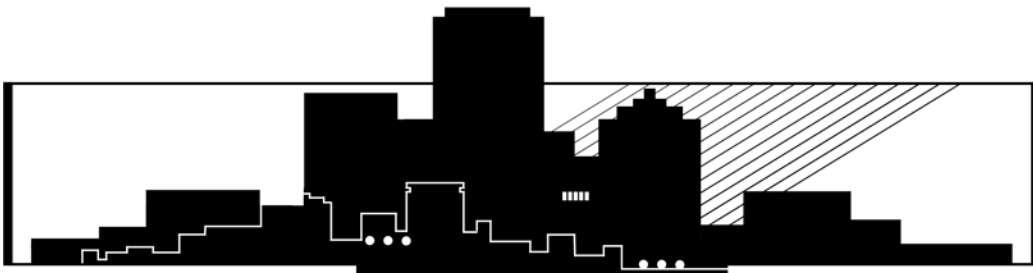


# COMMITTEE OF ADJUSTMENT

May 9, 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 #9

<b>TIME OF MEETING:</b>	<b>Monday, May 9, 2016 @ 6:30 P.M.</b>
<b>PLACE OF MEETING:</b>	<b>Room 247 2<sup>nd</sup> Floor City Hall</b>

## AGENDA

### DECLARATION OF INTEREST:

<b>HEARING NO.</b>	<b>TIME</b>	<b>FILE NO. 540-02-</b>	<b>APPLICANT</b>
1)	6:30 P.M.	A-009/16	Re: 3233 Pinemeadow Dr., Burlington  WARD 6 Pages 1-5
2)	6:35 P.M.	A-019/16	Re: 100 Plains Rd. W, Burlington  WARD 1 Pages 6-10
3)	6:40 P.M.	A-021/16	Re: 366 Newbold Dr., Burlington  WARD 2 Pages 11-16
4)	6:45 P.M.	A-022/16	Re: 502 Brant St., Burlington  WARD 2
5)	6:50 P.M.	A-023/16	Re: 306 Mallard Ave., Burlington  WARD 1 Pages 23-29

**6) 6:55 P.M. A-024/16 Re: 2204 Tallman Ave.,  
Burlington**

**WARD 2  
Pages 30-35**

**7) 7:00 P.M. B15/004/B Re: 3032 South Dr.,  
Burlington**

**WARD 4  
Pages 36-53**

COMMITTEE OF ADJUSTMENT

Meeting #9

AGENDA

MAY 9, 2016

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

File  
540-02-A-009/16

APPLICANT  
PROPERTY: 3233 Pinemeadow Drive,  
PLAN M366 LOT 154  
City of Burlington - Regional Municipality of Halton.

VARIANCE: To permit an addition with a 5.3 m minimum yard setback,  
whereas the Zoning By-law 2020 requires 9 m.



STAFF REPORTS:

## COMMITTEE OF ADJUSTMENT

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**Committee of Adjustment**

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

Date: February 12, 2016 Prepared By: Wendy Garside

**Zoning**

The subject property is zoned R3.2, low density residential, under Zoning By-law 2020 as amended. The R3.2 zone permits a detached dwelling and requires, among other things, a 9 m rear yard setback. A new sunroom addition is proposed at the rear of the house. The sunroom is proposed 5.39 m from the rear lot line. A minor variance is required to address the lesser rear yard setback.

Variance required as indicated on heading page.

April 4, 2016

Date: G. Jin

**Site Planning**

The subject property is located on the west side of Pinemedow Drive and south of Deer Run Avenue, in the Headon Planning Community.

The applicant is requesting the following variance to facilitate the development of a 16.35 sq m sunroom addition to the existing dwelling in the rear yard:

1. To permit an addition with a 5.3 minimum yard setback, where as the Zoning By-law 2020 requires 9m.

**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' (Comprehensive Land Use Plan – Urban Planning Area) of the City's Official Plan (OP). This designation permits, among other uses, detached dwellings to a maximum density of 25 units per net hectare. Staff is satisfied that the proposed addition is in keeping with the policies of this designation as there are no proposed changes to the existing building form or density.

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With respect to setbacks in general, the OP is non-prescriptive. However, Part III, Subsection 2.2.1 g) of the OP (Land Use Policies – Urban Planning Area) requires new residential development to be compatible with surrounding properties. In addition, Part II, Section 6 of the Plan (Functional Policies) sets out a number of Design Guidelines Policies. Among them, subsection 6.5 a) provides that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.

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: R3.2 (Low Density Residential)****Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?**

The subject property is zoned Low Density Residential (R3.2) under Zoning By-law 2020, as amended. The current zoning permits one detached dwelling and accessory uses, buildings, and structures thereto.

**Yes**

The applicant is requesting a reduction in the rear yard setback to facilitate the construction of a one storey sunroom. The intent behind the setback provision is to ensure that buildings/structures will not come unusually close to the rear lot line so as to cause a negative impact to an adjacent property, such as sun-shadowing. The setback also ensures that an adequate amount of amenity area is retained in the rear yard as open space.

The proposed sunroom addition would not comply with the applicable rear yard setback regulation; however, in this case, staff is of the opinion that the proposed variance would meet the general intent and purpose of the Zoning By-law. The proposed relief from the rear yard setback regulation would allow the addition of a sunroom to increase functionality of the property for the homeowners. Staff believe that the proposed sunroom is appropriate for the site and would not have any negative implications on the adjacent properties. The sunroom is proposed to be constructed on a small portion of the overall rear yard and will have a rear setback of 5.39m, thereby maintaining an adequate amount of rear yard amenity space on the subject property. Further, staff are not concerned that the proposed addition will create sun shadowing for adjacent neighbour, as the proposed addition is one-storey (2.6m). Lastly, there is wooden fence surrounding the perimeter of the subject property, thereby mitigating any potential impacts of the addition on the neighbouring property. As such, staff is satisfied that the requested variance maintains the intent of the Zoning By-law.

**3) Desirability:**

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**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 variance will allow for the construction of a sunroom addition that is in keeping with the intent of the Official Plan and Zoning By-law for this neighbourhood. The scale and design of the proposed development will compliment the existing dwelling and will not create any adverse impacts on adjacent properties. The proposed plans are a suitable development for this property.

**4) Minor in Nature:**

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

**Yes**

The variance is considered minor as it does not pose a large impact to any surrounding properties. The scope of the variance is minor.

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

n/a

**Recommendation:**

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

**Notes:**

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

Date: April 20, 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: February 16, 2016 Prepared By: A. Capone

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**No objection to variance as proposed.**Date: April 8, 2016 Prepared By: A. Capone**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.

NOTE: Applicant is to provide detailed calculations to show compliance to OBC 9.10.15 (spatial separation) for proposed north side elevation as proposed design appears to exceed maximum allowable glazed openings.

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

No issues with this application.

Date: April 8, 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: April 6, 2016 Prepared By: L. Bray



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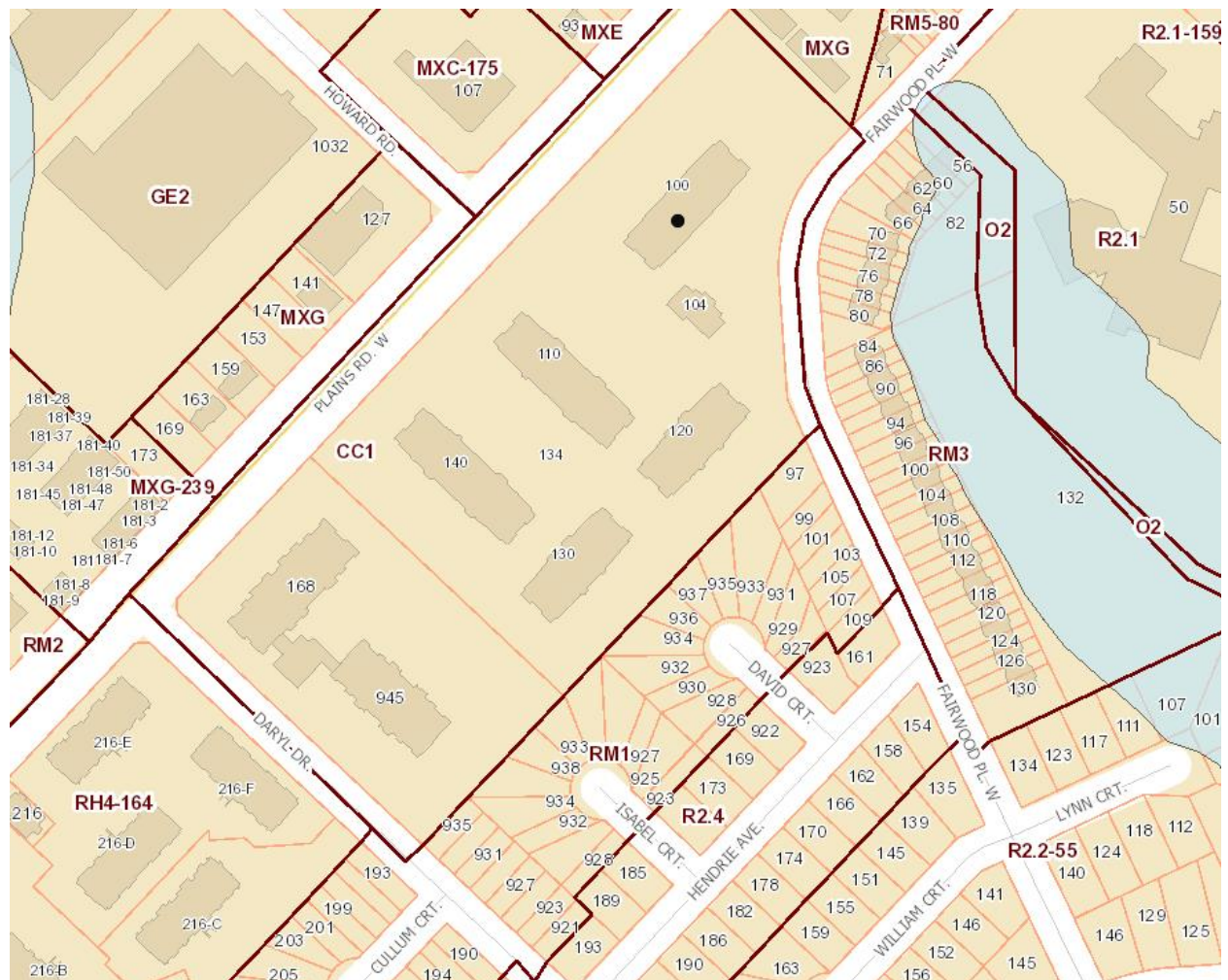
MAY 9, 2016

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

File  
540-02-A-019/16

APPLICANT  
PROPERTY: 100 Plains Road W,  
CON BF PT LOTS 7,8  
City of Burlington - Regional Municipality of Halton.

VARIANCE: To permit 150.80 units per hectare (673 units) whereas Part 2,  
Section 14 Table 2.14.1 (f), of Zoning By-Law 2020, as  
amended, requires a maximum density of 150 units per  
hectare in a residential building with 90% enclosed parking.



## COMMITTEE OF ADJUSTMENT

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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: March 14, 2016 Prepared By: Wendy Garside

**Zoning**

The subject property is zoned CC1, Community Commercial, under Zoning By-Law 2020, as amended.

The CC1 zone permits an apartment building subject to RH4 (f).

The RH4 zone requires, among other things, the following:

Density (excluding retirement home) (f):

Minimum: 50 units per hectare

Maximum: 100 units per hectare plus an additional 10 units per hectare for each 3% increase in enclosed parking to 150 units per hectare

Existing:  $669 \text{ units} / 4.4628 = 150 \text{ units/ha}$

Proposed:  $673 \text{ units} / 4.4628 = 150.80 \text{ units/ha}$

Required occupant:  $977 \text{ spaces} \times 90\% = 880 \text{ enclosed spaces}$

The applicant is proposing to convert 817.52 sq m of grade level office area to the rear of Building 5 to ten residential dwelling units to total 673 dwelling units.

Variance required as indicated on heading page.

Note: A zoning clearance certificate is required.

Date: March 22, 2016 Prepared By: Tina Vassalli

**Site Planning****1) Official Plan Designation: Community Commercial**

**Does the proposed minor variance from the Zoning By-law maintain the general**

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**intent and purpose of the Official Plan?****Yes**

The property is designated Community Commercial in the Official Plan. This designation permits high density residential uses up to 12 storeys in height and a maximum of 185 units per hectare. The existing building is 12 storeys in height and the proposed density falls within the range anticipated by the Official Plan. As such, the proposed minor variance meets the intent and purpose of the Official Plan.

**2) Zoning By-law Designation: Community Commercial****Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?****Yes**

The property is zoned Community Commercial (CC1) in the Zoning By-law. The CC1 zone permits apartment buildings subject to the Residential High Density (RH4) zoning regulations. The RH4 zone limits density to a maximum of 150 units per hectare. The application proposes to convert office space in the building to residential units and will not alter the exterior dimensions of the building. The intent of density regulations is to serve as a tool in managing building size/intensity and to ensure that a building does not overburden surrounding infrastructure. The minor increase in density meets the 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?****Yes**

The proposed minor variance is desirable as it allows more residential apartment units along a primary transit route without changing the exterior dimensions of the building.

**4) Minor in Nature:****Is the proposed minor variance from the Zoning By-law considered minor in nature?****Yes**

The proposed variance is minor in nature as it represents a very minor increase in density to the site.

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

N/A

**Recommendation:**

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

Note: The Applicant is advised that the appropriate form of site plan approval is required to facilitate the proposed development (leave note in if no specific condition added)

Date: April 15, 2016 Prepared By: Jamie Tellier

**Site Engineering**

**Actual road width is equal to or greater than deemed road width (36m) No road widening required.**

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

Comment:

Site Engineering has no objection.

Date: March 31, 2016 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: April 15, 2016 Prepared By: Kathy Pavlou

**Transportation Planning**

No issues with this application.

Date: April 8, 2016 Prepared By: Linda Wu

## COMMITTEE OF ADJUSTMENT

Meeting #9

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**Finance****Notice regarding Development Charges:**

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

**Tax**

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: March 30, 2016 Prepared By: L. Bray

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AGENDA

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HEARING NO. 3 - 6:40 P.M.
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**File**  
**540-02-A-021/16**

APPLICANT  
PROPERTY:

366 Newbold Drive,  
PLAN 494 LOT 16  
City of Burlington - Regional Municipality of Halton.

VARIANCES:

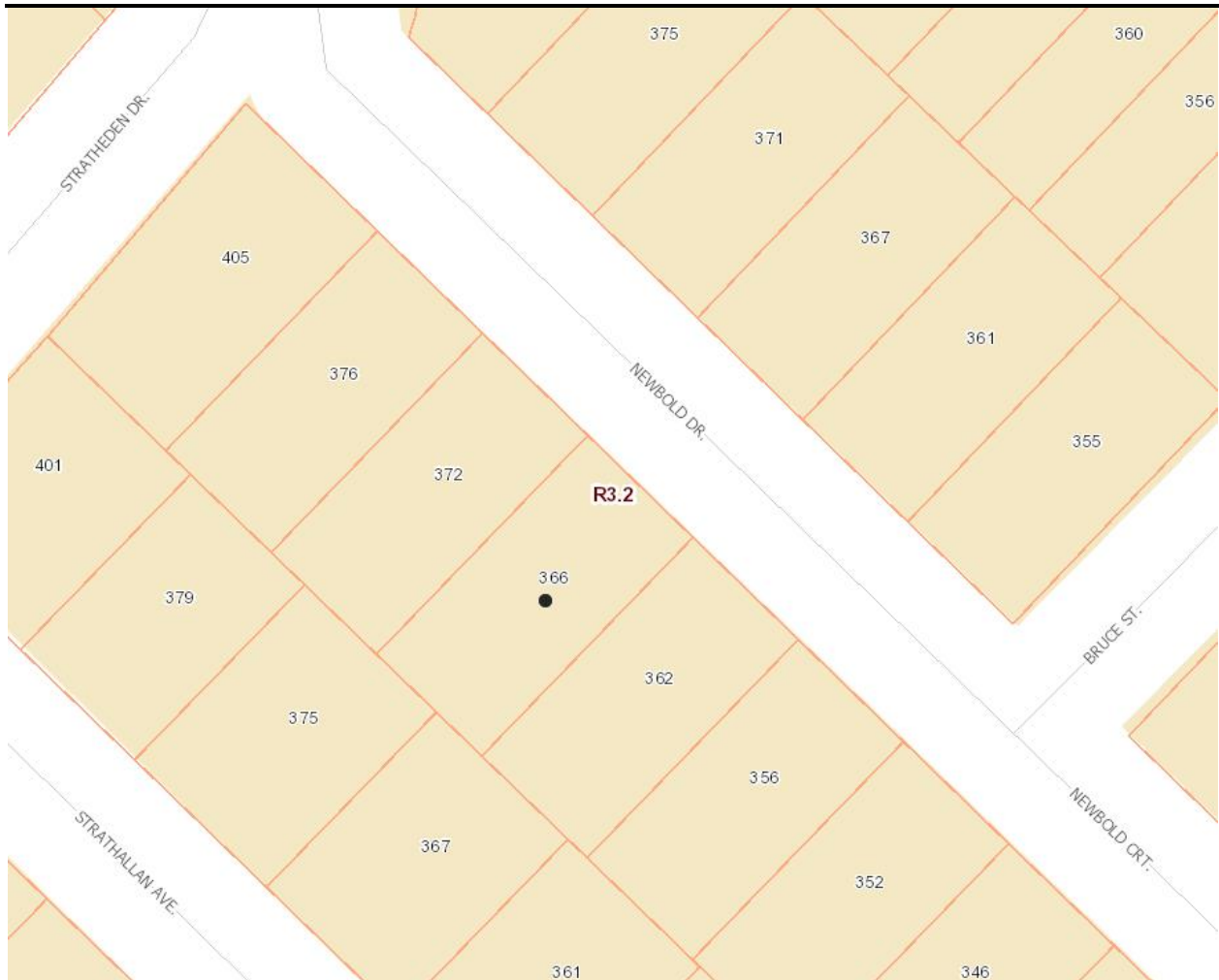
1. To permit a 23 m<sup>2</sup> deck in a front yard (8.2 m setback) whereas Zoning By-law 2020, Part 1, Section 2.3, Table 1.2.1 does not permit a deck to be located in a front yard.
2. To permit a 0.6 m side yard setback whereas Zoning By-law 2020, Part 1 Section 2.3, Table 1.2.1 requires a 1.2 m setback for a proposed deck between 0.6 and 1.2 m above grade.

COMMITTEE OF ADJUSTMENT

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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: March 17, 2016 Prepared By: Wendy Garside

**Zoning**

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

The applicant is proposing the construction of decks in the rear, side and front yards of an existing single storey detached dwelling.

Variances required as indicated on heading page.

**COMMITTEE OF ADJUSTMENT****Meeting #9****AGENDA****MAY 9, 2016**

Notes:

1. A zoning clearance certificate is required for the proposed decks
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: April 1, 2016 Prepared By: C. Lipnicky**SITE PLANNING COMMENTS**

The subject property is located on the west side of Newbold Drive and north of Bruce Street. The subject property currently supports a one storey dwelling, and is located in a mature residential area.

The applicant proposes to construct a deck in the front yard and a side entrance with stairs and landing. To facilitate the proposed development, the applicant requests the following variances:

1. To permit a 23 m<sup>2</sup> deck in a front yard (8.2 m setback) whereas Zoning By-law 2020, Part 1, Section 2.3, Table 1.2.1 does not permit a deck to be located in a front yard.
2. To permit a 0.6 m side yard setback whereas Zoning By-law 2020, Part 1 Section 2.3, Table 1.2.1 requires a 1.2 m setback for a proposed deck between 0.6 and 1.2 m above grade.

**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. Further, the City’s OP contains the objective of requiring new residential development to be compatible with surrounding properties, in addition to a policy requiring all new development to be compatible with its surrounding area in terms of density, form, bulk, height, setbacks, spacing, and materials.

Staff are satisfied that the proposed development is in keeping with the applicable OP requirements. The proposed deck in the front yard will be compatible with the surrounding dwellings and area. The setback of the deck from the front lot line will be consistent with that of adjacent dwellings and complies with the front yard setback. The proposed development will also be constructed at a scale and height that will not



## COMMITTEE OF ADJUSTMENT

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dominate the façade of the existing dwelling, nor the streetscape.

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:****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 deck**

The subject property is zoned “R3.2– Low Density Residential” under Zoning By-law 2020. This designation permits one single detached dwelling per lot.

With respect to decks, the intent of this by-law provision is to ensure privacy for surrounding dwellings, guarantee a consistent and attractive streetscape, and to prevent overbuilding by securing area for front yard amenity space. In this case, the proposed front yard deck is maintaining the intent of the Zoning By-law. The setback of the proposed development will be consistent with other homes in the area, thereby contributing to an attractive streetscape. Further, the front deck will have a front yard setback of 8.26m, ensuring adequate amenity space in the front yard; therefore, the threat of overbuilding is not a concern for staff. In this case, staff is of the opinion that the requested variance to allow a deck in the front yard maintains the general intent and purpose of the Zoning By-law.

**Variance 2: Side Yard Setback**

The applicant is requesting a reduction in the south side yard setback to permit the construction of a small deck landing to allow for a side entrance into the existing dwelling. The intent behind the side yard setback regulation is to ensure consistent and appropriate separation between residential dwellings.

The proposed deck would not comply with the applicable side yard setback regulation; however, in this case, staff is of the opinion that the proposed variance would meet the general intent and purpose of the Zoning By-law. The proposed relief from the south side yard setbacks would allow the addition of a side entrance to increase functionality of the property for the homeowners. Staff believe that the proposed deck is appropriate for the site and would not have any negative implications on the adjacent property at 372 Newbold Drive nor the streetscape. Further, there is wooden fence between the subject property and 372 Newbold Drive, thereby mitigating any potential impacts of the small deck on the neighbouring property. As such, staff is satisfied that the requested

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variance maintains the intent 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 variances will allow for the construction of a front yard deck and side yard deck landing that are in keeping with the intent of the Official Plan and Zoning By-law for this neighbourhood. The scale and design of the proposed development will compliment the existing dwelling and adjacent properties, thereby contributing to an attractive and consistent 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?**

The variances are considered minor as they do not pose a large impact to any surrounding use or the overall streetscape. The scope of the variance is 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.

**Notes:**

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

Date: April 18, 2016

Prepared By: Samantha Romlewski, Planner I

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**Site Engineering**

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

Date: March 21, 2016 Prepared By: A. Capone

**Comment:**

Site Engineering has no objection.

Date: April 12, 2016 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: April 15, 2016 Prepared By: Kathy Pavlou

**Transportation Planning**

No issues with this application.

Date: April 8, 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: April 4, 2016 Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

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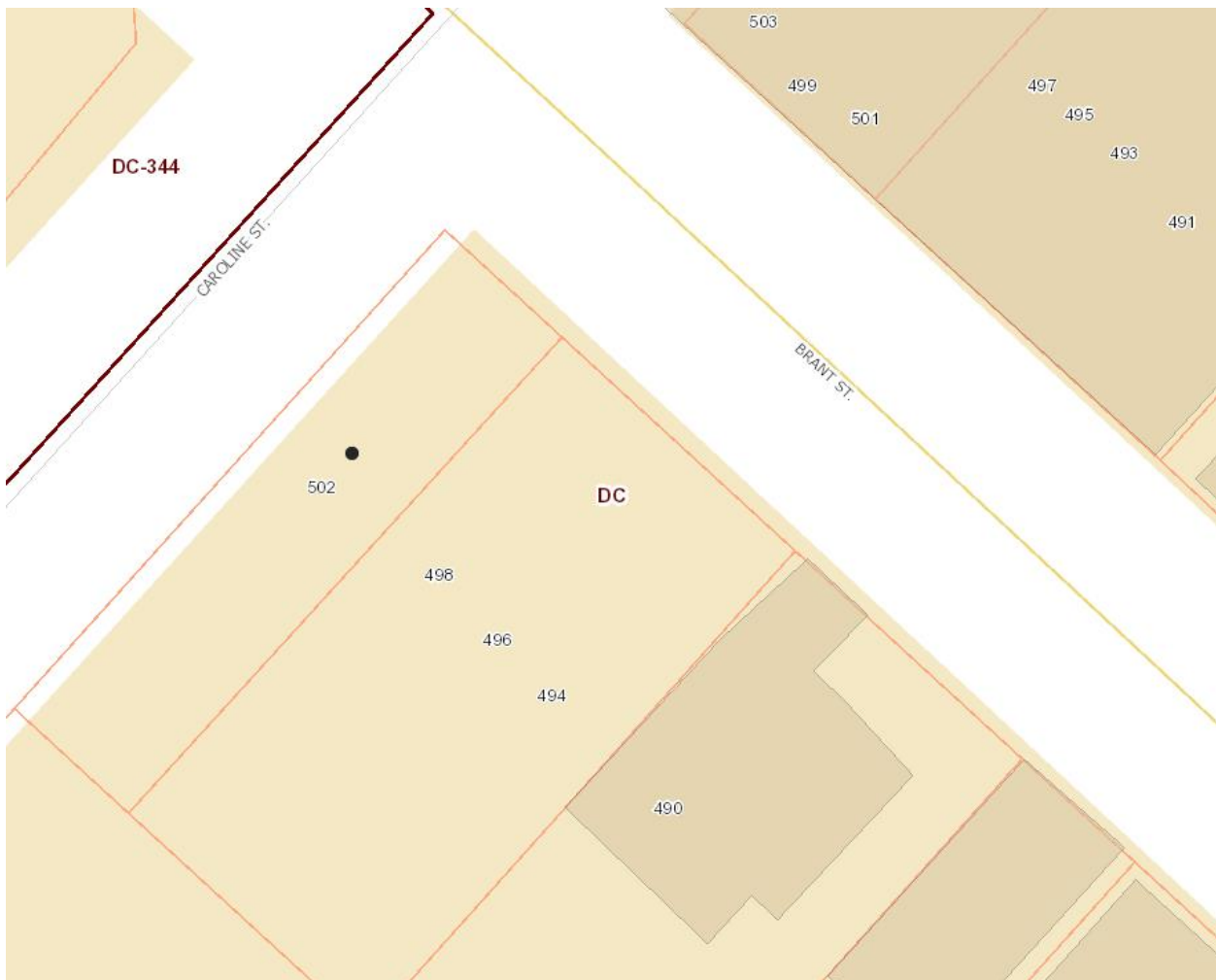
MAY 9, 2016

HEARING NO. 4 - 6:45 P.M.

File  
540-02-A-022/16

APPLICANT  
PROPERTY: 502 Brant Street,  
PLAN 92 BLK V PT LOT 4 BRANT  
City of Burlington - Regional Municipality of Halton.

VARIANCE: To permit an expansion of a legal non-conforming office to  
include a one storey front addition with a front yard setback of  
2.3 m. and an open stairway in the rear yard.



STAFF REPORTS:

**COMMITTEE OF ADJUSTMENT****Meeting #9****AGENDA****MAY 9, 2016**

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**Committee of Adjustment**

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

Date: March 17, 2016 Prepared By: Wendy Garside

**Zoning**

The subject property is zoned DC, Downtown Core Zone, under Zoning By-Law 2020, as amended.

The property at 502 Brant Street is currently a legal non-conforming office (vacant). The applicant has indicated that the addition is a 1 storey front addition to the existing building for a proposed real estate office use.

Permission required as indicated on heading page.

**Notes:**

- A Zoning Clearance Certificate is required for the proposed addition.
- Development Charges will be required as per the development charges by-laws of the City, Region and Board of Education prior to issuance of a permit
- Permission based upon plans submitted only. Any deviation in the submitted plans would require a new permission.

Date: April 1, 2016 Prepared By: Mark Dalrymple  
Revised: April 20, 2016

**Site Planning**

The subject property is located at the south-west corner of Brant Street and Caroline Street, within the City's Downtown Core (DC) Zone and Brant Planning Community. The property currently contains a one storey office building.

The applicant is proposing to construct a 2.4m<sup>2</sup> front entrance addition and construct a staircase at the rear of the building. Staff notes that the existing office use is considered legal non-conforming, as the provisions of the Zoning By-law 2020 require the ground floor of any building within 15 metres of a public street in the DC zone shall be used only for retail or service commercial uses (with some exceptions). To facilitate the proposed development, the applicant requires the following variance:

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- 
- 1) To permit an expansion of a legal non-conforming office to include a one storey front addition with a front yard setback of 2.3 m and an open stairway in the rear yard

The subject property falls within the Downtown Urban Growth Centre Boundary as identified on Schedule B (Comprehensive Land Use Plan – Urban Planning Area) of the City’s Official Plan, and designated Downtown Core Precinct on Schedule E (Downtown Mixed Use Centre – Land Use Plan). This designation permits commercial activities including local service and retail uses to office and administration uses, high-density residential apartment uses, cultural uses of all types, recreation and hospitality uses, entertainment uses, and community facilities.

The City’s Official Plan (OP) directs that legal non-conforming uses, buildings or structures throughout the City should eventually cease to exist, so that the land affected may revert to a use that is in conformity with the OP.

In special circumstances however, the OP directs that it may be appropriate to consider the extension or enlargement of a non conforming use, building or structure. In such cases, the Committee of Adjustment is directed to the policies contained under Part VI, Section 4 – Committee of Adjustment, Subsection 4.3 Legal Non Conforming Use Policies.

Staff has listed the criteria (in bold) below, with an explanation of how each criterion has been addressed:

- i) **The proposed extension or enlargement does not represent an unreasonable increase to the size and intensity of the legal non-conforming use;**

The applicant proposes to renovate the existing office by adding a new front entrance to the existing building and a staircase at the rear of the existing building for access. The front renovations will result in the addition of 2.40 sq m of floor area. Staff find such a minimal increase to be reasonable as per the objectives of the Official Plan, as the proposed development are incidental features of the existing building. Staff also note that the proposed renovations will help to enhance the design of the building and positively contribute to the existing streetscape.

- ii) **Adequate measures are provided to protect other uses through landscaping, buffering or screening, appropriate setbacks for buildings and structures are provided, and/or devices and measures for reducing nuisance(s) caused by matters such as outside storage, lighting and advertising.**

The proposed front entrance addition is in keeping with the established building line on Brant Street and front setback will not project further than

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what currently exists. Staff are of the opinion that the proposed front addition and rear staircase will not create any nuisance and are appropriate for the subject property.

**iii) The features of the existing non-conforming use and proposed extension and/or enlargement are considered to be compatible with adjacent uses.**

Compatibility is defined as ability for uses to co-exist in harmony. The proposed additions are deemed compatible with surrounding uses. They do not generate a negative impact to any adjacent properties. They are low scale and non-intensive.

**iv) There will be adequate municipal services to meet the additional needs resulting from the expansion or extension of use.**

Staff are not aware of a concern regarding the servicing of the property.

**v) There are adequate off-street parking areas, loading facilities and on-site screening**

The proposed development does not require (nor generate the need for) any additional parking or loading spaces.

**vi) Traffic and parking conditions in the area shall not be adversely affected and traffic hazards shall be minimized by appropriate design of access points to and from the site, and improvement of site conditions, especially close to intersections**

No new driveways are proposed. Additionally, as noted below, Transportation staff has no objection to the proposed variance.

**vii) The intent of the Plan and standards established in the Zoning By-law are upheld**

The intent of the Official Plan and Zoning By-law is to allow minor expansions and enlargements of legal non-conforming uses and buildings where such uses are not deemed to intensify such use or buildings. The front entrance addition and rear staircase are considered minor and incidental to the existing building.

**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

## COMMITTEE OF ADJUSTMENT

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objection.

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

Date: April 20, 2016 Prepared By: Samantha Romlewski, Planner I

**Site Engineering**

This is a corner lot:

Brant St. actual road width is equal to or greater than deemed width (18m) No road widening required.

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

Date: March 22, 2016 Prepared By: A. Capone

No objection to variance as proposed.

Date: April 5, 2016 Prepared By: A. Capone

**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: April 21, 2016 Prepared By: Kathy Pavlou

**Transportation Planning**

No issues with this application.

Date: April 8, 2016 Prepared By: Linda Wu

**Finance****Notice regarding Development Charges:**

The owner, its successors and assigns, are hereby notified that City Development



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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: April 6, 2016 Prepared By: L. Bray

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HEARING NO. 5 - 6:50 P.M.
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**File****540-02-A-023/16**APPLICANT  
PROPERTY:306 Mallard Avenue,  
PLAN 873 LOT 267  
City of Burlington - Regional Municipality of Halton.

VARIANCES:

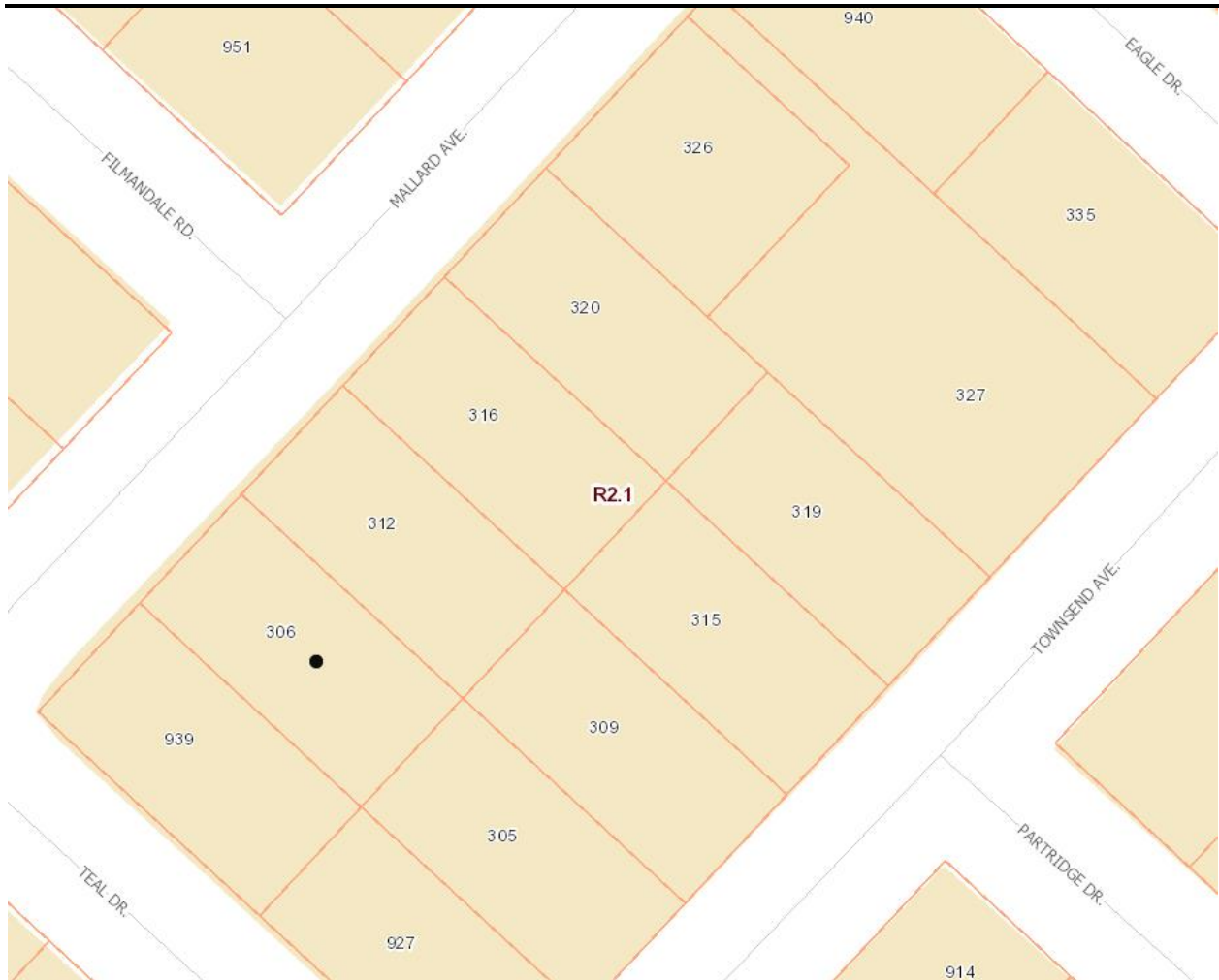
1. To permit a 1.06 m north side yard whereas Part 1, Section 4.1 – Table 2.4.1(a) requires 1.86 m (10% of actual lot width) for a proposed 2 storey addition.
2. To permit a 0.86 m south side yard where as Part 1, Section 4.1 – Table 2.4.1(a) requires 1.86 m (10% of actual lot width) for the proposed one storey additions.
3. To permit a 9.1 m front yard setback whereas Part 1, Section 4.1 – Table 2.4.1 requires 10.65 m (11 m – 0.65 m encroachment allowance as per Part 1, Section 2.13.1(d)) for the proposed front porch

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**STAFF REPORTS:**

**Committee of Adjustment**

There is no land division application on record for this property

There is one minor variance on record for this property

**A182/99 – Approved**

Second storey addition and roofed over proch with associated stairway.

Date: April 6, 2016 Prepared By: Wendy Garside

**Zoning Comment**

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

The applicant is proposing a two storey garage addition, and 2 one storey additions on

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the southern side of the lot.

Variances required as indicated on heading page.

Notes:

- A zoning clearance will be required for the proposed addition. Applicant will be required to provide a full set of floor plans at time of the Zoning Clearance review.
- Any additional variances determined through further reviews are the applicant's responsibility.

Date: April 5, 2016 Prepared By: Mark Dalrymple

### Site Planning

The subject property is located on the south side of Mallard Avenue and east of Teal Drive. The property currently supports a two storey single detached dwelling, and is located in a mature residential area of the City.

The applicant requests three variances to facilitate the construction of a proposed 2 storey addition with attached garage, expand the existing front porch and construct a one storey addition at the rear and a 'bumpout' along the south wall of the existing dwelling. In order to permit the proposal, the following variances are required:

- 1) To permit a 1.06 m north side yard whereas Part 1, Section 4.1 – Table 2.4.1(a) requires 1.86 m (10% of actual lot width) for a proposed 2 storey addition.
- 2) To permit a 0.86 m south side yard where as Part 1, Section 4.1 – Table 2.4.1(a) requires 1.86 m (10% of actual lot width) for the proposed one storey additions.
- 3) To permit a 9.1 m front yard setback whereas Part 1, Section 4.1 – Table 2.4.1(a) requires 10.65 m (11 m – 0.65 m encroachment allowance as per Part 1, Section 2.13.1(d)) for the proposed front porch

### 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 given that development is compatible with the scale, urban design and community features of the neighbourhood. Staff is satisfied that the

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proposed additions and existing front yard setback are in keeping with the policies of this designation, as there are no proposed changes to density and there is not anticipated to be any negative compatibility issues resulting from the proposed development.

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 variances are in keeping with these requirements.

Staff is of the opinion that the proposed additions and front yard setback will increase the functionality of the of the subject property without negatively affecting compatibility with adjacent properties or the streetscape. Therefore, the requested variances maintain the general intent and purpose of the City's 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?

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 and lot area.

**YES**

**Variance #1: North Side Yard Setback**

The applicant is requesting a reduction in the north side yard setback to permit the construction of a 2 storey addition, which consists of an attached garage with living space above. The intent behind the side yard setback regulation is to ensure consistent and appropriate separation between residential dwellings.

Although the proposed attached garage would not comply with the applicable side yard regulation, staff is of the opinion that the proposed variance would meet the general intent and purpose of the Zoning By-law. The proposed relief from the north side yard setback would allow for the construction of an attached garage that would increase the functionality of the property for the homeowners. Staff is of the opinion that the proposed addition would not have any negative implications on the adjacent property or the streetscape. The proposed addition does not include any new openings (i.e. windows) that face the adjacent property and will not create any privacy concerns. Further, staff is of the opinion that sufficient spatial separation is maintained from the neighbouring property to allow for access to the rear yard of the subject property. As

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such, staff is satisfied that the requested variance maintains the intent of the Zoning By-law.

**Variance #2: South Side Yard Setback**

The variance addresses a reduced south side yard setback to accommodate the construction of a 'bumpout' from the wall of the existing dwelling and one storey addition at the rear of the existing dwelling. The intent behind the side yard setback regulation is to ensure a consistent, appropriate separation between residential dwellings.

Staff is of the opinion that sufficient spatial separation is maintained from the neighbouring property. Staff note that the reduced side yard to accommodate the 'bumpout' does not extend along the entire south side of the dwelling. The rest of the south side, including the proposed 1 storey addition at the rear, maintains the existing setback of approximately 1.3m. Further, as the 'bumpout' and 1 storey rear addition will not have any new openings (i.e. windows) which face the adjacent, the proposed addition would not create any adverse impacts on the adjacent property. The requested variance maintains the general intent and purpose of the Zoning By-law 2020, as amended.

**Variance #3: Front Yard Setback**

The variance addresses a reduced front yard setback to accommodate the construction of a porch addition. The intent of the front yard setback regulations are to ensure that a consistent built form is maintained along a 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 development is compatible with the surrounding neighbourhood and would not create any adverse impacts on the streetscape or adjacent properties. The request for a reduced front yard setback is the result of the proposed expansion of the existing porch. The porch would not extend any farther into the front yard than what currently exists, providing adequate amenity space and maintaining a front yard setback that is consistent with other dwellings on Mallard Avenue. As such, staff is of the opinion that the proposed development would not negatively impact the established building line along the south side of Mallard Avenue. The requested variance maintains the general intent and purpose of the Zoning By-law 2020, as amended.

**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**

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Staff is of the opinion that the requested variances are desirable given that the variances will allow the property owners to redevelop the existing dwelling in a manner that will be compatible with the surrounding neighbourhood.

**4) Minor in Nature:****IS THE PROPOSED MINOR VARIANCE 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 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 variances 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 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.

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

Date: April 20, 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: March 18, 2016 Prepared By: A. Capone

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

Date: April 13, 2016 Prepared By: A. Scott

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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.

Attn: OBC requirements for exterior walls with limiting distance less than 1.2m

Date: April 21, 2016 Prepared By: Kathy Pavlou

**Transportation Planning**

Date: \_\_\_\_\_ Prepared By: \_\_\_\_\_

**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: April 6, 2016 Prepared By: L. Bray



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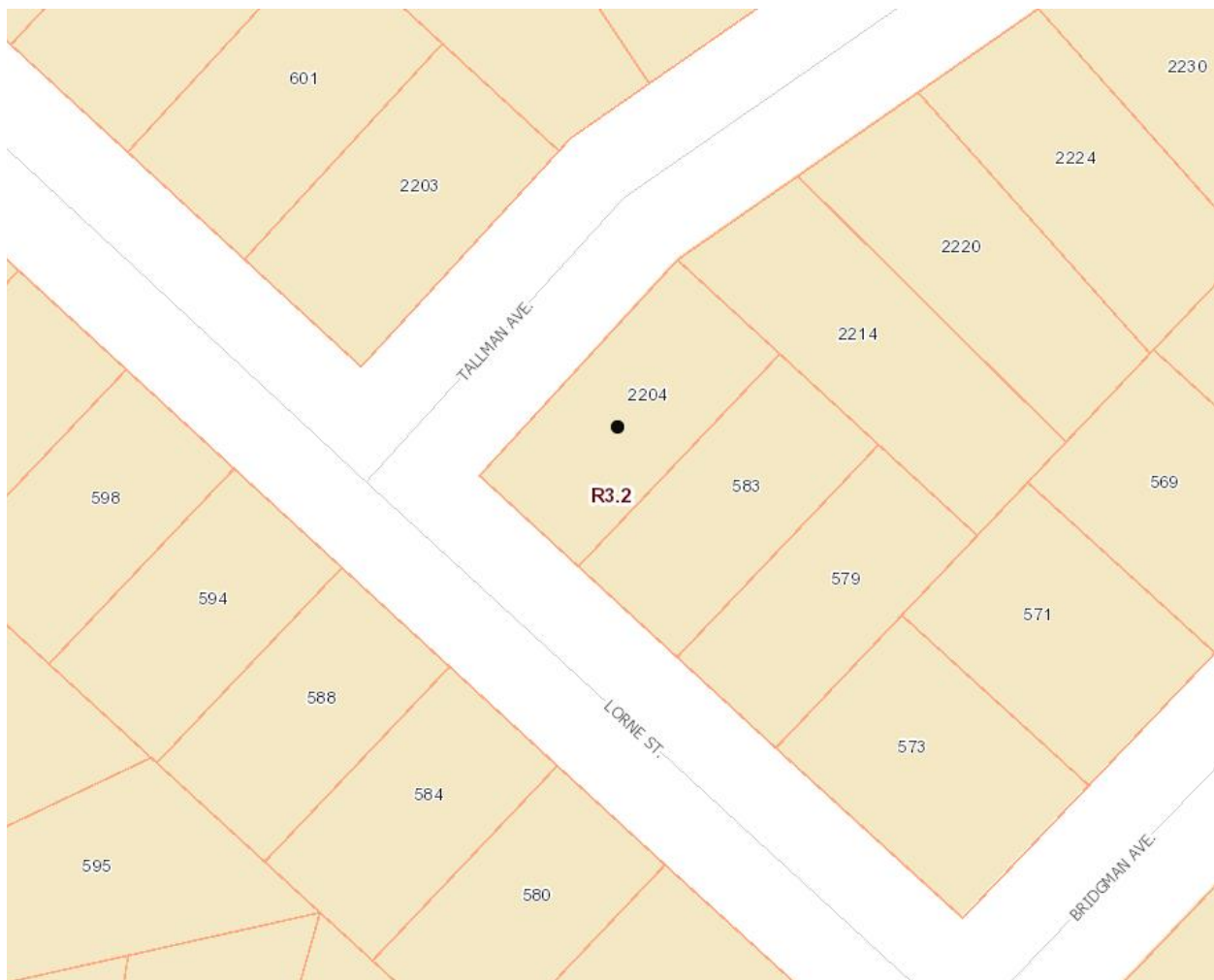
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HEARING NO. 6 - 6:55 P.M.

File  
540-02-A-024/16

APPLICANT  
PROPERTY: 2204 Tallman Avenue,  
PLAN 482 LOT 13  
City of Burlington - Regional Municipality of Halton.

VARIANCE: To permit a 4 m front yard setback whereas Part 1, Section 4.1  
– Table 2.4.1 requires 6 m for the proposed garage addition.



STAFF REPORTS:

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**Committee of Adjustment**

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

Date: March 21, 2016 Prepared By: Wendy Garside

**Zoning**

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

The applicant is proposing a garage addition and covered porch and rear deck.

Variance required as indicated on heading page.

**Notes:**

- A zoning clearance will be required for the proposed addition. Applicant will be required to provide a full set of floor plans and elevations at time of the Zoning Clearance review.
- Comments based upon the plans submitted. Any additional variances determined through further reviews are the applicant's responsibility.

Date: April 6, 2016 Prepared By: Mark Dalrymple

**Site Planning**

The subject property is located at the south-east corner of Lorne Street and Tallman Avenue, in the Wellington Planning District. The subject property is known municipally as 2204 Tallman Avenue and currently contains a one-storey single detached residential dwelling. The applicant has requested relief of the required minimum front yard setback to facilitate the construction of a proposed one storey attached garage addition.

**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 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

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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.

As outlined, the Official Plan's residential land use policies are intended to ensure that new development is compatible with the surrounding neighbourhood. Although setbacks are not specifically prescribed in the Official Plan, compatibility and streetscape are to be considered with any redevelopment within an existing neighbourhood. The proposed addition complies with the minimum side yard setbacks and rear yard setback requirements, and as such, would be located an appropriate distance away from the abutting residential properties to the south and east. While the proposed addition would encroach into the front yard setback, the western yard is actually functioning as a side yard. To that end, there is not anticipated to be any negative impact to the streetscape from the proposed development. Staff is of the opinion that the variance is within the intent of the City's 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 R3.2, low density residential, under Zoning By-Law 2020, as amended and is in the designated area for lot coverage. The intent behind the front yard setback regulation is to ensure consistency with an established building line and also to maintain the aesthetically pleasing streetscape along a street. To that extent, the intention is that there is a consistent distance between a street and the buildings that front onto that street, which ensures a consistent building line and orderly development of a street.

In this case, the applicant requests approval of a variance to permit a front yard setback of 4m instead of the minimum required 6m. While the proposed addition would encroach into what is considered to be the front yard setback, it should be noted that the proposed addition would encroach into what is functioning as a side yard as the existing dwelling faces Tallman Avenue, as opposed to Lorne Street. The existing driveway is partially located within the front yard setback and the applicants are proposing to construct the attached garage in place of a portion of the existing driveway. To that extent, the proposed addition would be located within an already established side yard area. The applicants are proposing an appropriate design for the addition, and therefore staff is satisfied that the proposed addition would maintain an aesthetically pleasing streetscape. Staff recommend a condition which ensures that the proposed addition remains a single storey to ensure that the character of the buildings in the area is protected. As such, the proposed addition is not expected to negatively affect the streetscape along either Tallman Avenue or Lorne Street. Further, the

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proposed reduced setback would provide sufficient distance around the structure for maintenance purposes. As such, staff is satisfied that the requested variance maintains the intent 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?**

**YES**

If approved, the variance for the proposed garage addition will allow for the retention and renovation of an existing residential dwelling within one of the City's mature urban neighbourhoods. The proposed development would result in additional functional space within the building for the property owners, while simultaneously upgrading the exterior of the dwelling in a manner that is compatible with the character of the streetscape. As such, the proposed development would increase the functionality of the subject property without negatively impacting compatibility or streetscape appearance of the property. Staff is of the opinion that no adverse impacts would result on the subject property or adjacent properties if the variance is approved.

**4) Minor in Nature:**

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

**YES**

Staff is of the opinion that the variance requested to permit a reduction in the front yard setback to permit the construction of an attached garage is considered minor in nature, given such relief is not likely to produce any adverse impacts to the owner, adjacent properties or the existing streetscape.

**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. That the proposed garage addition not exceed one (1) storey in height.

Note: The applicant is advised that the appropriate form of site plan approval is not

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required to facilitate the proposed development.

Date: April 15, 2016 Prepared By: Kyle Plas, MCIP, RPP

**Site Engineering**

This is a corner lot:

Tallman is greater than or equal to deemed width (20m) No widening required

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

Date: March 21, 2016 Prepared By: A. Capone

**Comment:**

Site Engineering has no objection.

Date: April 12, 2016 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: April 21, 2016 Prepared By: Kathy Pavlou

**Transportation Planning**

Date: \_\_\_\_\_ Prepared By: \_\_\_\_\_

**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.

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**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: April 6, 2016 Prepared By: L. Bray

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<b>HEARING NO. 7 - 7:00 P.M.</b>
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**File**

**540-02-B15/004/B**

APPLICANT  
PROPERTY:

3032 South Drive,  
PLAN 218 LOTS 88,89  
City of Burlington - Regional Municipality of Halton.

Consent:

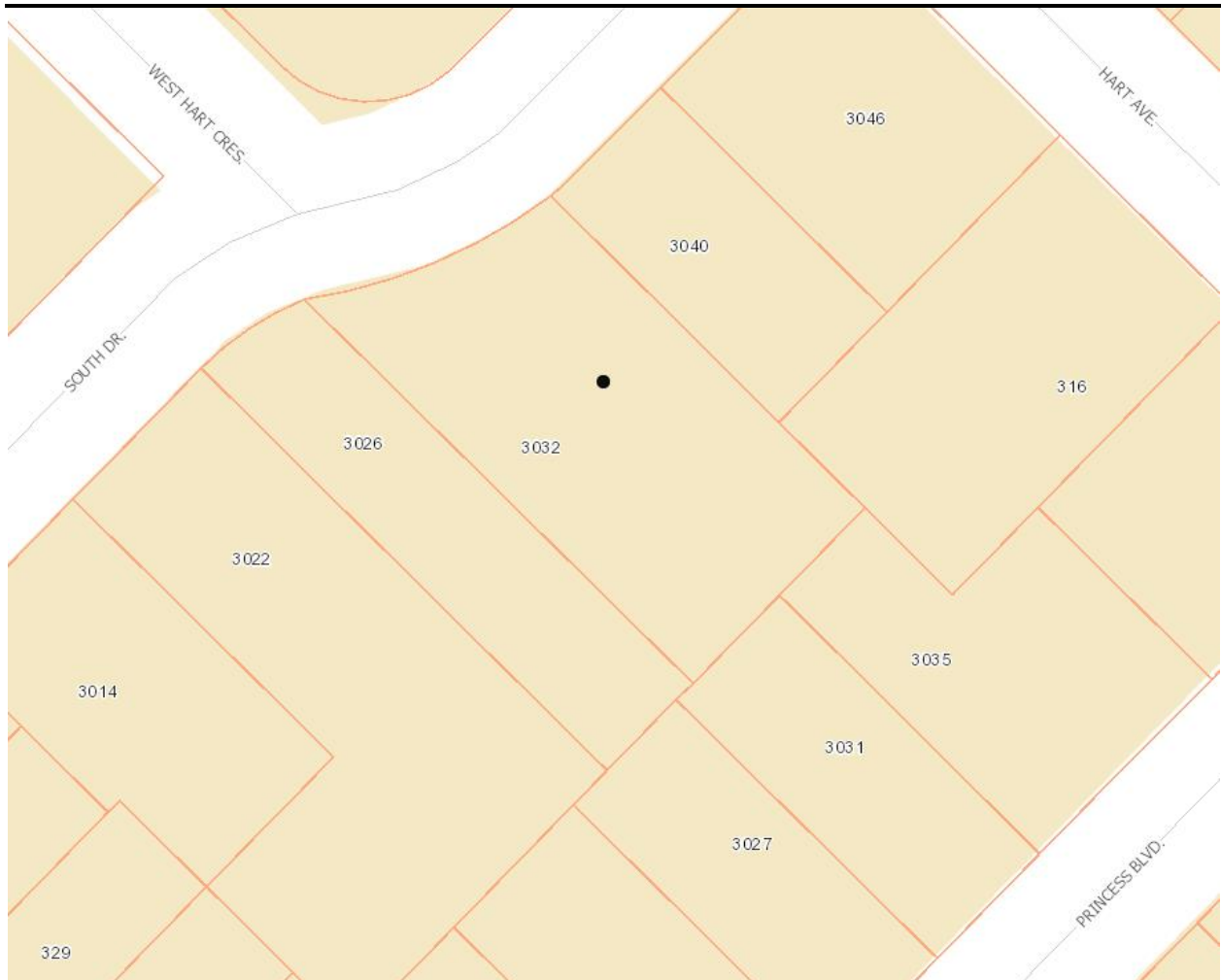
Variance required for Lot 'A':  
1-To permit a minimum lot width of 17.3 m instead of the minimum required lot width of 24 m  
Variances required for Lot 'B':  
1-To permit a minimum lot width of 15.8 m instead of the minimum required lot width of 24 m 2-To permit a minimum lot area of 870 m<sup>2</sup> instead of the minimum required lot area of 925 m<sup>2</sup>

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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: February 26, 2015 Prepared By: Susan Elliot

**Zoning**

The subject property is zoned R1.2, low density residential, Zoning By-Law 2020, as amended, and in the designated area for lot coverage.

Applicant is proposing to sever the existing lot and construct two new detached dwellings.



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Both lots do not comply with the minimum lot width requirement and Lot 'B' does not comply with the minimum lot area requirement.

Variations required as indicated on heading page.

Condition:

Prior to final consent the applicant to provide the severance sketch signed and stamped by a land surveyor and be review/approved by the Zoning Section.

Notes:

- A zoning clearance will be required for the proposed dwellings
- City, Region and School Board Development Charges will be applicable for the new dwellings
- Site Plan Approval will be required for the new dwellings. At time of site plan application the applicant is to provide the proposed building heights from fixed grade on a survey plan.
- **Any additional variance(s) determined during the site plan review process will be the applicant's responsibility.**

Date: March 11, 2015 Prepared By: Mark Dalrymple

### Site Planning Comment

The subject property is an 1834 m<sup>2</sup> parcel of land located on the south side of South Drive, at its intersection with West Hart Crescent. The property owner proposes to sever the property into two lots both to front onto South Drive. The proposal is to sever the property into two almost equal sized properties although the severance is not an exact lot split. The severed lot will maintain an area of 964 m<sup>2</sup> and the retained lot will maintain an area of 870 m<sup>2</sup>. The difference in lot size for each of the proposed lots results from the applicants desire to have one of the lots (in this case the severed lot) comply with the minimum lot area requirement of the Zoning By-law. If severed in half, neither the severed or retained lot would comply with the minimum lot area requirement of 925 m<sup>2</sup>. The area surrounding the subject property is predominantly single detached residential.

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.

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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 one new building lot in a neighbourhood (Roseland Neighbourhood) which has exhibited continued stability over time. The main reason that the Roseland Neighbourhood has remained stable over time is in part due 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 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.

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's current size does not seem out of place. It does contribute to the appearance and character of this part of the Roseland Neighbourhood. Its redevelopment has the potential to alter the streetscape and impact the overall stability of the neighbourhood. Large estate type lots are part of the Roseland Neighbourhood make-up and are not necessarily intended to be removed or re-developed. These matters are assessed on a case by case basis.

Staff must consider the issue of underutilization and determine if the land is underutilized. Staff approaches this subject with certain pre-existing expectations as dictated by the Official Plan and the Zoning By-law. Underutilization refers to land which by virtue of its land use designation is currently supporting a use or uses which are much below the level of density or intensity expressly permitted by the existing planning documents. In this case, the Official Plan recognizes this neighbourhood as low density and for single detached residential development. This currently exists. The Zoning By-law goes on to require minimum lot area and width requirements to

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recognize the character of the area, to ensure compatible development and re-development and to ensure that the stability of the neighbourhood is not disrupted. The existing lot size and dimensions allows for compliance with the zoning regulations and so further development is not anticipated by zoning. Staff does not regard the subject lot as being underutilized in accordance with the policies and regulations of the Official Plan and Zoning By-law. The proposed severance does not in staff's opinion address an underutilization issue.

Staff then 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 component when assessing the character of the Roseland Neighbourhood. Development that leads to the loss of open space is deemed to negatively impact the character of the area. Roseland owes as much to its character from built form (houses, architectures) 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 but ultimately defined by matters related to site planning, in this specific case.

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

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 first 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.

The narrow dimensions of both the severed and retained lots are such that their redevelopment they could pose a noticeable negative impact on the open space/green space character of the area. This happens because the existing lot is relatively large when compared to some of the surrounding lots. 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. It is a mix of sizes. It is this balance of wide and narrow lots that creates the basis for the stable streetscape that has existed for several decades. Great care must therefore be taken to ensure that where new infill development occurs (new lots, new houses), that the site planning and architectural

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design respect this balance by including large amounts of open space and house designs that do not overpower the streetscape.

Staff notes that the proposed severed and retained lots are more closely related to the surrounding lotting pattern than with the lot as it currently exists, based on lot dimensions alone. It is therefore possible that the eventual development of the lots will achieve a higher level of overall compatibility than if the lot was redeveloped in its current large configuration. Given the unusual juxtaposition of large and small lots, staff prefers that matters related to compatible infill development be assessed and resolved as part of an application for site plan approval. Compatibility, in this case, can't be judged on lot dimensions alone. Staff prefer that lot dimensions be considered in conjunction with matters related to house siting, massing, retention of open space etc. This can be done as part of an application 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) lot size and proposed consent should conform to the provisions of the Zoning By-law where applicable
- (iv) 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 ultimate development potential, especially for new lots. Similar sized lots tend to develop in a similar manner and this encourages compatible built form and stable neighbourhoods. While this is true, this part of Roseland is somewhat unique in this regard. Large lots easily co-exist and compliment the smaller more narrow 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.

With this in mind, Planning staff has carried out a review of surrounding lot widths and areas so as to better understand the larger lotting structure. Staff found the average lot width to be 28 m and the average lot area to be approximately 1273m<sup>2</sup>. 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 15 to 18 m in the immediate vicinity. Several others lots are in excess of 20 m and some are over 25 m in width. This is all within the same zoning designation.

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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 adjacent lots. The two lots immediately adjacent to the subject property are 15 m (west side) and 19 m (east side). The proposed 15.8 m and 17.3 m wide lots are consistent with these adjacent lot widths, numerically.

In situations such as this, staff chooses to balance the mathematical lot area and width 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.

The proposed severed and retained lots do not comply with the minimum standards of the Zoning By-law with regards to width and the retained lot will also not meet the minimum area requirement. However, as previously stated, this part of Roseland is not of a standard design with respect to lotting pattern and lot configurations. Changes to lot size should be substantiated and supported by details of lot development. Lot sizes alone do not necessarily determine compatible infill development in this location. One must consider the combination of lot dimensions, massing (development) and open space. All three are critically important. While staff is able to assess lot configuration as part of the subject application, details of massing and retention/provision of open space are better assessed and reviewed as part of an application for Site Plan Approval.

#### Minor Variances

The applicant requests the approval of two variances for the retained lot and one variance for the severed lot.

#### Severed Lot and Retained Lot

Variance #1 – Severed and Retained Lots - Lot Width of 17.3 m and 15.8 m instead of the minimum 24 m

By-law 2020 requires lots located within the R1.2 zone designation to maintain a minimum width of 24 m and an area of 925 m<sup>2</sup>.

Although many Roseland lots 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) 24 m and 925 m<sup>2</sup> is considered the minimum standard for a new lot. The applicant proposes widths of 17.3 m and 15.8 m which represent a 28% decrease for the severed lot and a 34% decrease for the retained lot. These are considered substantial deviations from the base zoning requirement.

Staff will withhold a recommendation on these variances until a proper design exercise

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can be carried out as part of an application for Site Plan Approval, which will allow staff to better understand the impact of these variances on the development pattern in the immediate vicinity.

Variances #2 – Retained Lot – Area of 870 m<sup>2</sup>

By-law 2020 sets a lot area of 925 m<sup>2</sup> as the minimum lot area requirement for lots in this part of the Roseland Neighbourhood. The lot area requirement sets the minimum standard for lot space to allow a structure and surrounding open space. In this case, the lot area reduction is relatively minor (6% reduction). Given the surrounding lotting pattern, staff would not object to the approval of this variance.

However, staff will also withhold a recommendation of this variance pending the larger review requested to assess the development of the proposed lots and the impact on the surrounding area.

#### Conclusion

Staff recommends that consideration of the consent and variance applications **be deferred** pending the submission of two applications for site plan approval detailing the siting of the proposed houses, the architecture, impacts on grades and vegetation and especially the retention of open space. Staff requires that these applications be able to be processed to Draft Site Plan ahead of any further consideration of the consent application.

Date: April 17, 2015

Prepared by: Charles Mulay MCIP RPP

#### **Additional Site Planning Comment – April 4, 2016**

Since the submission of staff's comments dated April 17, 2015, the applicant has prepared and submitted two applications for Site Plan Approval detailing the siting and overall massing and design of two houses proposed for the severed and retained lots (Files: MD67/15 and MD68/15). Those applications have been assessed by zoning staff to ensure full compliance with current zoning regulations. No variances are required to construct the proposed houses. The site plan applications have also been assessed by engineering and forestry staff to ensure no impact to any adjacent lot as a result of development and to preserve City trees and open space as much as possible. Finally, the applications have been reviewed by Planning staff to ensure adherence with Council's approved Design Guidelines for Low Density Residential Development. In each case, the houses are considered to be compatible and considerate of surrounding development. The houses and site layouts utilize and incorporate the following design elements:

- space around each buildings

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- retention of trees
  - compatible heights that comply with zoning regulations
  - dormer features to lessen the visual impact of the second storey portion of each house
  - site coverages that are well below the zoning requirement
  - garages that do not project beyond the front porch
  - One storey entry feature at front of each house as an architectural focal point
  - natural finishes as cladding (brick/stone, wood siding)
  - the absence of any elevated deck or upper level balcony at the rear of each house.

The applicant has worked closely with staff and completed several revisions to each plan in order to develop house designs which are considered acceptable for the severed and retained lots and also compatible with the surrounding neighbourhood. The Site Plan Applications are deemed to be sufficient to allow for Draft Site Plan Approval in each case. The house designs take the proposed lot dimensions into account and propose structures that will not only fit on each proposed lot but also integrate with the surrounding neighbourhood. The impact of the proposed lot width and area reductions is mitigated by the house designs. The balance of mass and open space required to promote good infill development within mature neighbourhoods will be met.

Staff finds the requested variances to meet the four tests as set out under the Planning Act.

#### Updated Conclusion

Staff recommends the consent and variance applications **BE APPROVED** subject to the following:

1. The development of the severed and retained lots be in general accord with the plans submitted in support of the concurrent applications for Site Plan Approval (Files: MD67/15 and MD68/15).

Date: April 4, 2016

Prepared 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: March 3<sup>rd</sup>, 2015 Prepared By: Joshua Medeiros

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SITE ENGINEERING COMMENT FOR VARIANCES (540-02-A017/2015 & A018/2015):

Site Engineering has no objection to the variances required.

SITE ENGINEERING COMMENT FOR LAND DIVISION (545-02-B15/004/B):

Site Engineering has no objection to the Land Division (545-02-B15/001/2015) consent being granted subject to the following conditions:

1. 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 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
2. **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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- a) Implement the grading, drainage and servicing layouts and required driveway changes as per the approved overall servicing, grading and drainage plan.
  - b) Prior to the issuance of any Zoning and Grading certificate, complete the following to the satisfaction of the Director of 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)
  - c) Prior to laying sod, call for a grading inspection (905-335-7600 Ext. 7868 or 7634)

Schedule DProject Implementation Conditions:

- i. Prior to commencing any site works, the Owner shall submit a preliminary schedule for the servicing contract, utilities work, and building construction.
- ii. Any required driveway access or utility disruption for affected residents will be communicated verbally or via written notices at least forty-eight (48) hours in advance to the residents. Verbal contacts will generally be done at reasonable hours (between 8:00 a.m. and 7:00 p.m.) The driveway and utility disruption will be done responsibly and minimize inconvenience to the area residents/businesses. In certain situations, the driveways may need to be reinstated or utility service restored immediately.
- iii. Utility trenches, service cuts, etc. in front of adjacent homes shall not be left in an unfinished or open cut condition for more than 3 days if no activity is imminent (i.e. temporary trench filling, grading may be required as directed).
- iv. Any damage to adjacent properties and buildings that is determined (by the Director) to have been caused by the Owner and/or his contractor(s), shall be reported immediately to the City, documented and corrective action taken with the affected property owner's consent.
- v. The site shall be maintained in a secure fashion at all times. Any notification of trespassing or safety concerns shall be communicated to the Halton Police.
- vi. Trees identified for protection by the City Arborist will be marked and fenced off as per City requirements. Significant damage to the trees or to the branches shall be reported immediately to the City's 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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- vii. The Owner and his contractor(s) shall acknowledge and abide by all applicable City By-laws and agree to obtain all necessary permits as directed.
  - viii. The Owner or his contractor(s) shall not enter any adjacent properties without 48-hour prior notice to homeowner for any required work. Any approved works that require encroachment onto adjacent properties shall be restored to a condition at least equal to or better than previous condition. These works may include but not limited to grading, sod, landscaping, driveways, fencing etc. Any entry onto adjacent private lands will require the consent of the property owner.
  - ix. Any changes/amendments to the original City approval(s) (initiated by the Owner) that require a formal application to the City (i.e. variances etc.) shall be clearly communicated to the affected residents prior to submitting to the City. Staff will assist in preparing the necessary descriptions/explanations for any proposed variances.
  - x. If any disputes regarding the above are not resolved in a mutually acceptable manner (at the staff level), a meeting would be arranged with the affected residents, Owner and senior City staff. If issues cannot be amicably resolved, a mediation session may be necessary. The cost of the mediation shall be borne by the Owner.
  - xi. If the Owner fails to comply with the above expectations and the project incurs significant delays, the development securities required by the development agreement may be used by the City to carry out any outstanding works deemed necessary as per this checklist to bring the site into compliance.

General Site Development Conditions

- i. No work shall be done until the Director of 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
  - b. retain a qualified Environmental Consultant to investigate, report and remediate as may be required, all in compliance with Ontario Regulation 153/04.
- iii. The Owner shall pay the cost of relocating any existing services or utilities made necessary by reason of the development
- iv. Submit for approval and implement silt control measures. Silt control shall be maintained during all phases of construction

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- v. All streets abutting on the lands covered by this Agreement and to be used for access during the construction of any building/s on the approved Site Plan/s, shall be kept in good and usable condition during the said construction and, if damaged, will be restored immediately by the Owner. If the Owner fails to do this work on reasonable notice, the City may go in and do it at his expense. All vehicles making delivery to or taking materials from the lands on the said approved Site Plan/s, shall be adequately covered and not unreasonably loaded so as to not scatter refuse, rubbish or debris on the said streets abutting. Where more than one access may be had to the development site, the Director of 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 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 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 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 Director of Capital Works upon written notice by him; such work shall be in accordance with plans approved by the Director of Capital Works.
- xi. Indemnify and save harmless the City and Burlington Hydro, it's officers, employees, servants or agents from all costs, damages, claims, actions, demands, losses, causes, or action, interest and suits that it or they may incur or be put to as a result of, or in any connection with, the servicing of and construction on the lands covered by this agreement.

Date: March 30<sup>th</sup>, 2015 Prepared By: Joshua Medeiros

**Urban Forestry/Roads and Parks Maintenance**

Staff has reviewed the minor variance(s) and consent applications, and has no

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objections. A Tree Preservation Plan prepared by a qualified professional must accompany any future site plan application.

Date: March 19<sup>th</sup>, 2015 Prepared By: Vanessa Aykroyd, OALA

**Building Comment**

- 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: April 6, 2015 Prepared By: Kathy Pavlou

**Transportation**

No comment.

Date: March 30, 2015 Prepared By: Linda Wu

**Finance****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: March 31, 2016 Prepared By: L. Bray

**REGION OF HALTON**

Regional Staff has reviewed the related proposed minor variance applications A017/2015 and A018/2015 and offer no comments or objections.

Regional Staff received the above noted application for consent to sever an existing

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residential lot to create one (1) new residential lot. Proposed is the demolition of the existing dwelling and the future construction of a residential dwelling on both the retained and severed parcel. It is the Region's understanding that a future site plan application will be required for each lot. Regional Staff offer the following comments:

**Provincial Policy Statement (PPS), 2014:**

The Provincial Policy Statement (PPS), 2014 came into effect on April 30<sup>th</sup>, 2014. It provides clear direction on land use planning in Ontario to promote strong communities, a strong economy, and a clean and healthy environment.

Sections 1.1.3.1 and 1.1.3.2 of the PPS directs that settlement areas are to be the focus of growth and development in order to achieve efficient development patterns, protect significant resources areas, and ensure the effective use of infrastructure and public service facilities. The PPS also speaks to the need for appropriate infrastructure to be in place or planned in order to facilitate development. Section 1.1.3.3 further directs that opportunities for redevelopment and intensification should be promoted where they can be accommodated.

Regional Staff is of the opinion that the proposed consent application is consistent with the PPS, 2014.

**Places to Grow Growth Plan (Growth Plan), 2006:**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on June 16<sup>th</sup>, 2006 and provides important direction for growth management policy in order to build complete communities that efficiently utilize land, resources and existing infrastructure. The subject property is located within the Built Boundary of the Growth Plan as defined by the Province.

In review of the Growth Plan, Regional staff is of the opinion that the proposed application is in conformity with it.

**Regional Official Plan (ROP), 2006 and ROPA 38:**

The Region's Official Plan (2006) provides goals, objectives and policies to direct physical development and change in Halton. The Regional Official Plan has been amended, in part, by Regional Official Plan Amendments (ROPA's) 37, 38 and 39 which received partial approval by the Ontario Municipal Board on February 4, 2014 and October 2, 2014. The Orders issued by the Ontario Municipal Board detailed which policies took effect as of August 9, 2013, October 21, 2013, and those that took effect on February 18, 2014. Portions of ROPA 38 that further amend the Official Plan still remain before the OMB. The subject application has been reviewed against the applicable policies of the Official Plan that are in effect and relevant to this proposal. Decision makers must have regard to the policies that are not yet in effect and are provided for such consideration.

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The subject lands are designated as “Urban Area” within ROPA 38. 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 the Regional Official Plan policies in effect (Section 76).

Section 89(3) of ROPA 38 requires that all new development within the Urban Area be on the basis of connection to Halton’s municipal water and wastewater systems. Additional comments and conditions with respect to servicing are outlined below.

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. Regional staff has reviewed the application within the context of Halton Region’s “Protocol for Reviewing Development Applications with Respect to Contaminated Sites”. The applicant submitted a signed Environmental Site Screening Questionnaire. The Region has no further requirements in this regard.

Based on the above, and the comments and conditions contained herein, Regional staff is of the opinion the proposed consent application is in conformity with the ROP.

**CIRCULATION COMMENTS:****Servicing General:**

The following information is a review of the existing services adjacent to the subject lands, and Regional Servicing conditions and comments as they relate to this proposal:

**Watermain:**

A 150 mm diameter watermain is located within South Drive adjacent to the property. Fire flows test results are not available for the area.

**Sanitary Sewer:**

A 200 mm diameter wastewater main is located within South Drive *at West Hart Crescent*. A 200 mm diameter wastewater main is located within Hart Avenue to the east of the property.

Please be advised the subject site was further reviewed by the Public Works department due to the potential sanitary sewer issue flagged. It was confirmed that there are no water servicing issues with the subject site, and that the site is not within a sensitive area related to wastewater discharge. However, the sewer service will need to be tapped into the main as the existing manhole cannot accommodate another connection. Therefore, no wastewater main extension is required.

A condition with respect to servicing for this proposal is listed below.

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**Regional Road:**

The property does not abut a Regional Road.

**Waste Management:**

Regional waste will service once completed for full waste collection.

**Finance:**

NOTE: The Owner will be required to pay all other applicable Regional development charges prior to the issuance of any building permits, unless a subdivision (or other form of development) agreement is required in which case 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](http://www.halton.ca/developmentcharges) to obtain the most current development charge information, which is subject to change.

**Public Health:**

With the understanding that the proposed development(s) would be serviced by the municipal water and sanitary sewer system, the Region's Health Department has no objection to the proposed application.

**Conclusion:**

Regional Planning staff has no objection to the application subject to the following conditions:

1. The owner must demonstrate, to the satisfaction of Halton's Legislative and Planning Services Department, Development Project Manager, that the existing water and wastewater services to the severed lot 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 approval.

**The following Note is required to be included in the Decision:**

1. Should the existing water and or wastewater services cross the proposed lot lines, the Owner will be required to rectify this by hiring a private servicing contractor and relocating the services prior to final approval. The Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extensions 7878 or 7879, Services Permits Technicians, to supply copies of their detailed servicing drawings, to review any water and wastewater servicing concerns, obtain a Regional Services Permit and pay all necessary fees. Any water or wastewater service

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connections that currently exist to the property, that will not be utilized 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 surveyor and servicing contractor, 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. The Owner will also be responsible for obtaining all applicable plumbing/building/servicing/excavation/etc. permits from the City of Burlington for work they plan to undertake on private property and within the City road allowance.

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

Should you wish to discuss the above noted comments and/or conditions further, please do not hesitate to contact the undersigned at any time.

Sincerely,

Amanda McNeish, BES, MCIP, RPP  
Planner  
Extension 7840  
Amanda.mcneish@halton.ca