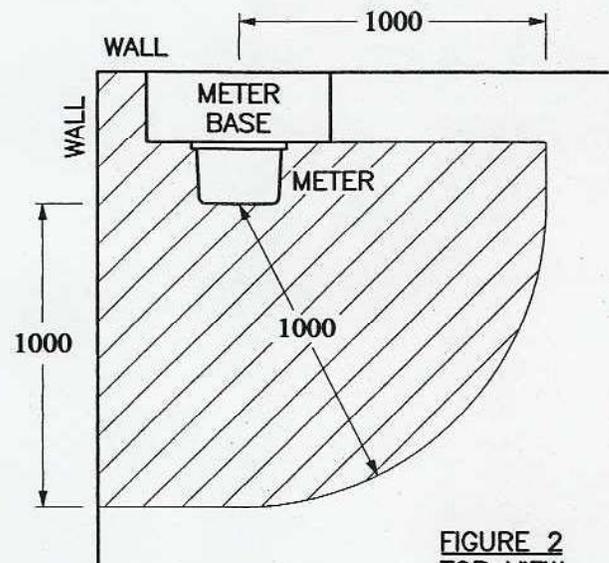




**FIGURE 1**  
TOP VIEW

**NOTES**

1. HATCHED AREA TO BE KEPT CLEAR OF ANY OBSTRUCTION TO ALLOW FOR SAFE WORKING CLEARANCE.
2. WHERE MULTIPLE METERS ARE INSTALLED, CLEARANCES ARE REQUIRED AROUND EACH METER.
3. WHERE METERS ARE INSTALLED IN CABINETS, ALL DOORS MUST BE ABLE TO BE OPENED 100 DEGREES.



**FIGURE 2**  
TOP VIEW

**REQUIRED WORKING CLEARANCE AROUND METERS**

**METRIC**  
LINEAR DIMENSIONS SHOWN IN MILLIMETRES

## Clearances to Underground Electrical Infrastructure

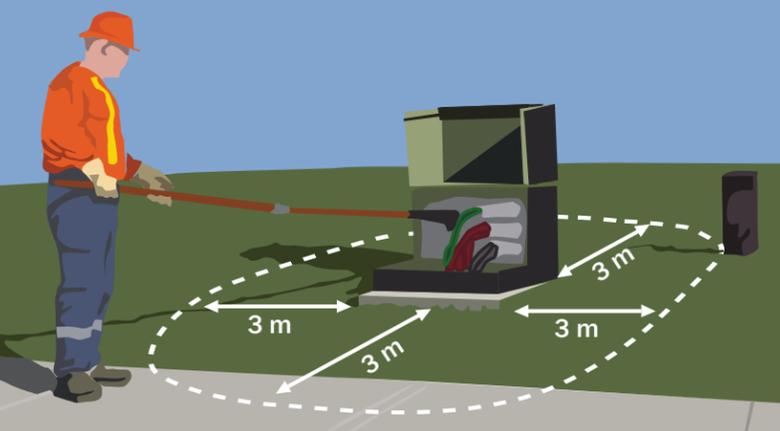
Clearances around underground (UG) electrical infrastructure as per Burlington Hydro's specifications and standards must be met by planners, architects, developers / contractors, municipalities, and property owners.

Electrical workers must be able to safely access equipment to operate, maintain or replace it, see **Figure 1**. The property owner will be responsible for any costs related to removing an obstruction, or if power restoration is delayed due to the obstruction.



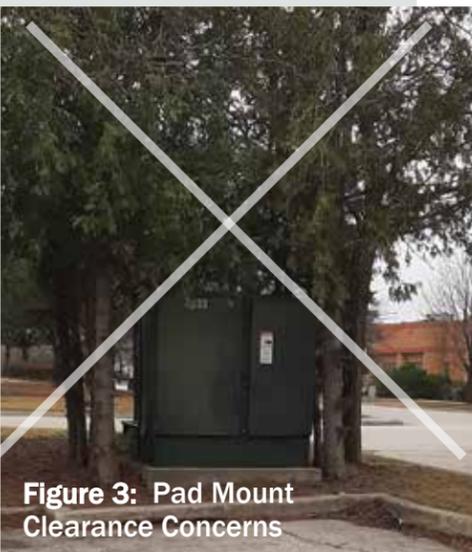
**Figure 2:** Pad Mount Clearance Concerns

**Figure 1:** Clearances to Pad Mounted Equipment



The following clearances around pad mounted electrical equipment mitigate all risks associated with working space and hazards related to the ground grid. This area must remain free of any structures, obstructions, or plantings:

**3 m (10 ft) on all sides**



**Figure 3:** Pad Mount Clearance Concerns

### Other UG Utilities

Burlington Hydro Inc. and all other UG utility stakeholder infrastructure including communications, water, wastewater, and gas facilities must **meet the clearances to UG electrical infrastructure as per CSA C22.3 No.7 Underground Systems**.

In order to meet these requirements, coordination of all facilities within proximity of other UG equipment is essential.

### Municipalities & Property Owners

Above ground obstructions or hiding the electrical equipment is not permitted, see **Figures 2 and 3**. Municipalities and property owners must be aware of the clearances for the safety of its assets in proximity to UG electrical infrastructure, including but not limited to:

**Municipalities:** bus shelters, traffic signs

**Property Owners:** decks or patio blocks, retaining walls, pool equipment, hot tubs, storage sheds, metallic objects like mail-boxes, flag posts, outdoor patio seating (temporary and permanent)

### Locates

It is important to know where UG electrical infrastructure and other utilities are located before work begins, regardless of the project size. Examples include but are not limited to:

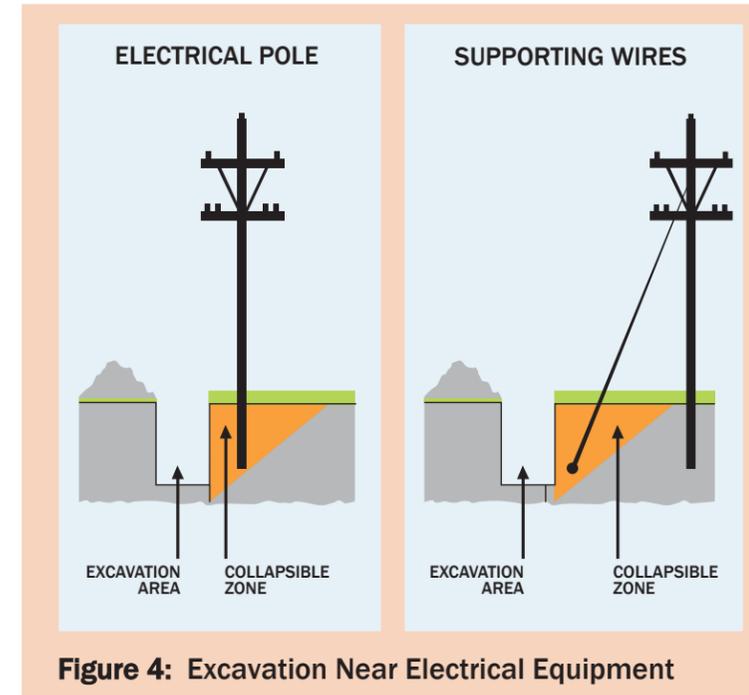
**Contractors:** excavating for an addition, new building, sidewalks, or repairing buried infrastructure

**Property Owners:** planting a tree, landscaping, installing a fence, deck, driveway, or repairing buried infrastructure (pools, heated driveways, irrigation and sprinkler systems)

To protect the project from unnecessary damage, injuries, and financial penalties, contractors and property owners involved in the above activities must contact Ontario One Call at:

**Request a locate**  
**Ontario One Call or 1-800-400-2255**  
[www.ontarioonecall.ca](http://www.ontarioonecall.ca)

The various utilities will mark the location of buried UG infrastructure so the dig can be done safely.



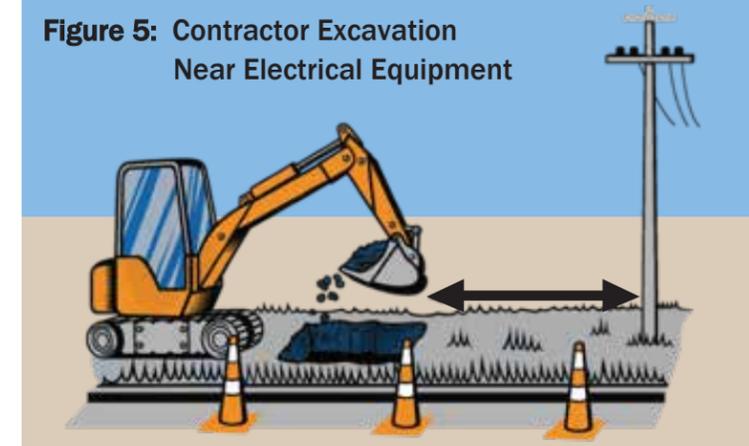
**Figure 4:** Excavation Near Electrical Equipment

### Excavating & Digging

Extreme caution should be used when digging near the marked UG infrastructure or electrical pole (including guy wires, ground grid) see **Figures 4 and 5**. **Contact with a sharp shovel or excavation equipment could easily damage electrical infrastructure and could result in harmful electrical current.**

See ESA's "Guideline for Excavating in the Proximity of UG Distribution Lines" [www.esasafe.com](http://www.esasafe.com) and contact Burlington Hydro Inc. for guidance before excavation in the proximity of electrical infrastructure.

**Figure 5:** Contractor Excavation Near Electrical Equipment





(905) 335-7629  
[committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)  
FILE NO. 540-02-**A-004/26**  
Committee of Adjustment  
**Date of Mailing: March 9, 2026**

### NOTICE OF PUBLIC HEARING

Imad Brohi of 2247 Empire Cres. Burlington. has applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **2247 Empire Cres. Burlington** (see map).

The applicant is proposing to recognize the existing driveway widening for the detached dwelling. This proposal results in the following variance:

1. To permit the combined width of all hard surfaces to be 8.7 m instead of the maximum permitted 7.5 m for an existing driveway and walkway.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **March 9, 2026**.

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

### **WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

### **How to participate if I have comments or concerns?**

#### **Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

#### **2. In person Oral Submissions**

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

### **Attend or View the Committee of Adjustment Hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

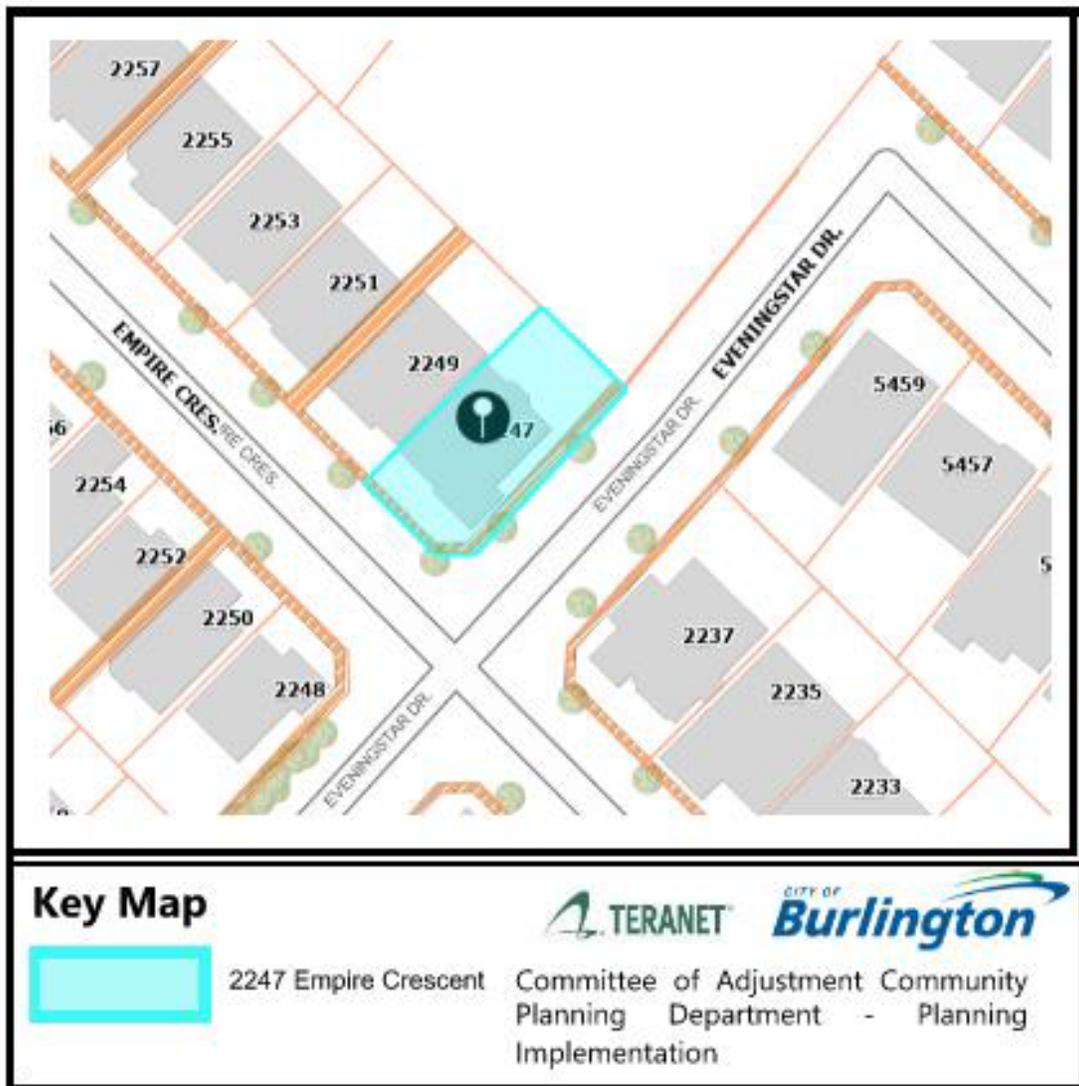
Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

### Key Map



**PLANNING ACT, R.S.O. 1990, C.P. 13  
APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)*

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y  or N

Name of Planner: \_\_\_\_\_ Name of Zoning Examiner: \_\_\_\_\_

**PROPERTY INFORMATION**

Municipal Address(es) of property:

2247 EMPIRE CRESCENT, BURLINGTON, ONTARIO, L7L 6Z5

Legal Description of property:

Lot 42, Plan 20M798

Official Plan Designation: \_\_\_\_\_ Current Zoning Designation \_\_\_\_\_

**OWNER(S) INFORMATION:**

Legal Name (as it appears on the title for the property):

IMAD BROHI

Mailing Address: 2247 EMPIRE CRESCENT City: BURLINGTON

Postal Code: L7L 6Z5 Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**AGENT INFORMATION** (if applicable): (This person will be the primary point of contact if provided)

Name:

SHIVANG TARIKA

Business Address: 106 MORNINGSIDE DRIVE City: GEORGETOWN

Postal Code: L7G 0M2 Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**PROPOSED DEVELOPMENT** Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

THE ALLOWED COMBINED MAXIMUM WIDTH OF DRIVEWAY AND WALKWAY IS 7.0M AND WE ARE PROPOSING

COMBINED WIDTH OF 8.7M

Variance(s) Requested	Zoning Bylaw Requirement
8.7M	7.0M

**In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:**

1. Why is the variance(s) minor in nature? \_\_\_\_\_

THE PROPOSED 8.7M WIDTH IS ONLY 1.7M GREATER THAN THE PERMITTED 7.0M REPRESENTING A RELATIVELY A  
 MODEST INCREASE.

2. Why are the variance(s) desirable for the appropriate use of the land? \_\_\_\_\_

THE WIDER DRIVEWAY /WALKWAY STILL SUPPORTS SAFE ACCESS AND USABILITY WHILE RESPECTING THE  
 GENERAL INTENT OF THE ZONING BY-LAW TO REGULATE HARD SURFACE COVERAGE AND STREETScape CHARACTER.

3. Do the variance(s) meet the intent and purpose of the Official Plan? YES ITENT AND PURPOSE PLAN

MEET TH E OFFICAL PLAN

4. Do the variance(s) meet the intent and purpose of the Zoning By-law? YES MINOR VARIANCE MEET

THE INTENT AND PURPOSE OF THE ZOING BY-LAW

<b>PROPERTY DETAILS (please complete all fields):</b>					
Date property purchased:	03/22/2021 <small>mmm/dd/yyyy</small>	Date property first built on:	01/04/2012 <small>mmm/dd/yyyy</small>	Date of proposed construction:	 <small>mmm/dd/yyyy</small>
<b>Existing Use of the Subject Property</b> (check one):		Length of time the existing uses of the subject property have continued:			
Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		9 YEAR			
		<b>Proposed Use of the Land:</b>			
		RESIDENTIAL USE			
<b>Existing Uses of Abutting Properties</b> (check all that apply)					
Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>					
<b>Additional Information</b>					
Is liquor sold on site?    Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>					
Is the property on the Municipal Cultural Heritage Register for the City of Burlington?    Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>					
<b>Type of Access to the Subject Lands</b>					
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other(specify) <input type="checkbox"/>	
<b>Municipal Services Provided</b>					
Water <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
Sanitary Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
Storm Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____				
<b>IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:</b>					
<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Zoning By-law Amendment <input type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent					

**FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS**

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Frontage	Depth	Area	Actual	Deemed	Required		
12.65M	28.73M	361.66SQM	14M	14M		121.13 SQM	

**Particulars of all buildings and structures on or proposed for the subject lands**

(attach additional page if required)

EXISTING (Dwelling/Building)		PROPOSED (Dwelling/Building/Addition)	
Ground Floor Area (incl. attached garage)	112.72 M <sup>2</sup>	Ground Floor Area (incl. attached garage)	112.72 M <sup>2</sup>
Gross Floor Area:	227.95 M <sup>2</sup>	Gross Floor Area:	227.95 M <sup>2</sup>
Number of Storeys:	2	Number of Storeys:	2
Width:	9.21 M	Width:	9.21 M
Length:	12.55 M	Length:	12.55 M
Height:	5.5 M	Height:	M
<b>Garage/Car Port</b>		<b>Garage/Car Port</b>	
Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Detached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Gross Floor Area:	32.05 M <sup>2</sup>	Gross Floor Area:	32.05 M <sup>2</sup>
Width:	5.26 M	Width:	5.26 M
Length:	6.10 M	Length:	6.10 M
Height:	3.04 M	Height:	3.04 M
<b>Accessory Structures (Shed, Gazebo, etc)</b>		<b>Accessory Structures</b>	
Gross Floor Area:	M <sup>2</sup>	Gross Floor Area:	M <sup>2</sup>
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
<b>Other (pool, additional sheds, decks, driveways, etc.)</b>		<b>Other</b>	
Gross Floor Area:	42.39 M <sup>2</sup>	Gross Floor Area:	65.85 M <sup>2</sup>
Width:	5.6 M	Width:	8.7 M
Length:	7.57 M	Length:	7.57 M
Height:	M	Height:	M
<b>LOCATION of all existing and proposed buildings and structures</b>			
<b>EXISTING</b>		<b>PROPOSED</b>	
Front:	6.58 M	Front:	6.58 M
Rear:	8.61 M	Rear:	8.61 M
Side/Street Side:	0.53 M	Side/Street Side:	0.53 M
Side/Other Side:	2.94 M	Side/Other Side:	2.94 M

**EXEMPTION FROM NEW SURVEY REQUIREMENT**

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner:

Property Address:

1. I, Shivang Tarika In my capacity as Agent do attest to the following:  
Print Name (Owner or agent)

**Please complete Section A, B, or C**

**A.** The OLS survey/sketch of survey dated \_\_\_\_\_  
mmm/dd/yyyy  
 has been revised by: \_\_\_\_\_  
(Person or Company Name)

**OR**

**B.** The site plan, architect's plan or engineer's plan dated \_\_\_\_\_  
mmm/dd/yyyy  
 has been revised by: \_\_\_\_\_  
(Person or Company Name)

**OR**

**C.** The sketch or plot plan\*\* dated Sep-18-2025  
mmm/dd/yyyy  
 \*\*Accepted for applications involving variances for Uses only.  
 was prepared by: Shivang Tarika  
(Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of: Sep/18/2025  
mmm/dd/yyyy

3. The material submitted shows all measurements in metric, as calculated/converted by: Shivang Tarika  
(Person or Company Name)

4. Should the need arise during application processing for an new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

Shivang Tarika  
 Signature of Owner/Applicant

2025-09-18  
 Date (mmm/dd/yyyy)

**POSTING OF ADVISORY SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

**DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.**

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

**I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.**

Owner Name	IMAD BROHI	Property Address	2247 EMPIRE CRESCENT
	_____		_____
	<i>Shivang Tarika</i>		<i>Sep/18/2025</i>
	_____		_____
	Signature of Owner/Applicant		Date (mmm/dd/yyyy)

**AFFIDAVIT**

\*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)  Signature of Applicant or Authorized

Agent: SHIVANG TARIKA

I, SHIVANG TARIKA of the TOWN of HALTON HILLS in the PROVINCE  
(print name) (Region/City/County) (City/Town/Township)

of ONTARIO solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Region VIII of (Georgetown) in the (Province of ON)  
(Region/City/County) (City/Town/Township)  
 this (18) <sup>19<sup>th</sup></sup> day of (Sept) <sup>Jan</sup> 20(25) 2020  
Att ST Att ST Att ST  
*City of Burlington*  
*Region of Halton*

Aleksandra Narcyza Hutchison, a  
 Commissioner, etc., Province of  
 Ontario, for The Corporation of the  
 City of Burlington.  
 Expires October 25, 2027.

*Shivang Tarika*  
Shivang Tarika

Signature of Commissioner, etc.

Signature of Applicant or Authorized Agent

**PERMISSION TO ENTER**

\*IMPORTANT\* This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 2247 Empire Crescent

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

*Imad Brohi*

Signature of Owner

Imad Brohi

Print Name

**OWNERS AUTHORIZATION**

If using an agent, the owner must also complete the following form:

I, IMAD BROHI being the registered owner of the subject lands, hereby  
(print name)

Authorize SHIVANG TARIKA to prepare, submit and act on my behalf with respect to this  
(print agent name)

application for a Minor Variance.

*Imad Brohi*

*18 Sept 2025*

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date (mmm/dd/yyyy)

**Notice of collection of personal information**

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.

<b>Minor Variance Application Checklist</b> Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	<b>Select (✓)</b>
<b>LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor)</b>  * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	
OR	
<b>DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.</b>	✓
AND	
<b>PLAN and ELEVATION DRAWINGS which include the following as applicable:</b> (Missing details or illegible drawings will be sent back to the applicant for correction)	
<b>SITE PLAN</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Metric Scale</li> <li><input checked="" type="checkbox"/> North Arrow</li> <li><input checked="" type="checkbox"/> Frontage</li> <li><input checked="" type="checkbox"/> Depth</li> <li><input checked="" type="checkbox"/> Lot Area</li> <li><input checked="" type="checkbox"/> Lot Coverage</li> <li><input checked="" type="checkbox"/> Deemed Street Line</li> <li><input checked="" type="checkbox"/> Existing Front Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Rear Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Street Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks</li> <li><input type="checkbox"/> Proposed Front Yard Setbacks</li> <li><input type="checkbox"/> Proposed Rear Yard Setbacks</li> <li><input type="checkbox"/> Proposed Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Street Side Yard Setbacks</li> <li><input type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks</li> <li><input checked="" type="checkbox"/> Streets (Public and Private)</li> <li><input checked="" type="checkbox"/> Street Names</li> <li><input checked="" type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement)</li> <li><input type="checkbox"/> Railways (Location of them and setbacks to structures)</li> <li><input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)</li> </ul>	

<p><b>Minor Variance Application Checklist</b></p> <p>Please add a check mark beside the items you have provided with your application.          Illegible drawings or those missing required details will be returned to applicant.</p>
<p><b>LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Setbacks</li> <li><input type="checkbox"/> Height</li> <li><input type="checkbox"/> Area</li> <li><input type="checkbox"/> Length</li> <li><input type="checkbox"/> Width</li> </ul>
<p><b>ELEVATIONS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Metric</li> <li><input type="checkbox"/> Front</li> <li><input type="checkbox"/> Rear</li> <li><input type="checkbox"/> Side 1</li> <li><input type="checkbox"/> Side 2</li> </ul>
<p><b>FLOOR PLANS</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Metric</li> <li><input type="checkbox"/> North Arrow</li> <li><input type="checkbox"/> Gross Floor Area Calculation</li> <li><input type="checkbox"/> Ground Floor Area Calculation</li> <li><input type="checkbox"/> Floor Area Ratio (where applicable)</li> </ul>

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

*Shivang Tarika*

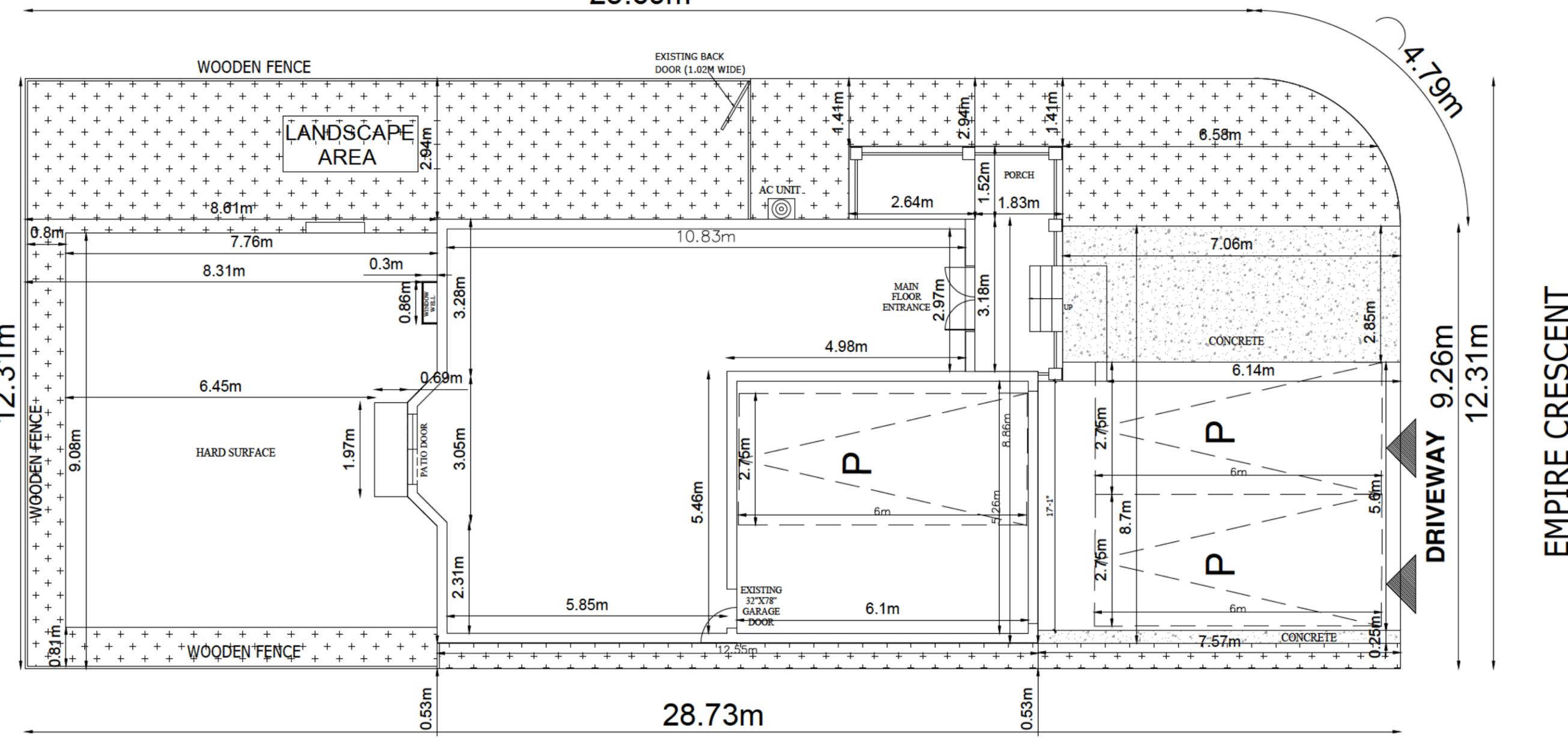
\_\_\_\_\_  
 Signature of Owner/Agent

2025-01-19

\_\_\_\_\_  
 Date (mmm/dd/yyyy)

VALLEYHIGH DR.

25.69m



GENERAL NOTES

DO NOT SCALE DRAWINGS  
 PROPERTY RIGHTS RETAINED BY:  
 BG CONSTRUCTION DESIGN  
 ANY REPRODUCTION IN WHOLE OR IN PART  
 UNDER THE RULES AND BY-LAWS OF THE  
 CORPORATION IS STRICTLY FORBIDDEN.  
 ANY REPRODUCTIONS MUST BE  
 AUTHORIZED BY  
 ALL DRAWINGS ARE IN METRIC SCALE

SCOPE OF WORK

PROPOSAL TO CONSTRUCT

THE UNDERSIGNED HAS REVIEWED AND  
 TAKES RESPONSIBILITY FOR THIS DESIGN,  
 AND HAS THE QUALIFICATIONS AND  
 MEETS THE REQUIREMENTS SET OUT  
 IN THE ONTARIO BUILDING CODE  
 TO BE A DESIGNER.

QUALIFICATION INFORMATION  
 REQUIRED UNLESS DESIGN IS EXEMPT  
 UNDER DIV. C-32.5.1 OF THE BUILDING CODE

SHIVANG TARIKA 106440  
 NAME SIGNATURE BCIN

SHIVANG TARIKA

NO	REVISION / ISSUE	DATE

SITE PLAN

CITY : BURLINGTON

2247 EMPIRE CRESCENT

EXISTING DWELLING

PROJECT

SEP 2025

SCALE 1/8"=1'-0"

SHEET

A1

**SITE PLAN**

SCALE 1/8"=1'-0"

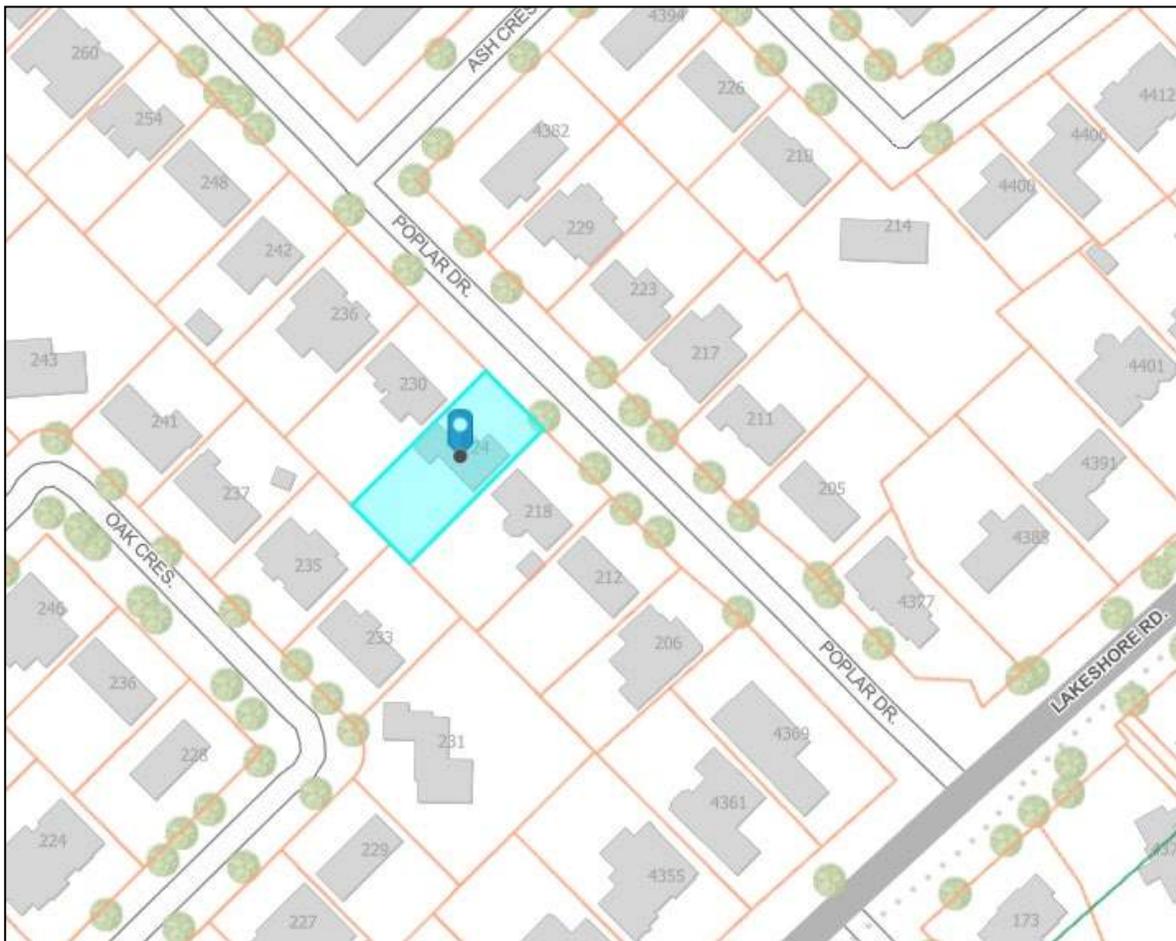


**2247 EMPIRE CRESCENT**

**COMMITTEE OF ADJUSTMENT  
MINOR VARIANCE  
STAFF REPORTS**

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Owner(s): Fidel Hanna  
Address: 224 Poplar Drive, Burlington  
File No. **A-003/25**  
Ward: 4



**Staff Comments:**

**Committee of Adjustment**

This application was deferred at the May 21 2026 meeting at the request of the applicant.

There is 1 previous minor variance applications on record for this property.

File No. A081/85 – Approved

- To permit a side lot variance from the required 10% of property frontage (198cm) to 92.6cm, for a proposed garage on the west side of the dwelling.

**COMMITTEE OF ADJUSTMENT  
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STAFF REPORTS**

Date: January 9<sup>th</sup>, 2025Prepared By: C. Kabel**Zoning**1) **Background information:**

The subject property is zoned R2.1, Low Density Residential, under Zoning By-Law 2020, as amended, and is located in the designated area for lot coverage and floor area ratio. The property is also located in the Shoreacres Character Area. The R2.1 zone requires, among other things, the following:

**4.1 LOT WIDTH, AREA, YARDS**

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2.1	18 m	700 m <sup>2</sup>	(f)	10 m	(a)	4.5 m

**Footnotes to Table 2.4.1**

(a) With attached garage or carport: 10% of actual lot width  
(19.81 x 10% = 1.981 m)

(f) Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps with an R2.1 zone shall have a front yard of 9m.

**4.2 MAXIMUM LOT COVERAGE**

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings <b>25% for all other dwelling types including accessory buildings</b>	27% for one storey dwellings plus 8% for accessory buildings 22% for one and a half storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

**COMMITTEE OF ADJUSTMENT  
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**4.5 FLOOR AREA RATIO**

- (a) A maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.
- (b) Notwithstanding subsection a) above, properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a maximum floor area ratio of **0.4:1**.

**4.6 DWELLING DEPTH**

- (a) Maximum depth of a dwelling shall be **18m** measured from building wall closest to front lot line to building wall closest to rear lot line.

**4.8 GARAGES**

- (b) An attached garage with a garage door facing a street is not permitted to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.

**2) Proposal:**

The applicant is proposing the construction of a two-storey detached dwelling with an attached garage.

**3) Variances required:**

1. To permit lot coverage of 28.8% instead of the maximum permitted 25% for a proposed two-storey detached dwelling with attached garage.
2. To permit floor area ratio of 0.51:1 instead of the maximum permitted 0.4:1 for a proposed two-storey detached dwelling with attached garage located within the Shoreacres Character Area.
3. To permit a south-east side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
4. To permit a north-west side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
5. To permit a dwelling depth of 20.2 m instead of the maximum permitted 18 m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey detached dwelling with attached garage.

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6. To permit a proposed attached garage to project 1.1 m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
7. To permit a north-west side yard of 1.2 m instead of the minimum required 1.981 m for a proposed basement walkout stair.

**4) Notes and conditions:**

**Condition:**

1. The applicant shall apply for a Pre-Building Approval Application.

**Notes:**

1. The building height and building footprint has not been confirmed on a plan stamped by an Ontario Land Surveyor or Professional Engineer. A stamped plan confirming all site statistics will be required at the time of Pre-Building Approval Application. It will be the applicant's responsibility to ensure the stamped plan matches the minor variance approval.
2. 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.
3. The variances are being reviewed under Section 45(1) of the *Planning Act*.

Date: January 29, 2026

Prepared By: J. Parker

**Site Planning**

Application History:

- The subject application was previously scheduled for a Committee of Adjustment hearing in May 2025 in response to staff concerns
- Deferred at the request of the applicant to allow the applicant to consider revisions to the proposal
- Staff concerns included:
  - The cumulative impact of increased floor area ratio, lot coverage and dwelling depth.
  - The scale of the dwelling relative to the lot size.

**COMMITTEE OF ADJUSTMENT  
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- Possible overdevelopment within the Shoreacres Character Area.
- The massing impact associated with reduced side yard setbacks in combination with excessive dwelling depth.
- The articulation on the side yard
- The applicant has submitted a revised proposal for the March 25, 2026 hearing. The revisions primarily reduce the overall massing of the proposed dwelling while maintaining the general design concept of a two-storey detached dwelling with attached garage.

The key changes are summarized below:

<b>Zoning Standard</b>	<b>May 2025 Proposal</b>	<b>March 2026 Proposal</b>	<b>Change</b>
Lot Coverage	30.9%	28.8%	Reduced by 2.1% (19.56m <sup>2</sup> )
Floor Area Ratio	0.55:1	0.51:1	Reduced by 0.04 (41.06m <sup>2</sup> )
NW Side Yard	1.8m	1.8m	No change
SE Side Yard	1.8m	1.8m	No change
Dwelling Depth	21.8m	20.2m	Reduced by 1.6m
Garage Projection	1.2m	1.1m	Reduced by 0.1m
NW Walkout Stair Setback	N/A	1.2m	New variance added

<b>Site Characteristics</b>	
<b>Lot Frontage (m)</b>	19.81m
<b>Lot Area (m<sup>2</sup>)</b>	906.29m <sup>2</sup>
<b>Existing Land Uses</b> <i>(ex. buildings, structures, driveways, fences, etc...)</i>	One-storey detached dwelling with attached garage, double-wide asphalt driveway, concrete front walkway, covered front porch, rear frame deck, rear concrete patio
<b>Site Grading</b> <i>(ex. Flat and level, significant grade differences)</i>	The house and immediate surrounding area are elevated above the curb of the street by approximately one-metre, and the property slopes side-to-side.
<b>Notable Site Features</b>	Rectangular shaped lot, located on the southwest side of Poplar Drive, rear yard largely open and undeveloped aside from lawn and minor landscaping
<b>Surrounding Land Uses</b> <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Low-rise residential dwellings
<b>Nearest Major Intersection</b>	Appleby Line and Lakeshore Road
<b>Neighbourhood Boundaries*</b>	North: Spruce Avenue East: Appleby Line

**COMMITTEE OF ADJUSTMENT  
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*Based on OP, 1997 <i>residential neighbourhood</i> definition	South: Lakeshore Road West: Shoreacres Creek
----------------------------------------------------------------	-------------------------------------------------

Neighbourhood Characteristics:

- The neighbourhood consists of one and two-storey detached dwellings, reflecting a mix of original housing stock and more recent redevelopment.
- Original dwellings are typically one-storey or one-and-a-half-storey homes with modest building footprints and simple gable roof forms.
- More recent redevelopment generally consists of two-storey detached dwellings with larger building footprints and increased overall massing.
- One-storey dwellings and two-storey redevelopment exist throughout the area.
- Exterior materials vary and include brick, stone, and siding. Roof forms are generally hip and gable with moderate pitches.
- Attached garages are common and form a consistent component of the streetscape.
- Lots along Poplar Drive are rectangular in shape and exhibit a high degree of consistency in lot depth (approximately 45.75 metres).
- Lot frontages along Poplar Drive generally fall within three common width categories: 19.81 metres, 21.33 metres, and 24.38 metres.
- The consistent lot fabric contributes to a regular rhythm of building spacing and side yard relationships along the street.
- Driveway widths typically reflect the wide lot frontages, with double-width driveways common throughout the street.
- Front yards are generally landscaped with lawn areas and mature trees, contributing to a consistent setback pattern along Poplar Drive.

A site visit was conducted on Date April 23, 2025, and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

**1) City of Burlington Official Plan:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Official Plan?**

**Yes**

**Regional Official Plan (2022):**

The proposal meets the general intent and purpose of the Regional Official Plan, 2022 (ROP, 2022) for the following reasons:

- Section 76 of the ROP indicates that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. Given that additions are permitted by the

**COMMITTEE OF ADJUSTMENT  
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City's Zoning By-law, staff are of the opinion that the requested variances meet the general intent and purpose of the ROP.

Regional Staff have also reviewed this application and have no objections to the Minor Variance application.

Official Plan, 1997 & 2020

Parts of Burlington Official Plan, 2020 (BOP, 2020) are not in-force due to ongoing Ontario Land Tribunal Appeals, so applications are reviewed against a combination of in-force policies under BOP, 2020 and the older Burlington Official Plan 1997 (BOP, 1997).

- On January 28, 2025, Council approved Official Plan Amendment No. 3 (OPA 3), which removes the Neighbourhood Character Area policies from the Burlington Official Plan, 2020.
- This application was deemed complete on January 9, 2025.
- Council has also directed staff to remove the Neighbourhood Character Area policies from the Burlington Official Plan, 1997.
- The rationale for this change includes:
  - Increased provincial demand for housing supply;
  - Amendments to the Planning Act to permit additional residential units;
  - The replacement of the Provincial Policy Statement, 2020 with the Provincial Planning Statement, 2024.
- The Provincial Planning Statement, 2024 places less emphasis on neighbourhood character relative to the PPS, 2020, and no longer includes policy language encouraging the conservation of character-defining features.
- OPA 3 reflects Council's updated vision to support residential intensification and a broader range of housing forms within Residential Neighbourhood Areas.
- Although the subject application has been evaluated based on the policies in effect at the time of submission (including the Neighbourhood Character Area policies under the OP, 1997), the recent policy changes are informative in understanding the evolving policy direction of the City.

The proposed variances meets the general intent and purpose of the Official Plan for the following reasons:

- The site is designated 'Low-Rise Neighbourhoods I' according to Schedule 'C'/Schedule 'B' (Land Use - Urban Area/Comprehensive Land Use Plan- Urban Planning Area) of the BOP, 1997/BOP, 2020, as amended, which permits ground-oriented, low-density housing, and where compatible infill, small-scale additions, and renovations are encouraged.
- Whereas Part II, Section 8.3.2(1)(a)–(d) of the BOP, 2020 (Low-Rise Neighbourhoods I) directs that new development and additions shall be compatible with the surrounding context and maintain the predominant character

**COMMITTEE OF ADJUSTMENT  
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of the neighbourhood with respect to height, massing, and setbacks, the proposal is consistent with these objectives in the following ways:

- The revised submission reduces overall gross floor area, lot coverage, and dwelling depth from the previous proposal, resulting in a smaller, more contextually appropriate building form.
- The proposed FAR of 0.51:1 reflects a two-storey built form consistent with recent redevelopment in the surrounding area and remains within the broader range of emerging two-storey dwellings along Poplar Drive.
- The dwelling complies with the maximum permitted height, ensuring that the visual impression of the increased floor area is not magnified by excessive vertical scale.
- The proposed lot coverage of 28.8% maintains over 70% of the lot as open, landscaped area, preserving rear yard amenity space and limiting ground-level massing.
- The dwelling depth has been reduced and is supported by a substantial rear yard setback (approximately 15.87 metres), maintaining appropriate spatial separation from adjacent rear yards.
- The building mass is articulated through varied rooflines and façade projections, reducing the perception of a continuous or monolithic structure.
- The revised massing does not result in undue physical impacts related to sun shadowing. The portion of the house that exceeds the permitted dwelling depth is only one-storey in height, which will help reduce shadow impacts on the property to the north.
- The reduction in the southeast sideyard setback is minor in magnitude and preserves a functional, usable side yard that measures 1.8 metres (5.9 feet) wide
- The southeast elevation incorporates articulation such as flat and sloped rooflines and projecting gables around a recessed middle section, which collectively reduce the perception of bulk.
- Portions of the façade project and recess, creating visual breaks in the building mass.
- The first and second storey are further inset from the side lot line behind the garage, which increases the side yard setback dimension to 2.8 metres, helping the variance meet the general intent of the side yard requirement concerning separation distances of homes.
- The dwelling depth complies with zoning along portions of this elevation, reducing cumulative massing impact.
- The separation between structures remains consistent with the established subdivision pattern.
- The proposed design maintains appropriate spatial relationships with the adjacent property by inseting of portions of the sidewalls on both sides of the house. On the northwest side elevation, this results in most of the side yard exceeding the requirement.

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- On the south side of the home, the dwelling depth (15.28m) is less than on the north side (20.17m), which helps mitigate the effect of the reduced side yard setback variance
  - The reduction from the required setback from the northwest side yard is quantitatively minor (approximately 0.18 metres).
  - The revised submission incorporates additional articulation along the northwest elevation compared to the previous proposal.
  - The second-storey massing steps inward and complies with the 10% side yard requirement, reducing upper-storey bulk and pulling the mass away from the neighbour.
  - Architectural recesses and roofline variation break up the length of the wall plane, mitigating the perception of continuous mass.
  - The overall dwelling depth has been reduced from the previous submission, shortening the extent of wall exposure toward the abutting property.
  - Adequate separation between dwellings is maintained, preserving light, and access for maintenance
  - The revised inset side elevation has made the massing of the sidewall less imposing
  - The garage projection has been reduced from the previous submission.
  - The garage occupies less than half of the front façade width.
  - A covered porch projects forward and balances the façade composition.
  - The garage doors are integrated into the facade and do not dominate the streetscape.
  - The projection does not disrupt the established front yard setback.
  - Similar garage-forward conditions are present elsewhere on the street.
  - The variance applying to a below-grade stair structure does not contribute to above-grade building mass or height.
  - The element is narrow in width and limited in scale.
  - No functional conflicts related to drainage, safety, or access have been identified.
  - The variance does not alter the established building envelope in a manner visible from the public realm.
  - Whereas compatible is defined as “Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health”, which is evaluated in accordance with measurable/objective standards, the planner notes the following:
    - The revised submission reduces overall floor area ratio, lot coverage, and dwelling depth from the previous proposal, moderating cumulative building mass.
    - The dwelling complies with the maximum permitted height, ensuring that additional floor area does not result in excessive vertical scale.
    - Over 70% of the lot remains unbuilt, maintaining landscaped open space and rear yard amenity area.

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- A rear yard setback of approximately 15.87 metres exceeds the minimum requirement and preserves spatial separation from adjacent rear yards.
  - The reduced dwelling depth limits rear yard enclosure and shadow impacts.
  - The building mass is articulated through roofline variation and façade recesses, reducing the perception of a continuous or monolithic structure.
  - Engineering has reviewed the proposal and has not identified drainage concerns.
  - No evidence has been identified of undue adverse impacts related to noise, vibration, traffic, or safety.
  - The reduced southeast sideyard setback is minor in scale.
  - The elevation incorporates articulation and varied rooflines to reduce perceived mass.
  - Adequate separation is maintained between adjacent dwellings.
  - No functional conflicts related to access, drainage, or maintenance have been identified.
  - The reduction from the required northwest sideyard setback is minor in magnitude (approximately 0.18 metres).
  - The second-storey floor plate steps inward, reducing upper-storey bulk along this elevation.
  - Additional articulation has been incorporated to break up wall length compared to the previous proposal.
  - Building separation between dwellings remains functional and consistent with subdivision spacing.
  - No undue impacts related to overlook, shadowing, or enclosure have been identified.
  - The garage projection has been reduced from the prior submission.
  - The garage occupies less than 50% of the front façade width.
  - A covered front porch projects forward and visually balances the garage mass.
  - The garage projection does not disrupt the established front yard setback pattern.
  - The variance for the northwest walkout stair applies to a below-grade stair structure.
  - The stair does not contribute to above-grade building mass, height, or floor area ratio.
  - The element is narrow in width and limited in scale.
  - No adverse drainage or safety concerns have been identified.
  - The variance does not alter the established built form envelope in a manner visible from the public realm.

**2) City of Burlington Zoning By-law 2020:**

**Does the proposed minor variance(s) from the zoning by-law maintain the general intent and purpose of the Zoning By-law?**

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**Yes - Variance Nos. 1, 2 & 5 (Lot Coverage, Floor Area Ratio & Dwelling Depth)**

The general intent and purpose of the maximum lot coverage, floor area ratio, and dwelling depth provisions of Burlington Zoning By-law 2020 is to regulate the scale and form of development to prevent overbuilding, maintain an appropriate balance between built and landscaped areas, and preserve the open space character of rear yards. These provisions work together to control overall building mass, footprint and length, ensuring appropriate spatial relationships on lots and contributing to compatible and context-sensitive development. The proposed minor variances are consistent with this intent for the following reasons:

- The revised submission reduces gross floor area, lot coverage, and dwelling depth from the May 2025 proposal, resulting in a supportable building mass.
- The dwelling complies with the maximum permitted height, ensuring that additional floor area does not translate into excessive vertical scale.
- Over 70% of the lot remains unbuilt, preserving landscaped open space and rear yard function.
- The rear yard setback significantly exceeds the minimum requirement, maintaining spatial separation and open space character.
- The additional massing is articulated and not expressed as a continuous or monolithic building plane.
- Council recently approved updates to the Zoning By-law that remove the Floor Area Ratio requirement and increase permitted lot coverage within low density residential zones (currently within the appeal period) While the new Zoning By-law provisions are not yet in force and therefore do not apply to this application, they reflect Council's evolving policy direction respecting built form regulation in residential areas.
- In this context, the proposal does not represent overdevelopment when evaluated against height compliance, rear yard retention, and articulated massing.
- When considered collectively, the revised massing maintains the intent of regulating scale and preserving appropriate spatial relationships between dwellings.

Summary of the previously permitted and proposed statistics

<b>Provision</b>	<b>Permitted</b>	<b>May 2025 Proposal</b>	<b>Difference</b>
FAR	362.52m <sup>2</sup> (0.4:1)	495.58m <sup>2</sup> (0.55:1)	+133.06m <sup>2</sup>
LC	226.57m <sup>2</sup> (25%)	279.94m <sup>2</sup> (30.9%)	+53.37m <sup>2</sup>

Lot area – 906.29m<sup>2</sup>

Summary of the currently permitted and proposed statistics

<b>Provision</b>	<b>Permitted</b>	<b>March 2026 Proposal</b>	<b>Difference</b>
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FAR	362.52m <sup>2</sup> (0.4:1)	454.52m <sup>2</sup> (0.501:1)	+92m <sup>2</sup>
LC	226.57m <sup>2</sup> (25%)	260.38m <sup>2</sup> (28.73%)	+33.81m <sup>2</sup>
Depth	18m	20.2	+2.2m

Lot area – 906.29m<sup>2</sup>

**Yes - Variance No. 3 (Southeast Side Yard Setback)**

The general intent and purpose of the side yard setback provision of Burlington Zoning By-law 2020 is to ensure adequate separation between buildings, maintain appropriate spatial relationships between neighbouring dwellings, and provide sufficient access for maintenance and drainage. The proposed minor variance is consistent with this intent for the following reasons:

- The reduction from the required 1.981 m setback is minor in magnitude (approximately 0.18 m).
- The second-storey floor plate complies with the proportional side yard requirement, reducing upper-storey bulk.
- The elevation incorporates articulation and roof variation to reduce perceived wall mass.
- Adequate building separation remains for light, air, drainage, and maintenance access.
- The variance does not create a continuous or dominant wall condition along the lot line.

**Yes - Variance No. 4 (Northwest Side Yard Setback)**

The general intent and purpose of the side yard setback provision of Burlington Zoning By-law 2020 is to ensure adequate separation between buildings, maintain appropriate spatial relationships between neighbouring dwellings, and provide sufficient access for maintenance and drainage. The proposed minor variance is consistent with this intent for the following reasons:

- The reduction in setback is minor in scale, approximately 0.2 metres.
- Additional articulation has been incorporated compared to the previous submission, breaking up wall length and reducing massing perception.
- The second storey steps inward and complies with the proportional setback requirement.
- The setback is taken to the proposed attached garage whereas the remainder of the structure is setback further from the property line and exceeds the required setback
- The overall dwelling depth has been reduced, shortening the extent of exposure along this elevation.
- Building separation remains consistent with the established subdivision pattern.

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**Yes - Variance No. 6 (Garage Projection)**

The general intent and purpose of the garage projection provision of Burlington Zoning By-law 2020 is to reduce the visual dominance of garages on residential streets and ensure that the primary façade of a dwelling remains the prominent architectural feature. The proposed minor variance is consistent with this intent for the following reasons:

- The garage projection has been reduced from the previous proposal.
- The garage width is less than 50% of the front façade width.
- A covered front porch projects forward and provides visual emphasis on the principal entrance.
- The façade incorporates articulation, material variation, and window placement that maintain architectural balance.
- The garage does not dominate the streetscape when viewed from the public realm.

**Yes - Variance No. 7 (Northwest Side Yard Setback – Basement walkout)**

The general intent and purpose of the side yard setback provision of Burlington Zoning By-law 2020 is to ensure adequate separation between structures, maintain appropriate spatial relationships, and avoid adverse impacts on adjacent properties. The proposed minor variance is consistent with this intent for the following reasons:

- The variance applies to a below-grade stair structure and does not contribute to above-grade building mass.
- The stair does not affect floor area ratio, lot coverage, or height.
- The element is narrow and limited in scale.
- Adequate separation between structures remains.
- No adverse impacts related to drainage, safety, or maintenance access have been identified.

**3) Desirability:**

**Is the proposed minor variance from the zoning by-law desirable for the appropriate development or use of the land, building or structure?**

**Yes**

The proposed minor variances are desirable for the appropriate development and use of the land for the following reasons.

- The proposal facilitates the construction of a single detached dwelling, which is a permitted use within the Low-Density Residential designation.
- The revised submission reduces overall massing compared to the previous proposal, resulting in a more balanced built form.

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- The dwelling maintains compliance with the maximum permitted height and front and rear yard setbacks, preserving the established spatial pattern of the neighbourhood.
  - The variances allow for a functional two-storey dwelling that reflects the prevailing redevelopment pattern along Poplar Drive.
  - The proposal maintains substantial rear yard area and landscaped open space.
  - The side yard reductions are minor and maintain appropriate separation between dwellings.
  - The garage projection remains visually subordinate to the primary façade and does not disrupt the streetscape rhythm.
  - The basement walkout stair variance applies to a below-grade element and does not affect above-grade massing.
  - Engineering has reviewed the proposal and has not identified drainage or servicing concerns.
  - Forestry staff have reviewed the proposal and do not object.
  - No undue impacts related to traffic, safety, privacy, or shadowing have been identified.

**4) Minor in Nature:**

**Is the proposed minor variance(s) from the zoning by-law considered minor in nature?**

**Yes**

The proposed minor variances are minor in nature for the following reasons:

- The floor area ratio has been reduced from 0.55:1 to 0.51:1, significantly narrowing the deviation from the 0.4:1 standard.
- Lot coverage has been reduced from 30.9% to 28.8%, decreasing the ground-level footprint.
- Dwelling depth has been reduced by approximately 1.6 metres from the previous submission.
- The side yard reductions represent a difference of approximately 0.18 metres from the required setback, which is minimal in magnitude.
- The garage projection is modest (1.1 metres) and has been reduced from the previous proposal.
- The walkout stair variance applies to a below-grade element and does not contribute to building mass, height, or floor area ratio.
- The dwelling complies with the maximum permitted height, avoiding vertical overdevelopment.
- The rear yard setback significantly exceeds the minimum mitigating depth-related impacts.
- No tangible adverse impacts related to light, shadow, privacy, drainage, traffic, or safety have been identified.

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- The practical effect of the variances does not result in undue physical or functional impacts on adjacent properties.

**Cumulative Effects of Multiple Variances and Other Planning Matters:**

Variance Nos. 1, 2 and 5 (Floor Area Ratio, Lot Coverage and Dwelling Depth) are interrelated built form controls that collectively regulate overall building mass and scale. Variance Nos. 3 and 4 (Side Yard Setbacks) relate to building separation and spatial relationships, while Variance No. 6 (Garage Projection) and Variance No. 7 (Walkout Stair) relate to façade articulation and below-grade access.

When considered cumulatively:

- The revised submission reduces overall building mass compared to the previously deferred proposal.
- The dwelling complies with the maximum permitted height and maintains established front and rear yard setback patterns.
- Over 70% of the lot remains unbuilt, preserving landscaped open space.
- Side yard reductions are minor in magnitude and maintain functional separation between dwellings.
- The garage projection remains visually subordinate to the primary façade and does not result in streetscape dominance.
- The walkout stair variance applies to a below-grade element and does not contribute to above-grade massing.
- No additional residential units, intensification, or functional impacts are proposed.
- Engineering and Forestry have reviewed the proposal and do not object.

Collectively, the variances do not result in overdevelopment of the site and do not create undue physical or functional adverse impacts on adjacent properties or the surrounding neighbourhood. The cumulative effect of the variances is therefore considered minor, and staff are supportive of the application.

**Recommendation:**

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Date: March 3, 2026

Prepared By: Ryan Kochuta

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**Report Schedules & Attachments:  
Attachment No. 1 (Site Photos)**



**View of the subject lands from Poplar Drive**



**View of the subject lands and 218 Poplar from Poplar Drive**



**View of the subject lands and 230 Poplar from Poplar Drive**



**View of rear of the existing house and 230 Poplar from Poplar Drive**



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**View of rear of the existing house and 218 Poplar**



**217 Poplar Drive**

**Close up view of the rear yard**



**4377 Lakeshore Drive**



**4396 Lakeshore Road**



**206 Poplar Drive**



**236 Poplar Drive**



**275 Poplar Drive**

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**276 Poplar Drive**

**Technical Reviewer Comments:**

**Development Engineering**

Development Engineering has reviewed the proposed minor variances and has no objections. Changes to the plans may be required during the Grading and Drainage Clearance Certificate review process.

Date: February 2, 2026

Prepared By: D. Savelli

**Forestry**

Forestry has no objection to the proposed minor variance(s) and provides the following advisory note(s) to the applicant:

1. A tree permit will be required for any and all work around regulated trees in accordance with the City's Tree By-laws.
2. Revisions to the report and/or plans may be required through the tree permit process.

Date: February 10, 2026

Prepared By: R. Shaw-Lukavsky

**Building**

1. A Building Permit is required for all building 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.

Date: February 13, 2026

Prepared By: Q. Tan

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### **Transportation Planning**

#### Deemed Road Width Analysis

Poplar Drive is under the authority of the City of Burlington and the deemed right-of-way width is 20 metres. The right-of-way adjacent to the subject site is approximately 20 metres therefore no additional lands are required.

Date: January 15, 2025

Prepared By: Derek Napoli

Transportation Planning have reviewed the proposed minor variance application and have no comments because the application has no impact on parking, the driveway, or the adjacent street.

Date: February 4, 2026

Prepared By: Thalia Thompson

### **Finance**

#### **Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development Charges may be payable in accordance with the applicable By-law 72-2004, as may be amended, upon issuance of a building permit, at the rate in effect on the date issued. For further information, the owner is advised to contact the City Building Department (905) 335-7731.

#### **Tax**

All property taxes including penalty and interest must be paid. This includes all outstanding balances plus current year taxes that have been billed but are not yet due. Local improvements must be commuted.

Date: February 2, 2026

Prepared By: L. Bray

### **Agency Comments:**

#### **Halton Region**

- Regional Staff have reviewed the Minor Variance application proposing the construction of a two-storey detached dwelling with an attached garage. Variances to the lot coverage, floor area ratio, side yards, dwelling depth and garage projection are requested. Due to Provincial legislation, as of July 1, 2024, Halton Region's role in land use planning and development matters has changed. The Region is no longer responsible for the Regional Official Plan – as this has become the responsibility of Halton's four local municipalities. As a result

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of this change, a Memorandum of Understanding (MOU) between the Halton municipalities and Conservation Authorities has been signed that identifies the local municipality as the primary authority on matters of land use planning and development. The MOU also defines the continued scope of interests for the Region and the Conservation Authorities in these matters.

- Source Water Protection: In accordance with the MOU and to ensure protection of groundwater sources, Halton Region provides the following comments:
  - The subject lands are located within the jurisdiction of the Halton-Hamilton Source Protection Plan (SPP). The Halton-Hamilton SPP can be accessed online at: <http://www.protectingwater.ca/>.
  - The property is located in Intake Protection Zone 2(VS=6.3).
  - Based on the information provided by the applicant, this application is not subject to Section 59 under the Clean Water Act, 2006.
  - Therefore, this application can proceed from a Source Water Protection perspective and no Section 59 notice will be required.
  - Regional staff have provided a couple of factsheets for the applicant related to the Source Water Protection program and the important role landowners play in protecting drinking water sources. Regional Staff have no objections to the Minor Variance application.

Date: February 19, 2026

Prepared By: Navjot Kaur

# Source Water Protection Factsheet

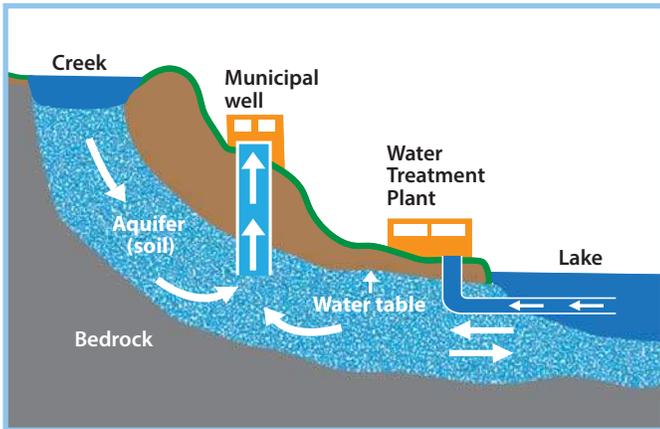
halton.ca

## Planning and Building Applications



### Sources of drinking water

Sources of drinking water include groundwater from underground aquifers and surface water from streams, rivers and lakes. These water sources are used to supply municipal drinking water systems and private wells in Halton Region, as illustrated below.



### Protecting Halton's drinking water

To ensure the consistent delivery of safe and high quality drinking water to our residents and businesses, Halton Region uses a proactive multi-barrier approach to safeguard our municipal drinking water. Under the *Clean Water Act, 2006*, the very first barrier in this approach is **Source Protection**.



### Source water protection and Planning/Building Applications

Under the *Clean Water Act, 2006*, additional protection of these drinking water sources from potential contamination or overuse is provided through the mandatory implementation of approved Source Protection Plans. These Plans contain policies to protect municipal sources of drinking water in certain **vulnerable areas**.

Planning/building applications on properties located within **vulnerable areas** may be subject to Source Protection Plan policies if they propose activities identified as significant drinking water threats that may potentially contaminate or overuse municipal drinking water sources such as:

- Applying, handling and storing road salt and snow storage.
- Handling and storing fuels, solvents, hazardous waste and other related chemicals.
- Activities that reduce return of water into the ground.
- Applying, handling, and storing pesticides, fertilizers, agricultural and non-agricultural materials.
- Activities that take water without returning it to the same water source.
- Installing or modifying septic and other sewage systems.
- Use of land for livestock yards and/or pasturing.

### Is my property in a vulnerable area?

Applicants can contact their local municipal Planning and Building Departments or Halton Region's Source Protection Office to obtain this information prior to submitting an application. To find out if your property falls within a vulnerable area, such as a wellhead protection area or surface water treatment plant intake zone, visit **halton.ca** or call 311.

**Did you know?** Compliance with Source Protection Plans is applicable law in the Planning Act and the Ontario Building Code when the property is located in a vulnerable area.

## How is my application reviewed?

Municipalities have developed tools to determine whether your application may be subject to Source Protection Plan policies, such as the **Source Protection Checklist** (available at local municipal building/ planning service desks). If the subject property is located in a vulnerable area, applicants will be requested to complete and submit this single page checklist along with other supporting documentation (drawings, details, etc.).

Staff will review the submission and communicate any Source Water Protection requirements to the applicant. In some cases, additional information regarding the proposed activity may be requested to complete the review process.

### Step 1

Local municipal staff circulate applications (including Source Protection Checklist) within vulnerable areas to Halton Region's Source Protection Office



### Step 2

Halton Region staff will communicate results of Source Protection assessment to applicant and local municipal staff



## What do I need to do to comply with Source Water Protection?

Some activities will be managed through traditional methods such as Environmental Compliance Approvals, Permits-To-Take-Water, Nutrient Management Plans and Nutrient Management Strategies. However, depending on the level of risk associated with the proposed activities, some may be prohibited as proposed or require other supporting documents such as:

- Risk Management Plans (see Risk Management Plan fact sheet)
- Site-Specific Salt Management Plans
- Water Balance Assessments
- Hydrogeological Assessments

Where proposed activities are prohibited or regulated through Source Water Protection, municipal staff will provide applicants with detailed feedback regarding what is required.

**Did you know?** For planning/ building applications located in vulnerable areas, a notice to proceed is required from Halton Region's Risk Management Official before applications are processed.



For more information, visit [halton.ca](http://halton.ca), email [sourcewater@halton.ca](mailto:sourcewater@halton.ca) or call 311.

**RETHINK  
WATER**



Enjoy Conserve Protect



## NOTICE OF PUBLIC HEARING

### **\*This Application was deferred at the May 21, 2025 Committee Meeting\***

Fidel Hanna the owner of 3176 Daniel Way Oakville, has applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **224 Poplar Dr. Burlington** (see map).

The applicant is proposing the construction of a two-storey detached dwelling with an attached garage. This proposal results in the following variances:

1. To permit lot coverage of 28.8% instead of the maximum permitted 25% for a proposed two-storey detached dwelling with attached garage.
2. To permit floor area ratio of 0.51:1 instead of the maximum permitted 0.4:1 for a proposed two-storey detached dwelling with attached garage located within the Shoreacres Character Area.
3. To permit a south-east side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
4. To permit a north-west side yard of 1.8 m instead of the minimum required 1.981 m for a proposed two-storey detached dwelling with attached garage.
5. To permit a dwelling depth of 20.2 m instead of the maximum permitted 18 m measured from building wall closest to front lot line to the building wall closest to the rear lot line for a proposed two-storey detached dwelling with attached garage.
6. To permit a proposed attached garage to project 1.1 m beyond the longest portion of a wall facing a street whereas Zoning By-law 2020 does not permit an attached garage with a garage door facing a street to project beyond the longest portion of a wall facing a street and containing residential floor area on the first storey of a dwelling.
7. To permit a north-west side yard of 1.2 m instead of the minimum required 1.981 m for a proposed basement walkout stair.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing

staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **March 9, 2026**.

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

**WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

**How to participate if I have comments or concerns?**

**Written Submissions**

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

City of Burlington Committee of Adjustment - Community Planning  
426 Brant Street P.O. Box 5013 Burlington, Ontario, L7R 3Z6  
[committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

**Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

1. Virtual Oral Submissions

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

2. In person Oral Submissions

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

**Attend or View the Committee of Adjustment Hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

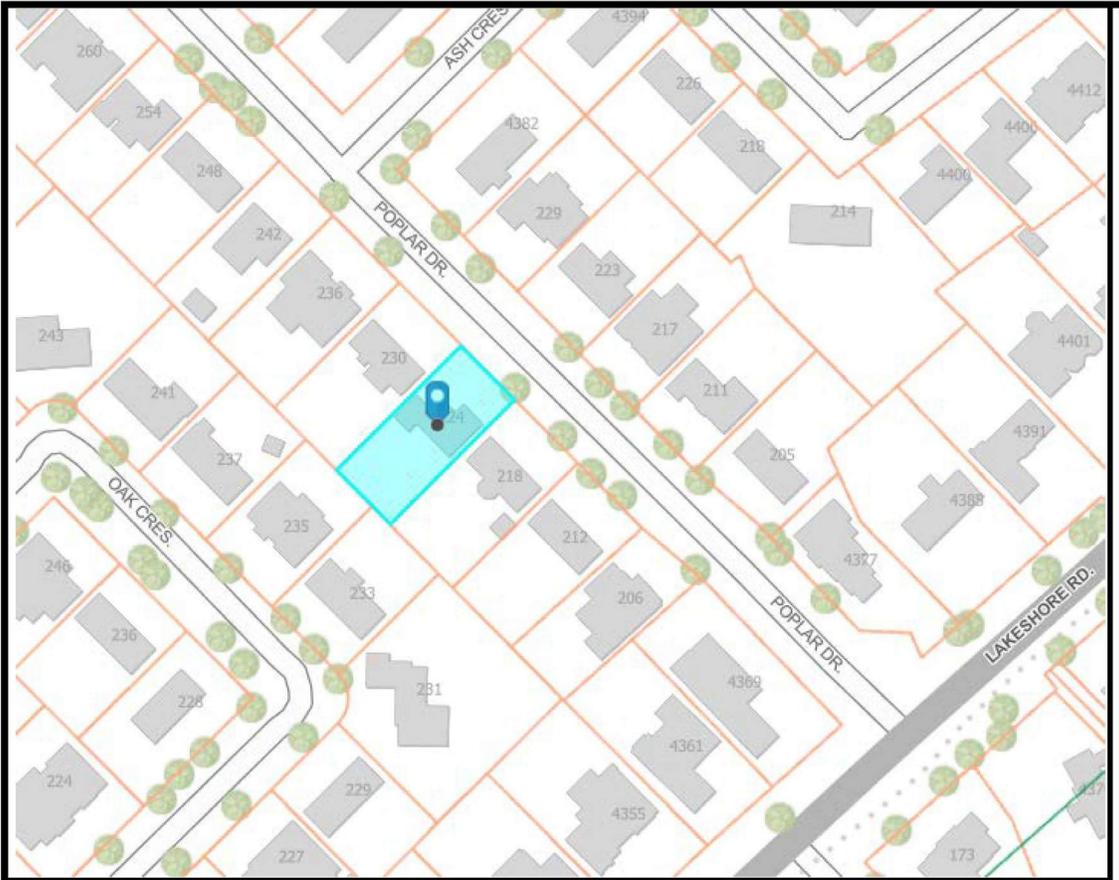
Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

# Key Map



## Key Map



224 Poplar Drive.



Committee of Adjustment Community  
Planning Department - Planning  
Implementation

**PLANNING ACT, R.S.O. 1990, C.P. 13**  
**APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION**

*THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CITY OF BURLINGTON UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, C.P.13, AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 2020. (AS AMENDED)*

Application made under:

Section 45 (1) of the Planning Act

Section 45 (2) of the Planning Act

Discussed the application with a City Zoning Examiner and Development Planner Y  or N

Name of Planner: Elyse Meneray

Name of Zoning Examiner: Jennifer Parker

**PROPERTY INFORMATION**

Municipal Address(es) of property:

224 Poplar Drive, Burlington, ON

Legal Description of property:

Lot 4, Registered Plan 571, City of Burlington

Official Plan Designation: Low Density Residential Current Zoning Designation R2.1

**OWNER(S) INFORMATION:**

Legal Name (as it appears on the title for the property):

Fidel Hanna

Mailing Address: 3176 Daniel Way City: Oakville, ON

Postal Code: L6H 0V1 Home Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_ E-Mail: [REDACTED]

**AGENT INFORMATION** (if applicable): (This person will be the primary point of contact if provided)

Name: Tom Kolbasenko

Business Address: 450 Bronte Street South, Suite 213 City: Milton, ON

Postal Code: L9T 8T2 Home Phone: \_\_\_\_\_ Mobile Phone: [REDACTED]

Work Phone: [REDACTED] E-Mail: [REDACTED]

**PROPOSED DEVELOPMENT** Please outline in detail your proposed development and list each variance you are requesting, as well as the Zoning By-law Requirements. Attach a separate sheet if required.

This project consist on the demolition of and existing one-storey single family residential dwelling and the and the construction of a new two-storey single family residential dwelling, designed to fit within the character of the neighborhood with a large covered front porch. The second storey, steps in from the first floor to minimize the massing impact on adjacent properties. The rear of the dwelling consists on a single storey covered porch and a single storey library/guest room.

Variance(s) Requested	Zoning Bylaw Requirement
1. Lot Coverage 28.8% (256.0 m <sup>2</sup> )	1. Lot Coverage 25% (226.57 m <sup>2</sup> )
2. Gross Floor Area 51% (462.20 m <sup>2</sup> )	2. Gross Floor Area 40% (407.8 m <sup>2</sup> )
3. South-East Side Yard Setback (1.80m)	3. South-East Side Yard Setback (1.981 m)
4. North-West Side Yard Setback (1.80m)	4. North-West Side Yard Setback (1.981 m)
5. Dwelling Depth (20.2 m)	5. Dwelling Depth (18.00m)
6. Attached garage projection (1.1 m)	6. No attached garage projection permitted
7. North-West Side Yard Setback (1.20m) basement stair	7. North-West Side Yard Setback (1.981 m)

**In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:**

- Why is the variance(s) minor in nature? Please refer to attached responses
- Why are the variance(s) desirable for the appropriate use of the land? Please refer to attached responses
- Do the variance(s) meet the intent and purpose of the Official Plan? Please refer to attached responses
- Do the variance(s) meet the intent and purpose of the Zoning By-law? Please refer to attached responses

**In your own words, please explain why you are unable to comply with the provisions of the Zoning By-law and how the minor variance(s) meet the four (4) tests under the Planning Act:**

**1. Why is the variance(s) minor in nature?**

**Answer:** The side yard setback variances are only for the 1st floor and are in line with the 1.8m setback in rest of this Zoning group. The 2nd story floor plate steps in and is in compliance with the 1.98 m (10% setback).

The increase in lot coverage is due to the single story rear covered porch and single story back room, which do not have any impact on massing, shadow or obstruction of views for adjoining properties.

The increase in the residential floor area is requested due to the fact that our client's lot is a lot narrower than the adjacent lots and due to the client's desire to have a single story back room behind the kitchen as a spare bedroom and/or library. The massing and scale of the exterior of the house is in keeping with the character of the neighborhood, and the additional residential floor area does not create any negative impacts on the neighborhood or adjacent neighbors.

Similarly the increased length of the house is due to the single story room at the back of the house, which will not have any negative impact on massing, shadow or obstruction of views for adjoining properties.

**2. Why are the variance(s) desirable for the appropriate use of the land?**

**Answer:** It is our opinion that variances are desirable because they balance the homeowner's needs with the neighborhood's character and zoning standards. They ensure the development is functional, contextually appropriate, and minimally impactful. This alignment with community standards and lack of significant adverse effects make the variances appropriate for the subject property.

**3. Do the variance(s) meet the intent and purpose of the Official Plan?**

**Answer:** YES

**4. Do the variance(s) meet the intent and purpose of the Zoning By-law?**

**Answer:** We are of the opinion that the request variances maintains the general intent and purpose of the Zoning By-law

The proposed side yard setback is only reduced on the 1st floor and aligns with the 1.8m standard in the zoning group, ensuring consistency with the neighborhood's character. The step-in design for the second-story floor plate complies with the required 1.98m (10%) setback, mitigating concerns about overshadowing or massing. These adjustments ensure the building remains proportional and in harmony with nearby structures, preserving the local aesthetic and meets general intent and purpose of the Zoning By-law.

The additional lot coverage results from a single-story rear covered porch and a back room. These features do not impact massing, shadows, or views for adjoining properties. They are simply functional,

low-impact additions that maintain compatibility with the neighborhood while enhancing the property's usability.

The increase in residential floor area is needed because the lot is narrower than adjacent lots, and the homeowner desires a single-story back room for practical purposes (e.g., a spare bedroom or library). The increased floor area does not negatively affect the massing, scale, or shadowing and aligns with the neighborhood's character. The design accommodates the narrower lot while preserving the area's integrity.

Lastly the extended length is also due to the narrow nature of the lot and is due to the single-story room at the back. This addition does not impact massing, shadows, or views for neighboring properties. The design respects adjacent properties by limiting the height and scale of the extension, ensuring minimal visual or physical impact.

It is our opinion that the requested variances ensure the building remains proportional and in harmony with nearby structures, preserving the local aesthetic and meets general intent and purpose of the Zoning By-law.

<b>PROPERTY DETAILS (please complete all fields):</b>				
Date property purchased:	2018	Date property first built on:	Unknown	Date of proposed construction:
	mmm/dd/yyyy		mmm/dd/yyyy	June 2025
<b>Existing Use of the Subject Property</b> (check one):		Length of time the existing uses of the subject property have continued:		
Detached Dwelling <input checked="" type="checkbox"/> Semi-Detached Dwelling <input type="checkbox"/> Townhouse Dwelling <input type="checkbox"/> Street Townhouse Dwelling <input type="checkbox"/> Stacked Townhouse Dwelling <input type="checkbox"/> Apartment <input type="checkbox"/> Mixed Use <input type="checkbox"/> Hi Rise <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/> Other <input type="checkbox"/> _____		Since built		
		<b>Proposed Use of the Land:</b>		
		Detached Dwelling		
<b>Existing Uses of Abutting Properties</b> (check all that apply)				
Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Residential <input type="checkbox"/> Vacant <input type="checkbox"/> Hydro right-of-way <input type="checkbox"/> Railway right-of-way <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Park <input type="checkbox"/> Other <input type="checkbox"/> _____ Conservation Halton Lands: Lake Ontario <input type="checkbox"/> Creek <input type="checkbox"/> Storm Water Management Pond/Channel <input type="checkbox"/> Ravine <input type="checkbox"/>				
<b>Additional Information</b>				
Is liquor sold on site?    Y <input type="checkbox"/> or N <input checked="" type="checkbox"/>				
Is the property on the Municipal Cultural Heritage Register for the City of Burlington?    Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Unknown <input type="checkbox"/>				
<b>Type of Access to the Subject Lands</b>				
Provincial Highway <input type="checkbox"/>	Municipal Road <input checked="" type="checkbox"/>	Private Road <input type="checkbox"/>	Water <input type="checkbox"/>	Other(specify) <input type="checkbox"/>
<b>Municipal Services Provided</b>				
Water <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____			
Sanitary Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____			
Storm Sewers <input checked="" type="checkbox"/>	If not available, by what means is it provided: _____			
<b>IS THE SUBJECT LAND(S) THE SUBJECT OF ANY OF THE FOLLOWING DEVELOPMENT APPLICATIONS:</b>				
<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Zoning By-law Amendment <input type="checkbox"/> Building Permit <input type="checkbox"/> Site Development Plan <input type="checkbox"/> Plan of Subdivision <input type="checkbox"/> Previous Minor Variance <input type="checkbox"/> Consent				

**FOR RESIDENTIAL DETACHED OR SEMI-DETACHED DWELLINGS**

Dimensions of Property			Street Width (see first page of application for how to obtain)			Lot Coverage	Corner Lot? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Frontage 19.81m	Depth 45.75	Area 906.29	Actual 20m	Deemed 20m	Required 0.00m		

**Particulars of all buildings and structures on or proposed for the subject lands**

(attach additional page if required)

EXISTING (Dwelling/Building)			PROPOSED (Dwelling/Building/Addition)		
Ground Floor Area (incl. attached garage)	146.78	M <sup>2</sup>	Ground Floor Area (incl. attached garage)	256.72	M <sup>2</sup>
Gross Floor Area:	114.36	M <sup>2</sup>	Gross Floor Area:	455.91	M <sup>2</sup>
Number of Storeys:	1		Number of Storeys:	2	
Width:	16.80	M	Width:	16.20	M
Length:	14.02	M	Length:	20.16	M
Height:	5.78	M	Height:	10	M
<b>Garage/Car Port</b>			<b>Garage/Car Port</b>		
Detached?	Y <input type="checkbox"/> N <input type="checkbox"/>		Detached?	Y <input type="checkbox"/> N <input type="checkbox"/>	
Gross Floor Area:		M <sup>2</sup>	Gross Floor Area:		M <sup>2</sup>
Width:		M	Width:		M
Length:		M	Length:		M
Height:		M	Height:		M
<b>Accessory Structures (Shed, Gazebo, etc)</b>			<b>Accessory Structures</b>		
Gross Floor Area:		M <sup>2</sup>	Gross Floor Area:		M <sup>2</sup>
Width:		M	Width:		M
Length:		M	Length:		M
Height:		M	Height:		M
<b>Other (pool, additional sheds, decks, driveways, etc.)</b>			<b>Other</b>		
Gross Floor Area:		M <sup>2</sup>	Gross Floor Area:	N/A	M <sup>2</sup>
Width:		M	Width:	N/A	M
Length:		M	Length:	N/A	M
Height:		M	Height:	N/A	M

**LOCATION of all existing and proposed buildings and structures**

EXISTING			PROPOSED		
Front:	10.84	M	Front:	9.72	M
Rear:	20.86	M	Rear:	14.24	M
Side/Street Side:	West 0.80	M	Side/Street Side:	South-East 1.80	M
Side/Other Side:	East 2.08	M	Side/Other Side:	North-West 1.20	M

**EXEMPTION FROM NEW SURVEY REQUIREMENT**

Minor additions to an existing dwelling or for a proposed accessory building or structure (i.e., deck, driveway, pergola, shed), may be exempt from having to provide a new survey. Please refer to Page 3 of this application package for more details. Minor Variances with concurrent Consent applications require a new survey.

Applicant/Owner: Tom Kolbasenko

Property Address: 224 Poplar Drive  
 Burlington, ON, L7L 2N4

1. I, Tom Kolbasenko In my capacity as Agent do attest to the following:  
Print Name (Owner or agent)

**Please complete Section A, B, or C**

**A.** The OLS survey/sketch of survey dated Apr / 12 / 2024  
mmm/dd/yyyy  
 has been revised by: Yonug & Young Surveying (Etobicoke 2006) Inc.  
(Person or Company Name)

**OR**

**B.** The site plan, architect's plan or engineer's plan dated \_\_\_\_\_  
mmm/dd/yyyy  
 has been revised by: \_\_\_\_\_  
(Person or Company Name)

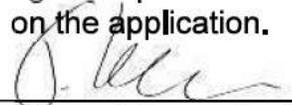
**OR**

**C.** The sketch or plot plan\*\* dated \_\_\_\_\_  
mmm/dd/yyyy  
 \*\*Accepted for applications involving variances for Uses only.  
 was prepared by: \_\_\_\_\_  
(Person or Company Name)

2. All structures, measurements, setbacks and boundaries of the property are shown accurately as of: Apr / 12 / 2024  
mmm/dd/yyyy

3. The material submitted shows all measurements in metric, as calculated/converted by: Our Cool Blue Architects Inc.  
(Person or Company Name)

4. Should the need arise during application processing for an new OLS survey, the applicant/agent agree to provide the survey as required by Committee or city staff in order to receive a decision on the application.

  
 Signature of Owner/Applicant

Jan / 06 / 2025  
 Date (mmm/dd/yyyy)

**POSTING OF ADVISORY SIGN**

This will confirm the requirement of the Committee of Adjustment for a sign to be posted by all applicants or agents on each property under application.

A sign will be made available to you after completion of the zoning review of your application(s) and you are directed to post each sign in a prominent location that will enable the public to observe the sign.

The location of each sign will depend on the lot and location of structures on it, however, the sign should be placed so as to be legible from the roadway in order that the public can see the sign and make note of the telephone number should they wish to make inquiries. In most cases, please post the sign on a stake as you would a real estate sign. For commercial or industrial buildings it may be appropriate to post the sign on the front wall of the building at its entrance. Please contact the undersigned if you have any queries on the sign location.

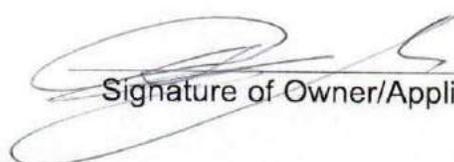
**DO NOT POST THE SIGN INSIDE THE BUILDING BY A WINDOW. The sign must be outdoors by the roadway in order to be visible and readable.**

Each sign must remain posted beginning 10 days prior to the hearing, until the day following the hearing. Please fill in the form below indicating your agreement to post the sign(s) as required. This form must be submitted with the application so that it may be placed on file as evidence that you have met the committee's requirements. Failure to post the sign as required will result in deferral of the application.

**I UNDERSTAND THAT EACH SIGN MUST BE POSTED AT LEAST 10 DAYS BEFORE THE HEARING, AND WILL REMAIN POSTED AND BE REPLACED, IF NECESSARY, UNTIL THE DAY FOLLOWING THE HEARING.**

Owner Name Fidel Hanna

Property Address 224 Poplar Drive,  
Burlington, ON, L7L 2N4

  
Signature of Owner/Applicant

December 30th, 2024  
Date (mmm/dd/yyyy)

**AFFIDAVIT**

\*Please fill out at time of submission of application

I have the authority to bind the Corporation (check if applicable)  Signature of Applicant or Authorized

Agent: Tom Kolbasenko

I, Tom Kolbasenko of the Region of Halton in the Town  
(print name) (Region/City/County) (City/Town/Township)

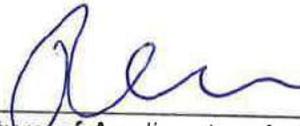
of Milton solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Region of Halton in the Town of Milton  
(Region/City/County) (City/Town/Township)

this 30th day of December 2024.



Signature of Commissioner, etc.



Signature of Applicant or Authorized Agent

**Micaela Marie Silva, a Commissioner, etc.,**  
Province of Ontario, for Morgan and Philips LLP,  
Barristers and Solicitors.  
Expires August 27, 2027.

**PERMISSION TO ENTER**

**\*IMPORTANT\*** This MUST be completed for all applications and signed by the OWNER.

Municipal Address of Subject Lands: 224 Poplar Drive, Burlington, ON L7L 2N4

I hereby authorize the Committee of Adjustment members, City of Burlington and Region of Halton staff to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.



Signature of Owner

Fidel Hanna

Print Name

**OWNERS AUTHORIZATION**

If using an agent, the owner must also complete the following form:

I, Fidel Hanna  
(print name) being the registered owner of the subject lands, hereby

Authorize Tom Kolbasenko  
(print agent name) to prepare, submit and act on my behalf with respect to this

application for a Minor Variance.

  
\_\_\_\_\_  
Signature of Owner

December 30th, 2024

\_\_\_\_\_  
Date (mmm/dd/yyyy)

**Notice of collection of personal information**

Personal information contained on this form is collected under the authority of the Planning Act, RSO 1990, c. P.13, to process applications and make decisions. Applications made under the Planning Act, are considered part of the public record and shall be made available to the public. Questions about this collection can be directed to the Manager of Development Planning, City of Burlington, 426 Brant Street, Burlington, Ontario, L7R 3Z6, 905-335-7600.

The applicant acknowledges that an application, all supporting information and materials, including studies and drawings, submitted under the Planning Act, pursuant to s. 1.0.1 of the Planning Act, RSO 1990, c.P.13, as amended, shall be made available to the public.

<b>Minor Variance Application Checklist</b> Please add a check mark beside the items you have provided with your application. Illegible drawings or those missing required details will be returned to applicant.	<b>Select (✓)</b>
<b>LEGAL SURVEY (must be prepared and signed and dated by an Ontario Land Surveyor)</b>  * For new development, a Proposed Building Plan stamped by an Ontario Land Surveyor or Professional Engineer may be required.	
OR	
<b>DETAILED SITE PLAN (must be prepared and stamped by Professional Engineer, Ontario Land Surveyor or Professional Architect). A legal survey may still be required at the discretion of staff.</b>	
AND	
<b>PLAN and ELEVATION DRAWINGS which include the following as applicable:</b> (Missing details or illegible drawings will be sent back to the applicant for correction)	
<b>SITE PLAN</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Metric Scale</li> <li><input checked="" type="checkbox"/> North Arrow</li> <li><input checked="" type="checkbox"/> Frontage</li> <li><input checked="" type="checkbox"/> Depth</li> <li><input checked="" type="checkbox"/> Lot Area</li> <li><input checked="" type="checkbox"/> Lot Coverage</li> <li><input checked="" type="checkbox"/> Deemed Street Line</li> <li><input checked="" type="checkbox"/> Existing Front Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Rear Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Street Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Existing Porch, Stairs and Overhang Setbacks</li> <li><input checked="" type="checkbox"/> Proposed Front Yard Setbacks</li> <li><input checked="" type="checkbox"/> Proposed Rear Yard Setbacks</li> <li><input checked="" type="checkbox"/> Proposed Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Proposed Street Side Yard Setbacks</li> <li><input checked="" type="checkbox"/> Proposed Porch, Stairs and Overhang Setbacks</li> <li><input checked="" type="checkbox"/> Streets (Public and Private)</li> <li><input checked="" type="checkbox"/> Street Names</li> <li><input checked="" type="checkbox"/> Parking (Dimensioned spaces, Driveway Width, Arrangement)</li> <li><input type="checkbox"/> Railways (Location of them and setbacks to structures)</li> <li><input type="checkbox"/> All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)</li> </ul>	

**Minor Variance Application Checklist**

Please add a check mark beside the items you have provided with your application.  
 Illegible drawings or those missing required details will be returned to applicant.

**LOCATION AND MEASUREMENTS OF SHED, DECK OR OTHER STRUCTURES**

- Setbacks
- Height
- Area
- Length
- Width

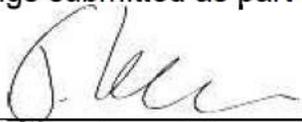
**ELEVATIONS**

- Metric
- Front
- Rear
- Side 1
- Side 2

**FLOOR PLANS**

- Metric
- North Arrow
- Gross Floor Area Calculation
- Ground Floor Area Calculation
- Floor Area Ratio (where applicable)

I have reviewed the minor variance checklist and ensure all the applicable information is shown on the drawings submitted as part of this application.

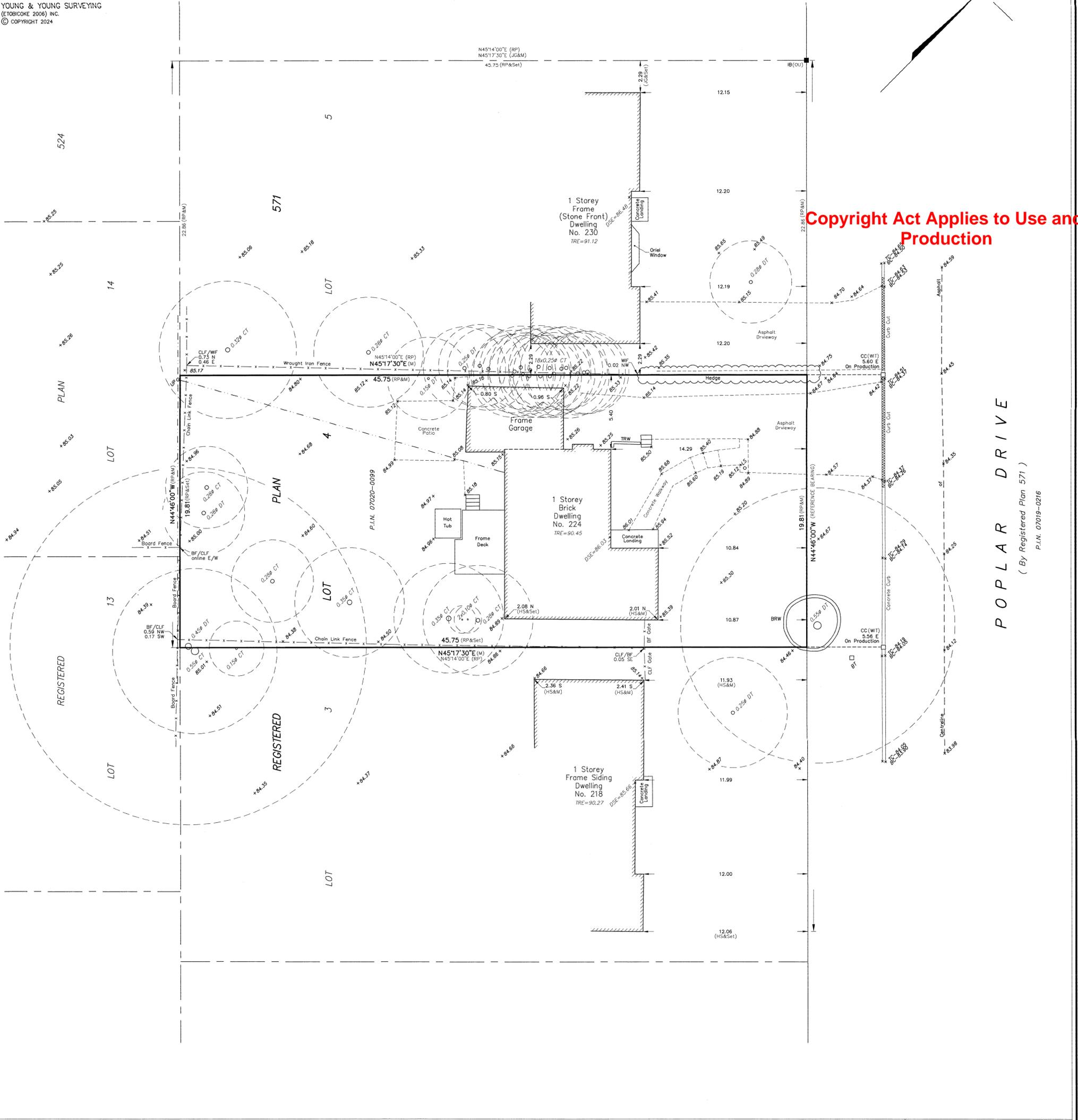


\_\_\_\_\_  
 Signature of Owner/Agent

December 10-2025

\_\_\_\_\_  
 Date (mmm/dd/yyyy)

SURVEYOR'S REAL PROPERTY REPORT - PART 1  
 PLAN OF  
**LOT 4**  
**REGISTERED PLAN 571**  
**CITY OF BURLINGTON**  
 Regional Municipality of Halton  
 SCALE 1 : 150  
 3m 2m 1m 0m 5m  
**YOUNG & YOUNG SURVEYING**  
 (ETOBICOKE 2006) INC.  
 © COPYRIGHT 2024



**POPLAR DRIVE**  
 ( By Registered Plan 571 )  
 P.I.N. 07019-0216

**METRIC**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON THE 11TH DAY OF APRIL 11, 2024.

APRIL 12, 2024  
 DATE  
  
 CHRIS BERESNIENCZ  
 ONTARIO LAND SURVEYOR



**LEGEND**

□	DENOTES	SURVEY MONUMENT SET
■	DENOTES	SURVEY MONUMENT FOUND
RP	---	REGISTERED PLAN 571
N,S,E,W	---	NORTH,SOUTH,EAST,WEST
M	---	MEASURED
CC	---	CUT CROSS
IB	---	IRON BAR
WT	---	WITNESS
OU	---	ORIGIN UNKNOWN
P.I.N.	---	PROPERTY IDENTIFIER NUMBER
---	---	OVERHEAD WIRES
UP	---	UTILITY POLE
TC	---	TOP OF CURB
BC	---	BOTTOM OF CURB
TRE	---	TOP OF ROOF ELEVATION
DSE	---	DOOR SILL ELEVATION

**LEGEND (...cont.)**

BF	DENOTES	BOARD FENCE
CLF	---	CHAIN LINK FENCE
WIF	---	WROUGHT IRON FENCE
LS	---	LIGHT STANDARD
BRW	---	BRICK RETAINING WALL
TRW	---	TIMBER RETAINING WALL
DT	---	DECIDUOUS TREE
CT	---	CONIFEROUS TREE
φ	---	DIAMETER
HS	---	PLAN BY H. D. SEWELL, O.L.S. DATED JUNE 7, 1955
JG	---	PLAN BY J.H. GELBLOOM SURVEYING LTD., O.L.S. DATED MAY 29, 2018

**ELEVATION NOTE**  
 ELEVATIONS ARE GEODETIC AND ARE REFERRED TO THE CITY OF BURLINGTON BENCHMARK NO. 380 HAVING A PUBLISHED ELEVATION OF 82.57 METRES.

**BEARING NOTE**  
 BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHWESTERLY LIMIT OF POPLAR DRIVE, HAVING A BEARING OF N44°46'00"W ACCORDING TO REGISTERED PLAN 571

THIS PLAN WAS PREPARED FOR FIDEL HANNA

**PART 2 - SURVEY REPORT**

1) PLEASE NOTE LOCATION OF FENCES AND OVERHEAD WIRES  
 2) REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY : NONE  
 3) THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

**YOUNG & YOUNG**  
 SURVEYING (ETOBICOKE 2006) INC.  
 310 North Queen St., Unit 102, Toronto ON M9C 5K4  
 Tel: (416) 621-2676 - Fax: (416) 621-3360  
 E-MAIL: info@youngandyoung.ca

DRAWN: E.C. CHECKED: J.L./C.B. PROJECT 24-T11544

# 224 POPLAR DRIVE

BURLINGTON, ONTARIO



Copyright Act Applies to Use and Production



our cool blue architects  
 450 BRONTE ST. S. SUITE 213  
 MILTON - ON - L9T 1P4  
 www.ourcoolblue.com  
 e: info@ourcoolblue.com  
 p: 905 363 7677  
 f: 905 363 7677

OCBA

general notes:

1. ALL DIMENSIONS IN IMPERIAL.
2. VERIFY ALL DIMENSIONS.
3. DO NOT SCALE DRAWINGS.
4. CHECK DRAWINGS AGAINST SPECIFICATIONS.
5. USE THE LATEST REVISED DRAWINGS ONLY.
6. REPORT ANY DISCREPANCIES, DISCOVERED ERRORS, OR OMISSIONS, TO THE OWNER BEFORE PROCEEDING.
7. CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION AND INFORM OWNER OF ALL DISCREPANCIES. DO NOT SCALE THESE DRAWINGS.
8. CONSTRUCTION SHALL BE IN ACCORDANCE WITH PART 9 AND 4 OF THE ONTARIO BUILDING CODE AND LOCAL BY-LAWS.
9. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONFORM WITH THESE SECTIONS WHERE APPLICABLE AND BE AQUAINTED GENERALLY WITH PART 9 OF THE BUILDING CODE

#	DATE	DESCRIPTION	INITIALS
1	2025/11/10	COMMITTEE OF ADJUSTMENT	TK



DRAWING LIST

- A0.0 COVER PAGE
- A1.1 SITE PLAN
- A2.1 BASEMENT PLAN
- A2.2 GROUND FLOOR PLAN
- A2.3 SECOND FLOOR PLAN
- A2.4 ROOF PLAN
- A3.1 EXTERIOR ELEVATIONS
- A3.2 EXTERIOR ELEVATIONS

COMMITTEE OF ADJUSTMENT - NOVEMBER 10, 2025

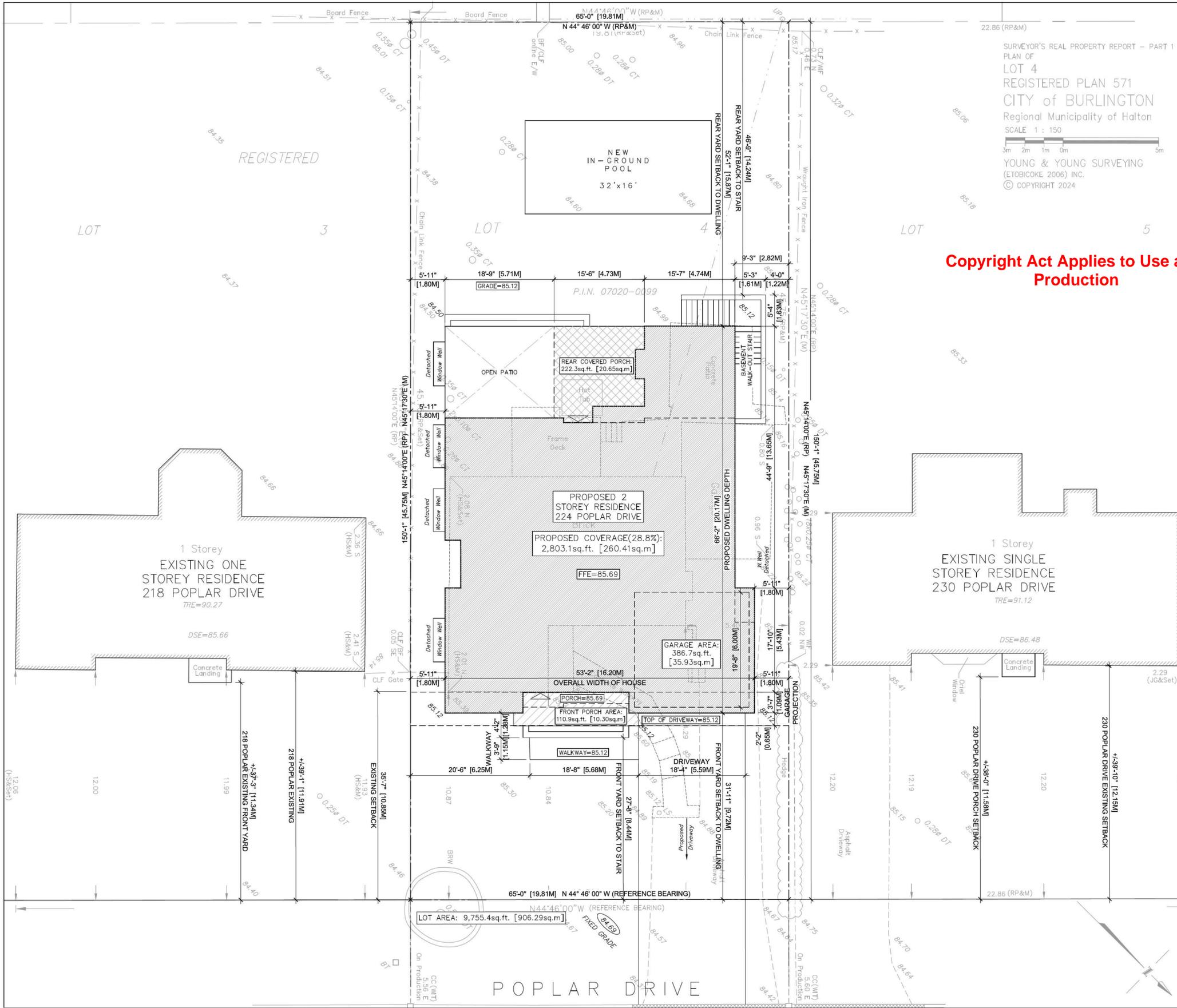
COMMITTEE OF ADJUSTMENT  
 Issued for:  
 NOVEMBER 10, 2025  
 Issue date

Project No.	ND	TK
Drawn by		Checked by

224 Poplar Drive  
 Burlington Ontario  
 Project  
 Cover Page  
 Drawing title

A0.0  
 Sheet no.





SURVEYOR'S REAL PROPERTY REPORT - PART 1  
 PLAN OF  
 LOT 4  
 REGISTERED PLAN 571  
 CITY of BURLINGTON  
 Regional Municipality of Halton  
 SCALE 1 : 150  
 YOUNG & YOUNG SURVEYING  
 (ETOBICOKE 2006) INC.  
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**SITE DATA:**  
**ZONING:** R2.1  
**LOT AREA:** 906.29 SQM (9,755.4 SQFT)  
**SETBACKS:**  
**FRONT YARD SETBACK:**  
 REQUIRED: 9.00 M  
 PROPOSED: 9.66 M  
**SIDE YARD (NORTH-WEST) SETBACK:**  
 REQUIRED (10% OF LOT WIDTH): 1.98 M  
 PROPOSED: 1.80 M  
**SIDE YARD (NORTH-WEST) SETBACK (BASEMENT STAIR):**  
 REQUIRED (10% OF LOT WIDTH): 1.98 M  
 PROPOSED: 1.20 M  
**SIDE YARD (SOUTH-EAST) SETBACK:**  
 REQUIRED (10% OF LOT WIDTH): 1.98 M  
 PROPOSED: 1.80 M  
**REAR YARD SETBACK:**  
 REQUIRED: 10.00 M  
 PROPOSED: 15.87 M  
**BUILDING FOOTPRINT AREA:**  
 MAIN DWELLING: 256.72 SQM (2,763.3 SQFT)  
 REAR COVERED PORCH: 20.65 SQM (222.3 SQFT)  
 FRONT COVERED PORCH: 10.30 SQM (110.9 SQFT)  
**OVERALL TOTAL:** 287.68 SQM (3,096.6 SQFT)  
**LOT COVERAGE:**  
 MAXIMUM PERMISSIBLE - 25%: 906.29 X 0.25 = 226.57 SQM (2,438.9 SQFT)  
 PROPOSED: - LOT AREA x 28.8%: 260.41 SQM (2,803.1 SQFT)  
**FLOOR AREA RATIO (FAR) EXTERIOR FACE:**  
 MAIN FLOOR: 256.72 SQM (2,763.3 SQFT)  
 SECOND FLOOR: 199.19 SQM (2,144.1 SQFT)  
**TOTAL FLOOR AREA:** 455.87 SQM (4,907.0 SQFT)  
**MAXIMUM FAR:**  
 MAXIMUM PERMISSIBLE: 40%: 362.52 SQM (3,902.2 SQFT)  
 PROPOSED: LOT AREA x 50.3%: 455.91 SQM (4,907.4 SQFT)  
**ROOF AREA (AT SECOND STOREY):**  
 FLAT ROOF (<10% SLOPE): 48.14 SQM (518.2 SQFT)  
 SLOPED ROOF (>10% SLOPE): 143.96 SQM (1,549.6 SQFT)  
**BUILDING LENGTH:**  
 MAXIMUM PERMITTED: 18.00M  
 PROPOSED: 21.17M  
 10.0 M  
**BUILDING HEIGHT:**  
 MAXIMUM PERMISSIBLE: 10.0 M  
 PROPOSED: 10.0 M  
**GARAGE AREA:**  
 PROPOSED: 35.93 SQM (386.7 SQFT)

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general notes:

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#	DATE	DESCRIPTION	INITIALS
1	2025/11/10	COMMITTEE OF ADJUSTMENT	TK
2	2026/01/05	CMA COMMENT RESPONSE	TK
3	2026/01/30	CMA RESUBMISSION	TK

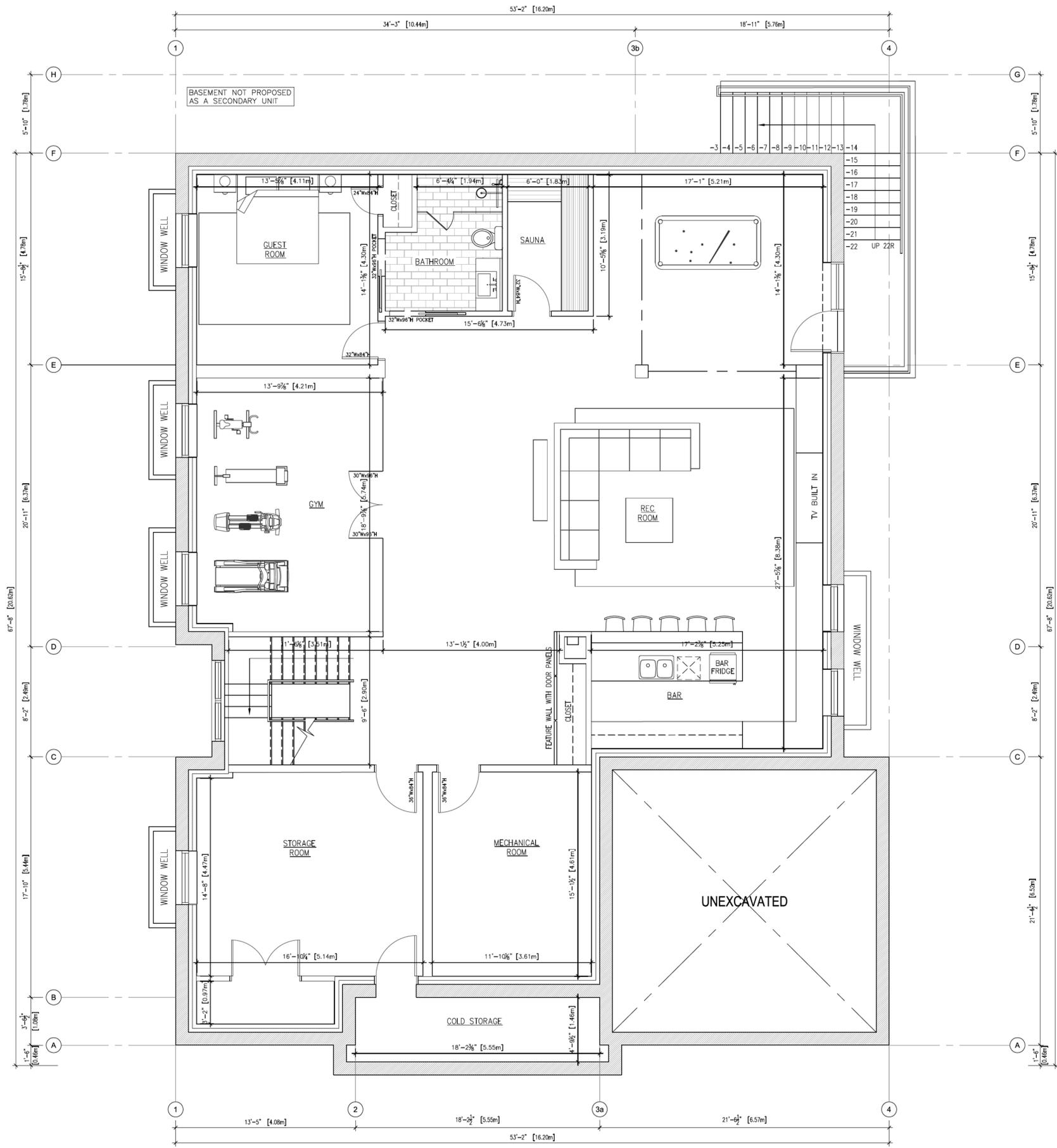
COMMITTEE OF ADJUSTMENT  
 Held for  
 JANUARY 30, 2026  
 Item #16

Project No. ND Drawn by TK Checked by

**224 Poplar Drive**  
 Burlington Ontario  
 Project  
 Site Plan  
 Drawing title

**A1.1**

1 SITE PLAN  
 A1.1 SCALE = 1:100

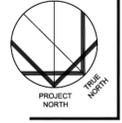


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ISSUE

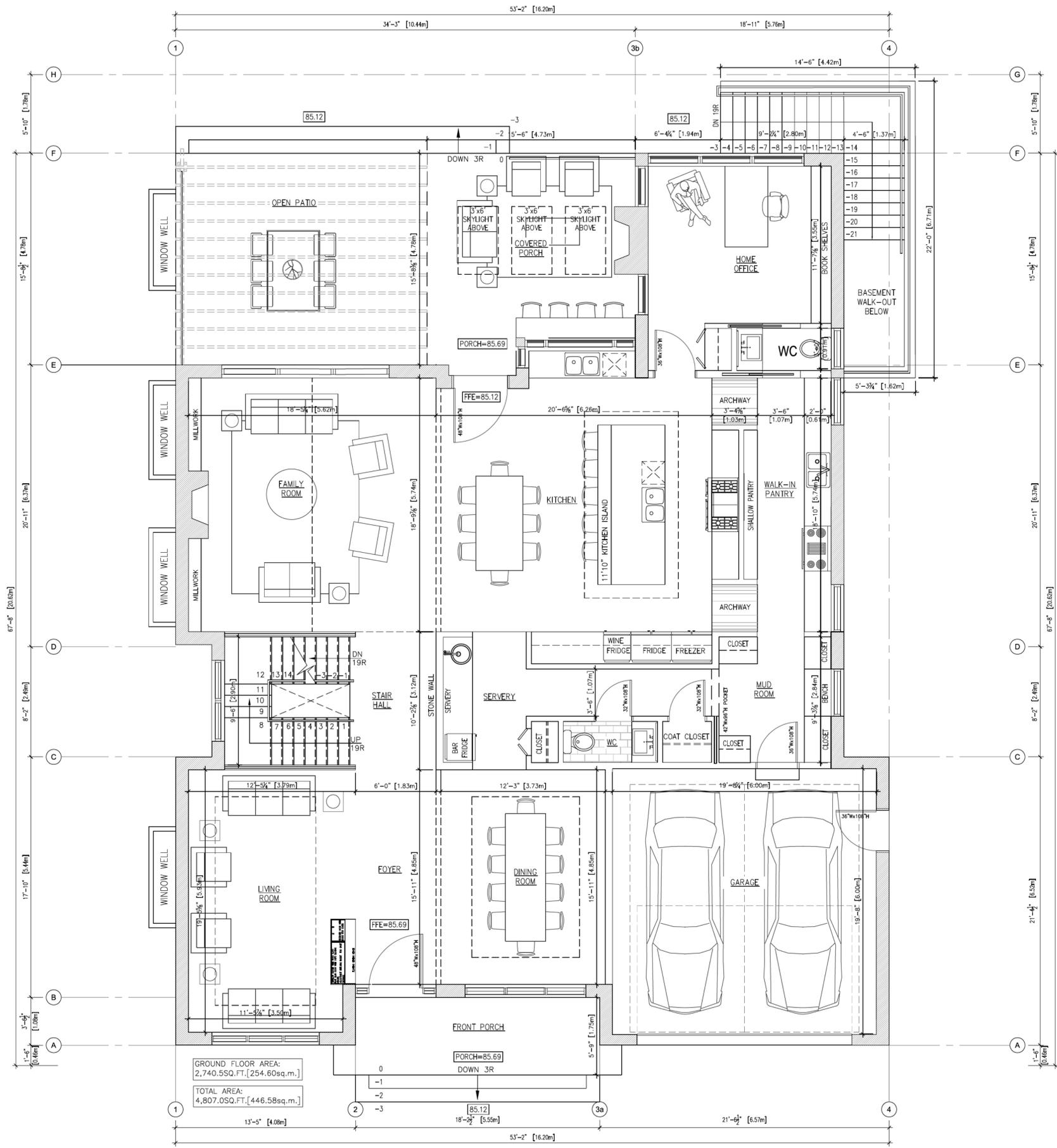
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1	2025/1/10	COMMITTEE OF ADJUSTMENT	TK



COMMITTEE OF ADJUSTMENT  
 Issued for:  
**NOVEMBER 10, 2025**  
 Drawn by: ND  
 Checked by: TK

224 Poplar Drive  
 Burlington Ontario  
 Project  
**Basement Plan**

Sheet no. **A2.1**



GROUND FLOOR AREA:  
2,740.55SQ.FT. [254.60sq.m.]

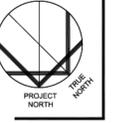
TOTAL AREA:  
4,807.05SQ.FT. [446.58sq.m.]

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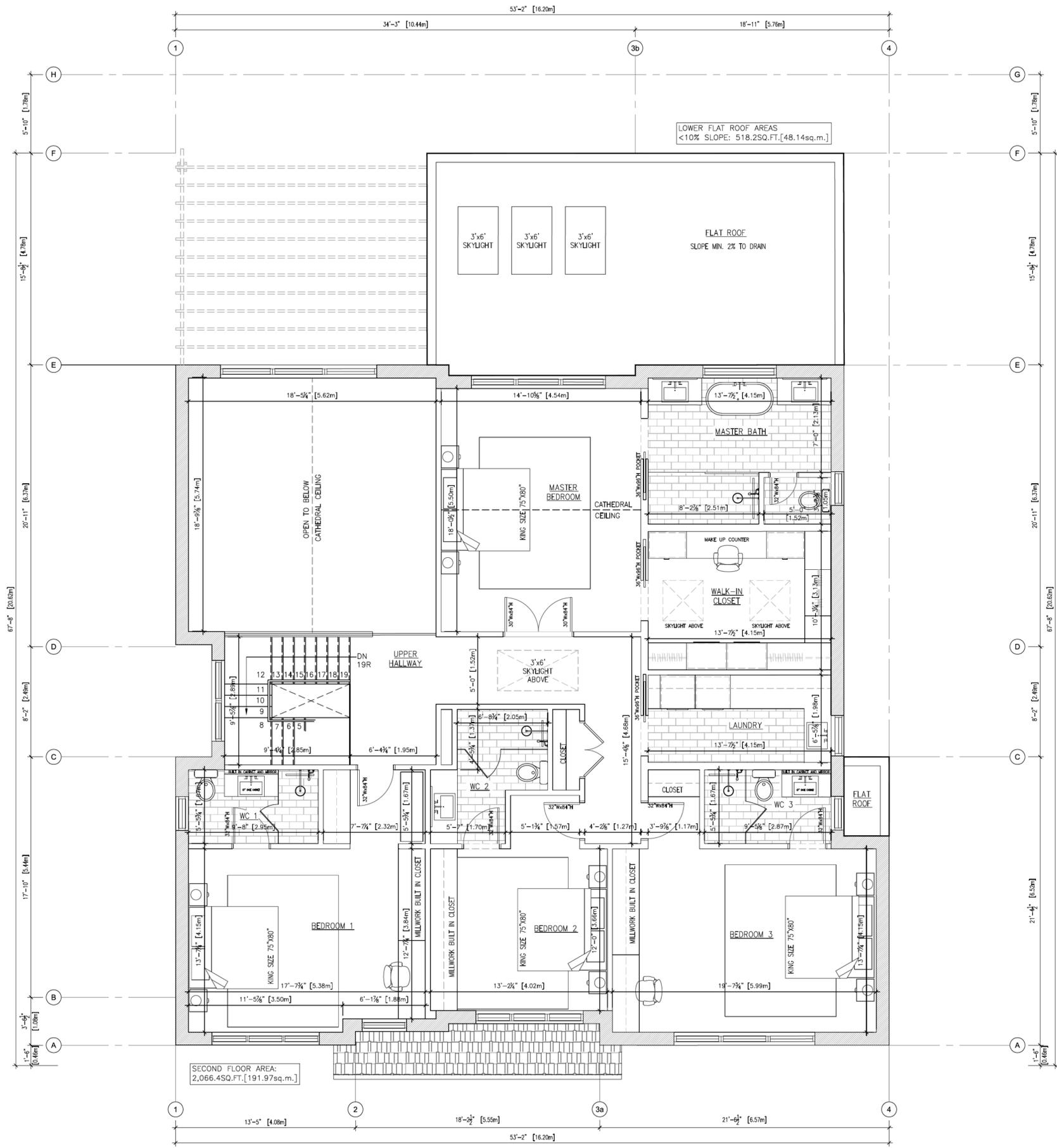
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1	2025/1/10	COMMITTEE OF ADJUSTMENT	TK



COMMITTEE OF ADJUSTMENT  
Held for:  
NOVEMBER 10, 2025  
Drawn by: ND  
Checked by: TK

224 Poplar Drive  
Burlington Ontario  
Project  
Ground Floor Plan

A2.2



LOWER FLAT ROOF AREAS  
<10% SLOPE: 518.2SQ.FT.[48.14sq.m.]

FLAT ROOF  
SLOPE MIN. 2% TO DRAIN

SECOND FLOOR AREA:  
2,066.4SQ.FT.[191.97sq.m.]

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ISSUE

#	DATE	DESCRIPTION	INITIALS
1	2025/11/10	COMMITTEE OF ADJUSTMENT	TK



COMMITTEE OF ADJUSTMENT

held for  
**NOVEMBER 10, 2025**

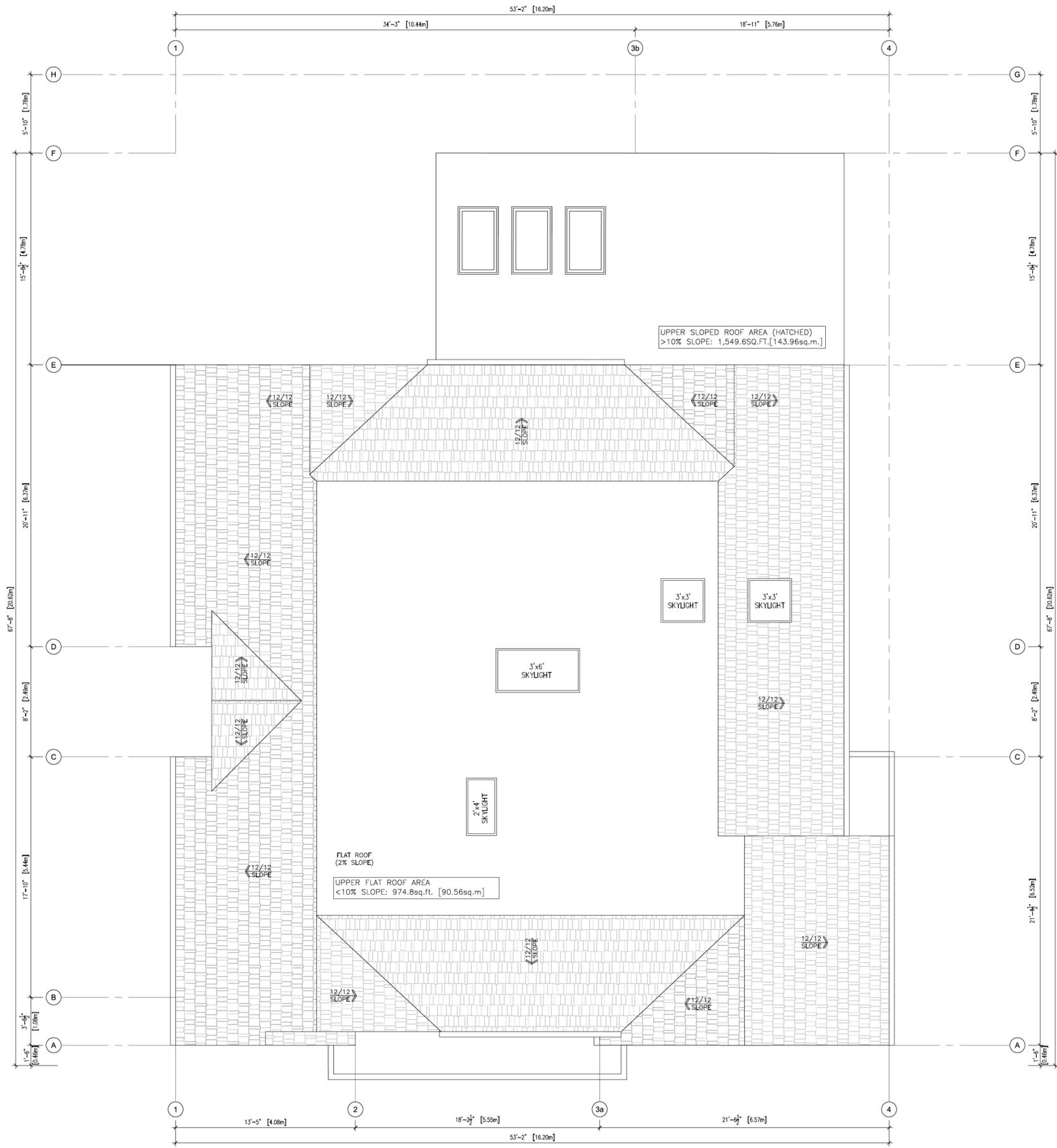
Project No. \_\_\_\_\_ Drawn by \_\_\_\_\_ TK Checked by \_\_\_\_\_

224 Poplar Drive  
Burlington Ontario

Second Floor Plan

Sheet No.

**A2.3**



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COMMITTEE OF ADJUSTMENT  
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 Date Held

224 Poplar Drive  
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Roof Plan

A2.4



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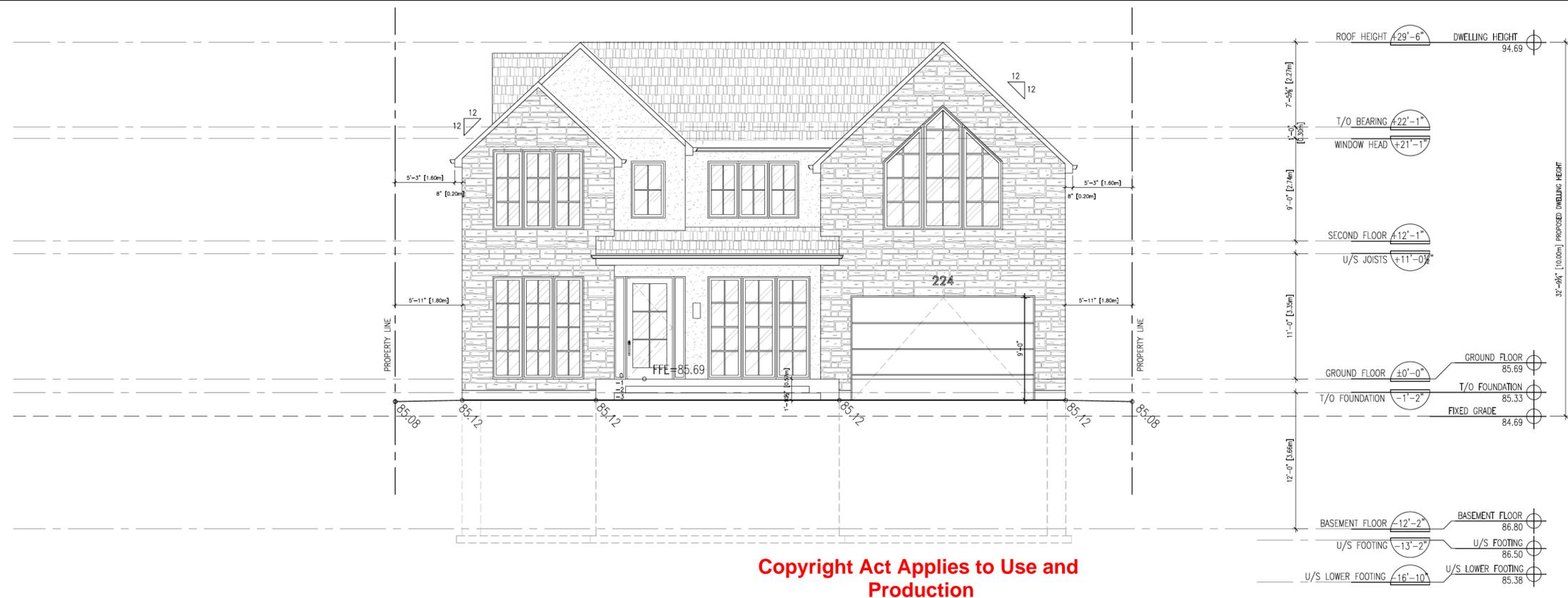


**COMMITTEE OF ADJUSTMENT**

Issued for  
**NOVEMBER 10, 2025**  
 Date Issued  
 Project No. ND TK  
 Drawn by Checked by

**224 Poplar Drive**  
 Burlington Ontario  
 Project  
 Exterior Elevations  
 Drawing title

Sheet no. **A3.1**

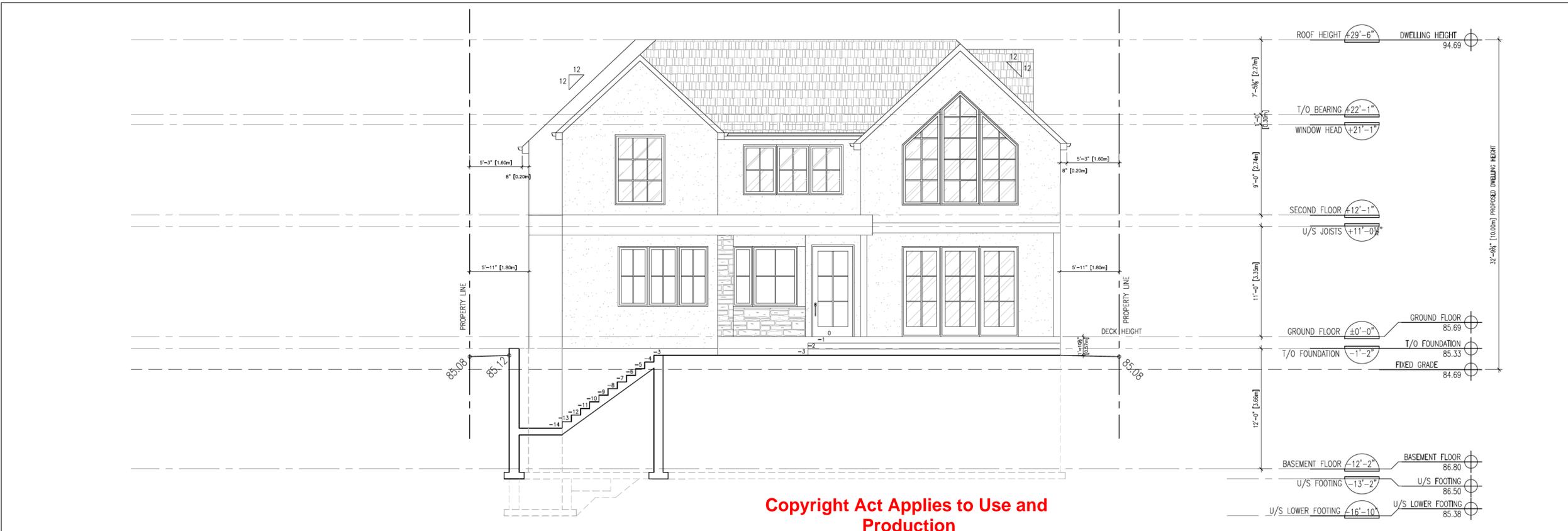


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**1** NORTH ELEVATION  
 A3.1 3/16" = 1'-0"

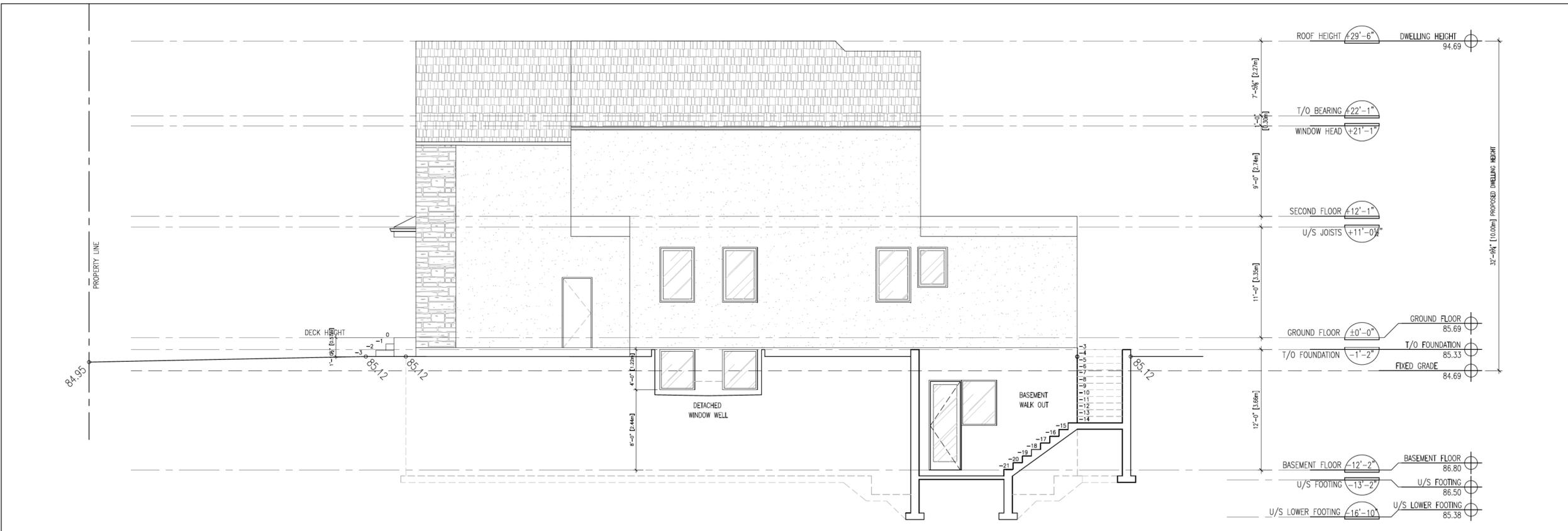


**1** EAST ELEVATION  
 A3.1 3/16" = 1'-0"



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1 SOUTH ELEVATION  
3/16" = 1'-0"



2 WEST ELEVATION  
3/16" = 1'-0"



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COMMITTEE OF ADJUSTMENT			
November 10, 2025			
Project No.	ND	TK	Checked by

224 Poplar Drive  
Burlington Ontario  
Project  
Exterior Elevations  
Drawing title

A3.2



## NOTICE OF PUBLIC HEARING

Shashank Kagwad and Kritika Kallimani of 1158 Fisher Ave. Burlington have applied to the Committee of Adjustment for a Minor Variance to the requirements of Zoning By-law 2020, as amended. The property in question is **1158 Fisher Ave. Burlington** (see map).

The applicant is proposing the construction of a 178 m<sup>2</sup> one-storey rear yard accessory building with uncovered deck. The accessory building is proposed for use as a single Additional Residential Unit which is inclusive of a full basement containing living space. This proposal results in the following variances:

1. To permit a total floor area of 178 m<sup>2</sup> instead of the maximum permitted 80 m<sup>2</sup> for a proposed one-storey detached accessory building containing an Additional Residential Unit with a full basement.
2. To permit a building height of 4.8 m instead of the maximum permitted 4.6 m for a proposed 178 m<sup>2</sup> one-storey accessory building with a peaked roof.

You have received this notice as stipulated by the *Planning Act* because your property is within 60 metres of the property noted above. The application materials are available on request by contacting Committee of Adjustment staff by one of the methods listed above. A copy of the Agenda, containing staff reports and drawings, can be viewed online under the Meeting Agenda tab at **Burlington.ca/coa** on or after **March 9, 2026**.

Committee of Adjustment Hearings will be hybrid-conducted in person and virtually. All members of the public, applicants and their agents will now have the option to participate in the public meeting process in person at City Hall in Council Chambers, or remotely via Zoom Webinar Video Conferencing Technology. The Committee of Adjustment will meet to consider the above application under Section 45 of the *Planning Act*, 1990, as amended on:

**WEDNESDAY MARCH 25, 2026,**

This application is scheduled to be heard at or after 1:00 pm.

### How to participate if I have comments or concerns?

#### Written Submissions

Members of the public who would like to participate in a Committee of Adjustment meeting are able to send written comments regarding the application by e-mail to [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca) with the subject line to read "Comments\_Your Name\_File No.\_Address of the Property".

Alternatively, written comments can be sent by regular mail addressed to the Secretary-Treasurer. Include your name, address, application number and address of the property for which you are providing comments.

City of Burlington Committee of Adjustment - Community Planning  
426 Brant Street P.O. Box 5013 Burlington, Ontario, L7R 3Z6  
[committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

To allow all Committee of Adjustment members the opportunity to review and consider your comments, please provide your written submissions to be received no later than noon the day before the hearing date.

### **Oral Submissions**

Members of the public are also able to provide oral comments regarding Committee of Adjustment Hearing items by participating virtually through Zoom via computer or phone, or by attending the Hearing in-person. Participation virtually requires pre-registration in advance. Please contact staff for instructions if you wish to make a presentation containing visual materials.

#### **1. Virtual Oral Submissions**

To register as a delegate, please contact the Secretary-Treasurer no later than 12:00 p.m. (noon) the day before the hearing date. The following information is required to register; Committee of Adjustment file number, hearing date, name, and mailing address of each person wishing to speak, if participation will be by phone or video. All requests to delegate must contain a copy of your intended remarks which will be circulated to all members of Committee in advance.

#### **2. In person Oral Submissions**

Interested members of the public, agents, and owners who wish to participate in person may attend Council Chambers on the date and time listed on the Notice of Public Hearing. Please note that you will be required to provide your name and address for the record. It is advised that you arrive no less than 10 minutes before the time of the Public Hearing as noted on the Notice of Public Hearing.

### **Attend or View the Committee of Adjustment Hearing:**

If you do not wish to participate, but would like to follow along, the hearing will be held in person at City Hall in Council Chambers and live through a Zoom Webinar. Instructions, links and phone numbers for joining the meeting will be posted on the Committee of Adjustment webpage the day prior to the scheduled meeting. The link will be active at **12:30 p.m.**

If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the Secretary-Treasurer. This will also entitle you to be advised of a possible Ontario Land Tribunal Hearing. In accordance with the Planning Act, the Committee of Adjustment decision may be appealed to the Ontario Land Tribunal by the owner, the Minister of Municipal Affairs and Housing, a specified person or public body that has an interest in the matter.

The applicant is advised that it is **mandatory** that either the applicant or an authorized agent of the applicant must be present at the hearing either in person or virtual.

For more information about this matter, contact Catherine Susidko-Petriczko at [committeeofadjustment@burlington.ca](mailto:committeeofadjustment@burlington.ca)

Yours truly,



Catherine Susidko-Petriczko  
Secretary-Treasurer  
Committee of Adjustment

Personal information including comments and public feedback, is collected under the legal authority of the Planning Act, R.S.O. 1990, Chapter c. P.13, as amended, and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, as amended, which will be used to process the application and in the decision making process and becomes the property of the City of Burlington, and is considered to be a public record and will be disclosed to any individual (including being posted on the internet) upon request. Questions about this collection should be directed to the Secretary-Treasurer, Burlington Committee of Adjustment, Community Planning Department, 426 Brant Street, P.O. Box 5013, Burlington, Ontario; L7R 3Z6 (905) 335-7629.

### Key Map

