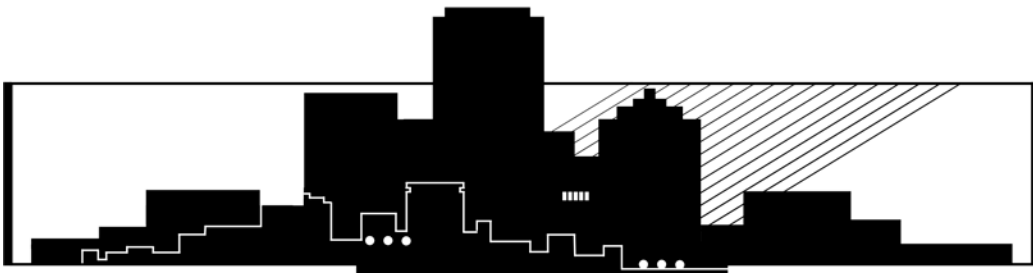


COMMITTEE OF ADJUSTMENT

February 8, 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 #3

TIME OF MEETING:	Monday, February 8, 2016 @ 6:30 P.M.
PLACE OF MEETING:	Room 247 2nd Floor City Hall

AGENDA

DECLARATION OF INTEREST:

HEARING	FILE NO. 540-02-	LOCATION
1)	A-005/16	Re: 2170 Ghent Ave., Burlington WARD 1 Pages 1-3
2)	A-120/15	Re: 371 Pine Cove Rd., Burlington WARD 4 Pages 4-9
3)	A-122/15	Re: 833 Glenwood Ave., Burlington WARD 1 Pages 10-18
4)	A-123/15	Re: 855 Long Dr., Burlington WARD 1 Pages 19-24
5)	A005/2015	Re: 5358 Salem Rd., Burlington WARD 5 Pages 25-30

6)

A060/2015

**Re: 1379 Caroline Street,
Burlington**

**WARD 2
PAGES 31-33**

7)

B-015/15

**Re: 546 Burlington Ave.,
Burlington**

**WARD 2
Pages 34-58**

8)

B-022/15

**Re: 3067 Woodland Park Dr.,
Burlington**

**WARD 4
Pages 59-79**

COMMITTEE OF ADJUSTMENT

Meeting #3

AGENDA

FEBRUARY 8, 2016

HEARING NO. 1

File**540-02-A-005/16**APPLICANT
PROPERTY:**2170 Ghent Avenue,**
PLAN 125 PT LOT 6
City of Burlington - Regional Municipality of Halton.

VARIANCES:

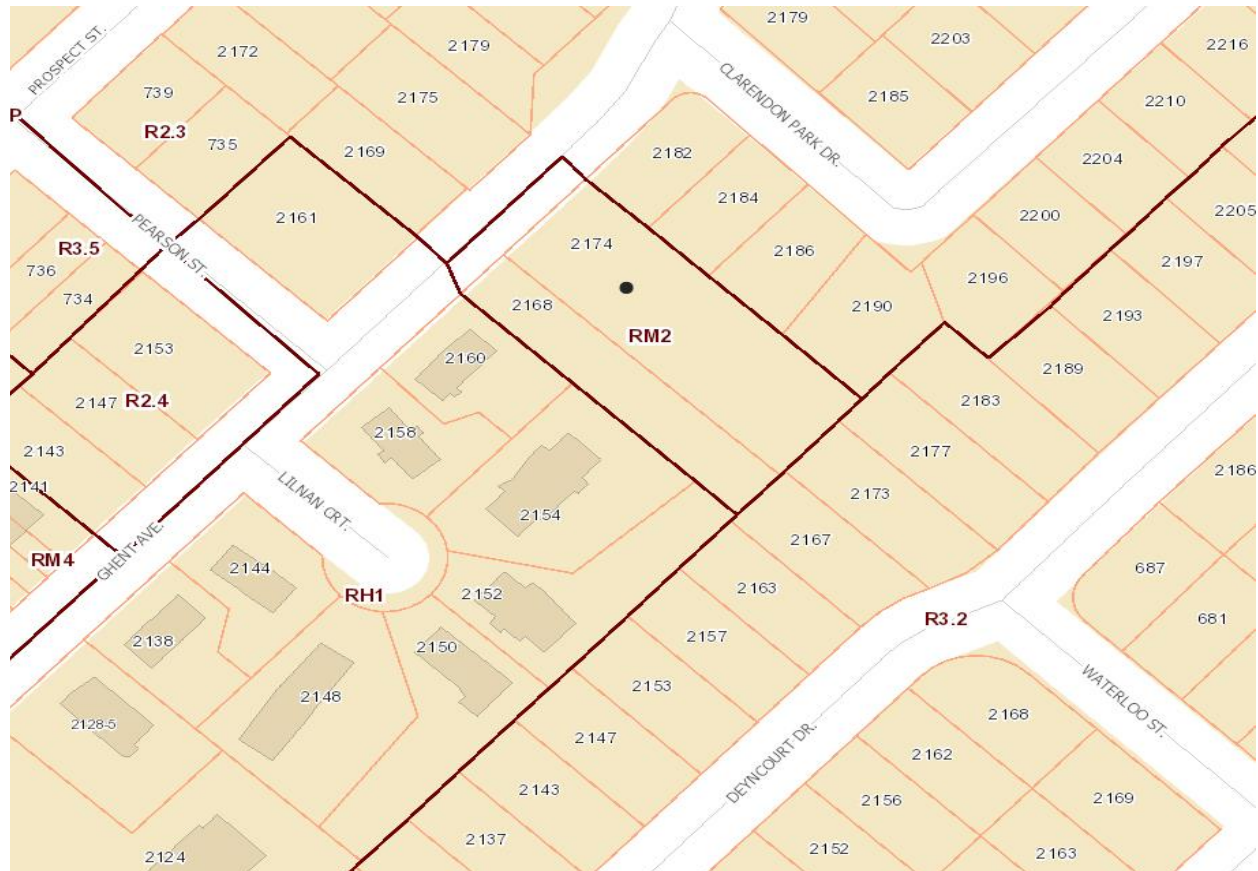
1. To permit a 6 m front yard setback whereas Part 2, Section 9.1, Table 2.9.1 requires a minimum 7.5 m front yard setback for the proposed 4 storey retirement home
2. To permit a 0 m landscape area abutting a street whereas Part 2, Section 9.2 requires a 4.5 m landscape area abutting a street having a deemed width up to 26 m
3. To permit a 3 m west side setback whereas Part 2, Section 9.1, Table 2.9.1 requires a minimum 4.5 m side yard setback for the proposed 4 storey retirement home
4. To permit a maximum floor area ratio of 1.26:1 whereas Part 2, Section 9.1, Table 2.9.1 requires a maximum floor area ratio of 1.25:1 for the proposed 4 storey retirement home
5. To permit a minimum of 11 occupant parking spaces whereas Part 1, Section 2.25, Table 1.2.6 requires a minimum 30 occupant parking spaces.
6. To permit 0 occupant accessible parking spaces whereas Part 1, Section 2.26(9), Table 1.2.7 requires 1 accessible occupant parking space.
7. To permit 0 employee accessible parking spaces whereas Part 1, Section Part 1, Section 2.26(9), Table 1.2.7 requires 1 accessible employee parking space.
8. To permit a 1.8 m wide walkway to be located within a required landscape buffer whereas Part 16 – Definitions, a Landscape Buffer means the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs or berms.
9. To permit a proposed transformer to be located within a required landscape buffer whereas Part 16 – Definitions, a Landscape Buffer means the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs or berms.

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STAFF REPORTS: to follow in addendum – Fast Track Application

Committee of Adjustment

There are two previous minor variance applications on record for this property.

A052/11 – Approved

A092/13 - Lapsed

Date: January 14, 2016 Prepared By: Wendy Garside

Zoning

The subject property is zoned RM2, medium density residential, under Zoning By-Law 2020, as amended.

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The variances as indicated on hearing page are required to facilitate the proposed retirement home.

Notes:

- A Zoning Clearance Certificate is required for the proposed retirement home
- Development is subject City, Region, School Board Development Charges and Park Dedication fees.
- **Any additional variance determined during the site plan approval will be the applicant's responsibility.**

Date: January 22, 2016 Prepared By: Mark Dalrymple

Site Planning Comments to be follow in an addendum**Site Engineering**

A 0.84 metre widening is required as per reference plan 20R19974, dated Oct. 14, 2014. Deemed road width is 20m.

Date: January 15, 2016 Prepared By: A. Capone

Variances 1 to 9 inclusive

Site Engineering has no objection to the required variances.

Date: January 25, 2016 Prepared By: J. Mclsaac

COMMITTEE OF ADJUSTMENT

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AGENDA

FEBRUARY 8, 2016

HEARING NO. 2

File

540-02-A-120/15

APPLICANT
PROPERTY:

371 Pine Cove Road,
PLAN 172 LOT 16
City of Burlington - Regional Municipality of Halton.

VARIANCES:

1. To permit a north side yard encroachment of 0.61 m whereas Part 1, Section 2.13 (a), of Zoning By-Law 2020, as amended, permits a maximum projection of 0.50 m from the wall of the building for proposed overhangs.
2. To permit a south side yard encroachment of 0.62 m whereas Part 1, Section 2.13 (a), of Zoning By-Law 2020, as amended, permits a maximum projection of 0.50 m from the wall of the building for proposed overhangs.
3. To permit lot coverage of 33% whereas Part 2, Section 4.2, of Zoning By-Law 2020, as amended, permits 25% maximum for a proposed two storey dwelling with attached garage.



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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: December 2, 2015 Prepared By: Wendy Garside

Zoning

The subject property is zoned R3.1, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended.

The applicant is proposing to demolish and construct a new two storey detached dwelling with attached garage.

Variances required as indicated on hearing page.

Note:

1. A zoning clearance certificate is required.

Date: January 8, 2016 Prepared By: Tina Vassalli

Site Planning

The subject property is located on the east side of Pine Cove Road, north of Spruce Avenue, in the Roseland Planning Community. The subject property is known municipally as 371 Pine Cove Road and legally described as Lot 16 on Registered Plan 172. The subject property currently contains a 1-storey single detached residential dwelling (bungalow) and detached garage.

The applicant is requesting three (3) variances to facilitate the construction of a new 2-storey single detached residential dwelling, including an attached garage. Two of the variances are requests for increased encroachments into the side yards to allow for the proposed roof overhang. The third variance is a request for an increase in lot coverage.

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?****YES**

The subject property is designated Residential – Low Density on Schedule 'B'

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(Comprehensive Land Use Plan – Urban Planning Area) of the City’s Official Plan. This designation permits single-detached and semi-detached dwelling forms to a maximum density of 25 units per net hectare. Staff is satisfied that the proposed development is in keeping with the policies of this designation as there are no proposed changes to the existing building form or density.

With respect to required yards and coverage in general, the Official Plan is non-prescriptive. However, Part II – the Functional Policies of the Official Plan 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. Additionally, staff has also had regard for the Design Guidelines for Low Density Residential Zones (2009). Particularly, subsections 2.1 and 2.4, which encourage a site layout and setbacks that are consistent with the adjacent homes and appropriately scaled building design. Staff has assessed the submitted plans in the context of the above policy and guidelines and is satisfied that the requested variances are consistent with both.

Given the above, 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: *Low Density Residential (R3.1)***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 (R3.1) on Map No. 17 under By-law 2020 and is located in a designated area respecting lot coverage. The current zoning permits a detached dwelling and accessory uses, buildings, and structures thereto.

Variances 1 and 2: Encroachment into Yards**YES**

The intent behind the encroachment allowances is to allow minor building projections and enhancements to project from the main dwelling in a controlled manner, without further restricting the building envelope of the main dwelling.

The variances address increased encroachments into each side yard to accommodate the re-development of a new 2-storey dwelling. While the side walls of the new dwelling will exceed the minimum side yard requirement by 0.6m (i.e. 1.86m vs. 1.8m), the proposed roof overhang will project slightly further into the side yard than is otherwise permitted by the Zoning By-law (i.e. ranging from 0.55 to 0.57m vs. 0.50m). As such, these 5 to 7cm encroachments are not anticipated to create any compatibility issues with regard to the adjacent properties or along the Pine Cove Road streetscape.

COMMITTEE OF ADJUSTMENT**Meeting #3****AGENDA****FEBRUARY 8, 2016**

Given the above, staff is satisfied that the increased encroachments do not adversely impact on the streetscape or adjacent properties. Accordingly, staff is of the opinion that the requested variances maintain the general intent and purpose of By-law 2020.

Variance 3: Lot Coverage**YES**

The intent of the lot coverage requirement is to ensure that an appropriate ratio of building floor area to lot area occurs to prevent overdevelopment and maintain the open space character of a neighbourhood.

The applicant requests permission for an increase in lot coverage to 33% instead of the maximum permitted 25%. In this case, this amounts to approximately 41m² of additional lot coverage.

By-law 2020 sets a maximum lot coverage percentage based on the number of storeys for a proposed dwelling. In the case of a property in a designated area, like the subject property, a 1-storey with attached garage is permitted a maximum coverage of 35%; whereas, a 2-storey with attached garage is permitted a maximum coverage of 25%. The different approaches to permitted lot coverage reflect the impacts of building height and massing. Generally speaking, taller, larger buildings present a greater degree of impact to adjacent properties/buildings and an established neighbourhood. Thus, the lot coverage requirement is intended to reduce these impacts by regulating the size of a building envelope on a lot. As a result, buildings are set back further from lot lines and open space is retained. Additionally, staff note that By-law 2020 does not contain a lot coverage requirement for 1½-storey dwellings. Given that 1- and 2-storey dwellings are permitted a maximum coverage of 35% and 25%, respectively. Staff is generally of the opinion that it is reasonable to permit a 1 ½-storey dwelling to have maximum lot coverage of 30%. In this case, the proposed building height is 8.5m, which is reflective of the height permitted for a 1½-storey dwelling. Additionally, the house design incorporates a number of elements into the roofline of the dwelling, which help to de-emphasize the building's height and massing. In this regard, staff is of the opinion that the proposed building is not anticipated to create any compatibility issues in terms of height and massing, and thus, helps to mitigate any concerns with respect to the slight overbuilding on the property in terms of footprint coverage.

Given the above, staff is of the opinion that the requested increase in lot coverage will not produce any adverse impacts on the neighbouring properties with regard to overdevelopment of the site and that the variance meets the general intent and purpose of By-law 2020 with respect to lot coverage.

3) Desirability:**IS THE PROPOSED MINOR VARIANCE FROM THE ZONING BY-LAW DESIRABLE**

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FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND, BUILDING OR STRUCTURE?**YES**

The requested variances are considered desirable as relief in this case will allow the property owners to redevelop the property. The proposed dwelling design de-emphasizes the height and massing of the building through a proportional second storey. As such, staff is of the opinion that relief of the lot coverage zoning requirement will facilitate appropriate development that will be compatible with the existing, yet transitioning, streetscape.

Minor in Nature:**IS THE PROPOSED MINOR VARIANCE FROM THE ZONING BY-LAW CONSIDERED MINOR IN NATURE?****YES**

It is staff's opinion that no adverse impacts will be created on the streetscape or adjacent properties as a result of the requested variances. Any further issues of compatibility, such as design, grading, drainage, landscaping, tree saving, etc., will be addressed through the required site plan process. For these reasons, the variances can be considered minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

There will be no adverse effects created as a result of the variances when considered individually or cumulatively.

Recommendation:

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

1. That the proposed (peaked roof) detached dwelling shall not exceed a maximum height of 8.5m; and
2. That in all other respects the proposed detached dwelling be constructed substantially in accordance with the plans and drawings submitted with this application.

Note: A concurrent site plan application is currently in process under file MD-085/15.

Date: January 22, 2016 Prepared By: Todd Evershed, MCIP, RPP

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Site Engineering

Actual Road Width is equal to or greater than Deemed Road Width (15m). No Road Widening Required.

Date: December 3, 2015 Prepared By: A. Capone

Comment:

Site Engineering has no objection.

Date: January 14, 2015 Prepared By: Carol Gulak

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 21, 2016 Prepared By: Kathy Pavlou

Transportation Planning

No issues with this application

Date: January 22, 2016 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: Jan 11, 2016 Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

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HEARING NO. 3

File
540-02-A-122/15

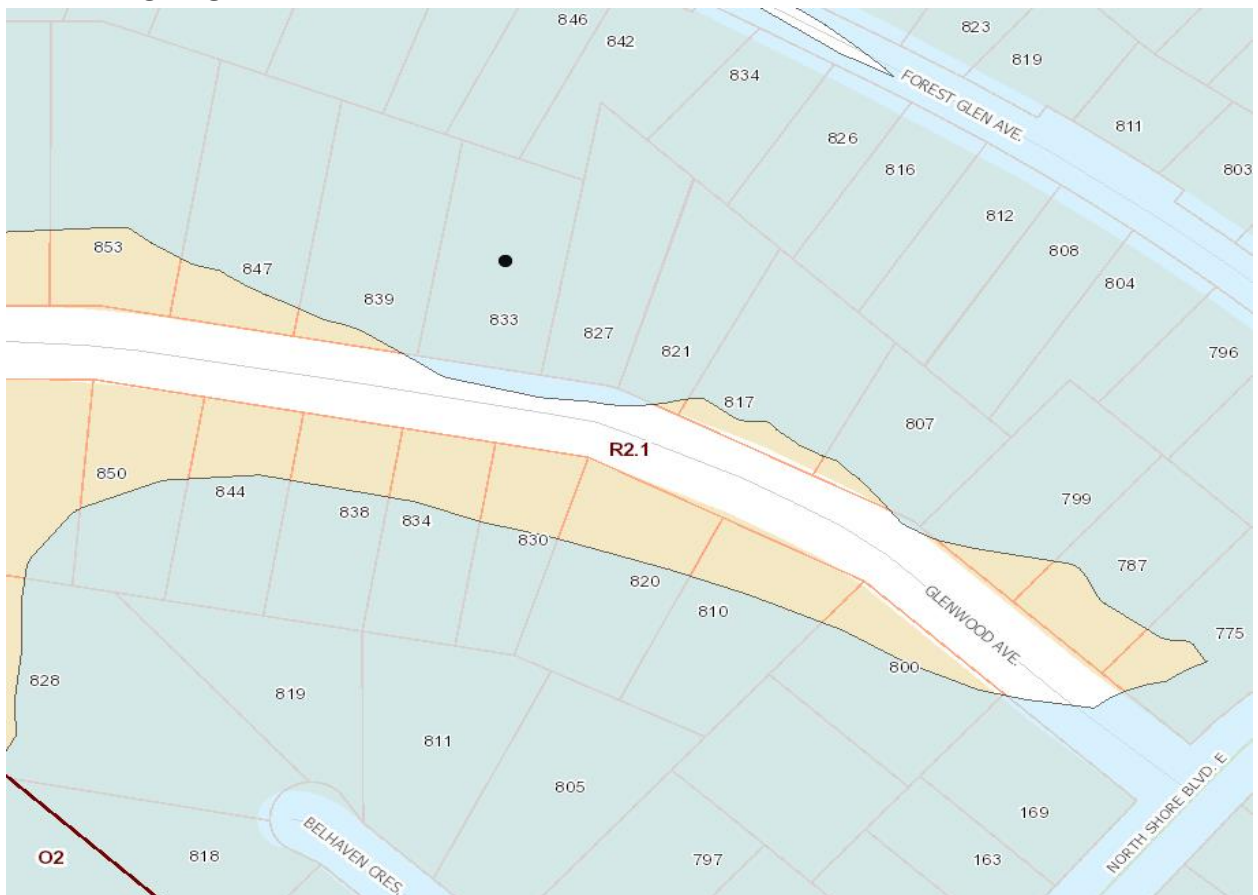
APPLICANT
PROPERTY:

833 Glenwood Avenue,
PLAN 732 LOTS 98,99
City of Burlington - Regional Municipality of Halton.

VARIANCES:

1. To permit a 10.6 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 m the proposed garage addition.
2. To permit a 5.96 m internal depth dimension whereas Part 1, Section 2.26(1)(a) requires a minimum 6 m internal depth dimension for the proposed garage addition.

STAFF REPORTS:



COMMITTEE OF ADJUSTMENT**Meeting #3****AGENDA****FEBRUARY 8, 2016**

Committee of Adjustment

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

A116/2005 - Approved August 2, 2005

- To permit a 9.0 m front yard setback instead of the minimum required 10.35 m (11 m - 0.65 m encroachment allowance) for a proposed front porch addition to a single storey detached dwelling.

There is no previous land division application on record for this property.

Date: December 14, 2015 Prepared By: Wendy Garside

Zoning

The subject property is zoned R2.1, low density residential, under Zoning By-Law 2020, as amended and is in the designated area for lot coverage.

The applicant is proposing to construct an attached garage addition.

The following variances are required as indicated on hearing page

- 1) To permit a 10.6 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 m the proposed garage addition.
- 2) To permit a 5.96 m internal depth dimension whereas Part 1, Section 2.26(1)(a) requires a minimum 6 m internal depth dimension for the proposed garage addition.

Notes:

- A zoning clearance certificate is required for the proposed addition
- Conservation Halton Approval required prior to final approval

Date: December 21, 2015 Prepared By: Mark Dalrymple

Site Planning

The subject property is located on the north side of 833 Glenwood Avenue. The property currently supports a one-storey single detached dwelling, and is located in a mature residential area of the City.

To facilitate the construction of a one-storey attached garage addition, the following variances are required:

COMMITTEE OF ADJUSTMENT**Meeting #3****AGENDA****FEBRUARY 8, 2016**

- i) To permit a 10.6 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 m the proposed garage addition.
- ii) To permit a 5.96 m internal depth dimension whereas Part 1, Section 2.26(1)(a) requires a minimum 6 m internal depth dimension for the proposed garage addition.

1) Official Plan Designation:**DO THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN?****YES**

The subject property is designated as “Residential – Low Density” under the City’s Official Plan (OP). This designation permits single detached dwellings to a maximum density of 25 units per net hectare. Staff are satisfied that the proposed attached garage addition is in keeping with the policies of this designation, as there are no proposed changes to the existing building type or density.

Part III, Section 2.2.1 g) of the City’s Official Plan requires new residential development to be compatible with surrounding properties. Additionally, Part II, Section 6.5 a) of the Official Plan provides that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Staff have reviewed these policies against the proposed site plan and architectural elevations, submitted together with the subject application, and are satisfied that the requested variance is in keeping with these requirements.

Given the above, staff is of the opinion that the requested variance maintains the general intent and purpose of the City’s Official Plan.

2) Zoning By-law Designation:**DO THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW?****YES****Variance #1 – Front Yard Setback**

The subject property is zoned “R2.1 – Low Density Residential” under Zoning By-law 2020. This designation permits one single detached dwelling per lot, and contains provisions for setbacks for the main dwelling.

The variance addresses a reduced front yard setback to accommodate the construction

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of a new attached garage. The intent of the front yard setback regulation is to ensure that a consistent built form is maintained along the streetscape, while allowing room for amenity area and appropriate separation from a traveled roadway.

In the case of the subject application, staff is satisfied that the proposed garage addition is compatible with the surrounding neighbourhood and would not create any adverse impacts on the streetscape or adjacent properties. As noted in the application, the proposed addition garage would not encroach any farther into the front yard than what currently exists. Further, the proposed setback is consistent with other homes on Glenwood Avenue, thereby maintaining an attractive streetscape. The requested variances maintain the general intent and purpose of the Zoning By-law 2020, as amended.

Variance #2 – Interior Dimensions (Garage)

The intent of the minimum interior dimensions for a private garage is to ensure private garages are of an adequate size to provide for required off-street parking with additional room for ease of access and accessory uses such as storage (e.g. garbage/recycling bins). Despite the required minimum depth of 6.0m, the by-law only requires 5.5, depth of unobstructed area in a private garage. Staff is of the opinion that the proposed interior depth of 5.96m is appropriate for a private garage and maintains the general intent and purpose of the Zoning By-law.

3) Desirability:

ARE THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND, BUILDING OR STRUCTURE?

YES

The variance will allow for the construction of a one storey attached garage that is in keeping with the intent of the Official Plan for this neighbourhood. The scale and design of the proposed development will compliment the existing dwelling and adjacent properties, thereby contributing to an attractive streetscape. The proposed plans are a suitable development for this property.

4) Minor in Nature:

ARE THE PROPOSED MINOR VARIANCES FROM THE ZONING BY-LAW CONSIDERED MINOR IN NATURE?

YES

Staff is of the opinion that no adverse impacts would be created on the existing

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streetscape or adjacent properties as a result of the variances requested. The variances meet the intent and purpose of the policies and regulations of the City's Official Plan and Zoning By-law 2020. For these reasons, the variance can be considered minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Either assessed individually and cumulatively, staff is of the opinion that the requested variances would not create any adverse impacts.

Recommendation:

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

Note: The Applicant is advised that the appropriate form of site plan approval is not required to facilitate the proposed development.

Date: January 18, 2016 Prepared By: Samantha Romlewski, Planner I

Site Engineering

Actual road width is equal to or greater than deemed road width (20m). No road widening required.

Date: Jan 12, 2016 Prepared By: Reg Bainbridge

Site engineering has reviewed the proposed variances and has no objections.

Date: Jan 14, 2016 Prepared By: Adam Scott

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 8, 2016 Prepared By: Kathy Pavlou

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Transportation Planning

No issues with this application.

Date: January 11, 2016 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: Jan 6, 2016 Prepared By: L. Bray

January 18, 2015

Sean Kenney
City of Burlington
426 Brant Street PO Box 5013
Burlington, ON L7R 3Z6

BY MAIL AND EMAIL

Dear Mr. Kenney:

Re: Application for Minor Variance
File: 540-02-A-122/15
833 Glenwood Avenue
City of Burlington

Staff of Conservation Halton have reviewed the above noted application as per the following checklist, which includes: Conservation Halton's regulatory responsibility; the Memorandum of Understanding (MOU) between the Ministry of Natural Resources and Forestry, the Ministry of Municipal Affairs and Conservation Authorities with respect to

COMMITTEE OF ADJUSTMENT

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providing the provincial interest comments related to natural hazards; and, the MOU between the Region of Halton and Conservation Halton. **The following comments relate strictly to this specific application. Additional items not marked as “applicable” may apply to future applications:**

ApplicableConservation Halton RegulationMNR/MMAH/CA MOU

PPS - Natural Hazards

CA/Halton MOU

Flood Hazards



Wetlands



Top of Bank Erosion Limits



Lakes and Rivers Impacts



Wildlife Habitat Impacts/Mitigation



Endangered and Threatened Species



Fish Habitat Impacts/Mitigation



Stormwater Management



Subwatershed Planning

**Proposal**

The purpose of the above-noted Minor Variance is to permit the construction of 1 storey garage addition which requires the following variances as indicated by Zoning:

1. To permit a 10.6 metre front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 metre front yard setback for a proposed garage addition; and,
2. To permit a 5.96 metre internal depth dimension whereas Part 1, Section 2.26 (1)(a) requires a minimum 6 metre internal depth dimension for the proposed garage addition.

Ontario Regulation 162/06

Staff of Conservation Halton have reviewed the above noted application as per Conservation Halton’s regulatory responsibility and can offer the following:

The subject property is traversed by a tributary of West Aldershot Creek and is located within the valley associated with that watercourse. Conservation Halton regulates a distance of 7.5 metres from the greater of the flooding or erosion hazards associated with West Aldershot Creek and valley; therefore, a portion of the property is considered to be regulated by Conservation Halton, pursuant to *Ontario Regulation 162/06*. *Ontario*

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Regulation 162/06 requires that a Permit must be obtained from Conservation Halton prior to development (structures, grading, and filling) occurring within the area regulated by Conservation Halton.

Valleylands

The physical top of bank was staked by Conservation Halton staff and a geotechnical consultant was engaged to confirm the limit of the long-term stable top of bank. To date, the applicant has submitted a Permit Form under *Ontario Regulation 162/06* [CH File A/15/B/102] inclusive of a *Slope Stability Assessment for Proposed One-Storey Garage Addition – 833 Glenwood Avenue*, prepared by Chung & Vander Doelen Engineering Ltd., dated December 11, 2015, received by Conservation Halton December 14, 2015. Staff have reviewed the above noted document and can confirm the following:

The proposed addition will be located landward from the physical top of bank as staked by Conservation Halton, where the design slope is stable from a geotechnical perspective. In light of the above, staff can confirm that the proposed development complies with Policy 3.37.2 and a permit can be issued for these works.

Note: Staff note that the *Survey & Site Statistics* drawing submitted with this application contains the following omissions:

- The *6.0m setback* as indicated on the drawing is not applicable to this application and its indication/location is not endorsed by Conservation Halton.

For the purpose of the associated Permit pursuant to Ontario Regulation 162/06, staff will remove this indication from the drawing.

- The location of the *Top of Bank as staked by Conservation Halton* is not indicated on the drawing submitted with this Minor Variance Application.

Staff note that the aforementioned information is indicated on the drawing submitted in association with the submitted Permit application [CH File A/15/B/102] and therefore raise no concern.

Staff confirm that the above noted information can be addressed through the associated permitting process, and therefore does not express any concern as it pertains to this Minor Variance Application.

MNR/MMAH/CA MOU and CA/Halton MOU

Staff of Conservation Halton have reviewed the above noted application as per the Memorandum of Understanding (MOU) between the Ministry of Natural Resources and Forestry, the Ministry of Municipal Affairs and Conservation Authorities with respect to providing the provincial interest comments related to natural hazards and the MOU between the Region of Halton and Conservation Halton. Specific comments pertaining to the *PPS - Natural Hazards and Valleylands* can be found under the heading '*Ontario*

COMMITTEE OF ADJUSTMENT

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Regulation 162/06'.

Conclusion

Based on the above, Conservation Halton has **no objection** to the approval of the above-noted Minor Variance application and recommend the following condition:

1. That the applicant obtain a Permit from Conservation Halton for the proposed works, pursuant to Ontario Regulation 162/06.

We trust the above is of assistance. If you have any further questions, please contact the undersigned at extension 2301.

Yours truly,

Cassandra Connolly
Environmental Planning Analyst

Cc: Sean Kenney, City of Burlington (By E-mail)
Wendy Garside, City of Burlington (By Email)

COMMITTEE OF ADJUSTMENT

Meeting #3

AGENDA

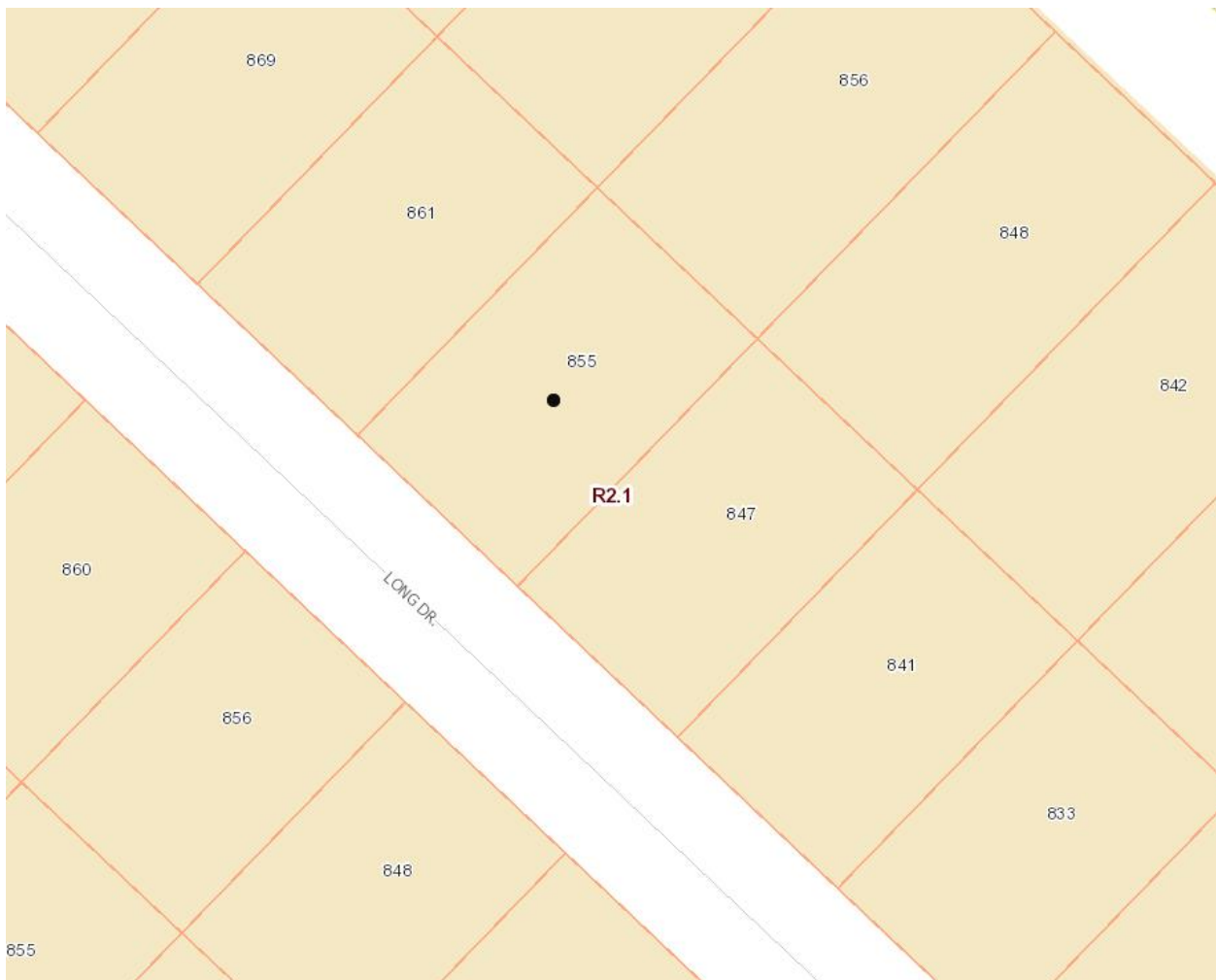
FEBRUARY 8, 2016

HEARING NO. 4

File
540-02-A-123/15

APPLICANT
PROPERTY: **855 Long Drive,**
PLAN 825 LOT 65
City of Burlington - Regional Municipality of Halton.

VARIANCE: To permit a height of 8.4 m whereas Part 1, Section 2.31
Table 2.31.1, of Zoning By-Law 2020, as amended, permits a
maximum height of 7.5 m for a proposed one storey detached
dwelling.



STAFF REPORTS:
Committee of Adjustment

COMMITTEE OF ADJUSTMENT**Meeting #3****AGENDA****FEBRUARY 8, 2016**

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

Date: December 14, 2015 Prepared By: Wendy Garside

Zoning

The subject property is zoned R2.1, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended.

The applicant is proposing to demolish and construct a new one storey detached dwelling with attached garage.

Variance required as indicated on hearing page.

- 1. To permit a height of 8.4 m whereas Part 1, Section 2.31 Table 2.31.1, of Zoning By-Law 2020, as amended, permits a maximum height of 7.5 m for a proposed one storey detached dwelling.**

Note:

A zoning clearance certificate is required.

Date: December 23, 2015 Prepared By: Tina Vassalli

SITE PLANNING COMMENT

The subject property is located in an existing mature neighbourhood on the east side of Long Drive and north of Cedar Ave. The applicant requests variances to facilitate the construction of a new one-storey dwelling with a two-car attached garage. In order to permit the proposed development, the following variances are required:

1. To permit a height of 8.4m whereas Part 1, Section 2.31 Table 2.31.1, of the Zoning By-Law 2020, as amended, permits a maximum height of 7.5m for a proposed one storey detached dwelling.

1) Official Plan Designation:

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**DOES THE PROPOSED MINOR VARIANCE FROM THE ZONING BY-LAW
MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN?****YES**

The property is designated Residential – Low Density in the City’s Official Plan. The residential designation provides for housing and other land uses that are part of a residential environment. The Official Plan sets out that new development in the Residential designation is to be compatible with surrounding properties. In the Residential – Low Density designation, single-detached housing units are permitted with a density of up to a maximum of 25 units per net hectare given that development is compatible with the scale, urban design and community features of the neighbourhood.

Subsection 2.2.1 g) of Part III of the City Official Plan requires new residential development to be compatible with surrounding properties. Further, subsection Part II, Subsection 6.5 a) of the Plan requires density, bulk, height, setbacks, spacing, and materials of development to be compatible with its surrounding area. Although lot coverage is not specifically prescribed in the Official Plan, compatibility and streetscape are to be considered with any redevelopment within an existing neighbourhood.

Staff is satisfied that the requested variance is in keeping with these requirements. In terms of spacing and setbacks, the proposed addition meets or exceeds the front, rear and side yard setback requirements of the Zoning By-law.

With respect to materials, the proposed dwelling consists of stone, siding and cedar shake siding. Staff is of the opinion these are compatible materials given that they complement existing cladding materials found in the neighbourhood. Further, the proposed development has been designed in a manner that minimizes its bulk and height. The design of the front elevation de-emphasizes the height and mass of the dwelling because the elevation is a composition of smaller architectural elements including multiple gables, false dormers and a covered porch, which create a variety of projections.

Further, the Official Plan contains a policy that shall be considered when evaluating minor variance applications for increased height to detached dwellings in low density residential designations. The policy sets out that the maximum building height should not exceed the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application. The intent is to ensure that new dwellings or additions to existing dwellings are proportional with similar dwelling types in the immediate vicinity. The adjacent lot to the east (847 Long Drive) received site plan approval in 2010 with an approved height of 10m. Although staff is not aware of the height of the dwelling at 861 Long Drive, the dwelling does have a 2-storey component. As the neighbourhood features a mix of one, one and half and two storey dwellings, and the proposed dwelling would be compatible with the adjacent dwellings at 847 and 861 Long Drive, staff are of the opinion that the proposed height meets the general intent and purpose of the

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Official Plan.

Given that the design of the proposed development is compatible with the surrounding neighbourhood in terms of density, bulk, height, setbacks, spacing and materials, staff is satisfied the variances are within the intent of the Official Plan.

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**

The subject property is zoned R2.1, low density residential, under Zoning By-law 2020, as amended. The applicant is requesting an increase in height to 8.4m, which exceeds the maximum allowable height of 7.5 for a proposed one storey detached dwelling. The intent of the height provisions is to ensure that dwellings and additions to existing dwellings are consistent with the proportions of other similar dwelling types in the area. These provisions are also meant to protect neighbourhood character and continuity along a streetscape.

In this case, the proposed dwelling height will be compatible with existing dwellings in the area, including the adjacent dwellings at 847 and 861 Long Drive. Further, the proposed dwelling will feature design elements to help de-emphasize the height and mass of the proposed dwelling, including multiple gables and dormers.

Staff is of the opinion that the proposed dwelling will complement the existing neighbourhood, which features one storey, one and a half and two storey dwellings at various heights. As such, staff is of the opinion that the proposed zoning relief maintains 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?**

The requested variance to permit increased height is considered desirable as relief from such would allow the owner to redevelop the property and increase its functionality. Staff is of the opinion that the character of the area and the streetscape will be maintained. The proposed dwelling has been designed in such a way that it mitigates any impacts on the streetscape that might result from the proposed height. It is anticipated that the proposed dwelling would blend in well with existing streetscape. As such, staff is of the opinion that relief of the zoning provisions would facilitate appropriate development.

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4) Minor in Nature:**IS THE PROPOSED MINOR VARIANCE FROM THE ZONING BY-LAW
CONSIDERED MINOR IN NATURE?****YES**

The proposed dwelling is not anticipated to negatively impact the streetscape of the area or compatibility with adjacent properties. To that extent, staff is of the opinion that the requested zoning relief to facilitate the proposed dwelling is considered minor in nature given that there are no identifiable negative impacts to the streetscape or surrounding properties.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Not applicable.

Recommendation:

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

1. The proposed residential dwelling be developed substantially in accordance with the plans submitted with this application.

Note: A concurrent site plan application is currently in process under file MD-058/15

Date: January 25, 2016 Prepared By: Samantha Romlewski, Planner I

Site Engineering

Actual road width is equal to or greater than deemed width (20m). No road widening required.

Date: December 21, 2015 Prepared By: A. Capone

Comment:

Site Engineering has no objection.

Date: January 14, 2016 Prepared By: Carol Gulak

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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 21, 2016 Prepared By: Kathy Pavlou**Transportation Planning**

No issues with this application.

Date: January 11, 2016 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: Jan 7, 2016 Prepared By: L. Bray

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HEARING NO. 5**File****540-02-A005/2015**

APPLICANT

PROPERTY:

5358 Salem Road,
PLAN 1353 LOT 363
City of Burlington - Regional Municipality of Halton.

VARIANCES:

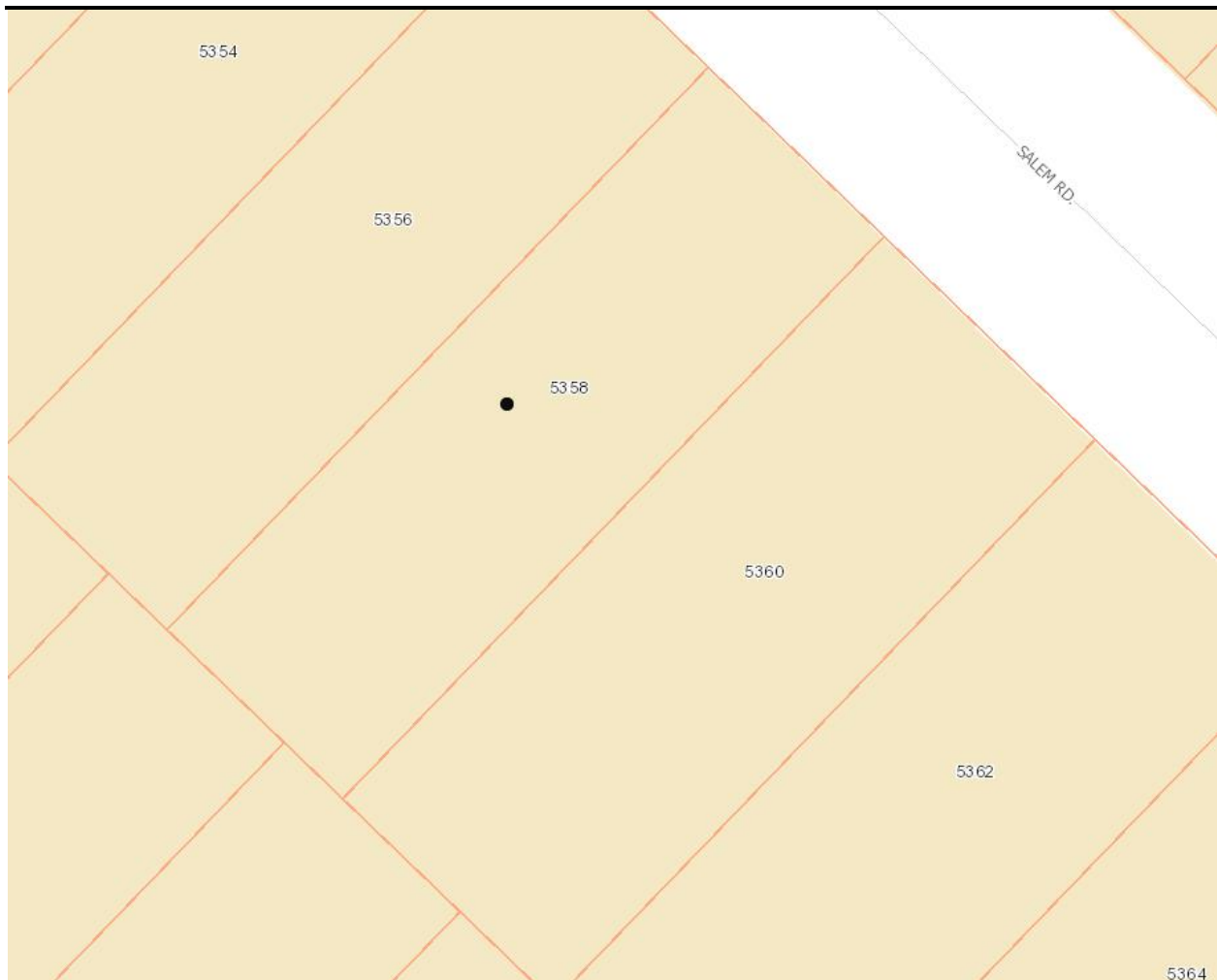
1. To permit a front yard setback of 5.0 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, requires a minimum setback of 6.0 m for a proposed addition including renovations to the existing front facade.
2. To permit a front yard setback of 4.7 m whereas Part 1, Section 2.13 (d) of Zoning By-Law 2020, as amended, requires a minimum setback of 5.35 m for a proposed roofed over porch including overhangs.
3. To permit a north side yard setback of 1.52 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, requires a minimum setback of 1.8 m for a two storey side.
4. To permit a south side yard setback of 1.1 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, requires a minimum setback of 1.8 m for a two storey side.
5. To permit a south side yard setback of 0.90 m whereas Part 1, Section 2.5 of Zoning By-Law 2020, as amended, requires a minimum setback of 2.7 m for an existing above ground pool.

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**STAFF REPORTS:****COMMITTEE OF ADJUSTMENT STAFF REPORT**

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

Date: January 16, 2015 Prepared By: Susan Elliot

Zoning

The subject property is zoned R3.1, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended.

The applicant is proposing the construction of a second storey addition, attached garage, roofed over front porch and facade changes to the existing dwelling. An additional variance is required to recognize the location of an existing above ground

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pool constructed without benefit of a pool permit.

Variances required as indicated on hearing page.

Note:

1. A zoning clearance certificate is required.
2. No record of a pool permit for existing above ground pool.

Date: December 23, 2015 Prepared By: Tina Vassalli

Site Planning

The subject application is a revision to a previous submission which requested the approval of 5 variances to permit an expansion and additions to a single detached dwelling on the subject property. Staff did not support the approval of those variances given the impact of the variances and the development that they would facilitate.

Since that time, the applicant has submitted an application for Site Plan Approval and engaged staff in a discussion regarding urban design and overall compatibility. The subject application reflects the changes made to the overall plan and house design.

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 City's Official Plan designates the subject property as "Residential – Low Density". This designation permits single detached residential development up to a maximum density of 25 units per net hectare. It also calls for new development to be compatible with the scale, urban design and community features of a neighbourhood.

The applicant proposes the renovation of an existing one storey house and the construction of new two storey additions that utilize an overall modern style of architecture. The applicant's original design pushed the limits of what could be considered compatible and complimentary to the surrounding neighbourhood. Although the house still utilizes a modern design, it has now been altered to improve overall design and to provide a front entrance that is visible from the street. It has lost the vertical design elements that emphasized the building's overall height. The house now combines vertical and horizontal elements (roof line over porch etc) that de-emphasize

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height.

Staff continues to work with the applicant on overall design and the choice of cladding materials. Staff will require an increase in the use of stone and/or brick especially on the front façade. This is a matter that will receive additional attention as part of the concurrent application for Site Plan Approval (File: MD82/15).

Staff is satisfied that the intent of the Official Plan will be met as the house relates well to surrounding uses and will be a positive addition to the overall streetscape.

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 Variances 1, 2, 3, 4 – Front and Side Yard Setbacks

The intent of the By-law regulations is to ensure adequate spacing around front and side yards of houses, as they relate to the streetscape and to adjacent lots.

In each case, staff considers the proposed encroachment to be minor and within the intent of the by-law. The encroachments allow the additions and renovations to be built around the existing house (set location) while ensuring adequate space is maintained around the building. The encroachments will not hamper the property owner's ability to provide outdoor access around the building or to provide adequate space for maintenance purposes.

Staff notes that Variances 1 and 2 will allow an improvement to the appearance of the front façade, which now includes a new main entrance and porch feature. Features such as these are considered connective type elements to the overall streetscape and desirable as part of a redevelopment plan.

Yes Variance 5 – Pool Setback

The By-law requires a minimum setback of 2.7 m for an above ground swimming pool to a side lot line. While staff would prefer that the required setback be maintained, it is understood that the variance only allows the existing pool to remain in an existing location. The pool will not be altered. Staff acknowledges that moving the pool would be difficult to do at this time.

Should the pool be altered or modified, it will require adherence to all applicable zoning regulations.

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3) Desirability:

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

Yes

The variances are considered desirable to allow the enlargement of the house increasing its overall function and usefulness while still remaining compatible with surrounding development.

4) Minor in Nature:

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

Yes

The variances are considered minor as they do not allow development that is substantially different from what the existing zoning permits. The impact of the variances is minor.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Individually or together, the variances are considered acceptable to allow the proposed development.

Recommendation:

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

Note: The Applicant is advised that the appropriate form of site plan approval is required to facilitate the proposed development as has been submitted under File MD82/15

Date: January 19, 2016 Prepared By: Charles Mulay MCIP RPP

SITE ENGINEERING COMMENT

The existing street width is greater than or equal to the deemed (20m). No widening is required.

Date: January 20th, 2015 Prepared By: Joshua Medeiros

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Staff has reviewed the application for minor variance, and has no objections.

Date: September 22nd, 2015 Prepared By: Vanessa Aykroyd

BUILDING COMMENT

- 1) A Building Permit is required for all building construction;
- 2) Permit application drawings to be prepared by a qualified designer as per Div.C., Section 3.2 Qualifications of Designers and OBC 2012.

Date: October 2, 2015 Prepared By: Kathy Pavlou

ENGINEERING DEPARTMENT – TRANSPORTATION PLANNING

No issues with this application.

Date: Oct. 6th, 2015 Prepared By: Linda Wu

FINANCE DEPARTMENT**NOTICE: Re: 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 SECTION

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 21, 2015 Prepared By: L. Bray

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HEARING NO. 6

File**540-02-A-060/15**

APPLICANT

PROPERTY:

1379 Caroline Street,
PLAN 117 PT LOTS 52,53
City of Burlington - Regional Municipality of Halton.

VARIANCES:

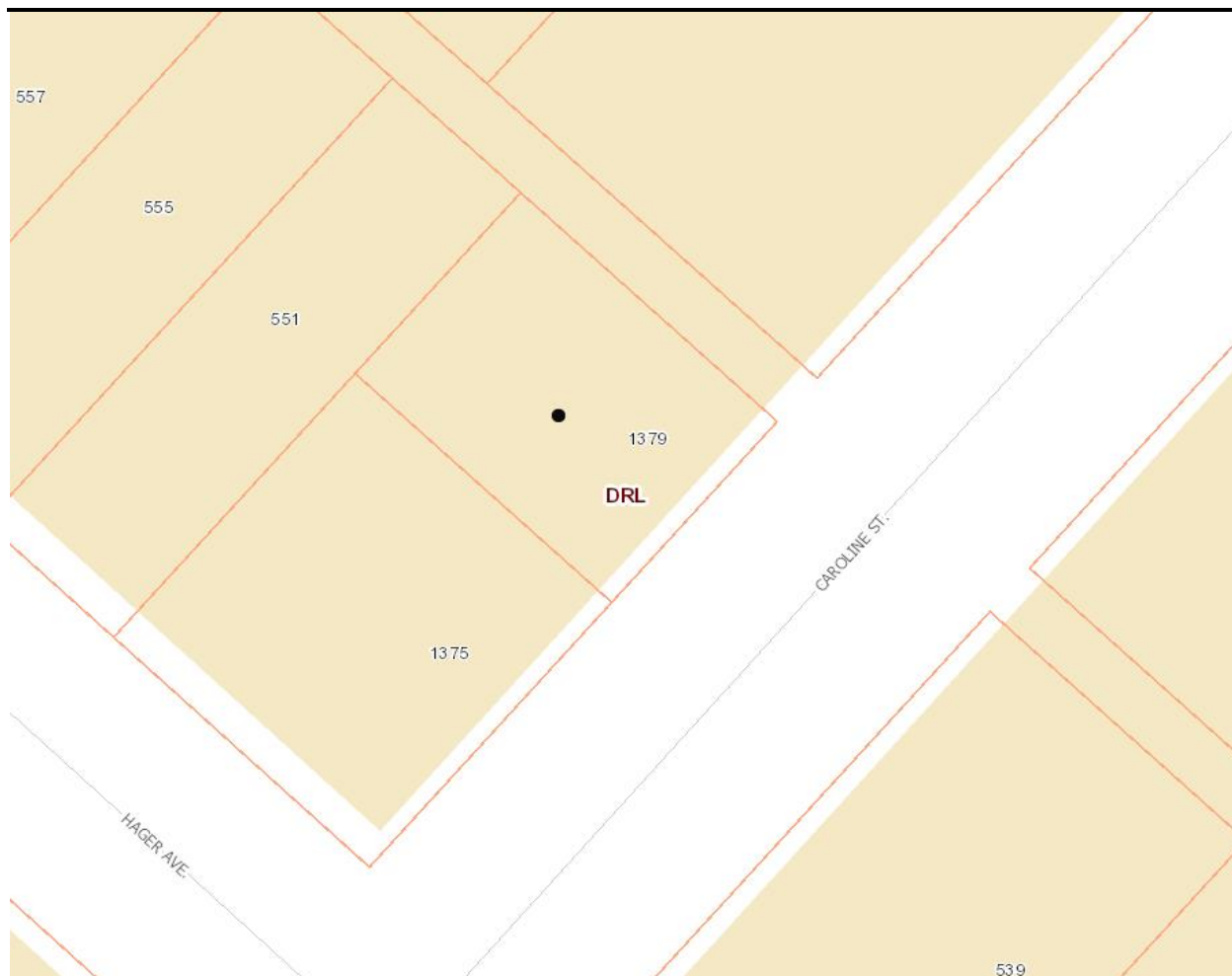
1. To permit a 15 m² parking space whereas Zoning By-law 2020, Part 1, Section 2.26 (1)(a) requires a minimum 16.5 m².
2. To permit a 2.9 m front yard setback whereas Zoning By-law 2020, Part 2, Section 4.1, Table 2.4.1 requires a minimum 6.0 m for a proposed 2 storey detached dwelling.
3. To permit a 2.2 m front yard setback whereas Zoning By-law 2020, Part 1, Section 2.13.1 (d) and Part 2, Section 4.1, Table 2.4.1 requires a minimum 5.35 m (6.0 m - .65 m encroachment) for a proposed front porch, including overhangs on a proposed 2 storey detached dwelling.
4. To permit a 1.2 m rear yard setback whereas Zoning By-law 2020, Part 2, Section 4.1, Table 2.4.1 requires a minimum 4.5 m for a proposed 2 storey detached dwelling.
5. To permit a 2.7 m street side yard setback (municipal laneway) whereas Zoning By-law 2020, Part 2, Section 4.1, Table 2.4.1 requires a minimum 4.5 m for a proposed 2 storey detached dwelling.
6. To permit 35% lot coverage whereas Zoning By-law 2020, Part 2, Section 4.2, Table 2.4.3 permits a maximum 25% for a proposed 2 storey detached dwelling with attached garage.
7. To permit a 2.7 m street side yard setback (municipal laneway) whereas Zoning By-law 2020, Part 1, Section 2.13.1 (c) requires a minimum 4.5 m for a balcony on a proposed 2 storey detached dwelling.
8. To permit a 1.0 m rear yard setback whereas Zoning By-law 2020, Part 1, Section 2.13.1 (c) requires a minimum 2.9 m for a balcony on a proposed 2 storey detached dwelling.

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**STAFF REPORTS:****Committee of Adjustment****A030/2008 APPROVED MAY 5, 2008**

1. To permit a 0.56 m + or - street side yard setback instead of the minimum required 4.5 m to accommodate the expansion of an existing dormer.
2. To permit a 1.4 m front yard setback instead of the minimum required 5.35 m (6.0 m - 65 cm) to accommodate renovations and the expansion of an existing roofed over porch.
3. To permit 8.14% lot coverage instead of the maximum permitted 8% for a 26.49 m² accessory building.

Date: June 3, 2015 Prepared By: Susan Elliot

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Zoning

The subject property is zoned DRL – subject to R3.2, low density residential, and is in the designated area for lot coverage under Zoning By-Law 2020, as amended

The applicant is requesting variances for a new 2 storey detached dwelling with a lot coverage of 34.48% and front, rear and street side yard setbacks less than the minimum required. A variance is also required for a parking space less than 16.5 m² in area.

Variances required as indicated on hearing page.

Notes:

1. A zoning clearance certificate is required for the proposed dwelling.
2. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.

Date: January 22, 2016 Prepared By: C. Lipnicky

Further staff comments to follow in an addendum.

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HEARING NO. 7

File

545-02-B015/2015
540-02A055/15,
A056/15 & A057/15

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**
A055/2015

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.

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Building C – Retained Parcel

540-02-A056/2015

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, 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.

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Building D – Severed Parcel

540-02-A057/2015

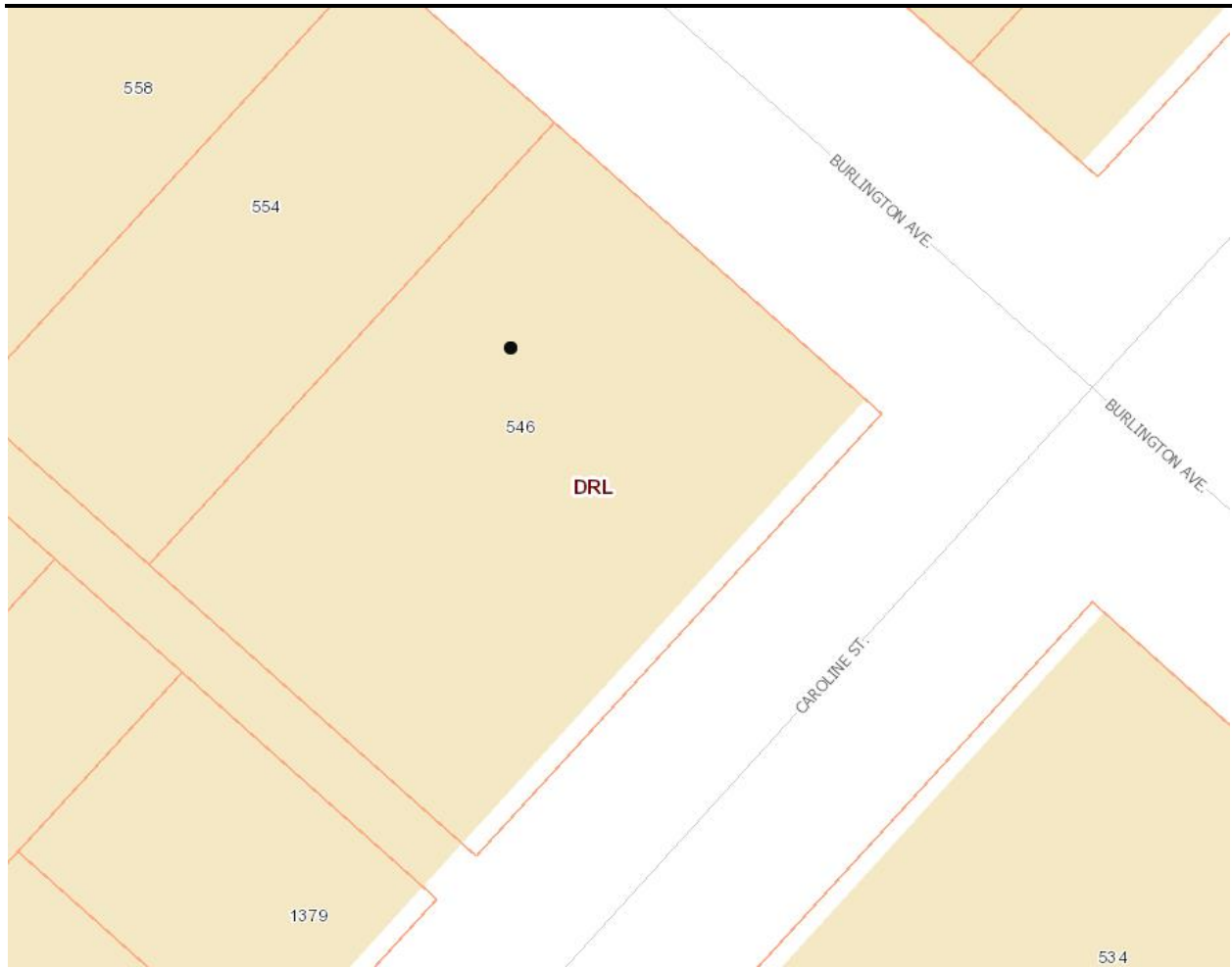
1. To permit a lot area of 343.0 sq m whereas Part 2, Section 4.1 (Table 2.4.1), of Zoning By-Law 2020, as amended, requires a minimum lot area of 425.0 sq m to facilitate a proposed land severance.
2. To permit a front yard setback abutting Caroline Street of 4.4 m whereas Part 2, Section 4.1 (Table 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

Committee of Adjustment

There are no previous land divisions 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.

Variations 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.

Variations 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.

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Building D – Severed Parcel

540-02-A57/14

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

Variations 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. Variations 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 variations 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

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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 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 with 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

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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.

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

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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 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

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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.

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.

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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 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

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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 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

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The applicant requests the approval of several variances 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 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

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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.

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

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form. This is not a desirable outcome of the proposed lotting configuration.

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

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.

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Staff recommends **APPROVAL** of this application for consent and variances.

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

Building B – Severed Lot

Variances #3, #4, #5 and #6

Building D – Severed Lot

Variance #2 and #3

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 these variances 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 variances:

Building C – Retained Lot

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

Building D – Severed Lot

Variances #4 and #5

Staff is of the opinion that these variances 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 variances.

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.

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

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

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, soak away pits, catch basins and storm sewers etc. and as required both internal and external to the site.
 - 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. If deemed necessary in order to accommodate storm drainage on the properties install catch basins with storm sewers and provide the necessary easements to the City.
4. If deemed necessary construct storm sewers on the City owned laneway, Caroline Street or Burlington Avenue as necessary to accommodate the catch basins and storm sewers as may be required on the properties as noted above.
5. 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.
6. 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**.
7. **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

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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 Executive Director of Capital Works:
 - 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.
- 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:

Lands required for the Caroline Street widening have been dedicated previously under B14/007/B), therefore no widening required.

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.

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- 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.
- 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 Executive Director of Capital Works 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

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- 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
- 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 Executive Director of Capital Works 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 Executive Director of Capital Works 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 Executive Director of Capital Works 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 Executive Director of Capital Works 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 Executive Director of Capital Works upon written notice by him; such work shall be in accordance with plans approved by the Executive Director of Capital Works.

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- xi. Indemnify and save harmless the City and Burlington Hydro, its 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 AykroydDate: January 26, 2016Prepared By: R. Bainbridge**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

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Roads and Parks Maintenance/City Arborist

Staff have 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 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.

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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.

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

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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:

- 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

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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 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
Intermediate Planner
Extension 7604
adam.huycke@halton.ca

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FEBRUARY 8, 2016

HEARING NO. 8

File**540-02-B-022/15**

APPLICANT:

PROPERTY: 3067 & 3059 Woodland Park Drive,
PLAN 218 LOT 136 PT LOT 135
City of Burlington - Regional Municipality of Halton.

VARIANCES:

Severed Parcel A (Parcel 2) (1395.78 sq m):

540-02-A97/15

1. To permit lot width of 22.5 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, required a minimum lot width of 24 m to facilitate a proposed land severance.
2. To permit a height of 13.25 m whereas Part 1, Section 2.31 of Zoning By-Law 2020, as amended, permits a maximum height of 10 m for a proposed two storey detached dwelling.

Retained Parcel (Parcel 1) (2014.22 sq m):

540-02-A96/15

1. To permit a south side yard setback of 1.90 m whereas Part 2, Section 4.1 Table 2.4.1, of Zoning By-Law 2020, as amended, requires a minimum side yard setback of 3.26 m to facilitate a proposed land severance.
2. To permit an existing 133.20 sq m accessory building whereas Part 1, Section 2.2 (b) (ii) of Zoning By-Law 2020, as amended, permits a maximum floor area of 50 sq m to facilitate a proposed land severance.
3. To permit an existing accessory building with a height of 9.0 m whereas Part 1, Section 2.2 (b) (ii) of Zoning By-Law 2020, as amended, permits a maximum height of 4.6 m to facilitate a proposed land severance.
4. To permit an existing two storey accessory building whereas Part 1, Section 2.2 (b) (ii) of Zoning By-Law 2020, as amended, permits one storey maximum.

Parcel 3

3059 Woodland Park Drive

Retained Parcel (Part 5):**540-02-A98/15**

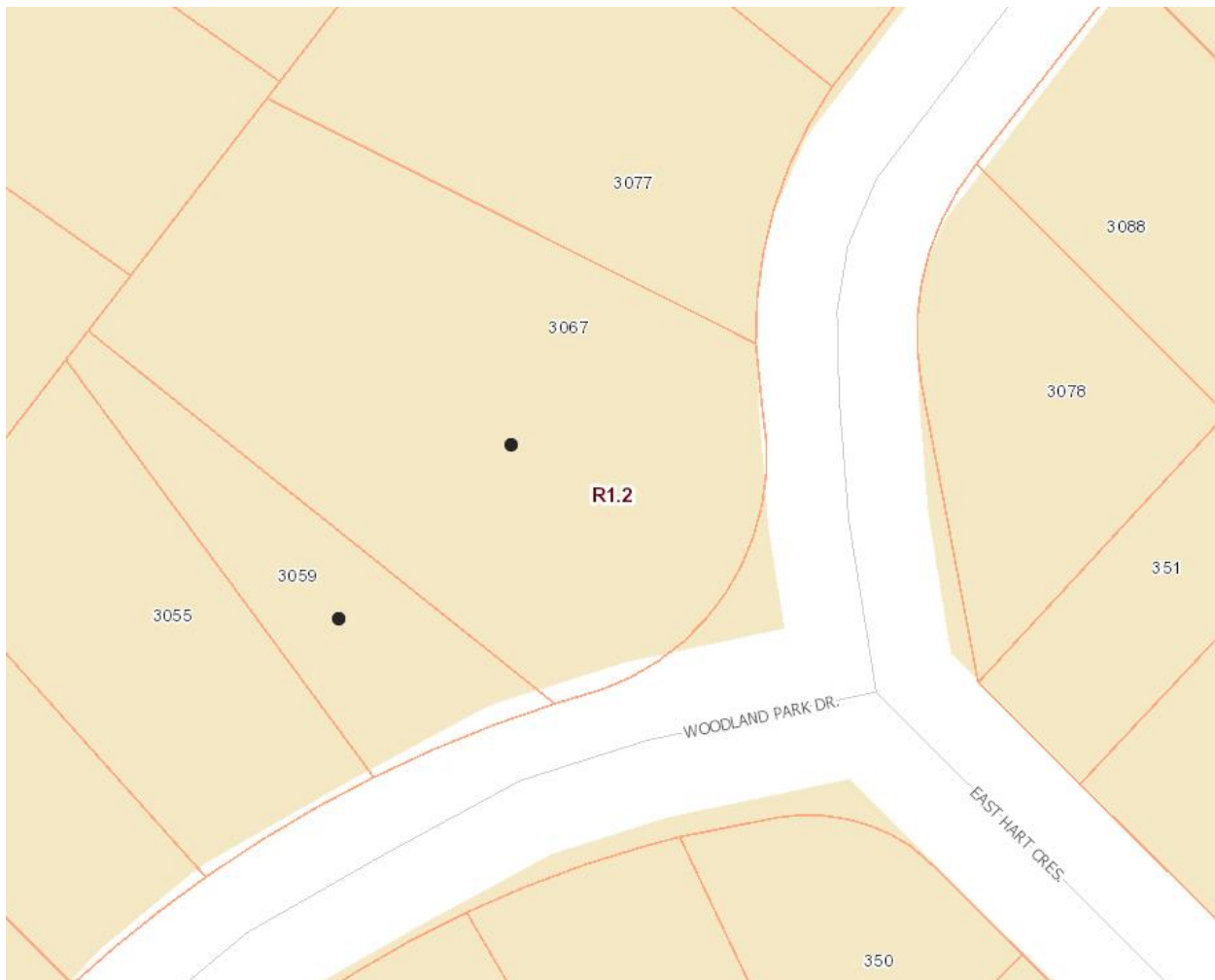
1. To permit lot width of 20.9 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, requires a minimum lot width of 24 m to facilitate a proposed land severance.
2. To permit an existing south side yard setback of 0.2 m whereas Part 2, Section 4.1 of Zoning By-Law 2020, as amended, requires a minimum 2.09 m to facilitate a proposed land severance.

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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: November 25, 2015 **Prepared By:** Wendy Garside

Zoning

Parcels: 1 and 2

3067 Woodland Park Drive
Dr. Fielding
545-02-B15/022/B

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540-02-A96/15

540-02-A97/15

The subject property is zoned R1.2, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended, and is located in a designated lot coverage area

Severed Parcel B (Part 3) (115.10 sq m):

The severed parcel does not comply with the minimum requirements for lot area, lot width and does not have frontage on a public road.

Condition:

1. To be assembled with the abutting property located at 3059 Woodland Park Drive to form part of Parcel 3, prior to final consent.

Severed Parcel A (Parcel 2) (1395.78 sq m):

540-02-A97/15

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

Variance required as indicated on hearing page.

Conditions:

1. Part 2 to be assembled with the severed parcel of land (13.29 sq m) located at 3059 Woodland Park Drive, under file 545-02-B15/023/B, to form part of Parcel 2, prior to final consent.
2. Variances under file 540-02-A97/15 to be approved and finalized prior to final consent.
3. Ontario Land Surveyor to confirm lot area and lot width measured 9.1 m back prior to final consent.

Note:

1. Variances are based on the plans submitted with this application only. Any additional variances identified once floor plans and elevations are submitted with a site plan application will be the responsibility of the applicant to obtain.
2. A zoning clearance certificate is required for the proposed detached dwelling.

Retained Parcel (Parcel 1) (2014.22 sq m):

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540-02-A96/15

The retained parcel complies with the minimum requirements for lot area and lot width. Variances required as indicated on hearing page.

Conditions:

1. **Variances under file 540-02-A96/15 to be approved and finalized prior to final consent.**
2. **Ontario Land Surveyor to confirm lot area, lot width measured 9.1 m back and lot coverage prior to final consent.**
3. **A demolition permit is required to remove the attached garage portion of 3067 Woodland Park Drive prior to final to consent.**

Parcel 3

3059 Woodland Park Drive
545-02-B15/023/B
540-02-A98/15

The subject property is zoned R1.2, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended

Severed Parcel (Part 4) (13.29 sq m):

The severed parcel (13.29 sq m) does not comply with the minimum requirement for lot area or lot width and is required to be assembled with the property to the north east (Parcel 2), prior to final consent.

Condition:

1. **To be assembled with abutting property to the north east, under file 545-02-B15/022/B, to form part of Parcel 2, prior to final consent.**

Retained Parcel (Part 5):**540-02-A98/15**

The retained parcel (912.97 sq m) does not comply with the minimum requirements for lot area or lot width. Variances required as indicated on hearing page.

Condition:

1. **To be assembled with the retained parcel (Part 3) (115.10 sq m) under file 545-02-B15/022/B, to form part of Parcel 3, prior to final consent.**

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-
2. Ontario Land Surveyor to confirm lot area, lot width measured 9.1 m back and lot coverage prior to final consent.
 3. Variances under file 540-02-A98/15 be approved and finalized prior to final consent.

Date: November 25, 2015, Revised December 1, 2015 Prepared By: Tina Vassalli

SITE PLANNING COMMENT

The subject property is a 3423 m² parcel of land located on the north side of Woodland Park Drive, at the north end of East Hart Crescent. The property owners propose to sever the property into two lots, both to front onto Woodland Park Drive and also to sever two small portions of land (approximately 115 m²) from the front and rear of the subject site to be assembled with the adjacent lot known as 3059 Woodland Park Drive to normalize the overall lotting pattern over these affected lots. The applicant proposes to retain the existing 2 ½ storey home that exists on the subject lot.

The severed lot will maintain an area of 1409 m² and the retained lot will maintain an area of 2014 m². The area surrounding the subject property is predominantly single detached residential.

Official Plan

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 to sever the subject property in order to create one new building lot. Lot creation requires special consideration when proposed within established neighbourhoods, especially ones like the Roseland Neighbourhood that has

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exhibited continued stability over time. This stability is attributed to Burlington City Council's expressed 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 located within 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.

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 lots in the immediate vicinity. However, the surrounding area is characterized by varying lot sizes and so the lot's existing large size is not critical to the preservation of the established lotting pattern or the stability of the neighbourhood. Its redevelopment would alter this part of the Woodland Park Drive streetscape but it would not generally detract from the character of the neighbourhood.

In assessing applications for consent, staff considers the difference between large/wide and smaller/narrow lots and the ability of each to retain adequate amounts of open space relative to built form. Open space is an important part of the Roseland Neighbourhood. Development that leads to the loss of functional open space is deemed to negatively impact the character of the area. Roseland owes as much to its character from built form (houses, architecture) as it does to open spaces and mature vegetation. It is this relationship between built form and space that sets Roseland apart from many other areas of the city. Staff considers the relationship between space and built form as being guided by the proposed lotting pattern and eventual site planning proposing the eventual details of built form.

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

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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. Compatibility is achieved by way of lot design/configuration, then by building siting and massing, spatial separations (open space) and the preservation of mature vegetation, among other things.

Staff notes that the proposed severed and retained lots relate more closely to the lotting pattern in the area than the lot as it currently exists, based on lot dimensions alone. It is therefore possible that the eventual development of the new lot will achieve a higher level of overall compatibility than if the existing house was removed and the lot was redeveloped in its current large lot configuration.

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 size and dimension and the relationship between lots of different size are important considerations when assessing the development potential of an existing lot. This is especially important when a new lot is being proposed. Similar sized lots tend to develop in a similar manner and this encourages compatible built form and promotes the stability of a neighbourhood. The challenge in this case is that this part of Roseland is characterized by varying lot sizes where large lots easily co-exist and compliment smaller more narrow type lots. There are some parts of the neighbourhood that are more uniform in their lotting pattern but overall large and smaller type lots are compatible with each other, in this part of the neighbourhood.

An assessment of lots in the immediate vicinity reveals the average lot width to be 32 m and the average lot area is 1579 m². These calculations include the subject lot which is notably larger than other lots in the immediate vicinity. When the subject lot is removed, the average lot width is reduced to 29 m and the average lot area is reduced to 1385 m². The proposed lot dimensions of 21 m and 32 m widths and 1409 m² and 2014 m² areas for the severed and retained lots, are deemed to be closer to the surrounding lotting pattern than the lot in its current configuration (57 m wide and with

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an overall area of 3520 m²).

The range in lot size in the area is also notable. Staff can confirm that there are several lots having widths of between 18 m and 24 m in the immediate vicinity. Several other lots are in excess of 30 m with the subject lot being over 50 m in width. This is all within the same zoning designation.

Staff must balance the mathematical requirements of the By-law with the expectations established by the Official Plan. The Official Plan encourages development that is compatible and considerate of the existing neighbourhood character. The proposed lot widths and areas (severed and retained) appear to be sufficient to allow compatible infill development.

While the retained lot will exceed the minimum lot width and area requirements of the By-law, the severed lot will maintain a width of 22.5 m which is 1.5 m short of the 24 m minimum requirements. It will however exceed the area requirement of the By-law.

As previously stated, this part of Roseland is not of a standard design with respect to the lotting pattern and lot configurations. In some cases, changes to lot size should be supported by specific details of lot development as can be undertaken as part of an application for Site Plan Approval. In this case however, the lot sizes are of sufficient size and area to ensure compatible development and Site Plan Approval can occur after lot creation.

Lot Line Adjustment

The subject application is supported by a concurrent application to transfer a 115 m² area of land between the subject lot (3067 Woodland Park Drive) and the neighbouring lot (3059 Woodland Park Drive) to adjust the mutual lot line and to create a more rectangular lotting pattern for both lots. As it stands, the lot at 3059 Woodlands Park Drive is a reverse pie shaped lot with a very narrow tip in the back yard. This part of the severance application corrects this undesirable situation by pivoting the common lot line to create more rectangular shaped lots. This lot line adjustment does not create any new building lot and does not substantially alter the development potential of 3059 Woodland Park Drive. It only allows the lots to maintain more standard type dimensions, which is beneficial not only to the subject lots but also to the surrounding area.

Minor Variances

The applicant requires the approval of 8 variances to facilitate the subject application. Staff will assess each variance individually:

Retained Lot

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Variance #1 - Side Yard Setback

By-law 2020 requires setbacks to be equal to 10% of the lot width. In this case, the proposed lot will be 32.6 m and so the required setback is 3.26 m. Given the proposed location of the new lot line relative to the location of the existing house, a setback of only 1.9 m can be provided. The intent of the By-law is to ensure that development utilizes space and spatial separations to promote the creation of pleasing streetscapes. Staff understands that in this case, the retention of the existing house is in itself a large benefit to the streetscape function and appearance, notwithstanding the reduced side yard setback. Staff supports the small reduction (1.3 m, approximately 4 feet) to the required setback as the setback continues to be sufficient to ensure adequate space between houses on adjacent lots.

Staff notes that the reduction occurs at one point of the house only and that the setback increases as you move back on the lot. Even though the greatest impact of the reduction occurs at the street edge, the house will be well separated from development on adjacent lots.

Staff support this variance as applied for and deem it to be minor, desirable and with the intent of the Official Plan and Zoning By-law.

Variances #2, #3 and #4 – Accessory Building

The subject property currently supports a two storey garage building with rooms above, behind the main dwelling. The By-law limits the size and height of such buildings as noted in the comments of the Zoning Examiner. The applicant wishes to retain this building in its current configuration and as such variances are needed to allow it to be larger and higher than the limits set by zoning.

The intent of the zoning regulations is to ensure that accessory buildings remain secondary and subordinate on individual properties so as to avoid a proliferation of buildings in the area and also to minimize potential impacts to the use and enjoyment of any adjacent rear yard. Staff has not been advised of any concern raised by any surrounding property owner related to this accessory building.

There is no intention to alter this building as a result of the proposed severance or variances. The building is existing and will not be enlarged in any way. Staff's preference in situations such as these is that the building would be modified to more closely meet zoning regulations. It is understood, however, that retroactively requiring compliance with zoning regulations can be difficult to achieve without a major disruption to the building and the area as a whole. The retention of the building in its current configuration seems a reasonable request.

Staff does not object to the approval of these variances but note that they will apply to the existing building only and any future modification to the building will require full compliance with the applicable zoning regulations.

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Severed Lot**Variance #1 – Lot Width**

The applicant requests a lot width of 22.5 m where the minimum requirement is 24 m in order to facilitate a land severance. The By-law regulation attempts to implement the Official Plan policies regarding lot creation policies and an overall objective to promote compatible development (including lot creation).

Staff supports the approval of this variance for the same reasons stated previously under the Official Plan considerations of the subject comment. Staff's analysis confirms that the proposed width is compatible with the surrounding lotting pattern and suitable to allow compatible development (new house).

Staff will require the development of this lot to be assessed in a formal way as part of an application for Site Plan Approval. That process will ensure that the lot width reduction is considered when a new house is proposed. Special care must be taken to avoid the 'crowding' effect that can occur when lots are narrower than some other lots in the area.

Variance #2 - Height

Staff does not support a variance to allow an increased height of 13.25 m for a proposed house where 10 m is the current maximum. Staff is concerned that the combination of the proposed lot width reduction and increase to building height may be problematic in terms of ensuring infill development that is considerate and compatible with surrounding development.

Staff understands that the lot is elevated and that the height increase is caused primarily by this condition. Still, staff wish to assess the development of this lot against all applicable standards before a variance to height is considered. Simply replicating the height of the adjacent home may not be acceptable in this case.

An application for Site Plan Approval will be required to assess matters related to overall compatibility, including building height

Lot Adjustment – 3059 Woodland Park Drive**Variance #1 – Lot Width**

As part of the subject application, the lot line between the proposed severed lot and 3059 Woodland Park Drive is to be shifted/pivoted to create a more standard lotting pattern. While this adjustment slightly reduces the width of the lot at the street, it substantially increases the width of the lot at the rear so that the two widths are much more consistent with each other than currently exists.

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Staff considers this variance to be minor, within the intent of the By-law and Official Plan and desirable to correct an irregular shaped lot and giving it a more regular shape. There will be no new development associated with this variance.

Variance #2 – Side Yard Setback

This variance relates to the location of an existing house only. It occurs at one point of the house with the majority of the house maintaining a setback of over 2 m. Staff has no objection to the approval of a variance to recognize the location of the existing house and do not expect any impact from the approval of this variance.

Conclusion

Staff has **no objection** to the approval of the consent and minor variance applications (except Variance A-097/2015 #2), subject to the following:

The applicant is advised that an application for Site Plan Approval is required prior to the development of the severed portion of land and that that application must include among other things, details related to grading and drainage, tree preservation, architectural style and an analysis of building height relative to surrounding development

Staff **objects** to Variance A-097/2-15 #2 as it has not been confirmed that the proposed height increase meets the intent of the By-law, the intent of the Official Plan, is minor and is desirable to promote compatible development. Staff will assess height as part of an application for Site Plan Approval, required prior to the development of the severed lot.

Date: January 8, 2016Prepared by: Charles Mulay MCIP RPP**Site Engineering**

The existing street width is greater than or equal to the deemed (20m). No widening is required.

Date: Dec 14th, 2015 Prepared By: Joshua Medeiros**SITE ENGINEERING COMMENT FOR VARIANCES (A096/2015, A097/2015, & A098/2015):**

Site Engineering has no objection to the variances required.

SITE ENGINEERING COMMENT FOR LAND DIVISION (B-022/15, B023/15):

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Site Engineering has no objection to the Land Division (B-022/15, B023/15) consent being granted subject to the following conditions:

1. Provide written confirmation from Region of Halton staff that Parcel #2 has the opportunity to connect a sanitary lateral to an existing sewer on Woodland Park Drive.
 - a. If an extension of sanitary sewer is required along Woodland Park Drive, please provide a plan and profile drawing outlining the required works.
2. Applicant to submit an overall servicing, grading and drainage plan for both the severed and retained parcels to the satisfaction of the Directors of Capital Works and Planning and Building to include the following:
 - a. Proposed maximum building envelope for severed lot including a proposed top of foundation wall and finished floor elevations, and setbacks from property lines
 - b. Existing building envelope with finish floor elevation and top of foundation wall elevations
 - c. Existing and proposed ground elevations (with overlap to adjoining properties), enough to determine existing drainage patterns
 - d. Show how drainage will be contained within property limits of both the retained and severed lots, by use of swales, soak-away pit, etc., i.e. show existing and proposed swales with supporting grades
 - e. Proposed service connections, and location of existing service connections
 - f. Trees with base elevations (both private and City owned) on both retained and severed lots, including diameter at breast height. Please also indicate which trees are to be removed.
 - g. Proposed driveway locations and slopes for retained and severed parcels.
 - h. Hydro poles (existing and proposed), driveways must maintain a min. 1.2m clearance from poles.
 - i. Utility boxes
 - j. Closest municipal hydrant (please either show on drawing or indicate location with a note)
 - k. Any proposed retaining walls
 - l. Existing and proposed fence
8. **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:

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-
- f) Implement the grading, drainage and servicing layouts and required driveway changes as per the approved overall servicing, grading and drainage plan.
 - g) Prior to the issuance of any Zoning and Grading certificate, complete the following to the satisfaction of the Director of Capital Works:
 - 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 Forester, call for an inspection (905-335-7600 ext. 7634 or 7428)
 - Install siltation control to the satisfaction of Site Engineering, call for an inspection (905-335-7600 ext. 7868 or 7428)
 - h) Prior to laying sod, call for a grading inspection (905-335-7600 Ext. 7868 or 7634)

Schedule DProject Implementation Conditions:

- xii. Prior to commencing any site works, the Owner shall submit a preliminary schedule for the servicing contract, utilities work, and building construction.
- xiii. 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.
- xiv. 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).
- xv. 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.
- xvi. 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.
- xvii. 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 Site Engineering representative. Significant damage may warrant additional landscaping or tree planting to be carried out at the Owner's expense.

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- xviii. 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.
- xix. 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.
- xx. 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.
- xxi. 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.
- xxii. 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

- xii. No work shall be done until the Director of Capital Works has approved the plans and all work (grading, drainage, construction access, fencing, servicing, and driveway locations) shall conform to such plans.
- xiii. 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.
- xiv. The Owner shall pay the cost of relocating any existing services or utilities made necessary by reason of the development
- xv. Submit for approval and implement silt control measures. Silt control shall be maintained during all phases of construction

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- xvi. 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 Capital Works may prohibit use of one or more, but not all, for the delivery of materials. **Roads to be flushed and swept on Friday afternoons.**
- xvii. 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 Capital Works to cover the cost of cleanup necessitated by failure to comply within a reasonable time frame with these requirements.
- xviii. The Owner will take all necessary steps as directed from time to time by the Director of Capital Works to control dust, weeds, noise and any other nuisances.
- xix. The Owner shall make good all damage caused by anything done in connection with the development.
- xx. The Owner shall construct all works necessary as approved by the Director of Capital Works 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.
- xxi. The Owner shall construct all works required to rectify and alleviate any drainage problem in the manner required by the Director of Capital Works upon written notice by him; such work shall be in accordance with plans approved by the Director of Capital Works.
- xxii. 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: March 30th, 2015 Prepared By: Joshua Medeiros

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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.
- 3) Show compliance to OBC 9.10.15 for house that will be retained Lot 136.

Date: January 8, 2016 Prepared By: Kathy Pavlou**Transportation Planning**

No issues with this application.

Date: Dec. 17, 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: Dec 3, 2015 Prepared By: L. Bray**Urban Forestry**

Staff has reviewed the application for consent and minor variance and has no objections.

Date: 12/09/2015 Prepared By: V Aykroyd

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Region of Halton

January 11, 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: B15/022 B & B15/023 B
 3067 Woodland Park Drive and 3059 Woodland Park Drive
 City of Burlington, Region of Halton**

Regional Staff have received the above noted application for consent as follows:

B15/022 B: Application for consent to sever a new lot from 3067 Woodland Park Drive which will result in a lot addition to the lands known as 3059 Woodland Park Drive; and,

B15/023 B: Application to permit the severance of a lot addition from 3059 Woodland Park Drive, to be merged in title with the lot created through consent application B15/022 B.

The following comments are provided related to the above noted consent applications:

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 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.

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 subject lands are designated as being part of the Urban Area in the 2009 Regional

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Official Plan (ROP). The Urban Area policies of the ROP provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant the policies of the Regional Plan.

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. The Region's Protocol for Reviewing Development Applications with Respect to Contaminated and Potentially Contaminated Sites requires, at a minimum, that an environmental site screening questionnaire be completed and submitted for subject lands. An environmental site screening questionnaire was not received as part of the circulation of this consent application. As a condition of approval, the applicant will be required to submit a site screening questionnaire and any additional information required as a result of the review of the questionnaire.

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 Climate Change and is now in effect. The subject lands have been identified as being within an area protected for water quality, being an area forming part of an Intake Protection Zone 2 and a Highly Vulnerable Aquifer. Although Regional Staff do not anticipate that the policies of this plan will affect this application, it is advised that the land owner be aware of this approved plan as the policies of this plan may restrict these lands in the future or may result in development requirements such as supportive studies. 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:

- There is a 150 mm diameter watermain is located within Woodland Park Drive adjacent to the property.

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- There is a 150 mm diameter watermain located within East Hart Crescent in close proximity to the subject lands.
- Fire flow test results are not available for the area.

Wastewater:

Details on existing wastewater services:

- There is a 200 mm diameter wastewater main located within Woodland Park Drive near the western property line of 3067 Woodland Park Drive.
- There is a 200 mm diameter wastewater main located within Woodland Park Drive near the eastern property line of 3059 Woodland Park Drive.
- There is no wastewater main located in front of the proposed new lot. The Owner is required to extend municipal wastewater (sanity) services to the new lot.

In accordance with Regional Official Plan policy, all development within the Urban Area is to be on full municipal services. As noted above, municipal wastewater services are not located in front on the proposed new residential lot. In accordance with Regional policy, standards, and by-laws, the Owner will be required, as a condition of consent, to design and construct the extension of a municipal wastewater main to the newly created lot. It is further noted that the extension of municipal services will require a full Engineering submission in accordance with the Region's Development Engineering Review Manual, and will require a Regional Servicing Agreement to secure and ensure the works are completed to Regional standards.

Additionally, Regional Staff recommend that the consent decision include two notes which speak to the service permit process for the proposed development of these lands.

Finance:

NOTE: The Owner will be required to pay all applicable Regional development charges in accordance with the Region of Halton Development Charge By-law(s), as amended. If a subdivision (or other form of development) agreement is required, the water, wastewater and road portions of the Regional development charges are payable upon execution of the agreement. Please visit our website at www.halton.ca/developmentcharges to obtain the most current development charge information, which is subject to change.

Conclusion:

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

1. Prior to final approval, the applicant is required to submit to Halton Region a completed Regional Environmental Site Screening Questionnaire, and any

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addition material requested by the Region as determined by the review of the Questionnaire (i.e. Phase 1, Phase 2, and a RSC).

2. That the Owner is required to design and construct at their sole expense a municipal wastewater main (sanitary sewer) extension within Woodland Park Drive 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 the Owner provides 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 sanitary sewer extension within Woodland Park Drive 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 sanitary sewer extension within Woodland Park Drive 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.) Water and wastewater services to the severed and retained lots must 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 approval.

Regional Staff further recommend that the following note be added to the decision for this application:

- i. The Owner is advised that once all conditions have been satisfied and the final consent for the severances have been granted the Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, 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.

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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
Intermediate Planner
Extension 7604
adam.huycke@halton.ca

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