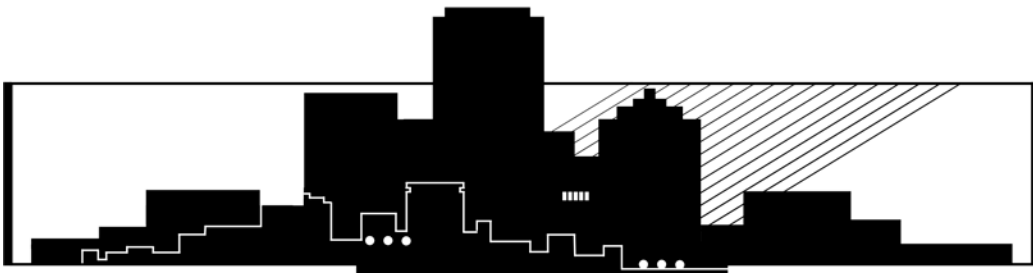


COMMITTEE OF ADJUSTMENT

January 25, 2016

AGENDA



Please ensure that cell phones and personal digital assistants (PDAs) are set to an inaudible function during Committee Meetings

COMMITTEE OF ADJUSTMENT

MEETING No. 2

TIME OF MEETING:	Monday, January 25, 2016 at 6:30 P.M.
PLACE OF MEETING:	Room 247 2nd Floor City Hall

AGENDA

DECLARATION OF INTEREST:

HEARING NO.	TIME	FILE NO. 540-02-	APPLICANT
1)	6:30 P.M.	A-077/15	Re: 730 Brant St., Burlington WARD 2 Pages 1 - 16
2)	6:35 P.M.	A-102/15	Re: 3154 Hampton Crt., Burlington WARD 2 Pages 17 - 25
3)	6:40 P.M.	B-015/15	Re: 546 Burlington Ave., Burlington WARD 4 Pages 26-49

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MEETING No. 2

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JANUARY 25, 2016

HEARING NO. 1 - 6:30 P.M.

File

540-02-A-077/15

APPLICANT:

PROPERTY:

730 Brant Street,
PLAN 99 PT LOTS 66,67
City of Burlington - Regional Municipality of Halton.

VARIANCES:

1. To apply the zoning regulations to the exterior property lines and not from the limit of the zoning boundary to facilitate the proposed development whereas Part 1, Section 1.7.1 (g) states where a property or lot has two or more zoning designations, the zoning boundary between the designations shall be the limit from which the zoning regulations shall apply
2. To permit direct vehicle access to Brant Street whereas Part 14, Exception 23 (1)(c) states direct vehicle access to Brant Street is not permitted
3. To permit a 1.7 m minimum yard abutting a street (Olga Drive) instead of the minimum required 3 m for the proposed apartment building
4. To permit a 4.9 m maximum yard abutting a street (Hyde Road) instead of the maximum permitted 4.5 m for the proposed apartment building
5. To permit a 1.0 m setback instead of the minimum required 3 m for the proposed balconies abutting Olga Drive
6. To permit a 5 m yard abutting a residential zone instead of the minimum required 12 m for floors 1 to 3
7. To permit a 5 m yard abutting a residential zone instead of the minimum required 15 m for floor 4

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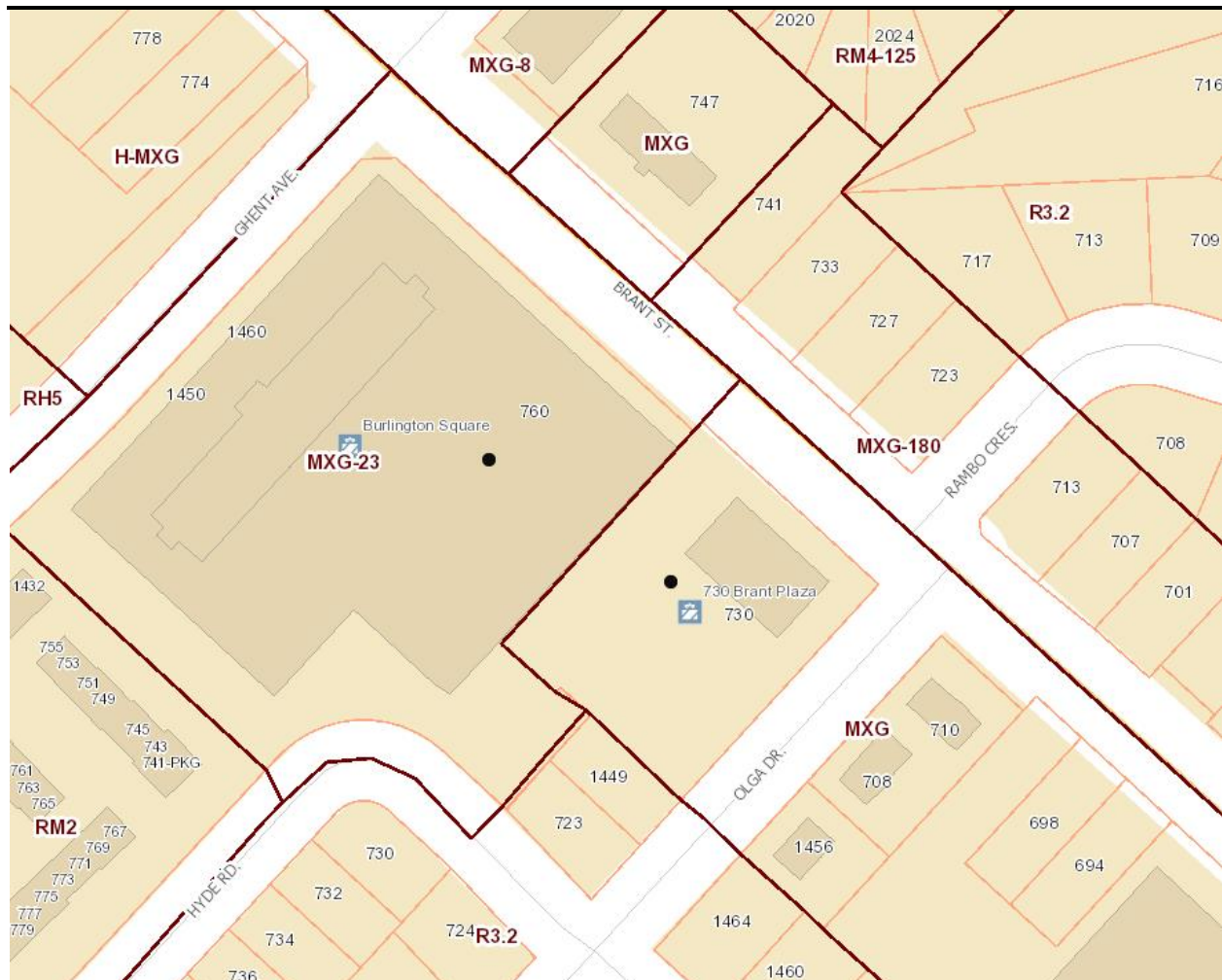
8. To permit a 4.2 m yard abutting a residential zone instead of the minimum required 12 m for balconies on floors 1 to 3
9. To permit a 4.2 m yard abutting a residential zone instead of the minimum required 15 m for balconies on floor 4
10. To permit a 0 m landscape area abutting a street (Brant Street) instead of the minimum required 3 m
11. To permit a 1 m landscape area abutting a street (Olga Drive) instead of the minimum required 3m
12. To permit a 4.8 m landscape buffer abutting a residential zone instead of the minimum required 6 m
13. To permit 123 occupant parking spaces instead of the minimum required 194 occupant parking spaces
14. To permit 3 occupant accessible parking spaces instead of the minimum required 6 occupant accessible parking spaces
15. To permit 33 shared parking spaces instead of the maximum permitted 31 shared visitor parking spaces
16. To permit 33 visitor parking spaces instead of the minimum required 52 visitor parking spaces
17. To permit the below grade parking structure to encroach 1 m into the required landscape buffer where as Part 1, Section 2.26(5) and Part 2, Section 1(j) states that below grade parking structures shall not extend into a required landscape buffer and shall be setback 3 m from all other property lines and street lines
18. To permit a 1.7 m setback to a street line (Olga Drive) instead of the minimum required 3 m setback to a street line for the proposed underground parking garage
19. To permit a maximum 23 m yard abutting a street (Olga Drive) instead of the maximum permit 4.5 m for the proposed accessory building (Community Gardens shed)

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**STAFF REPORTS:****Committee of Adjustment**

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

Date: August 13, 2015 Prepared By: Wendy Garside

Zoning

The subject property is zoned MXG and MXG-23, Mixed Use Corridor General, under Zoning By-Law 2020, as amended.

The applicant is proposing a 4 storey apartment building with ground level commercial. Variances required as indicated on hearing page.

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Notes:

- A Zoning Clearance Certificate is required for the proposed building. Separate zoning approvals will be required for each commercial unit finishing.
- Site plan approval is required prior to issuance of a zoning clearance certificate
- Development Charges will be required as per the development charges by-laws of the City, Region and Board of Education prior to issuance of a permit
- Comments prepared based upon plans submitted for Site Plan approval (File 535-02-008/15 – revision date 07/17/15)
- Comments prepared for the proposed building only to the limit of the phase line. Should the buildings not be on separate lots additional details would be required to confirm that the proposed re-development of the entire site complies with the Zoning regulations for the entire site and for the re-development itself.

Date: August 21, 2015 Prepared By: Mark Dalrymple**Revised: August 27, 2015** (removed variances as requested by the applicant)**Site Planning**

The subject property is located on the west side of Brant Street at Olga Drive, which is a gateway into the historic downtown core. The property extends also back from Brant Street all the way to Hyde Road, allowing it to face onto three streets

The property currently supports a two storey office building and a portion of the Burlington Square Mall, located at the base of the Burlington Square Apartment Building to the north. The subject application proposes the redevelopment of the subject property plus a portion of the Burlington Square building, which are currently under common ownership. Once developed, the property line between these two properties will be adjusted to recognize the final land uses. The subject application takes this eventual reconfiguration of the properties into account.

In the spring of this year (2015), The Ward Councillor organized a neighbourhood meeting to present conceptual details to the surrounding residents and to obtain comments and feedback that could be incorporated into a formal application. That design work has now been completed by the applicant and an application for Site Plan Approval is under review (File: 535-8/15).

The first part of the formal assessment of this application is the consideration of current zoning regulations. The City's Zoning Examiner has carried out a review of the proposal and identified several variances needed for the implementation of the plan. The subject application has been submitted in response to the matter of zoning compliance.

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1) Official Plan Designation:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?

Yes

The subject property is designated 'Mixed Use Corridor' within the City's Official Plan. Part III Section 5.3, Subsection 5.3.1 Objectives, states the following with regards to function:

- a) To provide locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with higher density residential, retail, service commercial, office, entertainment, community facilities and institutions a, and open space uses.

Section 5.3.2 General Policies states the following as permitted uses:

- a) (i) A wide range of retail, service commercial and personal service uses, financial institutions and services, a broad range of office uses, entertainment, recreation and other community facilities such as day care centres, and small scale motor vehicle dealerships

The Official Plan states the following with regards to Retail Function:

- a) Mixed Use Corridor lands are intended to provide for the day to day and weekly shopping needs of residents within and in close proximity to the Corridor

It also calls for the following with regards to Commercial Built Form:

- c) Retail and service commercial uses are to be located at street level in office or residential buildings

The subject application proposes several variances needed to facilitate the construction of a Mixed Use Building consisting of residential apartments and ground floor retail commercial space. The ground floor retail space contributes to the creation of a street edge and promotes active uses at the street.

This combination of residential and commercial uses is considered conducive to the creation of a walkable, healthy, transit supportive development and the implementation of the Mixed Use Corridor policies and is consistent with the functional objectives of the Official Plan.

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The Official Plan also provides guidance with regards to building height and intensity. Part III, Section 5, Mixed Use Activity Area, Subsection 5.3.2 General Policies states the following:

- d) Zoning By-law regulations affecting Mixed Use Corridors shall be based on the following factors:
 - i) The maximum floor area ratio of development at any site shall be 1.5:1. City Council may consider a higher floor area ratio in conjunction with a site specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking;
 - ii) The minimum building height shall be two storeys and the maximum building height shall be six storeys. Where required to ensure compatibility, four to six storey buildings may be required to be terraced back from adjacent residential areas and/or the street

The applicant proposes a building having a Floor Area Ratio of 1.7 : 1. This exceeds the base limit set by the Official Plan. The Official Plan also spells out the circumstances under which increases to Floor Area Ratio may be considered. With this in mind, the proposed building has been designed utilizing a high standard of architectural design that employs among other things stone and brick cladding, a two storey building podium at the street, a very distinct marker element feature facing Brant Street, a main entrance for the apartment building on Brant Street and commercial units that open to the street with large amounts of glazing at the street level to promote connectivity with the public space along the sidewalk.

The development will also include enhanced streetscaping along Brant Street and one level of underground parking, to minimize surface parking. Staff is satisfied that these design measures satisfy the Official Plan expectations with regards to enhanced architectural and design treatments.

2) Zoning By-law Designation:

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?

YES

NO – Variance #14

The subject property is zoned MXG under By-law 2020. The MXG zone designation

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encourages and promotes mixed use developments in a mid-rise building form that is considerate of surrounding uses but which also allows for the types of densities and uses that can contribute to a pleasing, active and functional streetscape. It proposes the creation of a streetscape that is walkable, safe and ultimately serving as an area that provides goods and services to the surrounding community, as well as to the city as a whole. In an effort to balance these two objectives, the by-law sets out various setback limits, height limits and density caps. The intent is to discourage highrise development within the Mixed Use Corridor while still allowing the type of intensity needed to make the corridor viable as a destination for shopping, recreating, socializing and living.

The applicant has proposed the construction of a 4 storey mixed use building containing residential units on upper levels and commercial uses on the ground floor facing Brant Street. The building will employ a high level of urban design in order to ensure overall compatibility with surrounding development. Notwithstanding the effort to redevelop the site in a compatible manner, several variances to the zoning by-law are still required. Staff will address the variances individually.

Variance #1 – Internal Zoning Line

The overall development site contains two zoning designations. The north part is zoned MXG-23 and the south part is zoned MXG without an exception number. By-law 2020 treats the limit of a zoning designation (zoning line) as the line from which all zoning measurements for that designation are to be taken. In some cases, however, the zoning line does not correspond with the limits of a development plan and numerous encroachments, reductions etc will result. The intent of the regulation which is to ensure that the zoning regulations applied to all development contained within the designated area can be maintained as long as the development plan continues to respect the limits of the zoning classification, even if the development plan crosses over the zoning line.

In this case, staff is dealing with a large scale redevelopment of lands that previously supported an office building and a portion of the Burlington Square building. The location of the zoning line was well suited to control these two developments. The new development is laid out differently, having a long building wall up against Brant Street and avoiding a building gap where the zoning line currently exists. This is helpful to promote enhanced urban design and to recognize a new building form.

Staff is satisfied that this variance is primarily technical in nature and only allows zoning to be taken from the perimeter of the site and not from the internal zoning line. By doing this, the development will not be constrained by the location of the line and will be improved as a result.

Variance #2 – Driveway

This variance results from the location of the internal zoning line which originally limited

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the location of a driveway onto Brant Street from the south portion of the property only (the part zoned MXG). The north part of the property which is zoned MXG-23 does not allow any additional driveway onto Brant Street. The intent of the regulation is to ensure that the driveway be utilized by the development on the south part of the site (the existing office building) and not the Burlington Square Development. The current development extends further north than the previous development and the driveway is proposed to move north in a co-ordinated way. The issue is that as the driveway moves north, it ends up on the portion of the property with zoning that does not permit the driveway (in recognition of the previous development pattern).

The applicant had originally considered moving the driveway to the rear of the site (from Hyde Road) so as to maintain compliance with the zoning restriction. Several driveway configurations were considered but ultimately it was concluded that keeping the driveway fronting onto Brant Street was preferred to having a driveway entrance from any other road. Other locations would bring traffic and noise impacts to areas of the site where this is not currently occurring.

This variance is considered to meet the intent of the zoning regulation as it continues to provide a driveway entrance from Brant Street for the south part development.

Variance #3 – Setback from Olga Drive

The By-law requires a 3 m setback from a building that faces Olga Drive. The intent of the regulation is to ensure that the site contribute to the pedestrian realm that exists along the street, by adding some space. In this case, even though the building will encroach by 1.3 m into the required setback, this only occurs over a section of the required yard as an open space, community garden is proposed to face Olga Drive towards the west end of the site's Olga frontage.

Staff are satisfied that overall, the intent of the regulation will be maintained.

Variance #4 – Maximum Setback from Hyde Street

The site's MXG zone designation sets a minimum and a maximum building setback from a street lot line. The intent is to keep buildings close to the street to create a street edge and to avoid the inclusion of parking in between a building and a street.

The applicant is requesting a maximum setback of 4.9 m, which occurs at the curved portion of Hyde Road where it bends away from the building. The area will be landscaped and no parking or other use will be accommodated by the increase. Staff supports this variance.

Variance #5 – Balconies from Olga Drive

As the building comes slightly closer to Olga Drive than permitted under the By-law (see Variance #3), so do the balconies. They will project 2 m into the required 3 m setback

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but will not encroach over into the City's road allowance. Staff notes that that this is a relatively small section of the building and as such impacts will be minor. The land use on the opposite side of Olga Drive is apartments and staff note that those building are set well back from the street and do not have amenity areas facing the new development. Allowing the balconies at the subject development to come closer to the street will not bring about any additional impact to this adjacent development.

Staff supports this variance.

Variance #6, #7, #8 and #9 and #12– Setback and Landscape Strip adjacent to Residential Zone

The subject property abuts two single detached residential lots at the south-west corner of the property. These two lots carve into the subject property creating an irregular lot line at the corner (a notch). The proposed development has been designed to keep the majority of building mass away from Olga Drive and Hyde Street. However, in this location, the proposed building will come to within 5 m of the residential zoned properties where 12 to 15 m is the minimum requirement.

The intent of the By-law is to keep buildings with large mass and height separated from structures of low mass and height and to ensure compatibility by the provision of space. In this case, staff notes that the two single detached lots will be surrounded primarily by landscaping and an open community garden. As part of the concurrent application for Site Plan Approval, staff is taking great care to ensure that the proposed 5 m strip is fenced and well landscaped. The design of this interface will ensure overall compatibility.

Staff also notes that the proposed building is a four storey design where a six storey building is permitted. A four storey building is approximately 30% lower than a six storey building and as such poses lesser mass overall. Such a design is a candidate for consideration of reduced setbacks.

Variance #10 and #11 – Landscape strips on Brant Street and Olga Drive

Landscape strips are the property's contribution to the overall streetscape design. In urban settings such as this, the streetscape design links adjacent development and makes the street safe, attractive and walkable. Staff are concerned when landscape strip are substantially reduced or removed adjacent to a street. The streetscape is impacted as the width of the overall pedestrian area is reduced and the softscaping that is provided by planting is removed. The result is a street defined by hard surface and sometimes of a narrow width.

The applicant is aware of the concerns regarding landscaping and has worked with staff to include planter boxes along the length of the building's Brant Street frontage. Although the planter boxes are not considered part of a landscape strip for zoning purposes, they do achieve a similar effect as a planted landscape strip. The planter

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boxes will frame the building and accentuate the entrances to the proposed commercial units at the street level. Other features such as decorative paving and street furniture will complete the desired presentation along Brant Street.

With regards to Olga Drive, the space required for the landscape strip has been encroached upon by proposed residential patios associated with ground floor residential units facing Olga Drive. The area will be accented with perimeter planting around the patios and along this building wall. The planting along Olga includes several trees that will also assist with overall aesthetics and the creation of a safe, walkable environment.

Variance #13, #14, #15 and #16 - Parking

The MXG zone designation includes requirement for residential occupant parking, visitor parking, commercial parking and accessible parking. The applicant is asking for variances to reconsider parking at this development given its location within a Mixed Use Corridor, within close proximity to the historic downtown core, access to transit, access to cycling lanes and close proximity to a large amount of services and amenities. It is suggested that such a location warrants a reduction to the base parking requirements and that the property will remain self sufficient in terms of actual parking needs.

While Planning staff agrees with a reworking of parking so as to not oversupply the development, staff relies on the comments of the City's Transportation staff to provide guidance with regards to each variance's acceptability based on technical assessment and the surrounding transportation infrastructure. Staff notes that the Transportation staff awaits technical data to be able to complete their review. Until such time as that is completed, staff will consider the variance to reduce the occupant parking number to be premature.

As part of the overall reduction to parking, the applicant is requesting that the visitor parking be reduced to 33 spaces and that these 33 spaces all be shared with the commercial uses where the By-law only allows up to 31 spaces. Should the overall reduction be found to be acceptable to the Transportation Group, Planning staff would have no objection to allowing all of the visitor spaces to be shared with the commercial uses. Staff considers this to be a much more orderly approach to the sharing provision given that the number of spaces to be shared is very close (33 spaces to be shared instead of the maximum 31 spaces). Leaving two spaces out of this arrangement is not necessary.

Accessible Spaces

The By-law requires the provision of 6 accessible occupant spaces at this development. This is a minimum requirement and only meets the basic needs of the eventual occupants of this development. Apartments cater to a mix of young and old residents. Many older residents opt to live in an apartment to downsize from larger multi-level single detached homes and to be closer to amenities. While walking or use of transit is

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encouraged, some residents will still rely on the automobile for transportation. The need for accessible spaces is sometimes increased when we are dealing with an aging population or other people with mobility issues.

Staff does not agree to a reduction to the number of required accessible spaces and do not consider such a reduction to be desirable for the development of the site.

Variance #17 and #18 – Underground Parking Structure

By-law 2020 requires that parking structures maintain a minimum setback of 3 m from a lot line and it not be located beneath a required landscape buffer. The applicants propose to construct an underground parking structure that will encroach 1 m into the required landscape buffer along Olga Drive and also to encroach by 1.3 m into the required setback of 3 m.

Staff note that Variance #11 already discusses a reduction to the Olga Drive landscape area which will bring the building (patios) closer to Olga Drive. Having the underground garage structure come closer to Olga Drive at the same time is a reasonable proposal.

With regards to the spatial setback requirement, staff notes that the intent of the regulation is to provide space between the outer wall of the garage and the lot line for construction purposes. Over the years, there has been much advancement in construction practices that allow underground structures to be built very close to lot lines without disrupting the neighbouring property or the road allowance.

Variance #19 – Accessory Building

The MXG zone requires buildings to be no more than 4.5 m back from a lot line in order to ensure that buildings frame the street, allow for easy pedestrian access, contribute to the creation of pleasing streetscapes and also to avoid having parking lots visible from the street.

While this regulation is very helpful to promote good building forms, it need not apply to accessory buildings and other utility type structures in every case. The subject variance would only permit an accessory shed used in conjunction with a community garden to be setback back away from the street, where it logically should be located.

Staff is of the opinion that the intent of the By-law regulation will be met and the variance does not bring about a disruption to overall streetscape presentation or the creation of an inviting public realm along Olga Drive.

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?

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Yes**No – Variance #14**

The majority of the variances are considered desirable to allow for the orderly development of the property in a manner that contributes to the creation of a mixed use corridor along this part of Brant Street.

The variance to reduce the number of accessible parking spaces is not considered desirable as it detracts from the ability of the development to be truly self sufficient in terms of parking

4) Minor in Nature:

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

Yes**No – Variance #14**

The majority of the variances are considered to be minor as they do not substantially alter or intensify the development already permitted under the MXG zone designation. The impact of the variances will be minor

The variance to reduce the number of accessible parking spaces is not considered to be minor as it reduces the required allotment of spaces by 50% and will create a noticeable shortage at this development.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Individually or together the variances, other than variance #11, are considered acceptable to allow for the redevelopment of the subject lands.

Recommendation:

Staff has reviewed the proposed variances (all except Variance #13 to #16) 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 following condition:

1. The development be in accord with the plans submitted in support of the subject application and the concurrent application for Site Plan Approval under File: 535-8/15

Staff has reviewed the proposed **Variances #13, #14, #15 and #16** in accordance with

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the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and **objects** to the variances requested.

Date: September 11, 2015 Prepared By: Charles Mulay MCIP RPP

REVISED COMMENTS – January 6, 2015

Following the completion of the Transportation Group review and in accordance with their acceptance of the proposed reduction to required parking, Planning staff are now in support of Variances #13, #15 and #16.

Planning staff continue to object to a reduction to the number of required accessible spaces (Variance #14)

Please accept this revised recommendation for the Committee's consideration.

Recommendation:

Staff has reviewed the proposed variances (all except Variance #14) 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 following condition:

1. The development be in accord with the plans submitted in support of the subject application and the concurrent application for Site Plan Approval under File: 535-8/15

Staff has reviewed the proposed **Variance #14** in accordance with the Planning Act, the policies of the Official Plan and the requirements of the Zoning By-law and **objects** to the variance requested.

Prepared By: Charles Mulay MCIP RPP

Site Engineering**Brant Street**

Deemed Street Width is 30m, Actual Street Width is 27m; therefore a 3m road widening will be required.

Olga Dr

Deemed Street Width is 20m, Actual Street Width is 20m; therefore no widening is required

Date: August 14, 2015 Prepared By: A. Capone

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Site Engineering staff have no objection to the variances required.

Date: September 10th, 2015 Prepared By: Joshua Medeiros

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 2012.

Date: September 9, 2012 Prepared By: Kathy Pavlou

Transportation Planning

Parking justifications need to be provided for occupant parking and visitor parking.

Date: Sept. 9th, 2015 Prepared By: Linda Wu

City of Burlington Transportation Planning staff are of the opinion that a reduction of minimum parking requirements for the above-noted application can be supported in exchange for TDM measures. This approach enables the City to encourage and enforce the installation of TDM measures for an in-kind exchange of reduced minimums. An agreement between the City and landowners provides more flexibility to combine parking reductions (a disincentive to drive) together with TDM measures that are incentives for other, sustainable, travel modes.

As such, Transportation Planning staff support the following variances, noting that the requested parking reduction is minor in nature and desirable:

Variances required as indicated by Zoning:

13) To permit 123 occupant parking spaces instead of the minimum required 194 occupant parking spaces;

15) To permit 33 shared parking spaces instead of the maximum permitted 31 shared parking spaces;

16) To permit 33 visitor parking spaces instead of the minimum required 52 visitor parking spaces.

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Parking Type	Required Parking	Proposed Parking	Comment
Occupant	194	123	Staff support the proposed reduction in required occupant parking. The reduction is supported largely in part by the TDM commitments made as part of this application. Incorporation of CarShare (3 vehicles), unbundled parking, provision of bicycle parking, and subsidized transit passes are anticipated to achieve notable trip and parking reductions.
Non-Residential	31	33*	Staff support the proposed variances and furthermore, support the conversion from dedicated non-residential & visitor parking to shared parking. The proposed use lends itself to shared parking (defined as complimentary land uses using the same parking spaces at different times of the day). Implementation of a shared parking arrangement is considered good practice in terms of parking management as it uses existing parking resources more efficiently and minimizes the risk of oversupply.
Visitor	52	33*	

(*) denotes shared parking

Travel Demand Management (TDM):

The applicant has demonstrated a willingness to work with City staff in order to develop a Travel Demand Management (TDM) plan in attempts to reduce trip and parking demands associated with the proposed redevelopment. It is noted that a successful TDM program can reduce overall parking requirements and as a result, lower development costs. Additionally, parking reductions can encourage compliance with TDM requirements as failure to implement promised TDM programs would likely result in a parking shortage.

City staff consulted with staff from Halton Region, City of Kitchener, and the City of Hamilton in order to develop a comprehensive TDM strategy that supports sustainable modes of travel while reducing overall parking demands. The following summarizes the TDM strategy, as proposed:

- Carshare – the applicant has agreed to finance a two-year carshare commitment (approximately \$75,000) with Community CarShare to ensure that three carshare vehicles are located on-site for a 24-month duration (minimum). Carshare vehicles help reduce the need to store private vehicles for a long period as a single vehicle can be shared between multiple users, thereby resulting in lower vehicle ownership and reduced parking demand;
- CarShare Contribution – the applicant has agreed to make a monetary contribution of \$75,000 to Community CarShare, demonstrating community stewardship and commitment to sustainable travel options. The contribution is to

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be used in the purchasing of additional Community CarShare fleet vehicles within the City of Burlington;

- Subsidize Transit – transit pass programs encourage transit use through the offering of discounts for transit passes. The applicant has agreed to provide a 30% subsidy for the cost of a monthly Presto pass for a period of 24-months. One subsidized transit pass is to be provided per unit, applicable to the new residences proposed as part of 730 Brant Street redevelopment (approximately 200 new units);
- Unbundled Parking – avoids providing an unnecessary incentive for car travel by separately charging for auto parking spaces. The applicant has agreed to unbundle parking and present the costs of parking as monthly permit charges, separate from residential costs.

Date January 13, 2016Prepared by Kaylan Edgcumbe, C.E.T. Senior
Transportation Planner**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

Pay all property taxes owing. The taxes owing includes any outstanding balances plus current year taxes that have been billed to the satisfaction of the Director of Finance. Local improvement must be commuted.

Date: Sept 2, 2015 Prepared By: L. Bray

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HEARING NO. 2 - 6:35 P.M.

File
540-02-A-102/15

APPLICANT:
PROPERTY:

3154 Hampton Court,
PLAN 220 LOTS 10,11
City of Burlington - Regional Municipality of Halton.

VARIANCES:

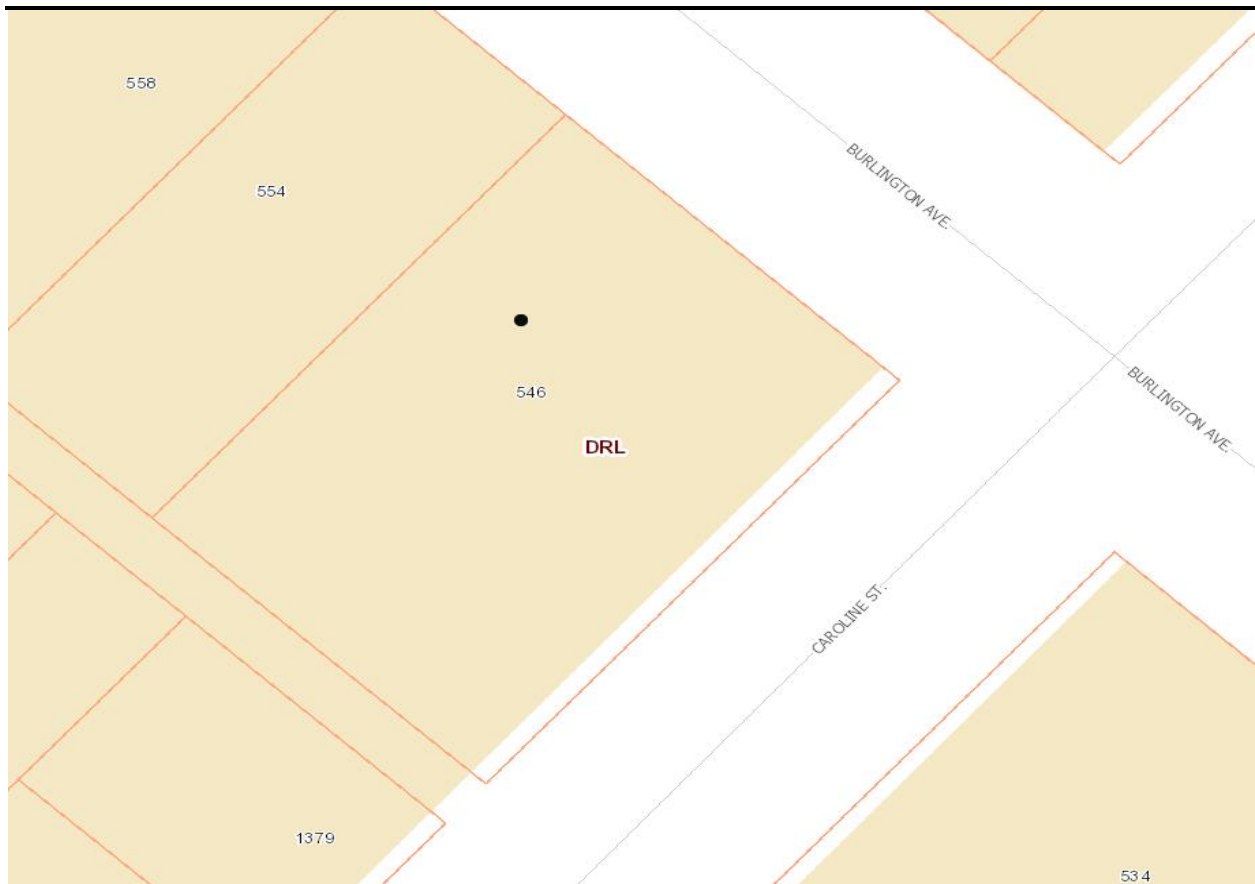
1. To permit a 6.6 m rear yard setback whereas Part 2, Table 2.4.1 requires a 9 m rear yard setback for the proposed addition
2. To permit the existing accessory building in the required side yard whereas Part 1, Section 2.2(b)(i) requires that an accessory building is not permitted in the required side yard.
3. To permit a 0.39 m setback for the existing accessory building whereas Part 1, Section 2.2(b)(ii) requires a 1.2 m setback from a side lot line

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**STAFF REPORTS:****Committee of Adjustment**

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

Date: October 5, 2015 Prepared By: Wendy Garside

Zoning

The subject property is zoned R1.2, low density residential, Zoning By-Law 2020, as amended.

Applicant is proposing a rear addition to the existing dwelling.

An additional variance is required for the existing accessory building (pool house) on the west side of the property.

Variances required as indicated on hearing page.

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Notes:

- A zoning clearance will be required for the proposed dwelling. Please note that at time of submission, the plans will be required to be signed and stamped by the architect.
- **Any additional variance determined during further reviews will be the applicant's responsibility.**

Date: October 20, 2015Prepared By: Mark Dalrymple**Revised: December 7, 2015****Site Planning**

The plans submitted, together with the subject application, have been revised based upon the Committee of Adjustment deferral of the subject application at its meeting of November 23, 2015.

Following the above-noted hearing, staff, the applicant, and their (architectural) consultant met on-site, and have continued to discuss possible revisions to the proposed development in an attempt to address concerns with regard to the issue of compatibility.

The applicant has agreed to increase the rear yard setback from 3.1m to 6.6m by moving the proposed addition away from the rear lot line. In addition, the applicant has agreed to revise the proposed design in order to lower the overall height of the addition to a maximum height of 8.5m. These changes help to better integrate this infill development into the surrounding area and ensure compatibility.

Staff's recommendation to lower the height of the addition is intended to reduce scale and massing, which would limit shadowing and other impacts on neighbouring properties.

With a reduced scale of development, staff is of the opinion that the proposed addition is able to achieve improved compatibility and therefore meets the tests set out under Section 45 of the Planning Act.

Recommendation:

Staff has reviewed the revised variance application 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 following term:

1. That the proposed (peaked roof) addition shall not exceed a maximum height of 8.5m;

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2. That the proposed addition shall not contain any windows on the upper level of the south and east elevations; and
 3. That in all other respects the proposed addition be constructed substantially in accordance with the revised plans and drawings submitted with this application.

Note: The applicant is advised that the appropriate form of site plan approval is required to facilitate the proposed development.

Date: January 14, 2016 Prepared By: Todd Evershed, MCIP, RPP

The subject property is located on the south side of Hampton Court, one block north of Lakeshore Road and east of Rossmore Boulevard, in the Roseland Planning Community. The surrounding neighbourhood consists predominantly of single-detached residential dwellings, including a mix of 1-, 1½-, 2-, and 2 ½-storey dwelling types, on larger lots. The subject property is municipally known as 3154 Hampton Court and legally described as Part of Lots 10 and 11, on Registered Plan 220 (Roseland Court Subdivision).

In order to facilitate the construction of a new 2-storey addition, including a (4-car) garage, mudroom, washroom, and utility room on the ground floor with floor area above, the applicant is seeking relief from the minimum rear yard setback requirement. In addition, 2 variances are required to recognize the siting of an existing accessory building (storage shed) located in the west side yard with a reduced side yard setback.

1) Official Plan Designation: Residential-Low Density

Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential-Low Density under the City's Official Plan. This designation permits residential development to a maximum density of 25 units per net hectare.

Variance 1 – Rear Yard

No

Residential development is permitted subject to it being compatible with the scale, urban design and community features of the neighbourhood.

Compatibility 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 environment and/or human health. Compatibility should be

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evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun shadowing, and the potential for serious adverse health impacts on humans or animals.

The Official Plan does not include specific references to setbacks. As a general land use plan, the Official Plan sets the broader policies for development within the neighbourhood. Among the main policy objectives of the Official Plan is the promotion of compatible development, and to assess compatibility using the principles of urban design and the impacts of physical form on the surrounding area. In this regard, compatibility shall be maximized where it is desirable to do so.

Staff note that zoning is deemed to implement the vision of the Official Plan. The setback requirements are therefore considered the basic minimum performance standards to ensure compatible development. And thus, setbacks are meant to guide the siting of new development, control its massing, scale and orientation.

Staff have reviewed the requested variance and considered the proposed building form. The reduction is such that the proposed 2-storey addition would come uncharacteristically close to the rear yard amenity areas of adjacent properties, namely 3160 Hampton Court and 3157 Lakeshore Road. The entire addition would be located in what is currently the rear yard of the subject property, and thus, every part of the addition would be closer to the neighbouring properties than the existing house. Accordingly, the variance would facilitate a completely new set of setbacks to accommodate the addition.

In accordance with the City's Urban Design Guidelines for Low Density Residential Zones, approved by Council in 2009, additions should relate to existing development, particularly in terms of siting and scale. The addition must therefore have regard for the design and location (siting) of the existing house on the property. In this case, the addition appears disorderly in terms of building integration, being located at the south-east corner of the property and connected only at one corner of the existing house. Staff note that there is more than enough space within the property's building envelope to accommodate a more appropriate addition. In this regard, there is nothing unique about the subject property that would incline staff to support such a drastic reduction respecting this performance standard.

Given the above, staff does not consider the variance as meeting the intent of the Official Plan as it results in the siting and design of a building addition that is not compatible with the siting and design of the existing house or development on adjacent properties. In this regard, the variance does not promote the construction of a compatible building addition.

Variances 2 & 3: Accessory Building (Storage Shed)**Yes**

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The Official Plan also does not include specific reference to accessory buildings and structures. However, as noted above, a primary policy objective of the Official Plan is the promotion of compatible development. Part II, Section 6 of the City's Official Plan (Functional Policies) sets out a number of Design Guidelines Policies. Among them, subsection 6.5 a) provides that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Staff has also had regard for the Design Guidelines for Low Density Residential Zones (2009). And although staff is of the opinion that the shed could be relocated so as to comply with the applicable regulations under Zoning By-law 2020 and therefore provide greater compatibility, the current location does not appear to present, nor is it anticipated to create, any compatibility issues. To this extent, staff is of the opinion that the requested variances maintain the general intent and purpose of the City's Official Plan.

2) Zoning By-law Designation: R1.2 (Low Density Residential)**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?**

The subject property is zoned Low Density Residential (R1.2) on Map No. 17 – W under Zoning By-law 2020, as amended. The current zoning permits a single-detached dwelling and accessory uses, buildings, and structures thereto.

The Zoning By-law sets out various performance standards to ensure that the use and objectives of the Official Plan may be implemented. In this case, the applicant has requested 3 variances.

Variance 1 – Rear Yard Setback**No**

The intent of the 9 m setback is to ensure that buildings/structures will not come unusually close to the rear lot line so as to cause a negative impact to an adjacent property, such as sun-shadowing. The setback also ensures that an adequate amount of amenity area is retained in the rear yard as open space. Open space is a defining characteristic of many mature residential neighbourhoods, including the Roseland Planning Community.

In this specific case, the entire 2-storey addition would be situated in the rear yard. It would by no means be considered a modest addition. In terms of scale its proposed height would match that of the existing house. And although the applicant does not propose to include any window openings in the east and south elevations facing the adjacent properties, the overall massing will present physical impacts, such as sun-shadowing and blocked views. Accordingly, staff is concerned that the encroachment of the proposed 2-storey addition would create negative visual and physical impacts on the immediate neighbours.

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Staff is of the opinion that may present visual or physical impacts to the adjacent properties. Therefore, staff is of the opinion that the variance requested does not maintain the general intent and purpose of the Zoning By-law.

Variances 2 & 3: Accessory Building (Storage Shed)**Yes**

The Zoning By-law contains specific regulations for accessory buildings and structures in a rear yard, when accessory to a detached dwelling. The intent of these regulations is to ensure that accessory buildings/structures are secondary and subordinate to that of the principle building (dwelling), and also, to protect an important characteristic of this mature neighbourhood – open space. As noted above, this is achieved through design and the appropriate location, height, massing, and scale of development, which collectively minimize any impact to the surrounding area as well as to the overall streetscape.

In this case, the applicant is seeking 2 variances to permit the siting of the existing storage shed, which is located entirely in the westerly side yard. Although staff is of the opinion that the shed could be relocated so as to comply with the applicable regulations and thus provide greater compatibility, we are not aware of any concerns with respect to the current situation. Given its modest size and siting in relation to the existing house and that of the adjacent property to the west, staff is satisfied that the shed is able to co-exist in harmony with adjacent development. For these reasons, staff supports the requested variances as they maintain the general intent and purpose of the Zoning By-law.

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?

Variance 1 – Rear Yard Setback**No**

The variance is proposing an encroachment into the required rear yard that is not considered desirable as it does not facilitate an orderly or compatible development of the property.

Variances 2 & 3 – Accessory Building (Storage Shed)**Yes**

The variances to recognize the location of the existing storage shed are considered desirable given its siting in comparison to the orientation of the existing house and that

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of the adjacent lot to the west. Impacts resulting from the variances are minimal.

4) Minor in Nature:

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

Variance 1 – Rear Yard Setback**No**

Staff considers the encroachment substantial and will result in the construction of an addition that is not compatible with the surrounding area.

Variances 2 & 3 – Accessory Building (Storage Shed)**Yes**

These variances are considered minor given that the relief sought applies only to a small portion of the property, where it abuts a side yard on the adjacent lot to the west.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Not applicable

Recommendation:**Variance 1 – Rear Yard Setback**

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 objects to the variances requested.

Note: the Applicant is advised that, if approved, the appropriate form of site plan approval (i.e. a Minor Site Plan Application) is required to facilitate the proposed addition.

Variances 2 & 3 – Accessory Building (Storage Shed)

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: November 10, 2015 Prepared By: Todd Evershed, MCIP RPP

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Site Engineering

Actual Road Width is equal to or greater than Deemed (18 metres) No Widening Required

Date: October 8, 2015 Prepared By: A. Capone

Staff has reviewed the application for minor variance(s) and have no objections.

Date: October 26, 2015 Prepared By: Vanessa Aykroyd

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 2012.

Date: November 5, 2015 Prepared By: Kathy Pavlou

Transportation Planning

No issues with this application.

Date: Nov. 5th, 2015 Prepared By: Linda Wu

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

Pay all property taxes owing. The taxes owing includes any outstanding balances plus current year taxes that have been billed to the satisfaction of the Director of Finance. Local improvement must be commuted.

Date: Oct 27, 2015 Prepared By: L. Bray

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HEARING NO. 3 - 6:40 P.M.

File**540-02-B-015/15**

APPLICANT:

PROPERTY: 546 Burlington Avenue,
PLAN 117 LOT 68,69 PT LOT 70
City of Burlington - Regional Municipality of Halton.

VARIANCES:

Building B - Severed Parcel

540-02-A55/15

1. To permit a lot width of 12.1 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum lot width of 15 m to facilitate a proposed land severance.
2. To permit a lot area of 373.0 sq m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum lot area of 425.0 sq m to facilitate a proposed land severance.
3. To permit lot coverage of 31% whereas Part 2, Section 4.2 (Table 2.4.3), of Zoning By-Law 2020, as amended, permits 25% maximum for a proposed two storey detached dwelling with attached garage.
4. To permit a front yard setback of 4.0 m whereas Part 1, Section 2.13 (d), of Zoning By-Law 2020, as amended, requires a minimum 5.35 m for a proposed roofed over porch including overhangs and stairs.
5. To permit a north side yard setback of 1.2 m whereas Part 1, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 1.8 m for a proposed two storey detached dwelling.
6. To permit a south side yard setback of 1.2 m whereas Part 1, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 1.8 m for a proposed two storey detached dwelling.

Building C – Retained Parcel

540-02-A56/15

1. To permit a lot area of 379.0 sq m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum lot area of 425.0 sq m to facilitate a proposed land severance.
2. To permit a front yard setback abutting Burlington Avenue of 5.4 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 6.0 m for a proposed detached dwelling including bay windows.
3. To permit a front yard setback abutting Burlington Avenue of 4.6 m whereas Part 1, Section 2.13 (d) of Zoning By-Law 2020, as amended,

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requires a minimum 5.35 m for a proposed roofed over porch including overhangs and stairs.

4. To permit a rear yard setback of 1.8 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 4.5 m for a proposed detached dwelling.
5. To permit a north side yard setback of 1.2 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 1.8 m for a proposed two storey detached dwelling.
6. To permit a street side yard setback abutting Caroline Street of 3.9 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 4.5 m for a proposed detached dwelling.
7. To permit a street side yard setback abutting Caroline Street of 3.6 m whereas Part 1, Section 2.13 (d) of Zoning By-Law 2020, as amended, requires a minimum 3.85 m for a proposed roofed over porch including roof overhangs and stairs.
8. To permit a street side yard setback abutting Caroline Street of 3.6 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum required 4.5 m for a proposed balcony/terrace.
9. To permit lot coverage of 38.9% whereas Part 2, Section 4.2 (Table 2.4.3), of Zoning By-Law 2020, as amended, permits 25% maximum for a proposed two storey detached dwelling with attached garage.

Building D – Severed Parcel

540-02-A57/14

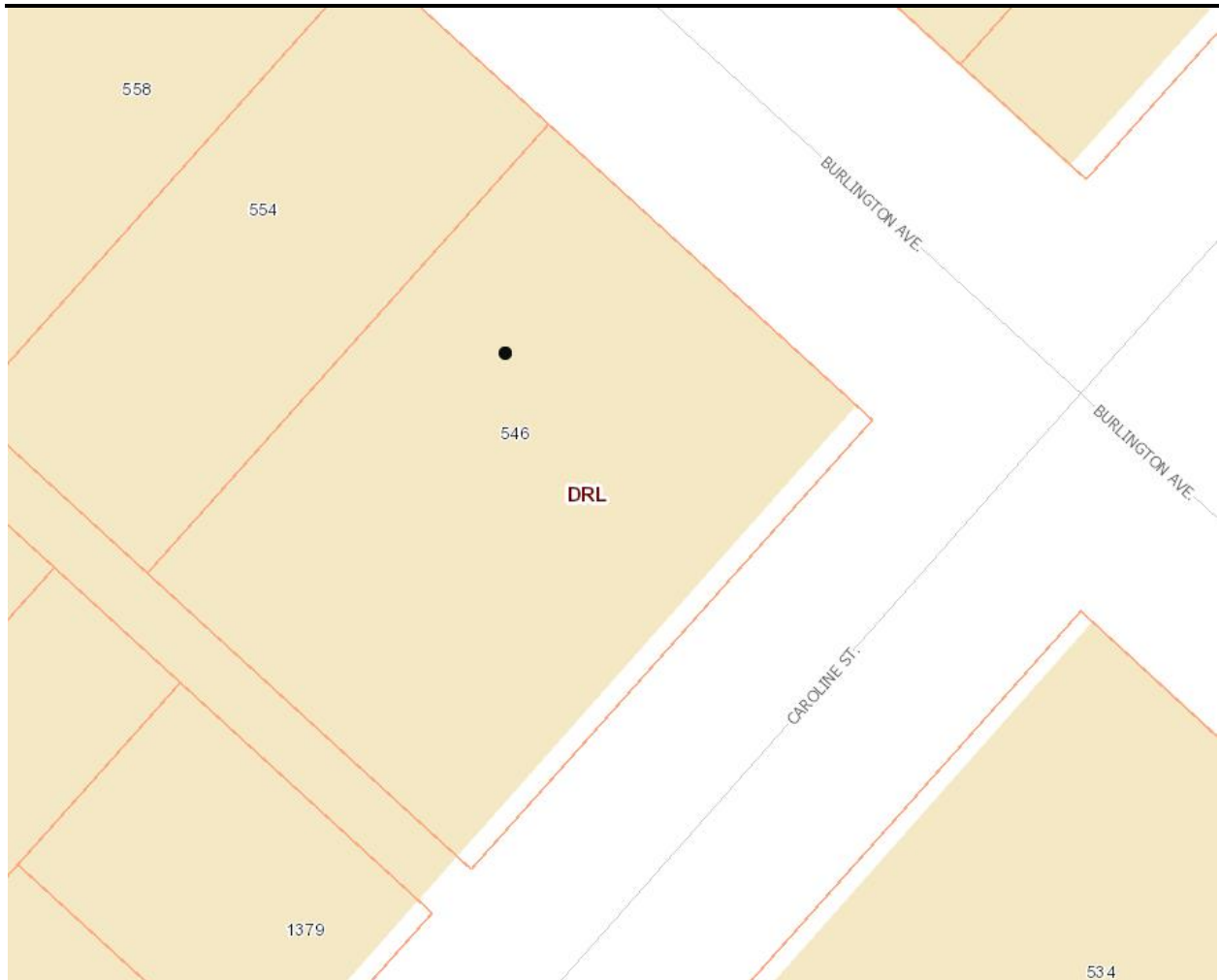
1. To permit a lot area of 343.0 sq m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum lot area of 425.0 sq m to facilitate a proposed land severance.
2. To permit a front yard setback abutting Caroline Street of 4.4 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 6.0 m for a proposed detached dwelling.
3. To permit a front yard setback abutting Caroline Street of 3.9 m whereas Part 1, Section 2.13 (d), of Zoning By-Law 2020, as amended, requires a minimum 5.35 m for a proposed roofed over porch including overhangs and stairs.
4. To permit a rear yard setback of 1.2 m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum 4.5 m for a proposed detached dwelling.
5. To permit lot coverage of 33.70% whereas Part 2, Section 4.2 (Table 2.4.3) of Zoning By-Law 2020, as amended, permits 25% maximum for a proposed two storey detached dwelling with attached garage.

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STAFF REPORTS:

PLANNING AND BUILDING DEPARTMENT COMMENTS

Committee of Adjustment

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

Date: May 28, 2015 Prepared By: Susan Elliot

Zoning

The subject property is zoned DRL, Downtown Residential Low Density Zone (designated lot coverage), under Zoning By-Law 2020, as amended.

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Building B - Severed Parcel

540-02-A55/15

The severed parcel does not comply with the minimum requirements for area and lot width.

Variances required as indicated on hearing page.

Note: The following revisions are required to be shown on the proposed building location survey (signed by the Ontario Land Surveyor) and building plans prior to the application of site plan approval.

1. Survey to be signed by Ontario Land Surveyor.
2. Peak of roof elevation to be shown on survey.
3. Width of overhangs to be shown on all elevations.

Building C – Retained Parcel

540-02-A56/15

The retained parcel complies with the minimum requirement for lot width but not lot area.

Variances required as indicated on hearing page

Note: The following revisions are required to be shown on the proposed building location survey (signed by the Ontario Land Surveyor) and building plans prior to the application of site plan approval.

1. Outside dimensions of house required on survey.
2. Outline of balcony/terrace to be shown on survey.
3. Larger scaled survey required which is legible.
4. Peak of roof elevation to be shown on survey.
5. Height: Burlington Ave is considered the front for determining height. Fixed grade from the midpoint of the front property line on Burlington Ave frontage to be shown on survey. Note on survey required to indicate height was measured from Burlington Ave frontage.
6. Survey submitted with this application is not to scale.
7. Width of all overhangs to be shown on elevations.

Building D – Severed Parcel

540-02-A57/14

The severed parcel complies with the minimum requirement for lot width but not lot area.

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Variances required as indicated on hearing page.

Note: The following revisions are required to be shown on the proposed building location survey (signed by the Ontario Land Surveyor) and building plans prior to the application of site plan approval.

1. Outside dimensions of house required on survey.
2. Peak of roof elevation to be shown on survey.
3. Height: Caroline Street is considered the front for determining height. Fixed grade from the midpoint of the front property at the deemed street width to be confirmed on survey. Note on survey required to confirm height was taken from fixed grade on Caroline Street frontage.
4. Width of overhangs to be shown on all elevations.

Notes:

1. A zoning clearance certificate is required for the proposed dwelling.

Conditions:

1. Variances under files 540-02-A55-57/14, to be approved and finalized prior to final consent.
2. Comments are based on the plans submitted. All information requested to complete a zoning review was not submitted. Any additional variances identified during the site plan review process will be the responsibility of the applicant to obtain.

Date: November 9, 2015 Prepared By: Tina Vassalli

Planning

Consent

The subject property is a 1090 m² parcel of land located at the north-west corner of Burlington Avenue and Caroline Street. The area surrounding the subject property is predominantly single detached residential. The property owner proposes to sever the property to create two new lots plus the retained portion of land for three buildable lots in total. The intent is to sever the property into three almost equal sized properties in terms of lot area. The severed lots will maintain areas of 373 m² and 343 m² each and the retained lot will maintain an area of 379 m². The difference in lot size for each of the proposed lots results from the applicants desire to have two of the lots retain access to an existing rear laneway (at the rear of the current property) and one lot to frame the corner. The minimum lot area requirement in this area is 425 m² so neither the severed or retained portions of land will meet this minimum numerical requirement. It is the applicant's position that the proposed lotting pattern allows for development that is

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as compatible as would be permitted by full compliance with existing zoning regulations.

The property is designated “Residential – Low Density” within the City’s Official Plan. This designation permits residential development to a maximum density of up to 25 units per net hectare. Part III, Section 2.0 Residential Areas, Subsection 2.1 Principles states the following:

- d) The City shall address new housing demands, through the best use of existing resources and community infrastructure, and through new community development.

Section 2.2 General, Subsection 2.2.1 Objectives states the following:

- a) To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods.

The applicant proposes the division of an existing lot in order to create three buildable lots (two new lots and one retained lot). Burlington City Council has expressed a desire that intensification as mandated through the Official Plan (with regard for Places to Grow and the Provincial Policy Statement) be directed towards underutilized or vacant parcels in existing communities; to the Alton community in northeast urban Burlington; to transit nodes, to certain mixed use corridors and to the two mixed use centres: the Downtown and the Uptown. This property is located within the Downtown Mixed Use Centre. Within this designation, the area is defined by various components (Precincts) each with its own expected contribution to the Centre. The subject property is located within the St. Luke’s Precinct. Residential development and intensification is not expected to be permitted in the same way and at the same level across the downtown. The subject application is an attempt to re-develop the property in a manner that is in accord with policies and objectives of this specific precinct.

Downtown Mixed Use Centre

The subject property is located within the Downtown Mixed Use Centre. Part III Section 5.5, Subsection 5.5.1 Principles states the following:

- b) As a Mixed Use Centre, the Downtown shall take advantage of the unique qualities that set it apart from all other areas of the City and contribute to a distinct identity. These qualities include the waterfront location and related activities, historic buildings, streetscapes and development pattern, cultural activities, pedestrian orientation, and recognition as a centre of business and civic activity.

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Section 5.5.4 The St. Luke's and Emerald Neighbourhood Precincts include the following:

- a) To preserve the stable residential and heritage character of these neighbourhoods, and to ensure that any redevelopment is compatible with the existing character of the neighbourhoods
- d) All development and redevelopment shall be compatible with the existing character of these neighborhoods with respect to such matters as heights, setbacks, massing, design and community features.

The proposal to create two new developable lots (plus the retained lot) fronting onto Burlington Avenue and Caroline Street, is considered to be consistent with these objectives and is regarded as benefitting the neighbourhood and the Downtown Mixed Use Centre as a whole. The lots are capable of yielding compatible infill development (compatible built form). New development can often result in an improvement to the overall streetscape. However, great care must be taken at the time of design and construction to ensure a high level of urban design and siting of buildings that respect the balance of mass and open space that exists in the area. The plans submitted in support of the subject application indicate house sizes and architectural treatments that are generally in keeping with surrounding development although some modification may be required to maximize overall compatibility.

Part I – Policy Framework, Section 4 Land Use Vision, Subsection 4.3 The Future Built Form and Natural Environment states the following:

Structural features that are expected to stay the same over time include: maintaining a variety of stable residential neighbourhoods, an historic central downtown focused on the waterfront; development of employment areas along the Queen Elizabeth Way, Highway 403 and Highway 407 corridors; a variety of shopping areas to meet local and visitor needs; and an abundance of green space.

The subject lot is larger than some of the other lots in the immediate vicinity. However, the surrounding area is characterized by varying lot sizes and so the lot does not seem out of place in its current configuration. It does contribute to the appearance and character of this part of the St Luke's Neighbourhood. Its redevelopment therefore has the ability to either entrench and enhance the neighbourhood structure or impact the overall stability of the neighbourhood in a negative manner. In staff's opinion, it is the development of the lots that will determine the level of compatibility that can be achieved with the surrounding neighbourhood. In this regard, great care must be taken to ensure that any new lot be developed to be complimentary to the surrounding area.

In doing so, staff not only considers the built form that would result from the proposed lot creation but also each lot's ability to maintain open space. Open space is an

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important component when assessing the character of a neighbourhood. Development that leads to the loss of open space in relation to built form is deemed to negatively impact the character of the area. Care must be taken to avoid such a scenario.

Subsection 2.5.4 Infill Development states the following:

- b) New infill development shall be compatible with the surrounding development in terms of height, scale, massing, siting, setbacks, coverage and amount of open space; and in the case of individual applications for consent, the additional policies of Part VI, Subsection 4.4 of this plan apply.
- c) The creation of new housing that is compatible with existing neighbourhoods, shall be encouraged

Compatibility is achieved by way of lot design/configuration, then by building mass and siting and massing, spatial separations (open space) and the preservation of mature vegetation (among other things). In order for new development to be considered compatible, it must not detract or cause an unreasonable negative impact to the character of the existing neighbourhood. It must be able to co-exist in harmony with surrounding development.

Staff looked at the lot sizes to start. The narrow width of the most northerly lot fronting onto Burlington Avenue is such that its redevelopment could pose a noticeable negative impact on the open space/green space character of the area. Staff notes that several smaller and narrow lots exist in the immediate vicinity but staff also notes the existence of several larger more wide lots in the area as well. It is this balance of wide and narrow lots that creates the basis for the stable streetscape that has existed for several decades. In staff's opinion, the severance does not bring about a large shift in this overall balance. The new lots will be easily integrated with lots on Burlington Ave, north of Caroline Street. It is in accord with the overall lotting framework in the area. Still, great care must be taken to ensure that where new infill development occurs (new lots, new houses), that the site planning and architectural design respect the neighbourhood by including large amounts of open space and house designs that do not overpower the streetscape.

Staff notes that the proposed severed lots and retained lot relate more closely to the surrounding lotting pattern than the lot in its current configuration, based on lot dimensions alone. It is therefore expected that the severance of the lot will achieve a higher level of overall compatibility than if the lot was redeveloped in its current state. Still, compatibility can't be judged on lot dimensions alone. The proposed lot dimensions will be considered in conjunction with matters related to house siting, design, massing, retention of open space etc. and that will be done as part of the required applications for Site Plan Approval.

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Consent Policies

Infill development (including the creation of new lots) must adhere to existing zoning regulations or the intent of such regulations as demonstrated through a successful application for minor variance.

Part VI, Subsection 4.4 of the Official Plan contains the policies related to consents. Among other things, when considering applications for severance, the City ensures that the following occur:

- (iii) the lot size and proposed consent should conform to the provisions of the Zoning By-law where applicable
- (iv) the lot should have a compatible width and area with lots in the immediate Vicinity

Lot configuration and the relationship between different lot sizes is an important consideration when assessing development potential, especially for new lots. Similar sized lots tend to develop in a similar manner and this encourages compatible built form that has a stabilizing effect on neighbourhoods. While this is generally true, this part of the St Luke's neighbourhood is somewhat unique. Large lots co-exist and compliment the smaller more narrow type lots. There are parts of the neighbourhood that are more uniform in their lotting pattern but overall large and small type lots are co-existing in harmony.

In order to better assess this situation, Planning staff has carried out a review of surrounding lot widths and areas to better understand the overall lot structure. Staff found the average lot width to be 15 m and the average lot area to be approximately 575 m². Even more important than the average sizes is the range in lot sizes that were found in the study area. Staff can confirm that there are several lots having widths of between 10 m to 18 m in the immediate vicinity. Several others lots are in excess of 20 m and some are even over 25 m in width. This is all within the same DRL zoning designation.

As we focus in on the immediate vicinity (lots within visual proximity of the subject lot), it is clear that the subject lot is substantially larger than most adjacent lots and similar to only one other lot in the immediate vicinity, being the lot on the opposite side of Caroline Street (south-west corner of Burlington Ave and Caroline Street). The two lots immediately adjacent to the subject property are each 15 m wide. The proposed 12.1 m width for the Burlington Avenue lot, 15.2 m width for the Caroline Street lot and 17 m width for the corner lots are consistent with these adjacent lot widths, numerically.

Staff notes a slight irregularity for the lot proposed to support Building B and fronting onto Burlington Avenue. This lot is proposed to have a slight pan-handle design at the rear. While staff would generally discourage such a design to avoid an irregular lotting pattern, it is noted in this case the pan-handle is created in order to allow this lot access

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to the rear laneway and the vehicular access that it provides. This is a desirable feature, avoiding the need for a garage facing Burlington Avenue.

- Zoning By-law

The proposed severed and retained lots do not comply with the minimum standards of the Zoning By-law. As previously stated, this part of the St Luke's neighbourhood is not of a uniform design with respect to lotting pattern and lot configurations. Variations to lot widths and areas can be considered appropriate but only when supported by details of lot development. One must consider the combination of lot dimensions, built form/massing (development) and open space. All three are critically important. Staff notes that building footprint and architectural plans have been submitted with the subject applications. While this is helpful to assess the acceptability of the lotting pattern, details of massing, grading/drainage and retention/provision of open space are better assessed and reviewed in detail as part of an application for Site Plan Approval.

Minor Variances

The applicant requests the approval of several variances needed to facilitate the development of the retained lot and the two new severed lots. Staff will address the variances for each lot individually.

Severed Lot – Building B

Variance #1 and #2 – Lot Width and Area

By-law 2020 requires lots located within the DRL (Downtown Residential Low Density) zone designation to maintain a minimum width of 15 m and an area of 425 m².

Many lots in the St Luke's neighbourhood, in the vicinity of the subject lot and within this zoning designation vary greatly in size (with many lots being far below and many being far above these minimum requirements). The proposed 12.1 m lot width and 373 m² lot area are not out of character with other lots in the area and are considered consistent with the surrounding lotting pattern. The applicant proposes a width of 12.1 m and area of 373 m² which represent a 14% decrease to lot width and a 12% decrease for lot area. These reductions must eventually be supported by development that is compatible with the surrounding neighbourhood. Such matters will be addressed by way of a required application for Site Plan Approval, needed prior to the development of this property.

Variances #3 - Coverage

By-law 2020 sets lot coverage at 25% to ensure that properties are not over-developed and that house sizes do not become overly large, potentially disrupting the established streetscape design. In this case the coverage increase is a direct result of the reduction in lot area. The applicant has proposed a house that is typical of what would

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be permitted on a standard sized lot. While the house is not therefore overly large in comparison to surrounding development, the reduced lot area causes this specific variance.

As the lot is narrow and deep, the house will also be somewhat narrow, but deep in design extending to the rear laneway for vehicular access. This type of design ensures that the house does not pose an unusually large amount of mass at the street and that most of the mass extends towards the rear of the property. The increase in coverage is acceptable in this case.

Variations #4, #5 and #6 - Setbacks

In each case, these variations are considered minor and needed only to position the house on this narrow lot. The side yard setbacks are still sufficient to allow outside access around the building and for maintenance purposes. The encroachment into the front yard is acceptable to allow for the inclusion of a front porch feature which is deemed to be a connective type feature along the street. While the main house structure will comply with the front yard setback, the open air porch will encroach. The intent of the By-law which is to avoid buildings coming unusually close to the street will be maintained.

Retained Lot – Building C**Variance #1 – Lot Area**

The applicant proposes that the retained lot maintain an area of 379 m² where the minimum requirement is 425 m². As is the case with the severed parcels, the reduction to lot area will still yield a lot that is considered to be consistent with lots in the immediate vicinity. It can produce compatible built form.

The variance represents an 11% reduction in overall lot area which is minor to allow for the orderly division of the original parcel of land by creating a lot (subject lot) at the corner and two adjacent lots each with access to the adjacent laneway. A reduction in lot area can sometimes create situations whereby houses appear to be forced onto a property. The result in this case can be the construction of a corner-style house at the intersection of Burlington Avenue and Caroline Street that can relate well to each street and the surrounding neighbourhood but that also allows adjacent lots to be functional with regards to the siting of houses and also in terms of vehicular access to an existing laneway.

Variations #2, #3, #4, #5, #6, #7, #8 – Yards

The applicant requests the approval of several variations needed to site a proposed house on the retained lot. The intent of the by-law regulations in each case is to ensure a proper balance of built form and open space on the lot so as to not disrupt the character of the streetscape or the neighbourhood. While staff understand that a

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reduction to the lot area is needed to propose the orderly development of the property, these variances indicate that the house design chosen for the lot is not reflective of the reduced lot size and as such proposes too much building for this smaller type lot. This lot's corner location and high visibility requires that care be taken to ensure that the property not appear over-developed. Staff has reviewed the plans submitted in support of the subject application and it does appear that the house has been designed for a larger lot. These variances would allow an overbuilding situation. Staff notes that the house has not been reviewed as part of a required application for Site Plan Approval (where the house could be considered for a reduction in size to increase overall compatibility) and that as such, the potential for this development to negatively impact the area remains.

Staff does not support the approval of these variances.

Variance #9 - Coverage

The applicant requests a lot coverage of 38.9% to allow for the development of this lot. In conjunction with the proposed reductions to building setbacks, this variance (especially) demonstrates that the balance between mass and open space will be dramatically impacted to provide more building at the expense of loss of open space. This is not a desirable situation and one that the by-law specifically attempts to avoid. The 25% maximum coverage was established to avoid overbuilding in areas where such a situation could pose a negative impact to the area. The increase in coverage proposed by this variance does not meet the intent of the by-law and is considered a substantial modification of the zoning regulation. The resulting built form is not anticipated by current zoning regulations.

Staff does not support the approval of this variance.

Severed Lot – Building D**Variance #1 – Lot Area**

The applicant proposes that this severed lot maintain an area of 343 m² where the minimum requirement is 425 m². In accordance with the rationale for reductions at the retained lot and the severed lot (Building B), the reduction to lot area will still yield a lot that is considered to be consistent with lots in the immediate vicinity and can produce compatible built form.

The variance represents a 19% reduction in overall lot area which is still relatively minor given the surrounding lotting pattern and to allow for the orderly division of the original parcel of land. This lot will abut a laneway giving it space between it and development to the west on Caroline Street plus it will avoid a garage and driveway facing Caroline Street, further reducing the need for lot area devoted to a front garage and driveway. Staff notes that the lot will continue to maintain the minimum width requirement of the By-law. As such, there will be no impact to the Caroline Street streetscape.

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Variations #2, #3 - Yards

The applicant is requesting variations to allow the proposed house to encroach into the required front yard setback. These encroachments are a result of the proposed house being designed to come close to the street (Caroline Street) while allowing space on the side of the lot, adjacent to the laneway, for a driveway and amenity area. The result is a house that provides a main entrance and porch feature facing Caroline and a car access from the side. Including space on the side instead of the front and rear assists with overall spacing between structures. Staff notes that this orientation of mass and space works in this specific situation due to the property's location beside a laneway and having that laneway provide access for this severed lot.

The house will maintain a 4.4 m front yard setback. This setback is sufficient to position the house so as to contribute to the overall streetscape design and to take advantage of the laneway access. The setback reduction is for main entrance and porch features and not to accommodate a front garage or driveway.

The intent of the regulations which is to ensure that the siting of houses is compatible with surrounding development and features (laneway) will be maintained.

Variance #4 – Rear Yard

The applicant requests a variance to allow a 1.2 m rear yard setback where the By-law requires 4.5 m as a minimum. The intent of the regulation is to ensure that properties maintain an adequate amount of open space in the rear yard as amenity space and also ensure space between buildings on lots that back onto each other.

In this case, amenity space is being provided in the side yard adjacent to the laneway. A full 4.5 m rear yard setback is not therefore necessary. Staff notes that the proposed building's rear wall will face the rear driveway area of the proposed development to the north. As such, some reduction is reasonable although the proposed reduction is substantial.

Staff are concerned that that the reduction of the rear yard setback negatively impacts the siting of the building in the area by having the encroachment occur adjacent to the north lot's pan handle. The rear portion of the subject lot is created by this pan handle and while that lotting pattern is acceptable to ensure equal and functional access to the side laneway, it should not result in the proposed building expanding substantially into this space. By reducing the rear yard setback, the building will expand into the notch created by the pan handle and that then translates the irregular lotting pattern into built form. This is not a desirable outcome of the proposed lotting configuration.

Staff does **not support** the approval of this variance.

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Variance # 5 - Coverage

By-law 2020 sets lot coverage at 25% to ensure that properties are not over-developed and that house sizes do not become overly large, potentially disrupting the established streetscape design. In this case the coverage increase is a direct result of the reduction in lot area. The lot area is reduced by approximately 19% but the house size has not been reduced accordingly.

The applicant requests a lot coverage of 33.7% to allow for the development of this lot. In conjunction with the proposed reductions to building setbacks, this variance (especially) demonstrates that the balance between mass and open space will be dramatically impacted to provide more building at the expense of open space. This is not a desirable situation and one that the by-law specifically attempts to avoid. The 25% maximum coverage was established to avoid overbuilding in areas where such a situation could pose a negative impact to the area. The increase in coverage proposed by this variance does not meet the intent of the by-law and is considered a substantial modification of the zoning regulation. The resulting built form is not anticipated by current zoning regulations.

Staff does **not support** the approval of this variance.

Conclusion

- A. Staff recommends the **approval** of the application for consent and the following variances required for lot creation:

Building B – Severed Parcel

Variance #1 and #2

Building C – Retained Parcel

Variance #1

Building D – Severed Parcel

Variance #1

Staff is of the opinion that these variances meet the intent of the Official Plan and Zoning By-law, are minor and desirable for the redevelopment of the subject property. Staff recommends **APPROVAL** of this application for consent and variances.

- B. Staff recommends **approval** of the following variances:

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Building B – Severed Lot

Variations #3, #4, #5 and #6

Building D – Severed Lot

Variance #2 and #3

Staff is of the opinion that these variations meet the intent of the Official Plan and Zoning By-law, are minor and desirable for the redevelopment of the subject property. Staff recommends **APPROVAL** of these variations subject to the following condition:

1. Site Plan Approval is required for the Development of the Severed Lot – Building B and development must be in accord with the plans submitted in support of the subject application.

C. Staff recommends **refusal** of the following variations:

Building C – Retained Lot

Variations #2, #3, #4, #5, #6, #7, #8 and #9

Building D – Severed Lot

Variations #4 and #5

Staff is of the opinion that these variations do not meet the intent of the Official Plan and Zoning By-law, are not minor and are not desirable for the development of the proposed lots. Staff recommends **REFUSAL** of these variations.

Date: December 10, 2015

Prepared by: Charles Mulay MCIP RPP

Site Engineering

This is a corner lot and Burlington Ave is equal to or greater than Deemed (20 metres) Therefore No Widening for Burlington Ave. Caroline St Actual Road Width is equal to or greater than Deemed Width of 20 metres (due to a land dedication under B14/007/B), therefore no widening required.

Date: October 8, 2015

Prepared By: A. Capone

Staff has reviewed the application for consent and minor variance(s), and have no objections, subject to the following conditions:

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1. Applicant to submit an overall servicing, grading and drainage plan (full size, scalable, signed by a P. Eng or OLS) for both the severed and retained parcels to the satisfaction of the Director of Engineering to include the following:
 - a. maximum proposed building envelope possible (or a proposed dwelling) for each parcel,
 - b. existing and (preliminary) proposed elevations (with overlap to adjoining properties, enough to determine existing drainage patterns).
 - c. show how drainage will be contained within property limits, swales, etc.
 - d. proposed service connections, and required road restorations
 - e. locations and outlet directions of proposed downspouts and sump outlet to permeable surfaces
 - f. locations of existing and proposed retaining walls
 - g. trees with base elevations and diameters at breast height (for all trees on site, and within 3m of the site, including all city trees)
 - h. proposed driveway locations and grades
 - i. hydro poles and/or other utilities
 - j. existing hydrants
2. If sites are to be developed in succession, an overall grading concept across the retained and severed parcels shall be submitted, enough to determine any shared drainage requirements, etc.
3. Pay cash in lieu of park dedication in an amount to be determined by the Manager of Realty Services based on the current park dedication policy at that time.
4. Dedicate to the City free of charge lands for a road widening as determined by an OLS in accordance with **Schedule B of the Section 53 Agreement**.
5. **Enter into an agreement under Section 53** of the Planning Act or any other agreement required by the City Solicitor dealing with all the facilities or matters, approval of plans and drawings and the conditions set out herein:

Carry out the following to the satisfaction of the Directors of Capital Works and Planning and Building:

- a) Implement the grading, drainage and servicing layouts and required driveway changes as per the approved overall servicing, grading and drainage plan.
- b) Prior to the issuance of any Zoning and Grading certificate, complete the following to the satisfaction of the Director of Engineering:
 - If required, provide performance securities in an amount to be determined, for completion of the approved grading and servicing site work.
 - Install tree protection to the satisfaction of the City Arborist.
 - Install erosion control protection to the satisfaction of Site Engineering
- c) If drywells, infiltration pits, or other drainage appurtenances are installed, they must be inspected prior to covering with final material. Call 905-335-7600 Ext. 7428 for inspection.
- d) Prior to laying sod, call 905-335-7600 Ext. 7428 for a grading inspection.

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- e) Acknowledge and agree, in writing, to abide by the terms and conditions of Schedule D of the Section 53 agreement.

Schedule B

Site Engineering Group

1.0 Lands to be conveyed to the City for road widening:

Please dedicate to the City free of charge lands for a 5.13m (as determined by an OLS) widening of Lakeshore Road in order to meet the deemed width of 30m, and pay all associated costs, including the cost of preparing the reference plan. The reference plan and all associated plans shall be related to 6 degrees UTM Datum, NAD 83. Please note that only a professional surveyor will establish the accurate widening after a survey of area will be completed.

Schedule D**Project Implementation Conditions:**

- i. Prior to commencing any site works, the Owner shall submit a preliminary schedule for the servicing contract, utilities work, and building construction.
- ii. Any required driveway access or utility disruption for affected residents will be communicated verbally or via written notices at least forty-eight (48) hours in advance to the residents. Verbal contacts will generally be done at reasonable hours (between 8:00 a.m. and 7:00 p.m.) The driveway and utility disruption will be done responsibly and minimize inconvenience to the area residents/businesses. In certain situations, the driveways may need to be reinstated or utility service restored immediately.
- iii. Utility trenches, service cuts, etc. in front of adjacent homes shall not be left in an unfinished or open cut condition for more than 3 days if no activity is imminent (i.e. temporary trench filling, grading may be required as directed).
- iv. Any damage to adjacent properties and buildings that is determined (by the Director) to have been caused by the Owner and/or his contractor(s), shall be reported immediately to the City, documented and corrective action taken with the affected property owner's consent.
- v. The site shall be maintained in a secure fashion at all times. Any notification of trespassing or safety concerns shall be communicated to the Halton Police.
- vi. Trees identified for protection by the City Arborist will be marked and fenced off as per City requirements. Significant damage to the trees or to the branches shall be reported immediately to the City's Engineering representative. Significant damage may warrant additional landscaping or tree planting to be carried out at the Owner's expense.

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- vii. The Owner and his contractor(s) shall acknowledge and abide by all applicable City By-laws and agree to obtain all necessary permits as directed.
- viii. The Owner or his contractor(s) shall not enter any adjacent properties without 48-hour prior notice to homeowner for any required work. Any approved works that require encroachment onto adjacent properties shall be restored to a condition at least equal to or better than previous condition. These works may include but not limited to grading, sod, landscaping, driveways, fencing etc. Any entry onto adjacent private lands will require the consent of the property owner.
- ix. Any changes/amendments to the original City approval(s) (initiated by the Owner) that require a formal application to the City (i.e. variances etc.) shall be clearly communicated to the affected residents prior to submitting to the City. Staff will assist in preparing the necessary descriptions/explanations for any proposed variances.
- x. If any disputes regarding the above are not resolved in a mutually acceptable manner (at the staff level), a meeting would be arranged with the affected residents, Owner and senior City staff. If issues cannot be amicably resolved, a mediation session may be necessary. The cost of the mediation shall be borne by the Owner.
- xi. If the Owner fails to comply with the above expectations and the project incurs significant delays, the development securities required by the development agreement may be used by the City to carry out any outstanding works deemed necessary as per this checklist to bring the site into compliance.

General Site Development Conditions:

- i. No work shall be done until the Director of Engineering has approved the plans and all work (grading, drainage, construction access, fencing, servicing and driveway locations) shall conform to such plans.
- ii. If during any phase of construction potentially adverse environmental impact to the site is discovered or occurs, the developer/owner agrees to:
 - a. inform the City/Region/MOE immediately
 - b. retain a qualified Environmental Consultant to investigate, report and remediate as may be required, all in compliance with Ontario Regulation 153/04.
- iii. The Owner shall pay the cost of relocating any existing services or utilities made necessary by reason of the development
- iv. Submit for approval and implement silt control measures. Silt control shall be maintained during all phases of construction

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- v. All streets abutting on the lands covered by this Agreement and to be used for access during the construction of any building/s on the approved Site Plan/s, shall be kept in good and usable condition during the said construction and, if damaged, will be restored immediately by the Owner. If the Owner fails to do this work on reasonable notice, the City may go in and do it at his expense. All vehicles making delivery to or taking materials from the lands on the said approved Site Plan/s, shall be adequately covered and not unreasonably loaded so as to not scatter refuse, rubbish or debris on the said streets abutting. Where more than one access may be had to the development site, the Director of Engineering may prohibit use of one or more, but not all, for the delivery of materials. Roads to be flushed and swept on Friday afternoons.
- vi. Take all necessary steps to prevent building material, mud, waste, soil or dust from being spilled or tracked onto public streets during construction and proceed immediately to clean up any streets so affected and agree that the performance securities may be used by the Director of Engineering to cover the cost of cleanup necessitated by failure to comply within a reasonable time frame with these requirements.
- vii. The Owner will take all necessary steps as directed from time to time by the Director of Engineering to control dust, weeds, noise and any other nuisances.
- viii. The Owner shall make good all damage caused by anything done in connection with the development.
- ix. The Owner shall construct all works necessary as approved by the Director of Engineering to provide for proper drainage and stormwater management of all lands included in the development plan and adjacent lands which drain there through, or where existing drains in adjacent or abutting lands have been cut.
- x. The Owner shall construct all works required to rectify and alleviate any drainage problem in the manner required by the Director of Engineering upon written notice by him; such work shall be in accordance with plans approved by the Director of Engineering.
- xi. Indemnify and save harmless the City and Burlington Hydro, it's officers, employees, servants or agents from all costs, damages, claims, actions, demands, losses, causes, or action, interest and suits that it or they may incur or be put to as a result of, or in any connection with, the servicing of and construction on the lands covered by this agreement.

Date: December 7, 2015Prepared By: V Aykroyd

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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 2012.

Date: January 13, 2016 Prepared By: Kathy Pavlou**Transportation Planning**

No issues with this application.

Date: Dec. 3rd, 2015 Prepared By: Linda Wu**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

Pay all property taxes owing. The taxes owing includes any outstanding balances plus current year taxes that have been billed to the satisfaction of the Director of Finance. Local improvement must be commuted.

Date: Nov 11, 2015 Prepared By: L. Bray**Roads and Parks Maintenance/City Arborist**

Staff has reviewed the application for consent and minor variance(s), and offer the following:

1. Regarding the consent to sever the lands (B15/015/B), there are no objections.
2. Regarding the summary of variances, there are no objections, on the following conditions:
 - a. Any public tree removal must have Council approval as per Public Tree Bylaw 63-2013.
 - b. Any and all alternatives to public tree removal must be addressed fully through a comprehensive review process on a per site basis prior to staff

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preparing a report to council recommending public tree removal. Tree removal is recommended only where no other options exist. Please be aware that this may require alternative siting of driveway and walkway access to the properties/proposed homes to minimize proposed removals and/or damage to the public trees. An arborist's report would be required assessing public trees at the time of site plan application.

Date: December 3, 2015 Prepared By: V Aykroyd

Region of Halton

January 5, 2016

Mr. Sean Kenney
Committee of Adjustment
City of Burlington
426 Brant Street
Burlington ON L7R 3Z6

Legislative and Planning
Services
1151 Bronte Road,
Oakville, ON L6M 3L1
Ph: 905-825-6000
Fax: 905-825-8822

Dear Mr. Kenney:

**RE: Consent Files: B15/015 B
546 Burlington Avenue
City of Burlington, Region of Halton**

Regional Staff have received the above noted application for consent to sever an existing lot to create 3 new lots for residential purposes. Regional Staff understands that one consent application has been submitted to create the 3 proposed lots; however, it is not clear to Regional Staff how the submitted consent application will facilitate the creation of 3 new lots in this case.

The following comments are provided as it relates to the submitted consent application.

Provincial Policy Statement, 2014 (PPS) & Places to Grow (Growth Plan, 2006):

The proposed severance is intended to facilitate infill and intensification of uses within the Urban Area of Burlington. Further, the proposed severed lands have access to a municipal road and will have access to municipal water and sanitary services. This application is consistent with the policies of the PPS.

The Growth Plan (2006) is a growth management tool for the Greater Golden Horseshoe, which provides policy direction on issues relating to transportation, infrastructure planning, land use planning, natural heritage, urban form and housing. The intent of the Growth Plan (2006) is to provide a coordinated approach to building healthy, compact and prosperous communities.

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In review of the Places to Grow Plan, 2006, Regional staff is of the opinion that the proposed consent generally complies with the Growth Plan, 2006.

Regional Official Plan, 2009:

The Region's Official Plan 2009 (2009 ROP) provides goals, objectives and policies to direct physical development and change in Halton. The lands are designated Urban Area by the 2009 ROP. The range of permitted uses and the creation of new lots within the Urban Area will be in accordance with the applicable Local Official Plans and Zoning By-laws. All development, however, shall be subject to the Regional Official Plan policies in effect (section 76).

Section 89(3) of the ROP 2006 requires that all new development within the Urban Areas be on the basis of connection to Halton's municipal water and wastewater service. Further comments with respect to municipal servicing are outlined below under the Regional Infrastructure heading.

Policy 147(17) requires that, prior to the Region or Local Municipality considering any development application proposals, the proponent identify whether there is any potential for soils on the site to be contaminated. An environmental site screening questionnaire was previously received by Regional Staff and addresses all concerns in this regard.

The subject property falls within an area that may be subject to new Source Water Protection policies developed by the Hamilton/Halton (HH) Source Protection Committee that has been approved by the Ministry of the Environment and is in effect. The subject lands have been identified as being within an Intake Protection Zone 2. Although Regional Staff do not anticipate that the policies of this plan will affect this application, it is advised that the land owner monitor the work being done by the HH Source Protection Committee in case there are policies that may have restrictions on the property in the future or development requirements for supportive studies such as risk management plans— information can be found at the following link: <http://www.protectingwater.ca/>.

In review of the proposed Consent, Regional Staff are of the opinion that it conforms to the Regional Official Plan 2009.

Regional Infrastructure

The following comments are provided as a review of the proposed consent application as they relate to municipal servicing. The existing services in the area of the site include:

Watermains:

Details on existing watermain services:

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- There is a 150 mm diameter watermain is located within Burlington Avenue adjacent to the property.
- There is short stub watermain located within Caroline Street directly adjacent to the Burlington Avenue intersection adjacent to these lands.
- Fire flow test results are not available for the area.

Wastewater:

Details on existing wastewater services:

- There is a 300 mm diameter wastewater main located within Burlington Avenue adjacent to the property.
- Wastewater mains are not located within Caroline Street adjacent to the subject lands.

As noted above, watermains and wastewater mains are not located within Caroline Street adjacent to these lands. In accordance with ROP policy, all new development (including the creation of new lots) must be on full municipal services. In order to facilitate the creation of the western most lot, an extension of municipal services (water and wastewater) along Caroline Street to the full extent of these lands is required. A condition of provisional consent approval requiring the extension of municipal services is recommended and provided below.

Further, in accordance with Regional standards and policies, the Owner is required to demonstrate that the existing municipal services to the severed and retained lands will not cross lot lines. A condition of provisional consent approval is recommended in this regard to ensure that the proposed new lots will comply with all regional servicing requirements.

Conclusion:

Based upon the above review and comments, Regional Staff offer no objection to the consent application subject to the following condition:

1. That, the Owner provides, to the satisfaction of Halton's Legislative and Planning Services Department Development Project Manager, documentation demonstrating that the existing water and wastewater (sanitary) services to the severed lots and the retained lot, do not cross the proposed lot lines. Any services that are found to cross the proposed lot lines must be relocated at the owner's expense prior to final consent approval.
2. That the Owner is required to design and construct at their sole expense full size municipal watermain and wastewater main (sanitary sewer) extensions within Caroline Street from Burlington Avenue westerly, that conforms to Regional servicing policies, and is required by the Owner to service the development, to the satisfaction of Halton Region's Development Project Manager.
3. That a detailed engineering submission be prepared according to the design standards of the Region of Halton and submitted to Halton Region's Development Project Manager, for the watermain and wastewater main (sanitary

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sewer) extensions within Caroline Street for review and approval prior to the formation of the Regional Servicing Agreement. The Owner will retain a Civil Engineering Consulting firm to manage the sanitary sewer extension project from start of the project to the end of the maintenance period.

4. The Owner is required to enter into a Servicing Agreement with the Region of Halton for the watermain and wastewater main (sanitary sewer) extensions within Caroline Street required to service the development. (The Owner will be responsible for obtaining all applicable Permits from the City of Burlington for the work within the City road right-of-way and on private property.)

The following note is to be included in the Decision.

- i) The Owner is advised that, for each property, the Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7879, Services Permits Technician, to supply copies of their detailed servicing drawings, to review any water and wastewater servicing concerns, obtain a Services Permit(s) and pay all necessary fees. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, will be required to be disconnected at their respective mains by the Owner. The Owner can at any time investigate with their builder and contractor, and by obtaining utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.

Please provide a copy of the Consent Decision to the Region.

I trust these comments are of assistance to you. Should you have any questions regarding the above, please do not hesitate to contact me.

Sincerely,

Adam Huycke, MCIP, RPP, CPT
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