



Committee of Adjustment

Agenda

Date: July 22, 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

7. Consent Items

Applications placed on the Consent Agenda are of a routine nature, require no discussion and/or debate, have staff support, have received no objections as a result of the public notice or delegation requests, and are accepted by Committee members as meeting the four tests of the Planning Act. All other applications are placed on the Regular Agenda

7.1 2059 Angus Court_A-019-2026

1 - 43

Proposal:

The applicant is proposing to remove the existing rear yard retaining wall, reconstruct and expand the new retaining wall, and hard surface area. The proposed retaining wall and adjoining hard surface platform would be considered a structure (deck) as it exceeds a height of 0.6 m above grade and is used as a private amenity area.

Variance required:

1. To permit a rear setback of 0.6 m instead of the minimum required of 1.8 m for a deck with a platform less than or equal to 1.2 m above grade.

8. Regular Items

8.1 None

9. Other Business

9.1 Correspondence

9.2 Items for Discussion

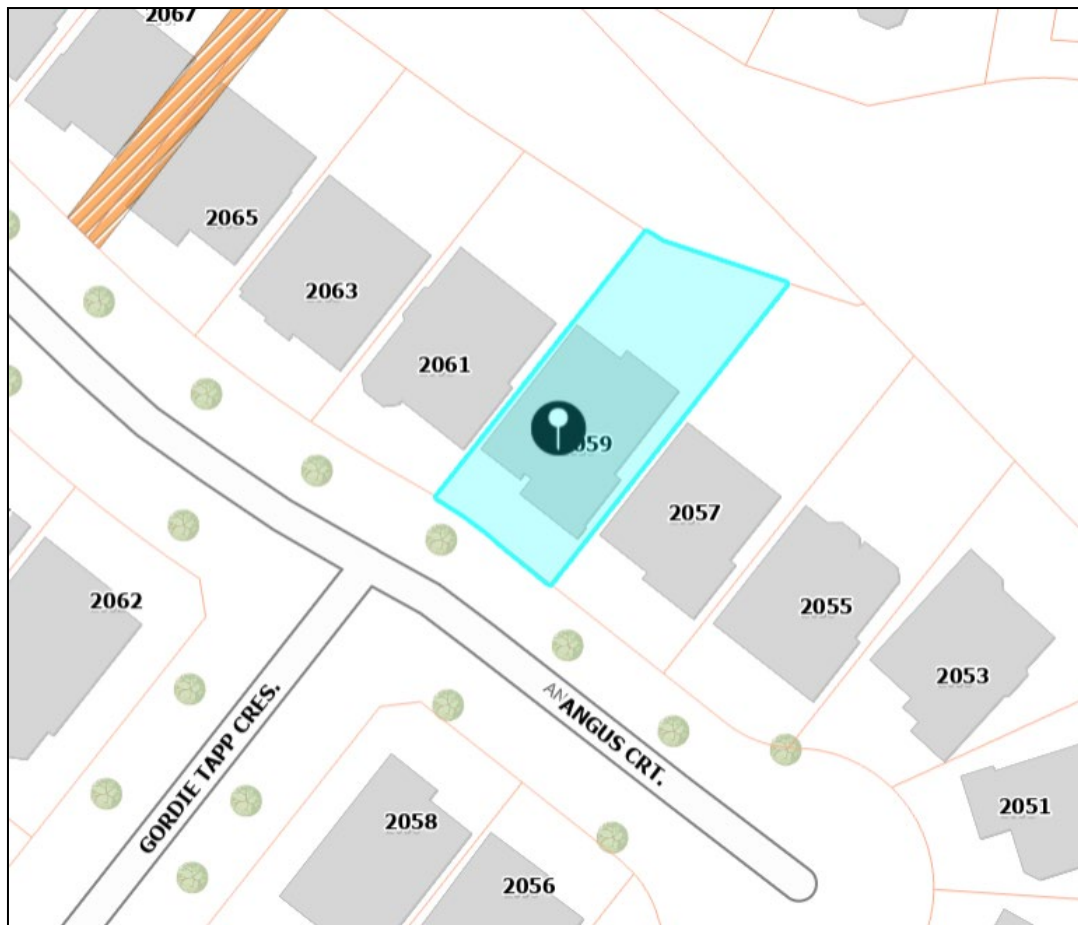
9.3 Date of Next Meeting

9.4 Motion to Approve Committee of Adjustment Meeting Minutes

10. Adjournment

**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE
STAFF REPORTS**

Owner(s): Lucyna Tomaszewicz and Jaroslaw Tomaszewicz
Address: 2059 Angus Crt. Burlington
File No. **A-019/26**
Ward: 6



Staff Comments:

Committee of Adjustment

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

Date: April 28, 2026

Prepared By: E. Shacklette

**COMMITTEE OF ADJUSTMENT
MINOR VARIANCE
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Zoning

The subject property is zoned **LN4**, Low Rise Neighbourhood, under **Zoning By-Law 09-2026**. The **LN4** zone requires, among other things, the following:

Table 8: Provisions for Detached Dwellings

	LN4
Minimum Lot Area	425 m ²
Minimum Lot Frontage	15 m
Minimum Front Yard	6 m
Minimum Rear Yard	9 m
Minimum Interior Side Yard	1.5 m
Minimum Exterior Side Yard	4.5 m

5.4 Balconies, Decks, Residential Patios, and Porches

- a) A balcony, **deck**, residential patio or porch is permitted in all residential zones.
- d) Additional regulations for a balcony, **deck**, or porch with a platform **less than or equal to 1.2 metres above grade**:
 - a. **Minimum setback of a deck from rear lot line: 1.8 metres**

Deck: means an outdoor platform, including any steps, adjoining a **dwelling unit** that has direct access to the ground, having a floor height 0.6 metres or more above **grade**, and which is used as a **private amenity area**. A **deck** is not covered by a roof and is not enclosed except by railings, guards or **privacy screens**.

5.43 Setback Abutting Creek Blocks and Other Zones

- a) Notwithstanding the other regulations of this By-law, all **buildings** and **structures** shall maintain the following **setbacks** from lands zoned O2 or O3 in the following maps of the City of Burlington Zoning By-law 2020:
 - iii) 7.5 metres from an O2 or O3 **zone** on all other Zoning Maps except Zoning Maps 25, 30 and 29.
- b) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of the **City** and, in the case of lands located within Conservation Halton's regulated area, the approval of Conservation Halton is obtained.

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Proposal:

The applicant is proposing to remove the existing rear yard retaining wall, reconstruct and expand the new retaining wall, and hard surface area. The proposed retaining wall and adjoining hard surface platform would be considered a structure (deck) as it exceeds a height of 0.6 m above grade and is used as a private amenity area.

Variance required:

1. To permit a rear setback of 0.6 m instead of the minimum required of 1.8 m for a deck with a platform less than or equal to 1.2 m above grade.

Condition:

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

Notes:

1. Conservation Halton approval has been provided (File no. RAPP-9793), allowing for a reduced rear setback as per section 5.43 b) of the Zoning By-Law which notes:

5.43 Setback Abutting Creek Blocks and Other Zones

- b) The above **setbacks** may be reduced to the applicable **setback** requirement contained in the base zoning, provided the approval of the **City** and, in the case of lands located within Conservation Halton's regulated area, the approval of Conservation Halton is obtained.
2. Variances have been identified based on the plans submitted for zoning review. If additional variances are identified when a Pre-Building Approval is made, they will be the responsibility of the applicant to obtain.
3. The zoning review is based on the portion of the site affected by the proposed development only.
4. The variances are being reviewed under Section 45(1) of the *Planning Act*.

Date: 2 June 2026

Prepared By: Erin Ruby

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MINOR VARIANCE
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Site Planning

Site Characteristics	
Lot Frontage (m)	15m
Lot Area (m²)	554.86
Existing Land Uses <i>(ex. buildings, structures, driveways, fences, etc...)</i>	Two-storey detached dwelling, in-ground pool in rear yard
Site Grading <i>(ex. Flat and level, significant grade differences)</i>	Flat and level at front. Rear of property slopes down toward Appleby Creek.
Notable Site Features	In-ground pool with surrounding patio and walkway occupies most of the rear yard
Surrounding Land Uses <i>(ex. Adjacent building relationships, natural features, notable adjacencies)</i>	Two-storey detached homes with integral garages. Appleby Creek is located to the east The north side of Upper Middle Road, just south of the site is developed with townhouses
Nearest Major Intersection	Upper Middle Road and Walker's Line
Neighbourhood Boundaries* *Based on OP, 1997 <i>residential neighbourhood</i> definition	North: Dundas Street East: Appleby Line and The CN Railway Tracks South: Upper Middle Road West: Walker's Line

Neighbourhood Characteristics:

- *Located at the south end of Millcroft Neighbourhood, a subdivision originally proposed in 2002, with homes constructed around 2005*
- *The surrounding neighbourhood is characterized by two-storey detached homes with large integral garages*
- *Streets are interspersed by creeks and wooded areas and the Millcroft Golf Club*
- *Several homes on Angus Court feature in-ground pools*
- *As a planned community, building footprints, rear yards and side yard setbacks are consistent*
- *Front yard setbacks are typically 5-6m*

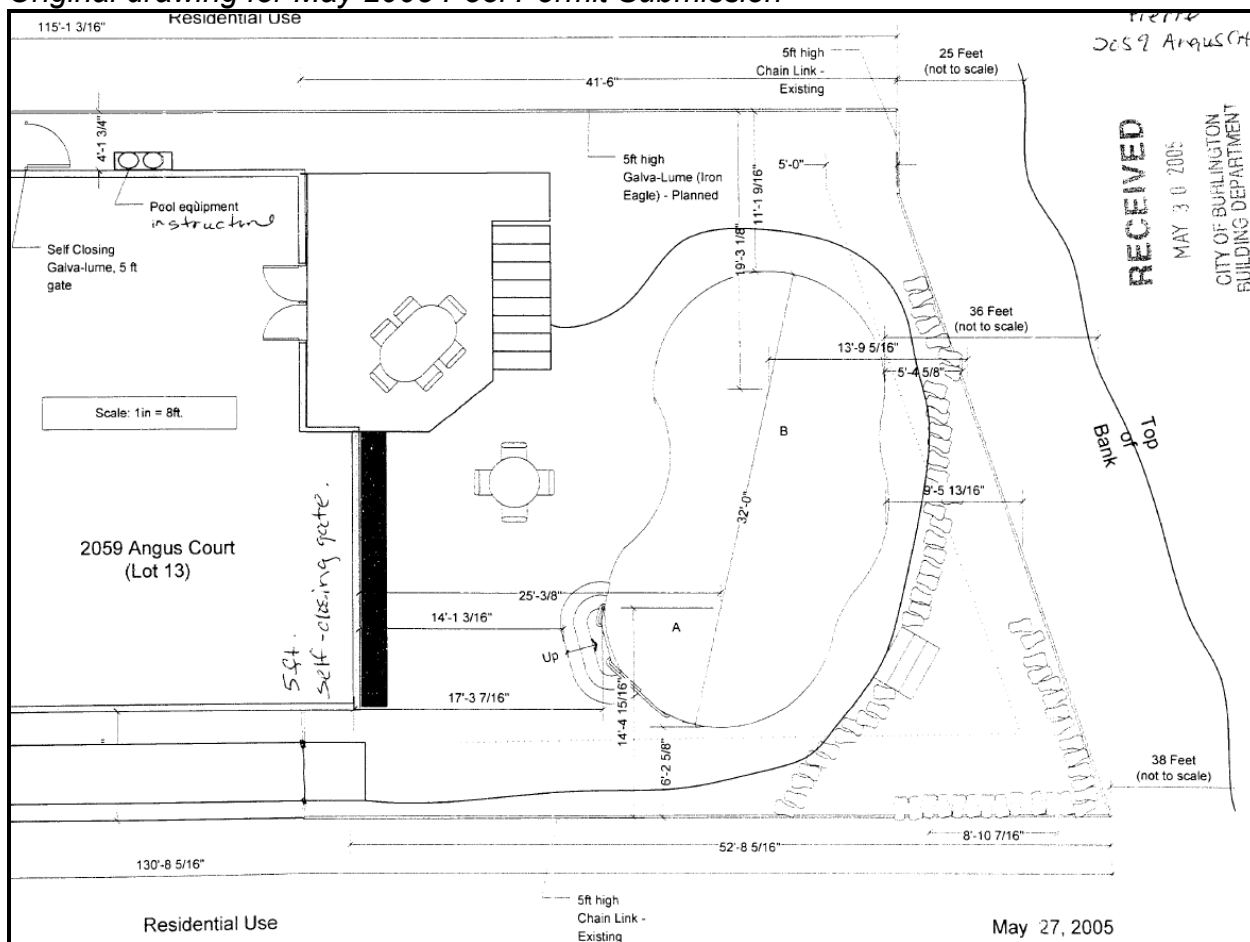
A site visit was conducted on June 25, 2026 and existing on-site conditions are summarized in site photos included in Attachment No. 1 (Site Photos).

COMMITTEE OF ADJUSTMENT MINOR VARIANCE STAFF REPORTS

History of Approvals:

- February 4, 2004- Building permit issued for 2059 Angus Court
- July 18, 2005- Pool permit issued for 32' inground pool (see below sketch)

Original drawing for May 2005 Pool Permit Submission



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:

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- 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 in-ground pools are permitted as an accessory use to any residential use by the City's Zoning By-law, staff are of the opinion that the requested variance is consistent with this policy
- According to Map 1- Urban Structure, the Appleby Creek block, located behind the subject property is a "key feature" of the Regional Natural Heritage System, however the designation does not encompass the rear yard of 2059 Angus Court
- Under policy 118 (3.1) all other developments or site alterations, including public works, that are located wholly or partially inside or within 120m of the Regional Natural Heritage System require an Environmental Impact Assessment, unless they meet the exemption criteria under subsection 3
- The proposal meets most of the criteria under policy 118(3) for an exemption from the Environmental Impact Assessment requirement and is eligible for an exemption:

Criteria	Meets Criteria (Yes/No)
a) the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA	Yes. The proposal is minor in scale, regularizes the setback of the retaining wall from the creek block, and increases the setback of one portion of the existing wall from the creek block. The project also takes place within a developed area rather than naturalized area. It replaces a series of patio stones, steps, mulch and discrete hard surface areas. While the proposal increases the extent of the hard surface area in proximity to the creek block, neither Conservation Halton nor Development Engineering staff have identified a drainage or erosion concern. No trees protected under the private tree bylaw are proposed to be removed. Staff also completed the Appendix D-1 Waiving Assessment Tool and confirmed that the project presents a very low or no risk to the natural heritage system and is eligible for an EIA waiver.
b) it is a use conforming to the Local Official Plan and permitted by Local Zoning By-laws;	Yes
c) it is a use requiring only an amendment to the Local Zoning By-law and is exempt from this requirement by the Local Official Plan; or	Yes
d) exempt or modified by specific policies of this Plan.	Not specifically exempt

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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, 2020 for the following reasons:

- The site is designated 'Low-Rise Neighbourhoods I' according to Schedule 'C' (Land Use - Urban Area of the /BOP, 2020, as amended, which encourages new residential development (and accessory uses) while ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.
- Whereas sites designated Low-Rise Neighbourhoods I are subject to general policies under Chapter 8, section 8.3.2 the proposal is consistent in the following ways:
 - *The proposal maintains perimeter landscaping, vegetation, shrubs and trees, consistent with policy (e), which encourages the preservation of on-site trees and vegetation. No by-law protected trees are proposed to be removed. As indicated in the site photos, the area to be infilled by the retaining wall does not contain a significant amount of vegetation.*
 - *The proposal is a low-scale structural feature (a retaining wall) associated with an existing accessory land use (in-ground pool). No impacts to neighbouring properties have been identified*
- 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:
 - *Proposed is a small-scale expansion of an existing walkway/patio area surrounding an existing pool, combined with the replacement of the existing retaining wall, which is required for the longevity of the pool. While on site, staff observed that the existing retaining wall is leaning into the fence. No impacts to the neighbouring property have been identified.*
 - *Engineering has reviewed the proposal for potential drainage impacts affecting neighbouring properties and does not object.*
 - *Forestry staff have reviewed the proposal for potential tree impacts and do not object.*

Staff note that the City Pool Bylaw 074-2005 requires that every swimming pool used in connection with a single-family home be enclosed with fencing and gates measuring at least 1.2m high. The original approval included a 1.2m high fence around the rear yard,

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with gates in the side yard. The existing fencing staff observed during the site visit appears to conform to the 2005 pool permit drawing. Staff are recommending that approval be conditioned on the applicant updating the site plan drawing to include a safety railing at the edge of the new retaining wall, since the grade difference to the ground is 3' 6" (1.07m). Building staff have confirmed that the proposed retaining wall is not considered a designated structure under the Ontario Building Code and, therefore, does not require a building permit. The Building Department does not have the authority to require or enforce the installation of a guard at the top of the retaining wall.

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 general intent and purpose of the rear yard setback provision of Burlington Zoning Bylaw 2020 is to maintain sufficient distance from the property line for drainage, maintenance and privacy purposes. The proposed minor variance is consistent with this intent for the following reasons:

- *The rear of the property overlooks a ravine and creek rather than directly overlooking a neighbour's backyard.*
- *It is possible to glimpse backyards on the other side of the creek from the current pool walkway, but the variance would not change this existing view significantly*
- *A hedge located on the subject property, along the southerly property line between 2057 and 2059 Angus Court provides some privacy between the properties. Staff note that 2057 Angus Court also features an in-ground pool in a similar location to the proposed*
- *Engineering staff have not identified any drainage concerns*
- *Conservation Halton staff have not identified an erosion or drainage concern and support the proposal*
- *The proposed expanded retaining wall is located further from the property line than the current retaining wall at its closest point, indicating that the proposed distance is sufficient to enable both construction of the feature and future maintenance*

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)

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

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-
- *The proposed retaining wall reconstruction is a form of maintenance. It will remove a portion of the retaining wall that appears to overlap the rear property line, and regularize the setback across the length of the retaining wall*

4) Minor in Nature:

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

Yes (Conditional)

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

- *The proposed retaining wall expansion is small in scale and is occurring within landscaped and developed areas of the property.*
- *Complying side yard setbacks to neighbouring residential properties are maintained, while the setback reduction is occurring towards a ravine*
- *The retaining wall and walkway expansion relate to an existing feature and would not create undue adverse impacts to neighbouring properties.*
- *No drainage or other concerns have been expressed by engineering or Conservation Halton*

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 subject to the below condition.

Condition

That the applicant update the site plan drawing SP1.01 by Tenhouse Building Workshop to show a safety railing along the rear edge of the retaining wall to the satisfaction of the Director of Community Planning.

Date: June 24, 2026

Prepared By: John O'Reilly

Report Schedules & Attachments:

Attachment No. 1 (Site Photos)

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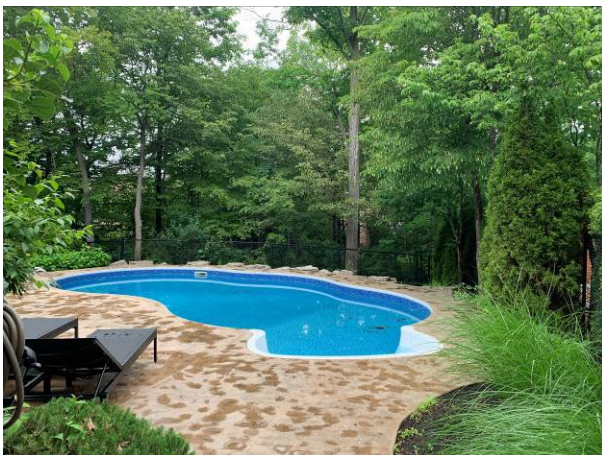
Front of 2059 Angus Court



Angus Court Streetscape



The rear yard is surrounded by an approximately 5 ft high fence with gates, consistent with the pool permit drawing



Overall view of pool patio area and view toward ravine and properties beyond



Retaining wall to be expanded into this corner of the property

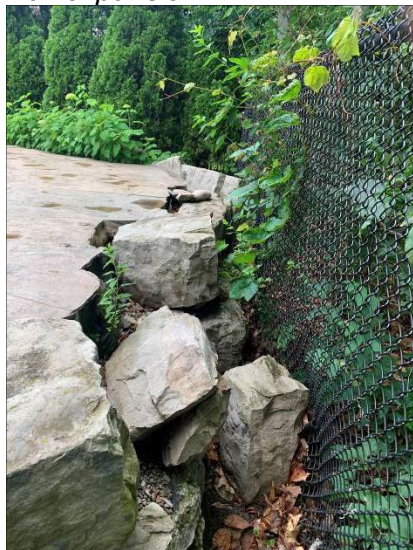
**COMMITTEE OF ADJUSTMENT
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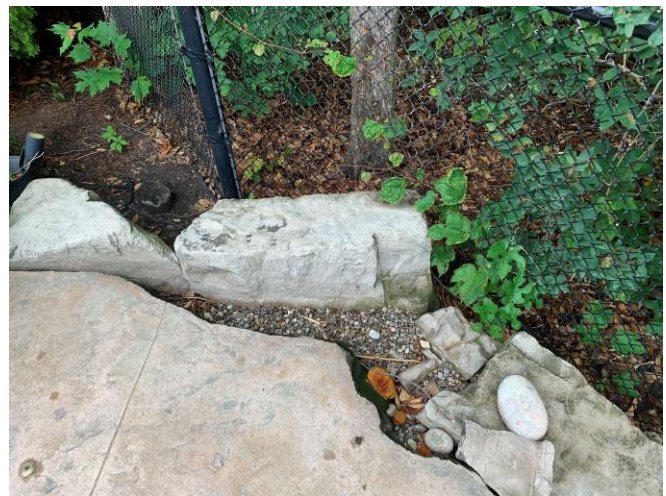
Alternate view of area targeted for retaining wall expansion



View along rear fenceline toward portion of retaining wall proposed to be removed



Portions of the retaining wall are leaning into the rear fence



Portions of the retaining wall are leaning into the rear fence

Technical Reviewer Comments:

Development Engineering

Development Engineering has reviewed the proposed Minor Variance application and has no objection to the requested rear yard setback reduction.

Please note that, during the pre-building approval process, as part of the Grading and Drainage Clearance Certificate (GDCC) process, a Grading and Drainage Plan will be required demonstrating that all proposed drainage patterns conform to City of Burlington engineering standards.

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In addition, any retaining wall exceeding 1.0 m in height must be designed and stamped by a Professional Engineer (P.Eng.) and may be subject to additional review requirements.

Date: June 15, 2026

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

Date: June 16, 2026

Prepared By: R. Shaw-Lukavsky

Building

1. A Building Permit is not required for the proposed retaining wall.

Date: June 29, 2026

Prepared By: Ebtessam Mahrous

Transportation Planning

Deemed Road Width Analysis

Angus Court is under the authority of the City of Burlington, and the deemed right-of-way width is 18 metres. The right-of-way adjacent to the subject site is approximately 18 metres; therefore, no additional lands are required.

Date: May 1, 2026

Prepared By: E. Chen

Transportation Planning have reviewed the proposed minor variance application and have no comments or concerns given that the application has no impact on parking, the driveway, or the adjacent street.

Date: June 5, 2026

Prepared By: Thalia Thompson

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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: June 4, 2026

Prepared By: L. Bray

Agency Comments:

Halton Region

Regional Staff have reviewed the Minor Variance application proposing to remove the existing rear yard retaining wall, reconstruct and expand the new retaining wall, and hard surface area. Variance is requested to the minimum required rear setback.

- 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.
- Staff have reviewed the application from the Region's Source Water Protection requirements. In accordance with the MOU and to ensure protection of groundwater sources, Halton Region provides the following comments:
 - The property is 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 an 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.

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Therefore, this application can proceed from a Source Water Protection perspective and Section 59 notice will not be required.

- Attached to these comments is a factsheet for the applicant, regarding 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: June 17, 2026

Prepared By: Navjot Kaur

Conservation Halton

Conservation Halton comments are attached to the end of this report.

Conservation Halton has confirmed that their review fee has been paid and is therefore not a condition of approval.

Burlington Hydro

Burlington Hydro comments were not received by the time this report was published.

Applicant is responsible for consulting with Burlington Hydro as necessary.

Source Water Protection Factsheet

halton.ca

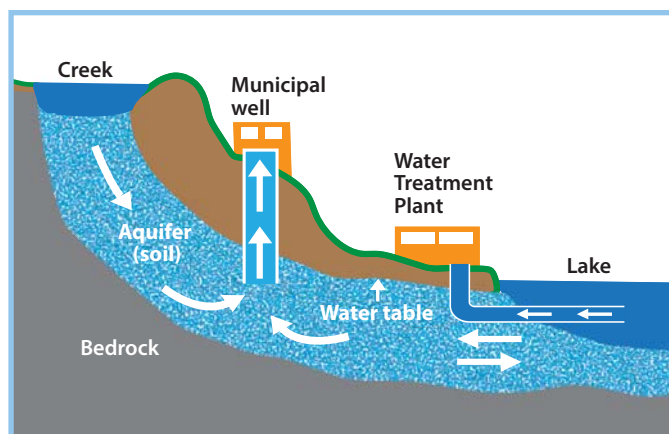
**RETHINK
WATER**


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, email sourcewater@halton.ca or call 311.

RETHINK
WATER



Enjoy Conserve Protect



June 15, 2026

Erin Shacklette, Secretary-Treasurer, Committee of Adjustment
City of Burlington
426 Brant Street, PO Box 5013
Burlington, ON, L7R 3Z6

BY E-MAIL ONLY (committeeofadjustment@burlington.ca)

To Erin Shacklette:

Re: Minor Variance Application
File Number(s): A-019-2026
2059 Angus Court
City of Burlington
Owner: Jaroslaw & Lucyna Tomaszewicz Agent: Matthew Fratacangeli
CH File No. PMVG-2824

Conservation Halton (CH) staff has reviewed the minor variance application and materials for 2059 Angus Court, Burlington as per our regulatory responsibilities under the *Conservation Authorities Act* (CA Act) and Ontario Regulation 41/24 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., acting on behalf of the province to ensure decisions under the *Planning Act* are consistent with the natural hazards policies of the Provincial Planning Statement [PPS, Sections 5.1.11-5.2.8] and/or provincial plans).

Proposal

Under Section 45(1) of the *Planning Act*, the applicant is seeking authorization from the Committee of adjustment for a minor variance to facilitate the removal of the existing rear yard retaining wall, reconstruction and expansion of a new retaining wall, and hard surface area. The proposed retaining wall and adjoining hard surface platform would be considered a structure (deck) as it exceeds a height of 0.6 m above grade and is used as a private amenity area.

1. To permit a rear setback of 0.6m instead of the minimum required of 1.8m for a deck with a platform less than or equal to 1.2m above grade.

Conservation Authorities Act and Ontario Regulation 41/24

CH regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. The subject property is regulated by CH as it is adjacent to Appleby Creek and contains the erosion hazard associated with the valley of that watercourse. CH regulates 15 metres from the greater of the flooding and erosion hazards associated with watercourses.

Permits are required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act* (CA Act), Ontario Regulation 41/24 and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document*, last amended April 17, 2025 (<https://conservationhalton.ca/policies-and-guidelines>).

Based on a review of the submitted plans and CH's Approximate Regulation Limit (ARL) mapping, the development activities related to the requested variance are located within the 15m allowance from the erosion hazard associated with Appleby Creek. As the proposed retaining wall and hard surface areas do not encroach any closer to the erosion hazard than existing development on site, staff is of the opinion that Policy 2.31 of CH's Policies and Guidelines is met. CH therefore has no concerns with the requested variances from a regulatory perspective.

CH previously issued a permit for the development activities associated with the requested variance (Permit 9351; RAPP-9793).

The development activity approved under Permit 9351 is generally representative of the development activities identified in this Minor Variance Application. While minor changes have been made to the proposal, the scope of works is consistent with those approved through the CH permit and a Revised Permit is not required at this time.

Provincial Planning Statement - Natural Hazards (Sections 5.1.1-5.2.8)

In addition to CH's regulatory responsibilities (described above), CH also has provincially delegated responsibilities under Ontario Regulation 686/21: Mandatory Programs and Services, including acting on behalf of the province to ensure that decisions under the *Planning Act* are consistent with Natural Hazards Sections (5.1.1-5.2.8) of the Provincial Planning Statement (PPS). CH does not have any concerns with the requested variance from a PPS perspective.

Recommendation

Based on the above, CH has no objection to the requested variance or the approval of the Minor Variance application subject to the following conditions:

1. An outstanding review fee of \$161.00 under CH's Minor Variance – Minor (no site visit or technical review) applies to the administration and review of this application.

Should any changes to the proposed development arise through the Minor Variance process, please circulate CH for further review and comment. While not required in light of CH's current review of this application, a Revised Permit may be necessary should additional revisions to the scope of development activities result.

We trust the above is of assistance. Please contact the undersigned with any questions.

Sincerely,



Justin Dodds
Planning and Regulation Analyst

Cc: Matthew Fratarcangeli, Agent –

NOTICE OF PUBLIC HEARING

Lucyna Tomaszewicz and Jaroslaw Tomaszewicz of 2059 Angus Crt. 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 **2059 Angus Crt. Burlington** (see map).

The applicant is proposing to remove the existing rear yard retaining wall, reconstruct and expand the new retaining wall, and hard surface area. The proposed retaining wall and adjoining hard surface platform would be considered a structure (deck) as it exceeds a height of 0.6 m above grade and is used as a private amenity area. This proposal results in the following variance:

1. To permit a rear setback of 0.6 m instead of the minimum required of 1.8 m for a deck with a platform less than or equal to 1.2 m above grade.

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 **July 6, 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 JULY 22, 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 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

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

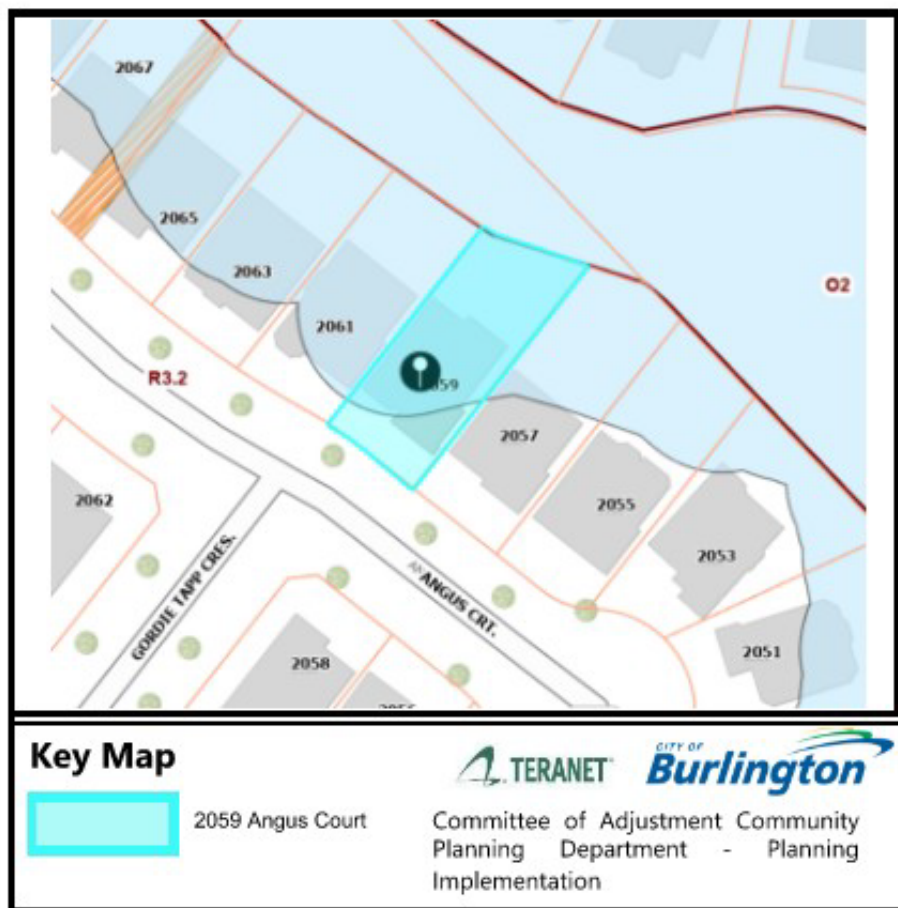
Yours truly,

C. Susidko

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:

2259 Angus Court

Legal Description of property:

Registered Plan No. 20m, Lot 13

Official Plan Designation: Residential - Low Density Current Zoning Designation R3.2

OWNER(S) INFORMATION:

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

J Jaroslav and Lucyna Tomaszewicz

Mailing Address: 2059 Angus Court City: _____

Postal Code: _____ Home Phone: _____ Mobile Phone: [REDACTED]

Work Phone: _____ E-Mail: _____

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

Name: Matthew Fratarcangeli

Business Address: 107 Gladstone Avenue City: Hamilton

Postal Code: L8M 2H8 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.

Variance 1: min rear yard setback to deck to O2 zone

Variance(s) Requested	Zoning Bylaw Requirement
proposed rear yard setback: 0.61m to O2 zone	min rear yard setback: 1.8 m to O2 zone

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? This is a permitted use and the existing condition is already encroaching. The location and scale is appropriate for the context and there will be no significant impacts to neighbours.
2. Why are the variance(s) desirable for the appropriate use of the land? The proposal creates a more useable backyard by levelling out the rear yard. The proposal is compatible with the existing use of the rear yard and is in line with other properties in the area.
3. Do the variance(s) meet the intent and purpose of the Official Plan? Detached dwellings are permitted along with their accessory uses and so the proposal aligns with the official plan.
Density is compatible, no impact to front of house or public realm, no impact to architectural style.
4. Do the variance(s) meet the intent and purpose of the Zoning By-law? The purpose of bylaw is to ensure adequate separation between structures, preserve grading/drainage and for a consistent development pattern which we are achieving in this proposal.

1. The proposed variance to permit a 0.61 m rear yard setback for the retaining wall is minor, as the wall is required for grade stabilization and will not result in adverse impacts on neighbouring properties. The wall will not create issues related to privacy, shadowing, drainage, or visual obstruction, and its limited scale and location minimize any potential effects.
2. The variance is desirable for the appropriate development or use of the land. The retaining wall is desirable and necessary to address existing grade differences on the property and to ensure safe, functional, and stable landscaping. The variance facilitates appropriate site grading and improves the long-term usability and maintenance of the rear yard without introducing built form impacts.
3. The variance maintains the general intent and purpose of the Zoning By-law. The intent of the rear yard setback provisions is to ensure adequate separation between structures, protect neighbouring properties, and maintain a consistent residential character. The proposed retaining wall, despite the reduced setback, meets the intent of the By-law as it is a low-profile landscape feature that does not compromise separation, privacy, or neighbourhood compatibility.
4. The variance maintains the general intent and purpose of the Official Plan. The proposal is consistent with the Official Plan's objectives for stable residential neighbourhoods and appropriate infill development. The retaining wall supports proper site grading and drainage while maintaining the existing character of the area and avoiding adverse impacts on adjacent lands.

PROPERTY DETAILS (please complete all fields):

Date property purchased: 08/01/2018 mmm/dd/yyyy	Date property first built on: approx. 1990 mmm/dd/yyyy	Date of proposed construction: summer 2026 mmm/dd/yyyy
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Existing Use of the Subject Property (check one):

Detached Dwelling ☒ Semi-Detached Dwelling ☐
 Townhouse Dwelling ☐ Street Townhouse Dwelling ☐
 Apartment ☐ Mixed Use ☐ Hi Rise ☐
 Commercial ☐ Industrial ☐ Vacant ☐
 Other ☐ _____

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

Since construction/development of property

Proposed Use of the Land:

SFD - New Deck

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 ☐ Municipal Road ☒ Private Road ☐ Water ☐ Other(specify) ☐

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

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 ☐ N ☒
Frontage 15m	Depth 39.86m	Area 554.86 sm	Actual 20m	Deemed 20m	Required		

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)	190.14 M ²	Ground Floor Area (incl. attached garage)	M ²
Gross Floor Area:	M ²	Gross Floor Area:	M ²
Number of Storeys: 2		Number of Storeys:	
Width:	12.38 M	Width:	M
Length:	17.56 M	Length:	M
Height:	M	Height:	M
Garage/Car Port		Garage/Car Port	
Detached?	Y ☐ N ☒	Detached?	Y ☐ N ☐
Gross Floor Area:	M ²	Gross Floor Area:	M ²
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
Accessory Structures (Shed, Gazebo, etc)		Accessory Structures	
Gross Floor Area:	M ²	Gross Floor Area:	M ²
Width:	M	Width:	M
Length:	M	Length:	M
Height:	M	Height:	M
Other (pool, additional sheds <u>decks</u> driveways, etc.)		Other	
Gross Floor Area:	23.26 M ²	Gross Floor Area:	M ²
Width:	5.63 M	Width:	M
Length:	5.22 M	Length:	M
Height:	M	Height:	M
LOCATION of all existing and proposed buildings and structures			
EXISTING RETAINING WALL		PROPOSED RETAINING WALL	
Front:	M	Front:	M
Rear:	0.0 M	Rear:	0.61 M
Side/Street Side:	1.73 M	Side/Street Side:	1.77 M
Side/Other Side:	1.36 M	Side/Other Side:	1.25 M

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

Jerry Tomaszewicz

Property Address

2059 Angus Court

Matthew Fratarcangeli

Signature of Owner/Applicant

2026/2/10

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: Matthew Fratarcangeli

I, MATTHEW FRATARCANGELI of the REGION of HALTON in the City of Burlington
(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 10 day of Feb 2026.



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

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: 2259 Angus Court, Burlington ON

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.

J. Tomaszewicz
Signature of Owner

Jerry Tomaszewicz

Print Name

OWNERS AUTHORIZATION

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

I, Jerry Tomaszewicz being the registered owner of the subject lands, hereby
(print name)

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

application for a Minor Variance.

J. Tomaszewicz
Signature of Owner

2026/2/10
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 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.	Select (✓)
LEGAL SURVEY (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	
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.	
AND	
PLAN and ELEVATION DRAWINGS which include the following as applicable: (Missing details or illegible drawings will be sent back to the applicant for correction)	
SITE PLAN ☒ Metric Scale ☒ North Arrow ☒ Frontage ☒ Depth ☐ Lot Area ☐ Lot Coverage ☒ Deemed Street Line ☒ Existing Front Yard Setbacks ☒ Existing Rear Yard Setbacks ☒ Existing Side Yard Setbacks ☒ Existing Street Side Yard Setbacks ☒ Existing Porch, Stairs and Overhang Setbacks ☐ Proposed Front Yard Setbacks ☒ Proposed Rear Yard Setbacks ☒ Proposed Side Yard Setbacks ☒ Proposed Street Side Yard Setbacks ☐ Proposed Porch, Stairs and Overhang Setbacks ☒ Streets (Public and Private) ☒ Street Names ☒ Parking (Dimensioned spaces, Driveway Width, Arrangement) ☐ Railways (Location of them and setbacks to structures) ☐ All Watercourses and/or Conservation Halton Areas(creeks, lakes, etc)	

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.

Matthew Fratarcangeli

Signature of Owner/Agent

2026/2/10

Date (mmm/dd/yyyy)

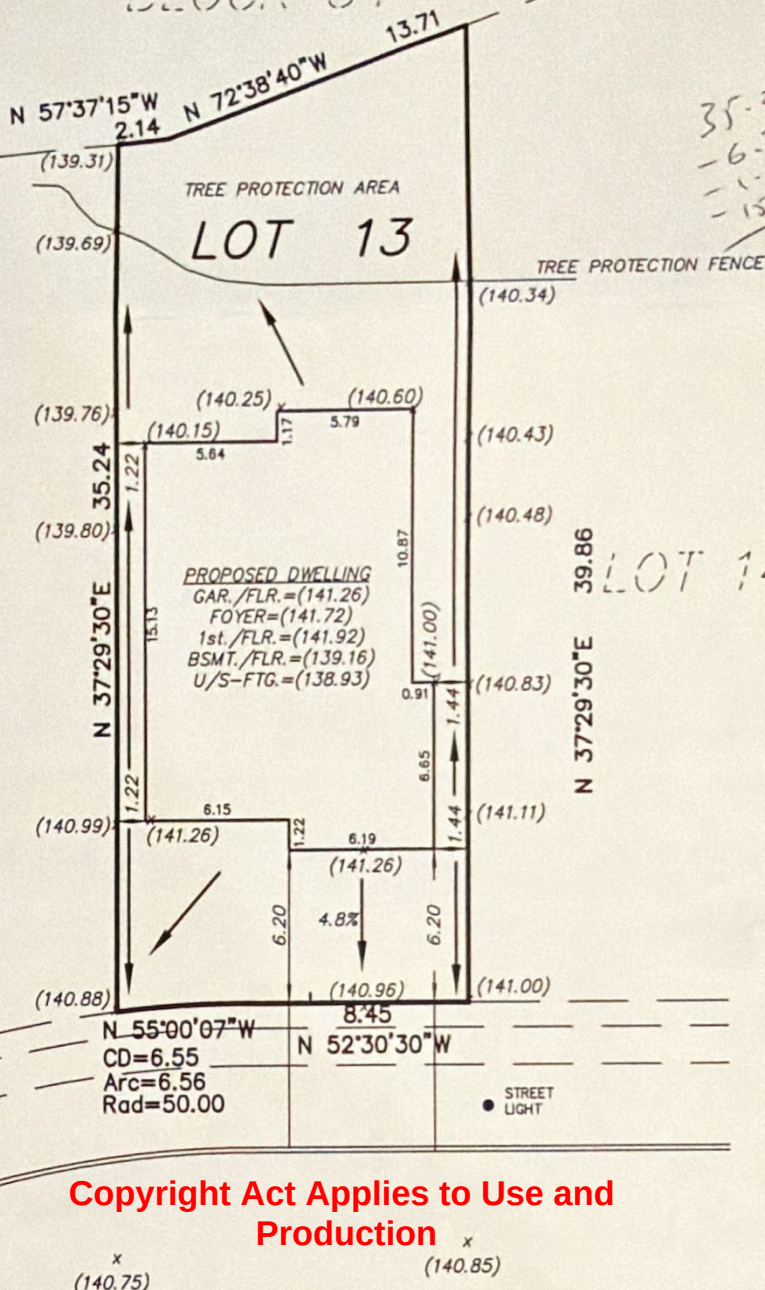


BLOCK 34

LOT 12

LOT 14

35.29
- 6.20
- 1.22
- 15.13



Copyright Act Applies to Use and
Production

STREET 'C'

HOUSE MODIFIED TO GET REQUIRED SIDEYARD

LOT AREA=557.88 sq. m.
FOOTPRINT AREA=192.20 sq. m.
LOT COVERAGE=34.5%

ELEVATION AT MID-POINT OF STREET LINE=140.94
ELEVATION AT PEAK OF ROOF=151.88
BUILDING HEIGHT=10.94
BUILDING-2 STOREY

CORAL GABLE HOMES

LEGEND:

x 100.00 -EXIST. ELEV.
x(100.00) -PROP. ELEV.

BENCH MARK:

ASHENHURST NOUWENS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS

315 YORK BOULEVARD, SUITE 201, HAMILTON, ONTARIO L8R 3K5
TELEPHONE: (905) 529-6316

(905) 529-4314

FAX: (905) 529-6651

e-mail: anl @ worldchat.com

PLAN SHOWING

PROPOSED DWELLING

ON

LOT 13

MILLCROFT

REGISTERED PLAN No. 20M-

IN THE

CITY OF BURLINGTON

REGIONAL MUNICIPALITY OF HALTON

DATE

May 31/02

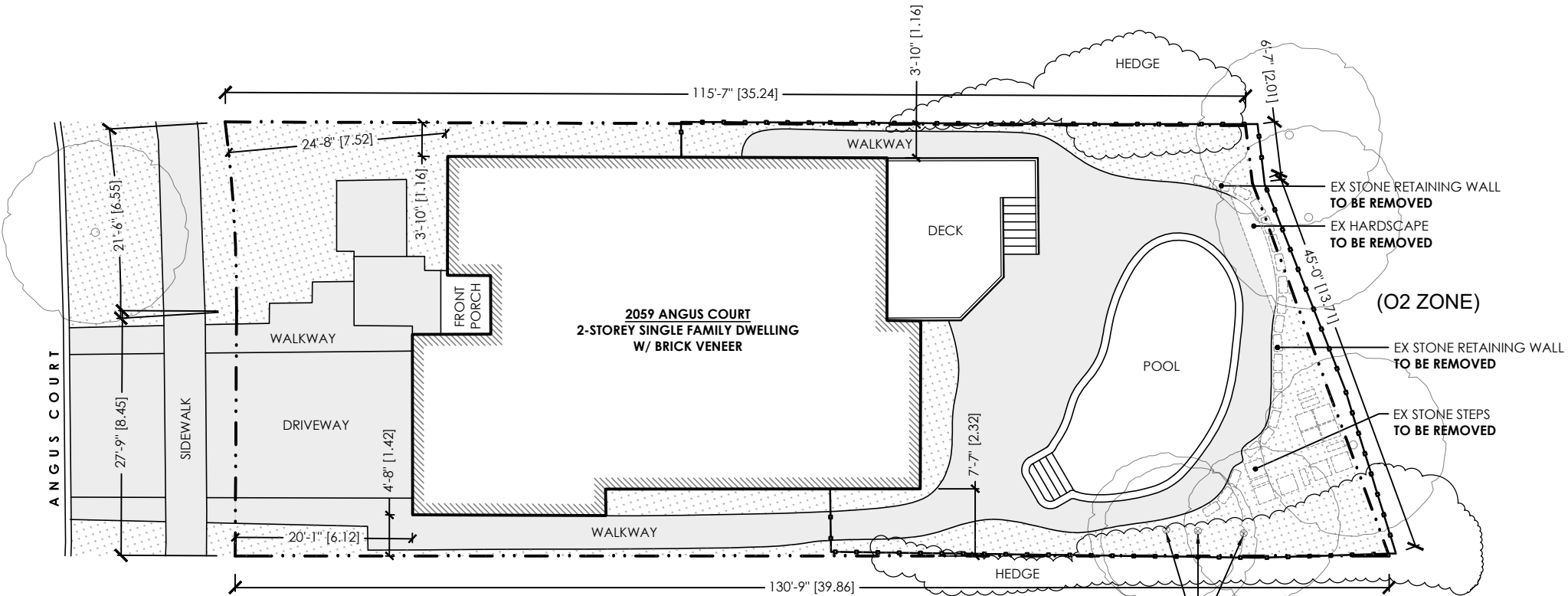
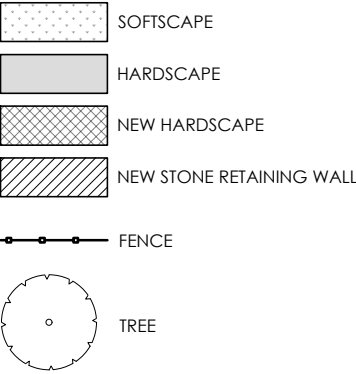
J.P. NOUWENS

Ontario Land Surveyor

SCALE: 1 : 250

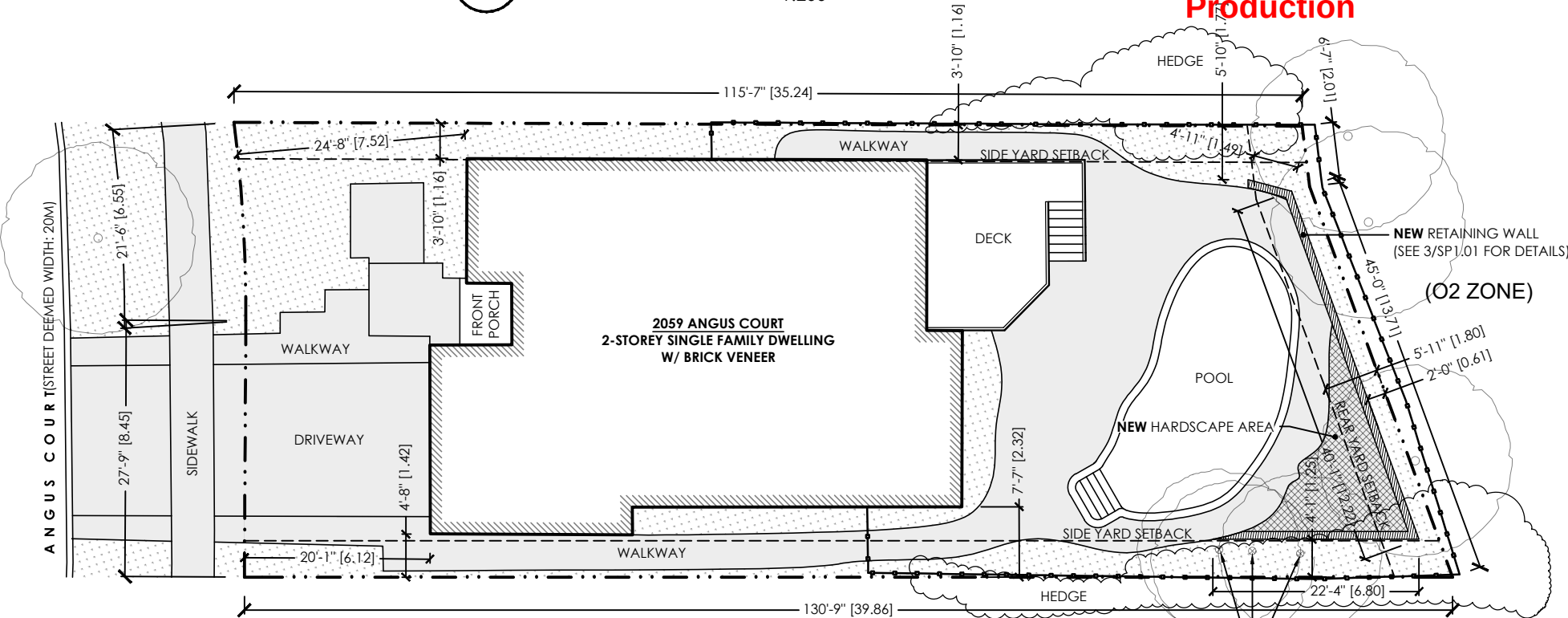
FILE No. 2116413

LEGEND:



1 EXISTING SITE PLAN
SP1.01 1:200

Copyright Act Applies to Use and Production

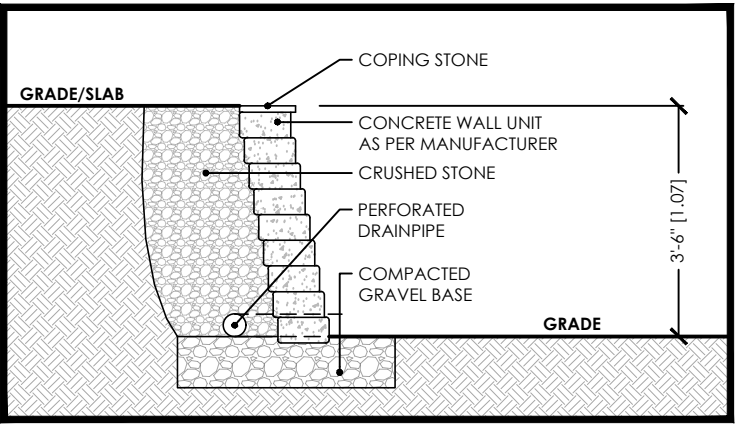


2 PROPOSED SITE PLAN
SP1.01 1:200

GENERAL SITE PLAN NOTES:

- LOT LINE AND HOUSE FOOTPRINT DATA IS TAKEN FROM A CERTIFIED OLS SURVEY.
- EXISTING SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED.
- ALL DOWNSPOUTS ON SITE TO DRAIN DIRECTLY INTO SOFT LANDSCAPING. NO DOWNSPOUTS ARE TO CROSS WALKWAYS OR PATIOS OR DRAIN ONTO/ACROSS WALKWAYS OR PATIOS.

REMOVE (3) TREES WITH DBH OF LESS THAN 8"
NOTE:
AS PER THE TREE BYLAW, NO PERMIT IS
REQUIRED TO REMOVE TREES WITH DBH OF
LESS THAN 8"



3 RET. WALL SECTION
SP1.01 1:30

SITE STATISTICS	
REAR YARD AREA:	208.7 m ²
HARD SURFACE YARD AREA: 45.4%	94.8 m ²
SOFTSCAPE AREA: 19.4 %	40.4 m ²



TENHOUSE BUILDING WORKSHOP
107 GLADSTONE AVENUE
HAMILTON, ON L8M 2H8
T: 905-699-7371

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
DESIGN THE WORK SHOWN ON THE
ATTACHED DOCUMENTS

QUALIFICATION INFORMATION

MATTHEW FRATARCANGELI
BCIN#:44839

Matthew Fratarcangeli

REGISTRATION INFORMATION

TENHOUSE BUILDING WORKSHOP
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	26/2/10	PRE-BUILDING APP

PROJECT:

REMOVAL AND RENOVATION OF
EXISTING STONE RETAINING WALL
AT 2059 ANGUS COURT
BURLINGTON, ON

DRAWN: J.T	APPROVED: M.D.F
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FILE NO: 2025-15	CHECKED: M.D.F
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REVISION: 0	DATE: 2026/2/10
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EX & PROPOSED SITE PLAN, SECTION

SP1.01

November 17, 2025

Jerry Tomaszewicz
2059 Angus Court
Burlington, ON, L7M 4X9

BY EMAIL ONLY [REDACTED]

To Jerry Tomaszewicz:

**Re: Reconstruction and expansion of retaining wall within the regulatory allowance (between 0m and 15m of the erosion hazard) of Appleby Creek
2059 Angus Court
City of Burlington
CH File: RAPP-9793**

Please find enclosed **Permit No. 9351** issued in accordance with the *Conservation Authorities Act* and Ontario Regulation 41/24.

Staff have reviewed the following files regarding the above noted development activity:

- *Ex and Proposed Site Plan, Section, Drawing SP1.01*, prepared by Ten House Building Workshop, received November 5, 2025 and stamped approved November 17, 2025.

Conservation Halton (CH) regulates all watercourses, valleylands, wetlands, Lake Ontario Shoreline, hazardous lands (e.g. flooding and erosion hazards, dynamic beaches, unstable soil and bedrock), as well as lands adjacent to these features. The subject property is adjacent to Appleby Creek and contains a portion of the erosion hazard associated with the valley. CH regulates a distance of 15m from greater hazard associated with watercourses. A permit is required from CH prior to undertaking development activities within CH's regulated area and applications are reviewed under the *Conservation Authorities Act*, Ontario Regulation 41/24, and CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document (last amended, April 17, 2025)* (<https://conservationhalton.ca/policies-and-guidelines>).

The approved development activity includes the reconstruction and expansion of the retaining wall and associated grading between 0m and 15m of the erosion hazard of Appleby Creek. The retaining wall will be no closer to the erosion hazard and meets Policy 2.31 of CH's *Policies and Guidelines for the Administration of Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 and Land Use Policy Document (last amended, April 17, 2025)*.

This permit is approved with the following conditions:

- a. That CH be contacted immediately should any changes to the scope or timing of works, or details as identified on the stamped approved drawings be proposed. Note: Further review or additional information may be required to support changes.
- b. That disturbed areas be stabilized immediately following the completion of construction.
- c. That effective sediment and erosion control measures be installed prior to starting work, maintained during construction and fully removed once all disturbed areas have been stabilized. That site conditions be monitored and that the sediment and erosion control measures be modified if site conditions warrant it.
- d. That excess fill (soil or otherwise) generated from the works shall not be stockpiled or disposed of within any area regulated by CH.

Please be sure that you read and understand all conditions listed on the enclosed. Please also note that contravention of a Permit, or the terms and conditions of a Permit, is considered an offence under Section 28.0.1(28) of the *Conservation Authorities Act*. It is your responsibility to ensure that any person working under the authority of this Permit is familiar, and complies with, the terms and conditions.

Conservation Halton must be contacted a minimum of 48 hours prior to commencement of construction. This Permit or a copy thereof as well as all approved drawings must be available at the site. Any changes to the approved design or installation methods must be reviewed and approved by Conservation Halton staff prior to implementation. This Permit is valid two years from the date it is issued.

Please be advised that should you have any objection to any of the conditions of the permit, you are entitled to request a hearing before the Authority, in accordance with Section 28.1(5) of the *Conservation Authorities Act*. A written notice of your request for a hearing must be received by staff within 30 days of the date of this letter. Please note that if a hearing has been requested, this permit approval is withdrawn until such time as the hearing results have been finalized and commencement of any site alteration must not occur until the results of the Hearing are determined.

If you require additional information, please contact the undersigned at [REDACTED]

Regards,



Laura Head
Regulations Officer

Encl. 2

Cc: City of Burlington, Planning Department [REDACTED]
Matt Fratarcangeli, TenHouse Building Workshop [REDACTED]



2596 Britannia Road West
Burlington, ON L7P 0G3
Telephone: 905 336-1158

PERMIT #: 9351

FILE #: RAPP-9793

PERMIT

IN ACCORDANCE WITH PART VI OF THE CONSERVATION AUTHORITIES ACT AND ONTARIO REGULATION 41/24, THIS PERMIT HAS BEEN GRANTED TO:

Owner's Name: Jerry Tomaszewicz

Phone: [REDACTED]

Mailing Address: 2059 Angus Court, Burlington ON L7M 4X9

Agent/Contractor: Tenhouse Building Workshop

Phone: [REDACTED]

107 Gladstone Avenue, Hamilton ON L8M 2H8

Property Location: 2059 Angus Court

in the (City, Town, Township) of: Burlington

(Region/County) of: Halton

This permit is for the reconstruction and expansion of retaining wall within the regulatory allowance (between 0m and 15m of the erosion hazard) of Appleby Creek

This permit is issued on this 17th day of November, 2025

Expires: 17th day of November, 2027

and is subject to the following conditions:

1. That the work to be carried out in accordance with plans submitted on November 5, 2025
and stamped APPROVED by: Laura Head, Regulations Officer
2. see reverse
3. **This permit (including drawings stamped approved by Conservation Halton) or a copy thereof, must be on site and available for inspection.**

In accordance with Section 28.3 of the *Conservation Authorities Act*, Conservation Halton may cancel a permit issued under Section 28.1 if it is of the opinion that the conditions of the permit have not been met or that the circumstances that are prescribed by regulation exist. Before cancelling a permit, Conservation Halton shall give notice of intent to cancel the permit and the permit holder may request a hearing.

Authorized representatives of Conservation Halton may, at any time, enter lands to make any surveys, examinations, investigations, and inspections to ensure that the works authorized by this permit are being carried out in accordance with the terms of this permit.

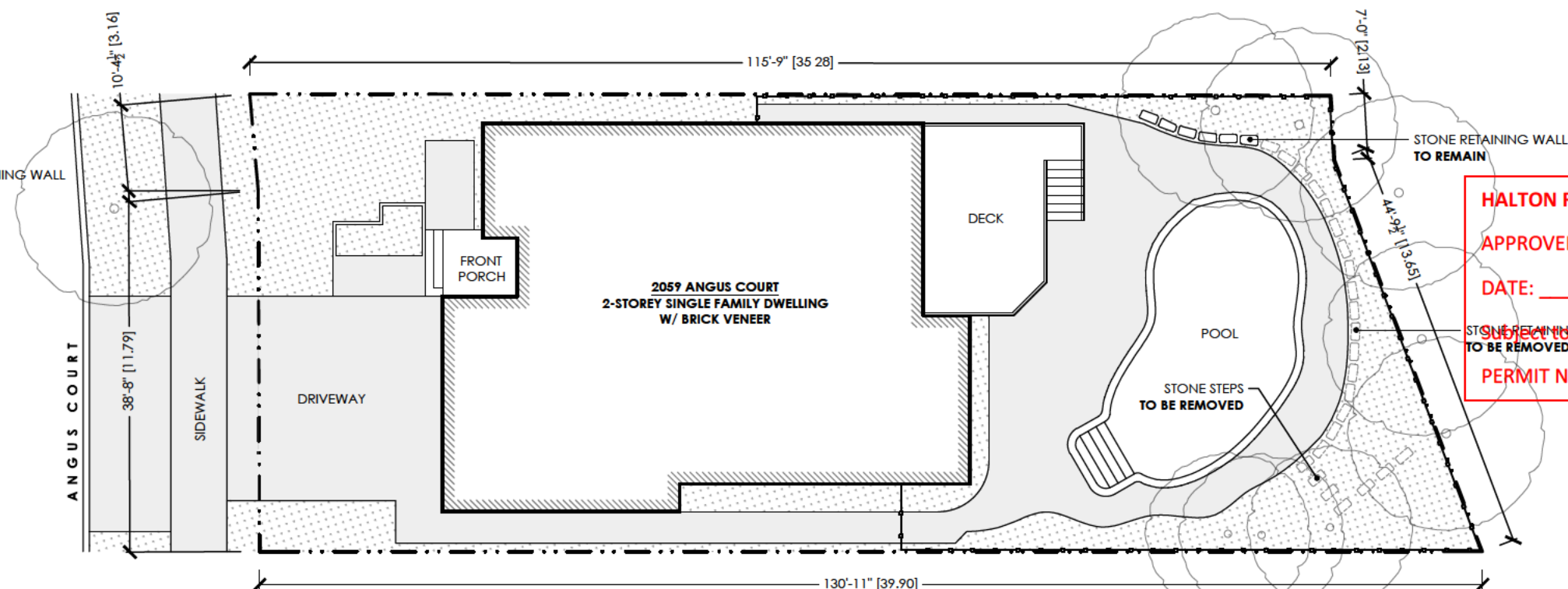
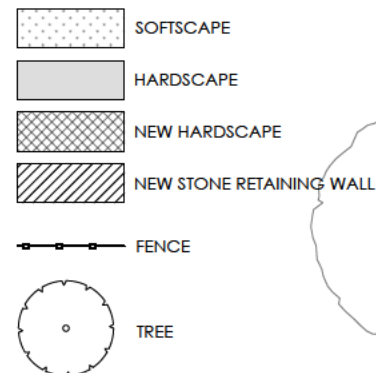
This permit does not preclude any approvals required by any other existing law and regulations.

Authorized by: [Signature] on the 17th day of November 2025
Charles Priddle, Senior Manager, Regulations and Coastal Management Programs

2.

- a. That CH be contacted immediately should any changes to the scope or timing of works, or details as identified on the stamped approved drawings, be proposed. Note: Further review or additional information may be required to support changes;
- b. That disturbed areas be stabilized immediately following the completion of construction;
- c. That effective sediment and erosion control measures be installed prior to starting work, maintained during construction and fully removed once all disturbed areas have been stabilized. That site conditions be monitored and that the sediment and erosion control measures be modified if site conditions warrant it; and
- d. That excess fill (soil or otherwise) generated from the works shall not be stockpiled or disposed of within any area regulated by Conservation Halton, unless in conformance as per the approved plans.

LEGEND:



RECEIVED
CONSERVATION
HALTON
Nov 5, 2025

HALTON REGION CONSERVATION AUTHORITY

APPROVED BY: *[Signature]*

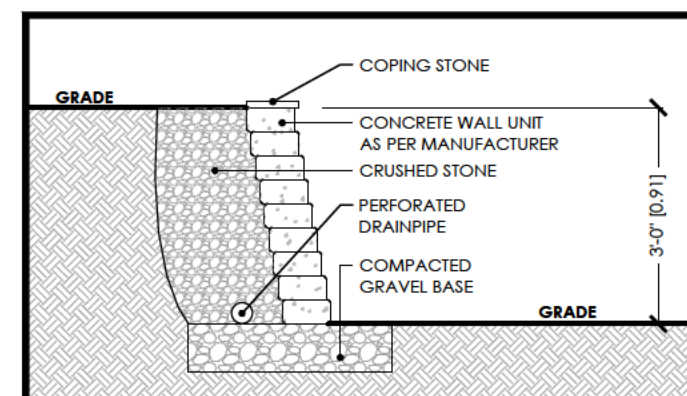
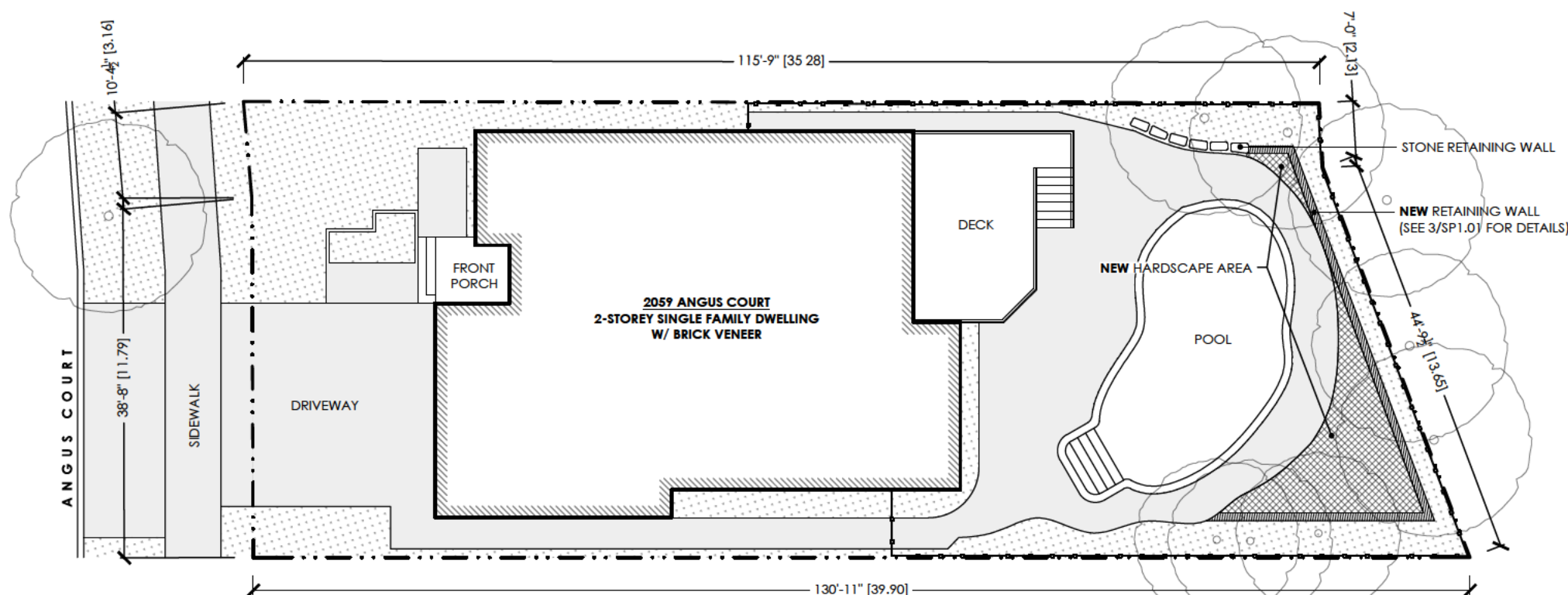
DATE: Nov 17, 2025

SUBJECT TO THE CONDITIONS PROVIDED ON
9351

PERMIT No.: _____

1 EXISTING SITE PLAN
SP1.01
1/16" - 1'-0"

Copyright Act Applies to Use and Production



3 RET. WALL SECTION
SP1.01
3/8" - 1'-0"

GENERAL SITE PLAN NOTES:

1. LOT LINE AND HOUSE FOOTPRINT DATA ARE BASED ON SITE MEASUREMENTS AND AERIAL IMAGERY AVAILABLE ONLINE.
2. EXISTING SITE DRAINAGE PATTERNS TO REMAIN UNCHANGED.
3. ALL DOWNSPOUTS ON SITE DRAIN DIRECTLY INTO SOFT LANDING. NO DOWNSPOUTS ARE TO CROSS WALKWAYS OR PATIOS OR DRAIN ONTO/ACROSS WALKWAYS OR PATIOS.

2 PROPOSED SITE PLAN
SP1.01
1/16" - 1'-0"



THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO DESIGN THE WORK SHOWN ON THE ATTACHED DOCUMENT.

QUALIFICATION INFORMATION
MATTHEW FRANCANGELI
BCIN#:44439

REGISTRATION INFORMATION
TENHOUSE BUILDING WORKSHOP
BCIN#:112916

NO.	DATE	REVISION/ISSUE
0	25/10/27	FOR PERMIT APP

PROJECT:
REMOVAL AND RENOVATION
OF STONE RETAINING WALL
AT 2059 ANGUS COURT
BURLINGTON, ON

DRAWN: J.T.	APPROVED: M.D.F.
FILE NO: 2025-15	CHECKED: M.D.F.
REVISION: 0	DATE: 2025/10/27

EX & PROPOSED SITE PLAN SECTION

SP1.01

From: [Laura Head](#)
To: [REDACTED]
Subject: RE: CH Permit for 2058 Angus Court, Burlington
Date: Tuesday, May 5, 2026 2:34:50 PM
Attachments: [image001.png](#)

Hi Matt,

CH has no concerns with the proposed works having a setback of 0.61m from the property line. CH regulates from hazards, in this case the erosion hazard, associated with Appleby Creek; the works meet CH policies and were approved through CH File RAPP-9793, Permit Number 9351.

I trust this is of assistance.

Regards,



Laura Head
Regulations Officer

2596 Britannia Road, Burlington, ON L7P 0G3
[REDACTED]
conservationhalton.ca









Blue Gala • June 11, 2026 • Area 8 • Featuring a Fireside Chat with Jim Cuddy & Performance by The Jim Cuddy Trio • Tickets & details: conservationhalton.ca/blue

This message, including any attachments, is intended only for the person(s) named above and may contain confidential and/or privileged information. Any use, distribution, copying, or disclosure by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify us immediately by telephone or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

From: [REDACTED]
Sent: May 4, 2026 12:01 PM
To: Laura Head [REDACTED]
Subject: RE: CH Permit for 2058 Angus Court, Burlington

Hi Laura,

Because there was no setback shown on the CH approved drawing for this project, the city has requested an email stating that CH has no concern with the setbacks. The proposed setback is 0.61m.

Please let me know if you require anything else.

Kind regards,



TENHOUSE
BUILDING WORKSHOP

Matthew Fratarcangeli C.E.T., BSS, BCQ
Owner and Principal Designer, TenHouse Building Workshop
Qualified and Registered BCIN Designer

P [REDACTED]
W www.tenhousebw.com
E [REDACTED]

From: Laura Head <[REDACTED]>
Sent: November 18, 2025 10:25 AM
To: [REDACTED]
Subject: CH Permit for 2058 Angus Court, Burlington

Good morning,

Please find attached CH's permit for the reconstruction and expansion of the retaining wall at the above noted property (CH File RAPP-9793). Hard copies of the attached will not be provided. Questions can be directed to the undersigned.

Thanks,

Laura Head
Regulations Officer
2596 Britannia Road West, Burlington, ON L7P 0G3
905.336.1158 ext.2333 | [REDACTED]
conservationhalton.ca

[REDACTED]

[REDACTED]

This message, including any attachments, is intended only for the person(s) named above and may contain confidential and/or privileged information. Any use, distribution, copying, or disclosure by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify us immediately by telephone or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NAME: Matthew Fratarcangeli

ADDRESS: 2059 Angus Court, Burlington

Depending on the type of works you are proposing on your property, you may need a Site Alteration Permit prior to construction to ensure that you, your neighbours and/or the environment are not negatively impacted. Site Alteration Permits are administered by the Capital Works Department to ensure that the Director is satisfied that works on private property will not result in:

- a) Adverse erosion effects on and off-site;
- b) Blockage of a swale, ditch, watercourse, etc.;
- c) Transportation of silt into a watercourse, wetland, or storm sewer, etc.;
- d) Transportation of silt to adjacent, neighbouring or downstream properties;
- e) Pollution of a watercourse;
- f) Flooding or ponding on adjacent properties;
- g) Flooding or ponding caused by a watercourse overflowing its banks;
- h) Hindering the orderly development of any lands;
- i) Detrimental effect on the quality or quantity of water in wells;
- j) Detrimental effect on any trees of a calliper of 75mm or more located on the lands;
- k) Detrimental effect on matters of inherent sensitivity such as, but not limited to aquifer recharge, soil permeability, water quality and wildlife habitat;
- l) Unauthorized injury or destruction of municipal trees or other trees protected under By-laws of the City of Burlington or Halton Region;
- m) Injury or destruction of other trees, which in the opinion of the Director, could reasonably be avoided;
- n) A loss of agricultural land in the Rural Planning Areas as defined in Schedule "C" of the City of Burlington Official Plan;
- o) Detrimental effects on the natural environment, including but not restricted to lands designated as Lake Ontario shoreline, Burlington Bay / Hamilton Harbour Shoreline, Niagara Escarpment and Areas of Natural or Scientific Interest and habitat of endangered or threatened species as identified and defined by the Ministry of Natural Resources (MNR);
- p) Detrimental effect within 120 metres of a Provincially Significant Wetland identified by the Ministry of Natural Resources and wetlands regulated under Ontario Regulation 162/06;
- q) Detrimental effects to the growth and/or harvest of fruit, vegetables or other crops, landscaping and gardens;
- r) Detrimental effects to natural site lines of adjacent properties;
- s) Detrimental effects to areas of archaeological significance; and
- t) Contamination of, or the degradation of the environmental quality of the land.

Please answer the following question with respect to the proposed works. If you respond "Yes" to one or more questions, please contact the Capital Works Department (2nd Floor, City Hall) since the proposed works likely require a Site Alteration Permit

Contact the Capital Works Department should your proposed works require changes contact Capital Works Department prior to construction.

Site Alteration Permits are regulated by the City of Burlington under By-law 64-2014. Non-compliance with By-Law 64-2014 may result in penalties.

	YES	NO
Are you proposing to alter the grade on your property?	☒	☐
If "YES", are you proposing to alter the grade within 0.5m of any property line?	☐	☒
Are you proposing to place fill that has a lower permeability than the existing underlying native soil on the receiving site?	☐	☒
Are you proposing to install a retaining wall on your property?	☒	☐
Are you proposing to remove topsoil on a site greater than 0.2 ha (0.5 acres) in area (approximate dimensions of 20m x 100m)?	☐	☒
Are you proposing to remove vegetation cover on a site greater than 0.2 ha (0.5 acres) in area?	☐	☒
Are you proposing to alter the grade on a property that is next to a watercourse, wetland, pond, Lake Ontario or Burlington Bay / Hamilton Harbour?	☒	☐
Are you proposing to construct a pond in the Rural Planning Area of the City?	☐	☒
Are you proposing to construct a residence, garage, agricultural building or other structure in the Rural Planning Area of the City?	☐	☒

2025-10-27

Date

M. Fratarcangeli

Signature of Owner / Applicant

OFFICE USE ONLY

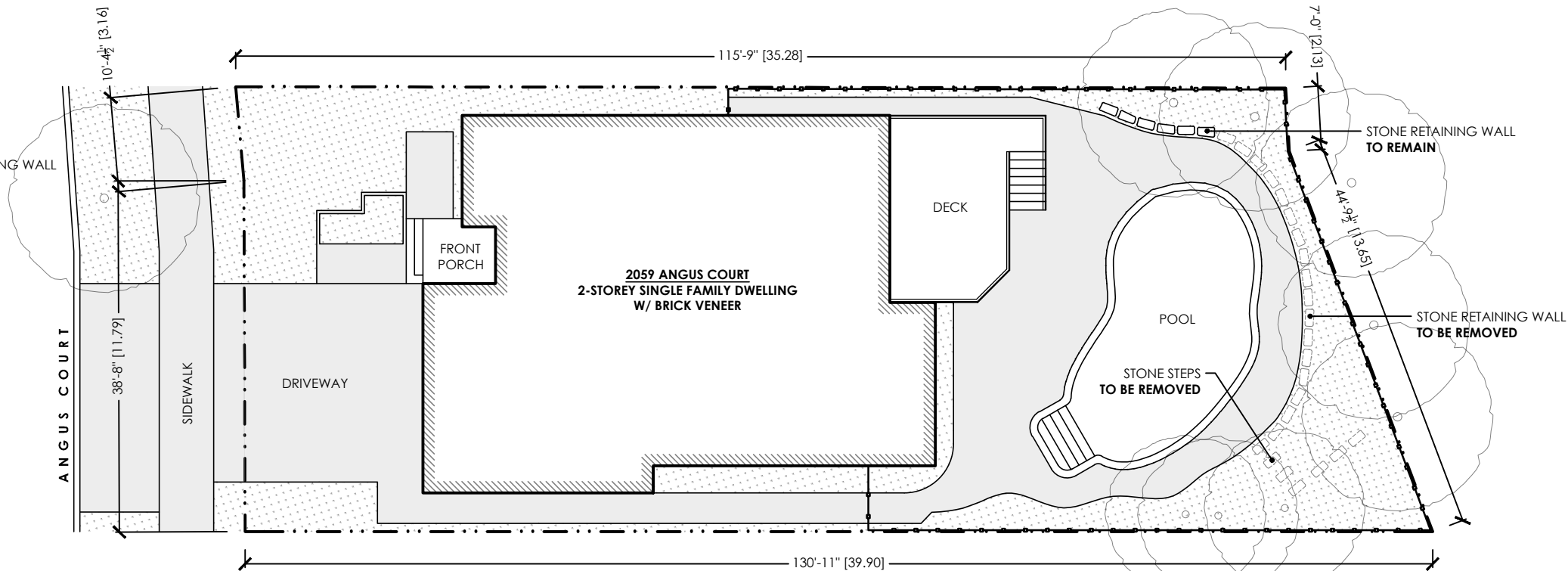
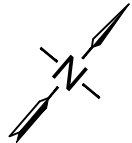
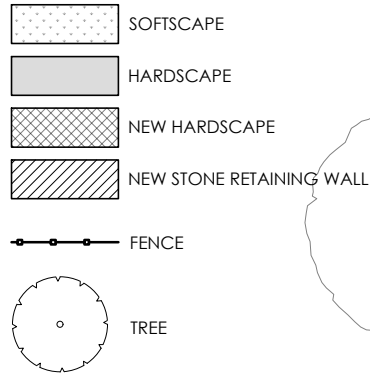
	YES	NO
Is Site Alteration Permit Exempt?	☒	☐
If "YES", provide justification. The applicant has accepted all the above conditions and confirms that the proposed work will not alter the drainage pattern in a manner that could cause erosion or flooding on neighboring properties		

11/04/2025

Date

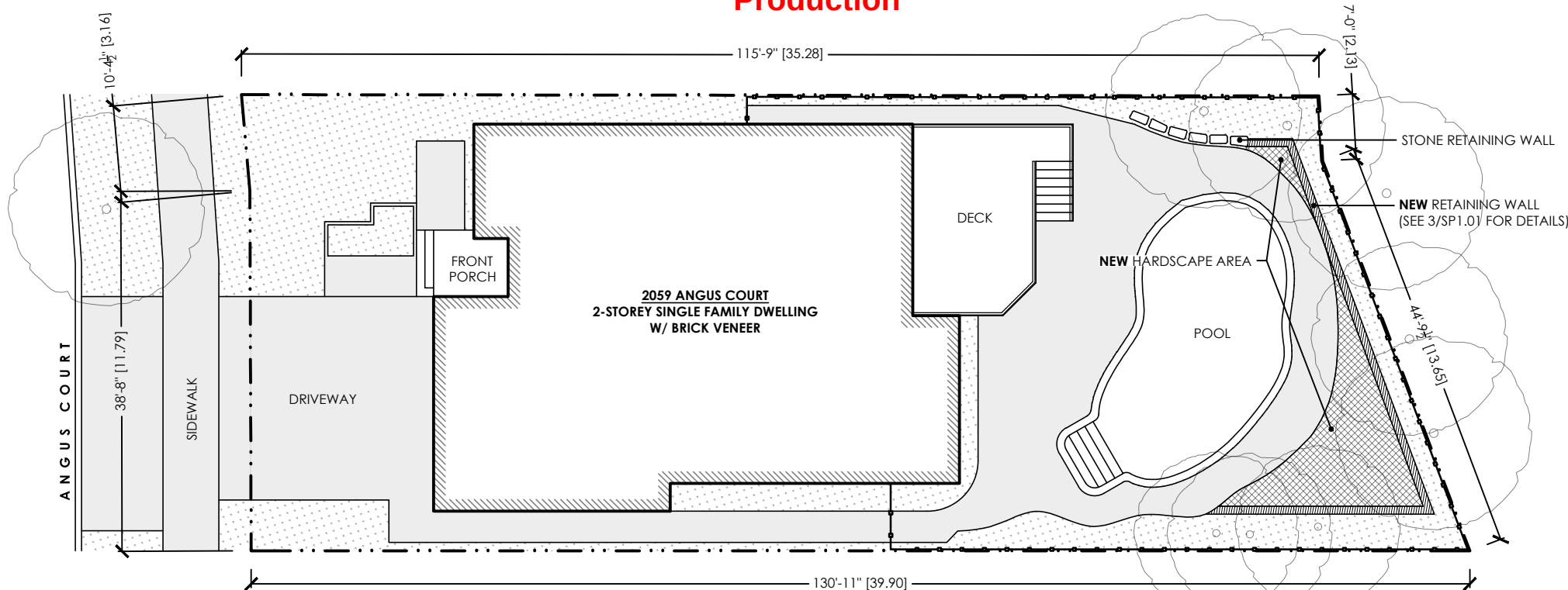
Approved By:

LEGEND:



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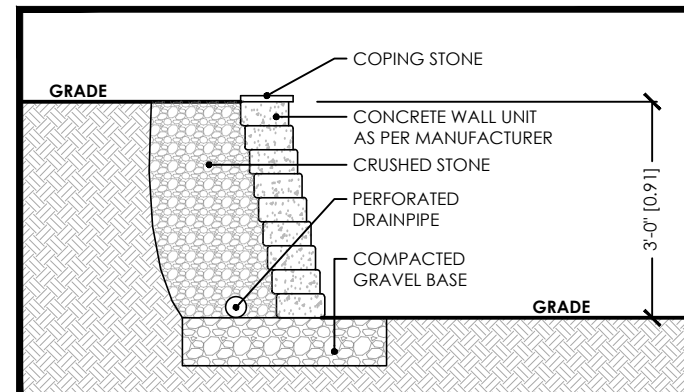
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2 PROPOSED SITE PLAN
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3/8" - 1'-0"



TENHOUSE BUILDING WORKSHOP
107 GLADSTONE AVENUE
HAMILTON, ON L8M 2H8
T: 905-699-7371

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EX & PROPOSED SITE PLAN, SECTION

SP1.01