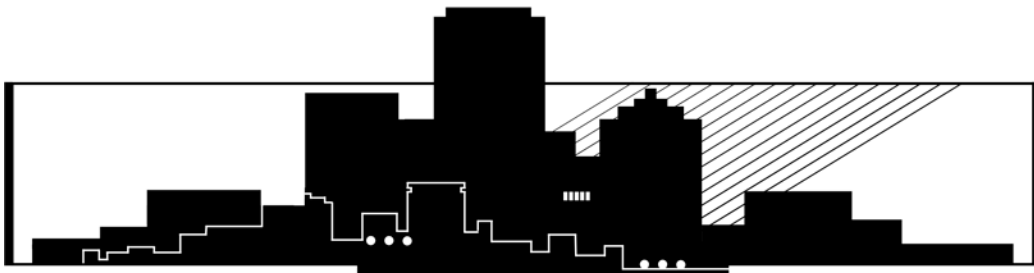


COMMITTEE OF ADJUSTMENT

December 5, 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 # 23

Monday December 5, 2016

TIME OF MEETING:	6:30 P.M.
PLACE OF MEETING:	Room 247 2 nd Floor City Hall

AGENDA

DECLARATION OF INTEREST:

HEARING NO.	TIME	FILE NO. 540-02-	APPLICANT
1)	6:30 P.M.	B-001/16	Re: 4385 Appleby Line, Burlington Ward 6 Pages 1-11
2)	6:30 P.M.	545-02-B-011/16 A108/16 A109/16	Re: 1222 Bellview St., Burlington Ward 1 Pages 12-30
3)	6:30 P.M.	A-026/16	Re: 499 Ann Ave., Burlington Ward 1 Pages 31-42
4)	6:30 P.M.	A-134/16	Re: 3093 Lakeshore Rd., Burlington Ward 4 Pages 43-48
5)	6:30 P.M.	A-135/16	Re: 4671 Palladium Way, Burlington Ward 6 Pages 49-57

COMMITTEE OF ADJUSTMENT

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

File

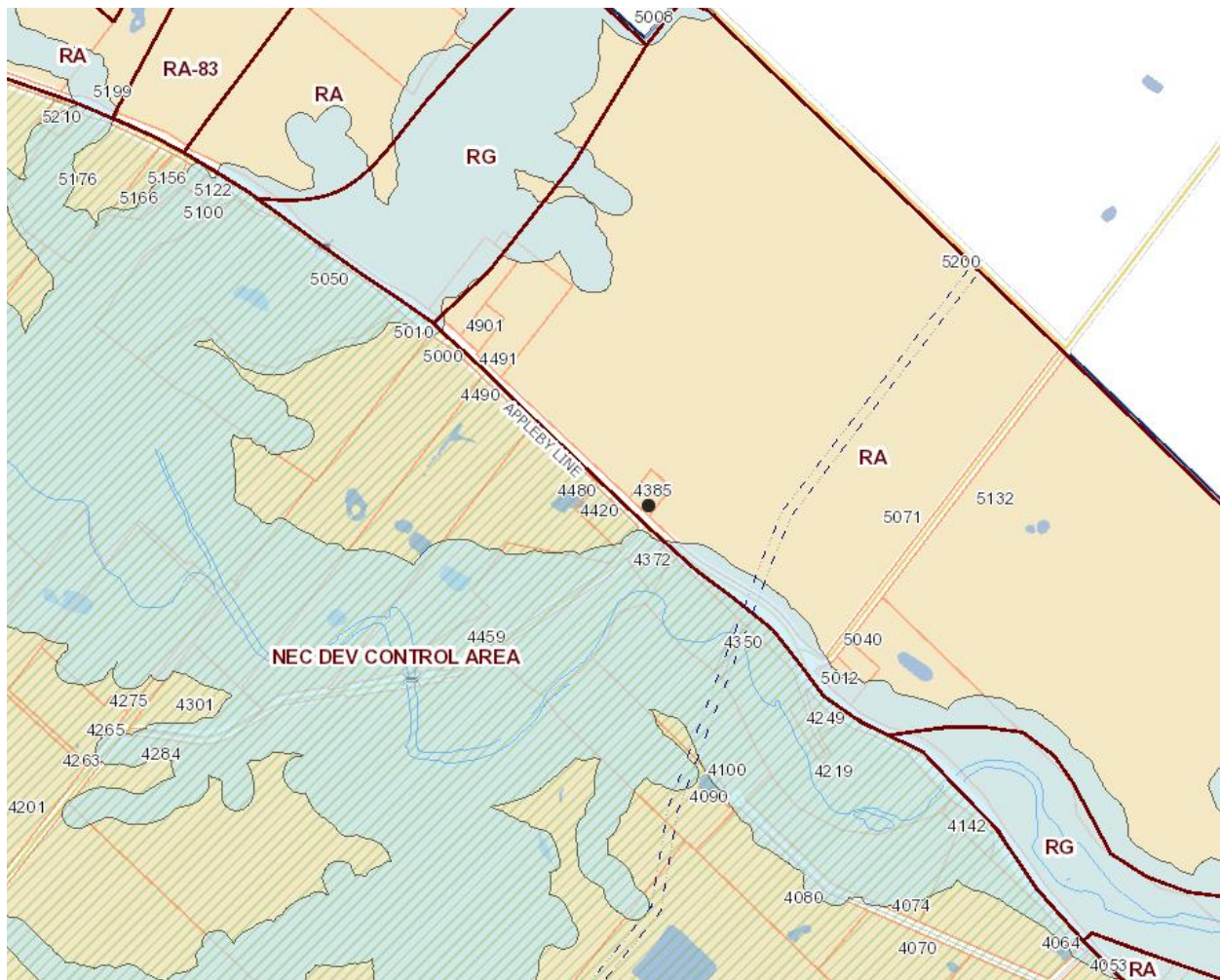
540-02-B-001/16

PROPERTY:

4385 Appleby Line,
CON 2 NDS PT LOT 5
City of Burlington - Regional Municipality of Halton.

CONSENT:

To sever a parcel of land to create a new lot.



COMMITTEE OF ADJUSTMENT

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STAFF REPORTS:**PLANNING AND BUILDING DEPARTMENT COMMENTS****Committee of Adjustment**

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

Date: February 8, 2016Prepared By: Wendy Garside**Zoning**

Applicant wishes to sever an existing lot to create a new lot.

Retained Lot

The retained lot complies with lot width and lot area. Both the existing house and agricultural buildings comply with minimum setbacks and lot coverage.

Separated Lot

This lot does not comply with minimum lot width or lot area. The location of the existing house is also located lesser than the required 10 minimum front yard setback. The zoning will be applied from the 'actual' street width rather than the 'deemed' street width.

Variances required:

1. To permit a lot with a minimum lot width of 55 m, whereas Part 8 –Section 3.1 requires 90 m.
2. To permit a lot with a minimum lot area of 0.42 ha, whereas Part 8 – Section 3.1 requires 10 ha.
3. To permit a building with a 9 m minimum front yard setback, whereas Part 8 – Section 3.1 requires 10 m.
4. To apply the zoning from the actual street width of Appleby Line, whereas Part 1, Section 2.27.1- Table 1.2.9 , for the purposes of establishing building setbacks or for the application of any other provisions of this By-law, deems Appleby Line to be 35 m wide.

Date: August 24, 2016Prepared By: G. Jin

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Planning

The applicant requests the severance of the property known as 4385 Appleby Line in order to re-create two lots which merged under common ownership. The application requests consideration of the severance only and does not include consideration of the related zoning regulations.

Background

The subject property is located at the north-east corner of Appleby Line and No. 2 Side Road. The property backs onto Bell School Line. This 115 ha farm property was purchased by Allan Cook in 1968 and in 1994 Luetta Cook (spouse) was added to the property title. During this time (1972), Luetta Cook purchased the adjacent school house property shown on the plan submitted in support of the subject application. The two properties retained separate ownership until 1999 when Allan Cook passed away leaving Luetta Cook as the sole owner of both the farm property and the school house property. Unbeknownst to Mrs Cook, the two properties merged under common ownership. In May of 2015 Luetta Cook passed away and her estate has advised that she has willed the two properties as individual lots.

The subject application has been submitted in response to the will of Luetta Cook identifying the merged lot as two separate properties.

Planning CommentPlanning Act and Greenbelt Plan

Planning staff must have regard for the planning framework that governs lot creation. Staff looked to Section 50.1 (1) of the Ontario Planning Act which states the following:

Division of land by will

50.1 (1) No provision in a will that purports to subdivide land is of any effect to subdivide that land unless, irrespective of that provision, each part of the land divided could be conveyed without contravening section 50.

The Planning Act states that division of a lot by will does not remove the requirement to assess the severance based on the tests contained within Section 50 of the Act – Subdivision of Land.

Section 51 (24) states the following considerations, among other things:

- (a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2
- (c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision if any

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The Province of Ontario regulates development of these lands in accordance with the Provincial Greenbelt Plan. The Plan designates the subject land as Protected Countryside. This designation permits lot creation only for uses permitted by the policies of the plan. Section 4.5 Existing Uses states that all existing uses lawfully used for such purpose on the day before the Greenbelt Plan comes into force are permitted. It also states that single dwellings are permitted on existing lots of record only, provided they were zoned for such as of the date the Greenbelt Plan came into force, or where an application for an amendment to a zoning by-law is required as a condition of severance granted prior to December 14, 2003 but which application did not proceed.

The Greenbelt Plan does not anticipate or permit new lot creation for residential development. Residential development is permitted on existing lots only. The Plan does recognize uses that existed at the time of the passage of the Plan, doing so to avoid making illegal any use that was in existence at the time of the enactment of the Plan. Staff have considered this aspect of the legislation and concludes that this provision does not amend or alter the list of permitted uses in this case. The school house on the separate lot while in existence as the time of the passage of the Plan is no longer considered an existing use or development. Once an existing use ceases to exist, it is deemed to have ended and therefore retains no future legal status. In this case, the existing use status ceased in 1999.

City Official Plan

The subject property is designated Agricultural Rural Area under the City's Official Plan. Part IV – Land Use Policies – Rural Planning Area, Section 2 Rural Lands, Subsection 2.2 Agricultural Rural Area Designation states the following as objectives:

- a) To recognize agriculture as the primary activity and land use in the Agricultural Rural Area Designation
- f) To prohibit further ribbon development along all roads outside the Urban Planning Area.

Subsection 2.2.2 Policies lists the following as a permitted use:

- (ii) Existing uses
- (iii) single detached dwellings on existing lots created under The Planning Act

Existing uses are defined as the use of any land, building or structure legally existing on the day of adoption of the appropriate local or Regional Official Plan or in the case of the Parkway Belt West Plan or the Niagara Escarpment Plan Areas, the day of approval of the respective Plans, including any use approved under a Parkway Belt land use regulation. The re-creation of a previously existing lot would not qualify as an existing use under the Official Plan as the lot ceased to exist in 1999.

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As a severance, the proposal raises further concerns. The Official Plan policies specifically prohibit the creation of lots along main roads (ribbon development). Staff considers the creation of a lot on Appleby Line as contributing towards the creation of ribbon development. Such development has the effect of detracting from the agricultural area by shifting the use of the land away from farming and towards residential uses, which should be directed to the designated Rural Settlement Areas.

Conclusion

In the absence of any policy permitting the re-creation of the lot, Planning staff are not able to support the application for severance.

Date October 5, 2016Prepared By: Charles Mulay MCIP RPP**Engineering**

Appleby Line is a Regional Road and according the Regional Official Plan, the deemed width is 35m. The actual road width is less than 35m. Contact Matt Krusto (Halton Region) to obtain road widening requirements.

Date: February 9, 2016Prepared By: A. Capone

Site Engineering has no objection to the Consent Application.

Date: September 29, 2016Prepared By: Annette Simpson**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: October 7, 2016Prepared By: Kathy Pavlou**Transportation Planning**

The applicant is proposing a consent to sever a parcel of land to create a new lot. The subject lands are located at Appleby Line and No.2 Side Road. The retained lands are currently used as farm lands; the separated lands have an existing school house. No issues with this application.

Date: October 7, 2016Prepared By: Linda Wu

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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 as of the date of Final Consent. Local improvement must be commuted.

Date: Sept 23, 2016Prepared By: L. Bray**Urban Forestry**

Forestry has no objection to the Consent Application.

Date: October 6, 2016Prepared By: Meghan Hunter**Region of Halton**

**RE: Regional Consent Comments
B16/001/B – Estate of Luetta Cook
5071 No. 2 Side Road, City of Burlington**

Regional Planning Services staff have reviewed the above noted application and offer the following comments.

Background

The purpose of the subject application is to sever a 0.42 ha (1.0 acre) parcel with a municipal address of 4385 Appleby Line from the subject property (municipal address of 5071 No. 2 Side Road), leaving the area of the retained lands at 115.9 ha (286 acres).

Both the severed and retained lands currently have different municipal addresses, have separate PINs, have been assessed separately and have essentially functioned as two separate properties over the years.

Through a series of events over several years, the properties have accidentally merged which was never the intent of the former owners and there is now a need to reinstate the original lot lines in order that the estate of the former owner can be settled. The key milestones of how this happened are itemized below.

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As of April 14, 1972, Luetta Cook purchased a school house property, identified as 4385 Appleby Line. On July 14, 1994 the ownership of the main farm property (identified as the retained lands) was changed to be under the ownership of both Allan and Luetta Cook. When Mr. Cook died in 1999, Luetta Cook became the sole owner of the farm property, making her the owner of two parcels adjacent to one another (the severed and retained parcels which are the subject of this consent application). In early 2015, Luetta Cook executed a will, leaving the farm property to one party and the rest of her estate to another party and shortly afterwards put the schoolhouse property up for sale, not realizing that a consent was required prior to selling the property. At the time of Luetta Cook's death in May 2015, the schoolhouse property and the main farm property were still merged. In order to carry out the intention of Luetta Cook's will, the subject application proposes to reinstate the former lot lines of 4385 Appleby Line, so the property can be sold.

Both the residential use (former schoolhouse) at 4385 Appleby Line and the farmhouse and related structures at 5071 No. 2 Side Road rely on private water and private wastewater systems.

Planning Analysis

The following outlines the provincial and regional policy direction that applies to the subject application.

Greenbelt Plan, 2005

Both the proposed severed and retained parcels subject to this application are designated as Protected Countryside within the Greenbelt Plan. The proposed severed parcel as well as the majority of the retained parcel also have an overlay of Greenbelt Natural Heritage System. The Regional Official Plan also identifies the entire proposed severed parcel and the majority of the retained parcel as being with the prime agricultural area.

Regional staff have reviewed the Natural Heritage System policies in the context of the subject application. There are no Key Features located on or adjacent to the proposed severed parcel and it is Regional staff's position that there are no Natural Heritage System issues with the proposed severance.

Section 4.6.3 outlines when lot creation is permitted within prime agricultural areas. The severance proposed as part of this subject application does not fit under any of the situations where lot creation is permitted by the Greenbelt Plan. Therefore, the proposed severance is not in conformity with the policies of the Greenbelt Plan.

Provincial Policy Statement, 2014

As referenced above, the entire proposed severed property and the majority of the retained lands are identified in the Regional Official Plan as being part of the prime agricultural area; as such the agriculture policies of the Provincial Policy Statement

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(PPS) apply. Section 2.3.4.1 outlines the few instances where lot creation in prime agricultural areas is permitted, none of which apply to the situation of the subject consent application. Section 2.3.4.3 states that the creation of new residential lots in prime agricultural areas shall not be permitted, with the exception of a severance for a residence surplus to a farming operation as a result of a farm consolidation.

Regional staff acknowledge that no additional prime agricultural lands are being taken out of agricultural production and no new residential uses are being proposed. However, the proposed severance is not consistent with the lot creation policies of the PPS referenced above.

Regional Official Plan

Both the lands proposed to be severed and the majority of the proposed retained lands are designated in Map 1 of the Regional Official Plan as being part of the Regional Natural Heritage System, with an overlay of the Greenbelt Natural Heritage System. While there are Key Features of the Natural Heritage System located on the proposed retained parcel, they are not on or close to the proposed severed lands. Both the lands proposed to be severed and the majority of the retained lands are identified as prime agricultural area, as illustrated on Maps 1E and 1G of the Regional Official Plan.

Section 65 of the Regional Official Plan states that the creation of new lots in any land use designation is permitted only by specific policies of this Plan. A "lot" is defined as being a parcel of land described in a deed or other document legally capable of conveying an interest in land, or shown as a lot or block on a registered plan of subdivision. Section 66 of the Regional Official Plan outlines the circumstances when new lots may be created. The proposed consent is not considered by Regional staff to fall within one of the permitted instances and therefore would not be following the policy direction of the Regional Official Plan.

Technical Comments

The lands proposed to be severed front on to Regional Road 20 (Appleby Line) and therefore Regional staff provided technical comments from a transportation perspective. The Regional Official Plan identifies this portion of Regional Road 20 as having a 35 metre right-of-way. Therefore, any lands within 17.5 metres of the centre line of the original 66 foot right-of-way would typically be requested to be dedicated to the Region of Halton for the purpose of road widening and future road improvements.

The Regional Health Department staff have a role in reviewing proposals for the creation of new lots that rely on private services. The typical process for approving a new lot on private services is for the applicant to complete a hydrogeological study in accordance with the Regional Hydrogeological Studies & Best Management Practices for Groundwater Protection Guidelines, 2014. The study would need to address matters such as: establishing that there was an adequate and safe supply of potable water, that the soil conditions were suitable for on-site sewage disposal and that the lot was sized appropriately to protect ground and surface water quality and quantity. This report would typically be peer reviewed at the cost of the applicant.

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However, given the policy direction outlined earlier in this letter, since Regional staff are not able to support the proposed consent, conditions related to these transportation and hydrogeological technical requirements are not being provided.

Conclusion

Regional staff are aware of the uniqueness of this situation and understand why it is important for those handling the estate of the former owner to obtain a severance for the lands that were formally a separate parcel. While we can sympathize with the situation, the existing provincial and regional policy framework that we need to use when evaluating applications does not provide the flexibility to support what is proposed through the subject consent application. As such, Regional staff are not able to support the proposed consent application and are therefore not including any conditions to be addressed.

Please contact me at (905) 825-6000 ext. 7180 or through e-mail at shelley.partridge@halton.ca if you have any questions on the provided comments.

Yours truly,

Original Signed

Shelley Partridge, MPI, MCIP, RPP
Senior Planner

Conservation Halton

**Re: Application for Consent B-001/16
5071 No. 2 Sideroad
City of Burlington
Estate of Luetta Cook**

Staff of Conservation Halton have reviewed the above noted application as per the following checklist, which includes: Conservation Halton's regulatory responsibility; the Memorandum of Understanding (MOU) between the Ministry of Natural Resources, the Ministry of Municipal Affairs and Conservation Authorities with respect to providing the provincial interest comments related to natural hazards; and the MOU between the Region of Halton and Conservation Halton. **The following comments relate strictly to this specific application. Additional items not marked as "applicable" may apply to future applications:**

Applicable

Conservation Halton Regulation



MNRF/MMAH/CA MOU
PPS - Natural Hazards



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CA/Halton MOU

Flood Hazards	<input checked="" type="checkbox"/>
Wetlands	<input type="checkbox"/>
Top of Bank Erosion Limits	<input checked="" type="checkbox"/>
Lakes and Rivers Impacts	<input type="checkbox"/>
Wildlife Habitat Impacts/Mitigation	<input type="checkbox"/>
Endangered and Threatened Species	<input type="checkbox"/>
Fish Habitat Impacts/Mitigation	<input type="checkbox"/>
Stormwater Management	<input type="checkbox"/>
Subwatershed Planning	<input type="checkbox"/>

Proposal

The purpose of the Consent application is to sever a 0.42 hectare parcel containing a residential dwelling converted from a schoolhouse, from a ± 286 hectare parcel containing a farm house and barns, which has undergone a previous technical merger. Staff have received and reviewed the following information as it pertains to this application:

- *Consent Application Form for File No.: B-001/16*
- *Attachment: Explanatory Notes*
- *Property Sketch prepared by Cunningham McConnell Limited*

Ontario Regulation 162/06

The subject property [5071 No. 2 Sideroad] is traversed by tributaries of Bronte Creek and contains the flooding and erosion hazards associated with that watercourse. Specifically, a portion of the property contains the valley, floodplain, and meander belt hazards, as well as Conservation Halton's 15 metre regulatory limit associated with those hazards as they are associated with the watercourse. As per *Section 4.2 Flooding and Erosion Hazard Limits* of Conservation Halton's Land Use Planning Policies, through the review of planning applications staff work to ensure no new development, including lot creation, is permitted within the flooding or erosion hazard limits, that would be contrary to the Provincial Policy Statement (PPS) and/or Conservation Halton's policies. This will involve a minimum lot line setback of 15 metres from the limit of the flooding and erosion hazard limit. Further, the creation of new lots that contain the flooding and erosion hazard limits will not be supported by Conservation Halton or the PPS.

Based on a review of our Approximate Regulation Limit mapping, and the best available information, staff confirm that while the remnant parcel is regulated by Conservation Halton, the lands to be severed as a result of this Consent Application will not contain any portion of regulated area. In this regard, staff has no objection to the approval of this Application.

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MNRF/MMAH/CA MOU and CA/Halton MOU

Comments relating to 'PPS Natural Hazards' "Flood Hazards" and "Top of Bank Erosion Limits" can be found under the heading 'Ontario Regulation 162/06'.

Recommendation

In light of the above, Conservation Halton staff have **no objection** to the approval of this Consent Application.

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

Yours truly,

Original Signed

Cassandra Connolly
Environmental Planning Analyst
CC/

COMMITTEE OF ADJUSTMENT

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AGENDA

DECEMBER 5, 2016

HEARING NO. 2 - 6:30 P.M.

File**540-02-B-011/16**

PROPERTY: 1222 Bellview St.,
PLAN 169 LOTS 27,28,29
City of Burlington - Regional Municipality of Halton.

CONSENT: Applicant is proposing to sever the existing lot and retain the existing dwelling and detached garage.

VARIANCES

Severed Lot

- 1) To permit a 14 m lot width whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum lot width of 18 m
- 2) To permit a 564 m² lot area whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum lot area of 700 m²
- 3) To permit a 8.5 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum front yard setback of 11 m

Retained Lot

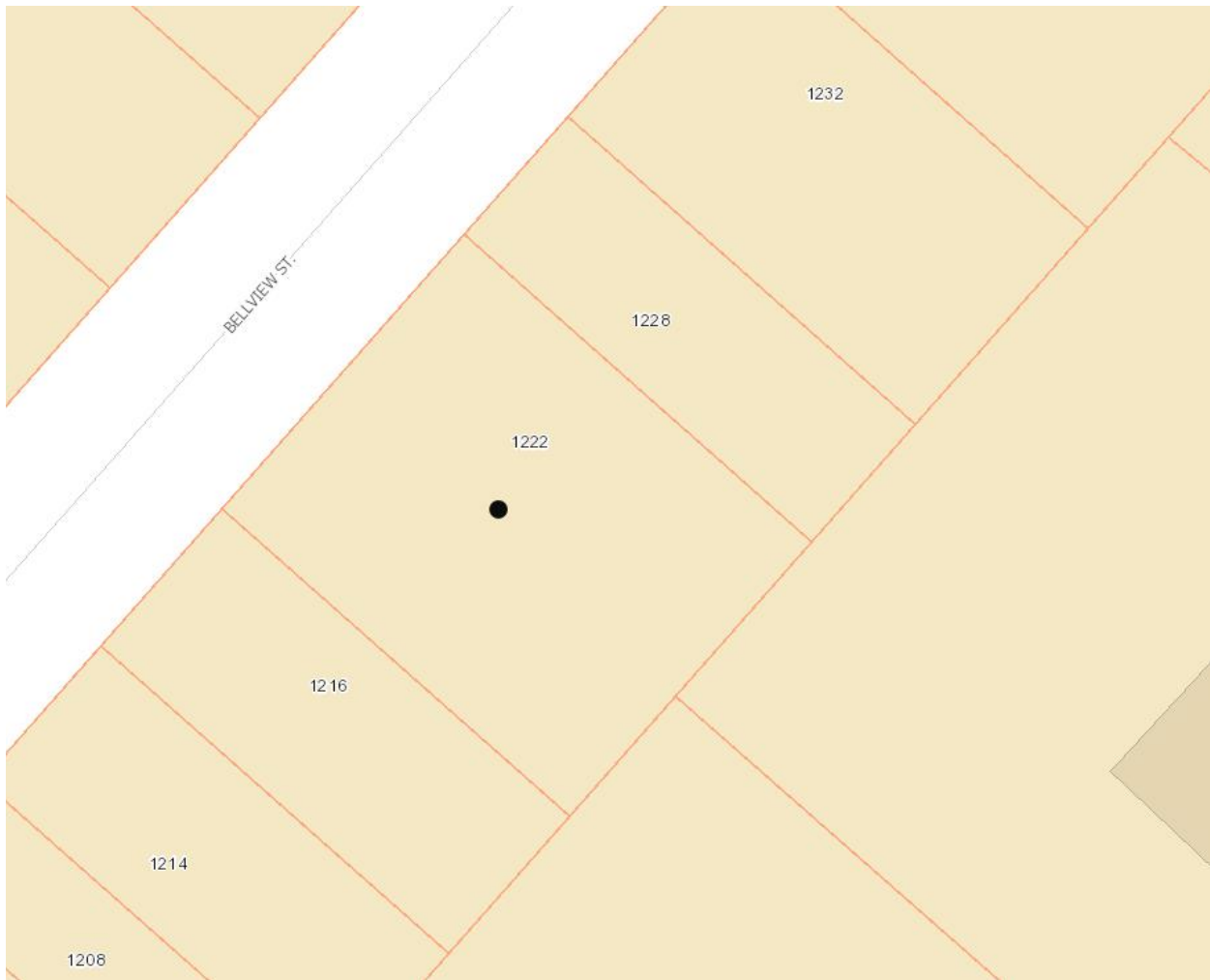
- 1) To permit a 7.92 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 m front yard setback for the existing dwelling
- 2) To permit a 6.97 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 10.65 m (11 m - 0.65 m encroachment allowance as per Part 1, Section 2.13.1(d)) front yard setback for the existing front porch
- 3) To permit a 17.5% lot coverage whereas Part 2, Section 4.1, Table 2.4.3 permits a maximum lot coverage of 8% for the existing accessory building
- 4) To permit a 127.1 m² accessory building (detached garage) whereas Part 1, Section 2.2.1(b)(ii) permits a maximum area of 50 m²
- 5) To permit a 0.36 m east side yard setback whereas Part 1, Section 2.2.1(b)(ii) requires a minimum 1.2 m side yard setback for the existing accessory building
- 6) To permit a 0.42 m rear yard setback whereas Part 1, Section 2.2.1(b)(ii) requires a minimum 1.2 m rear yard setback for the accessory building
- 7) To permit a 4.67 m height whereas Part 1, Section 2.2.1(b)(ii) permits a maximum 4.6 m height for the accessory building
- 8) To permit a 13 m maximum driveway width whereas Part 1, Section 2.24(3)(e) permits a maximum 9 m driveway width (50% of the front lot line)

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STAFF REPORTS:

PLANNING AND BUILDING DEPARTMENT COMMENTS

Committee of Adjustment

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

Date: August 25, 2016

Prepared By: Amanda D'Angelo

COMMITTEE OF ADJUSTMENT

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Zoning

Applicant is proposing to sever the existing lot and retain the existing dwelling and detached garage.

Severed Lot

The severed lot does not comply with the minimum lot width or lot area. Additionally, the applicant is requested a reduction in the front yard setback requirement of 11 m. A reduction in the front yard setback requirement is not required in order to facilitate the proposed consent. It should be noted that without detailed plans zoning cannot determine if any additional variances will be generated by a reduction in the front yard requirement.

Severed Lot

The following variances are required for the severed lot:

- 4) To permit a 14 m lot width whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum lot width of 18 m
- 5) To permit a 564 m² lot area whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum lot area of 700 m²
- 6) To permit a 8.5 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum front yard setback of 11 m

Retained Lot

The applicant is proposing to retain the existing dwelling and detached garage. Additionally, based upon previous approvals, zoning notes that the existing detached garage and rear deck were expanded without additional permits or approvals. The applicant has since indicated that they will be removing the deck to accommodate a driveway on the east side of the property to access the garage in the rear yard.

The following variances are required for the retained lot:

- 9) To permit a 7.92 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 11 m front yard setback for the existing dwelling
- 10) To permit a 6.97 m front yard setback whereas Part 2, Section 4.1, Table 2.4.1 requires a minimum 10.65 m (11 m - 0.65 m encroachment allowance as per Part 1, Section 2.13.1(d)) front yard setback for the existing front porch
- 11) To permit a 17.5% lot coverage whereas Part 2, Section 4.1, Table 2.4.3 permits a maximum lot coverage of 8% for the existing accessory building
- 12) To permit a 127.1 m² accessory building (detached garage) whereas Part 1, Section 2.2.1(b)(ii) permits a maximum area of 50 m²
- 13) To permit a 0.36 m east side yard setback whereas Part 1, Section 2.2.1(b)(ii) requires a minimum 1.2 m side yard setback for the existing accessory building
- 14) To permit a 0.42 m rear yard setback whereas Part 1, Section 2.2.1(b)(ii) requires a minimum 1.2 m rear yard setback for the accessory building
- 15) To permit a 4.67 m height whereas Part 1, Section 2.2.1(b)(ii) permits a maximum 4.6 m height for the accessory building

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16) To permit a 13 m maximum driveway width whereas Part 1, Section 2.24(3)(e) permits a maximum 9 m driveway width (50% of the front lot line)

Notes:

- Comments based upon the plans submitted. Any additional variances determined through other reviews will be the applicant's responsibility.
- Driveway width has been measured along the west elevation of the garage, where the garage doors are located.

Date: October 4, 2016Prepared By: Mark Dalrymple**Planning**

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

Consent

Planning District	-	Wellington
Official Plan Designation	-	Residential – Low Density
Current Zoning	-	R2.1

The subject property is located on the south side of Bellview Street, west of Maple Avenue. The subject property is known municipally as 1222 Bellview Street and currently contains a two-storey single detached residential dwelling and two residential accessory buildings. The property is surrounded by stable low density residential properties to the north, east and west, with high density apartment buildings located on the adjacent properties to the south. It should also be noted that the lot pattern along Bellview Street is somewhat irregular in terms of width, area and configurations. The applicant proposes to sever a 564 square metre parcel of land from the existing 1,290 square metre property to create an additional residential building lot. The proposed severance is intended to facilitate the retention of the existing residential dwelling on the proposed retained lands and the eventual construction of a new single detached residential dwelling on the proposed severed lands.

According to the Official Plan, the subject property is designated as Residential – Low Density. The Residential – Low Density designation permits detached and semi-detached homes as well as other forms of ground-oriented housing provided that the forms are compatible with the scale, urban design and community features of the neighbourhood. The designation sets out that the density of single detached housing units are to be a maximum of 25 units per net hectare, which the subject proposal would fall below.

In terms of housing intensification, the Official Plan encourages 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

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existing residential neighbourhoods. To that extent, intensification is viewed as a means of increasing the amount of available housing stock including infill within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood. The Official Plan sets out a number of criteria to be considered as part of the review of any housing intensification project within established neighbourhoods, which include but are not limited to, adequate municipal services; adequate off-street parking; municipal transportation capacity; proximity to transit; compatibility with the existing neighbourhood; effects on existing vegetation; and ability to provide adequate buffering. The Official Plan also sets out that ground-oriented residential infilling within existing neighbourhoods shall be encouraged, as long as the infill development is compatible with the surrounding development in terms of height, scale, massing, siting, setbacks, coverage and amount of open space.

Staff has reviewed the proposed severance against the aforementioned Official Plan housing intensification criteria and is of the opinion that the proposed severance complies. In terms of servicing, both the proposed severed and retained lots would be connected to municipal water and sanitary services, and the lots would also front onto a public road. There would be ample room for on-site parking on both of the proposed lots. The subject lands are in close proximity to Maple Avenue, which is a minor arterial roadway, serviced by public transit. Further, staff is of the opinion that the proposed lots would be able to provide adequate buffering and vegetation to ensure compatibility and a pleasing streetscape.

The Official Plan sets out that the frontage (lot width) of new lots intended for building should generally not be less than approximately 40 percent of the lot depth. While the proposed retained lot would comply, the proposed severed lot would be under the 40 percent threshold (approx 35%) outlined in the Official Plan. The intent of this provision is to ensure sufficient lot frontage as well as a uniform lot configuration. The proposed severed lot would not meet this criterion; however, staff is of the opinion that the proposed lot frontage would meet the intent of the provision as the proposed lot frontage would be consistent with the width of lots in the immediate vicinity. As such, staff is of the opinion that the proposed lot widths are considered to be compatible with the surrounding area and would allow the proposed development to integrate appropriately within the existing area.

The subject property is zoned R2.1 in the City's Zoning By-law 2020, as amended. As previously discussed, the Official Plan recognizes the importance of minimum standards and encourages compliance in an effort to achieve compatibility between new infill development and stable residential neighbourhoods, particularly as it pertains to consent applications. Complying with these minimum standards ensures a minimum level of compatibility related to infill development. The Zoning By-law provides refinement to the Official Plan policies and provides the minimum standards for new lots. The Official Plan and Zoning By-law together, indicate what the eventual built form will be. The proposed retained lot would comply with the minimum standards outlined in the Zoning By-law; however, the proposed retained lot would be deficient in terms of lot

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width and area. Notwithstanding, the Official Plan recognizes that in some cases, compliance with the Official Plan may not be possible, and in such cases, a convincing reason is required in order to not fully conform to the provisions of the Zoning By-law. As noted earlier, the lot pattern along Bellview Street is somewhat irregular in terms of widths, areas, and configurations, as this area was developed prior to the implementation of the current zoning provisions. As such, there are lots in the immediate vicinity that have a similar lot width and area to that which is being proposed for the severed lot. Planning staff is satisfied that since the proposed lots would be reflective of the existing lot pattern in the area, the intent of the Official Plan would be maintained, regardless of the fact that the proposed severed lot would not conform to the minimum lot width and area outlined in the Zoning By-law. As such, while the details relating to the proposed dwellings are not known at this point, staff is satisfied that the proposed lots would integrate well into the existing neighbourhood.

Conclusion

Staff has reviewed the consent application in accordance with the policies of the Official Plan and the requirements of the Zoning By-law and has no objection to the consent application as proposed.

Minor Variance

The applicants have requested relief of zoning provisions to facilitate the severance of an existing residential property into two separate residential lots. The applicants have requested zoning relief to recognize the location and size of the existing dwelling and accessory building, as well as relief of the minimum lot size and area to facilitate the creation of the proposed severed lot.

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 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.

Proposed Severed Lot

As outlined, the Official Plan’s residential land use policies are intended to ensure that

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new development is compatible with the surrounding neighbourhood. Although lot widths, areas and setbacks are not specifically prescribed in the Official Plan, compatibility and streetscape are to be considered with any infill development within an existing neighbourhood. With respect to lot width and area, the Official Plan sets out that lots should have a compatible width and area with lots in the immediate vicinity. The definition of compatible is development that is capable of co-existing in harmony with existing or proposed development in an area. As set out earlier, the proposed lot widths and areas are reflective of existing lot width and areas in the immediate vicinity and would therefore maintain the general intent and purpose of the Official Plan.

The reduced front yard setback is intended to facilitate a building location that is consistent with the established building line along the south side of Bellview Street. The reduced front yard setback would align any future dwelling with other dwellings along the south side of Bellview Street, while maintaining an appropriate separation from the front property line. The front setback distances of homes in the immediate vicinity along Bellview Street are fairly consistent, and as such, the proposed relief would not negatively impact the established building line. As such, staff is satisfied that the proposed setback will not negatively impact compatibility or the streetscape and therefore meets the general intent and purpose of the City's Official Plan.

Proposed Retained Lot

The reduced front yard setback for the proposed retained lot is intended to recognize the existing location of the dwelling, which is considered consistent with the established building line along the south side of Bellview Street. The existing front yard setback maintains an appropriate separation from the front property line and does not have a negative impact on the streetscape. As such, staff is satisfied that the existing setback will not negatively impact compatibility or the streetscape and therefore meets the general intent and purpose of the City's Official Plan.

The other variances on the proposed retained lot relate to the large existing non-conforming residential accessory building located in the rear yard. The building is considered non-conforming as it was constructed prior to the current zoning provisions coming into force and effect. The Official Plan sets out that legal non-conforming uses, buildings or structures throughout the City should eventually cease, so that the land affected shall revert to a use, building or structure that conforms with the intent of the Official Plan and the Zoning By-law. In special circumstances, however, it may be appropriate to consider the extension of a non-conforming use, building or structure, subject to a number of criteria outlined in the Official Plan. These criteria include ensuring the extension does not represent an unreasonable increase to the size and intensity of the use; ensuring adequate compatibility measures; adequate municipal services; adequate off-street parking areas; ensuring that traffic and parking conditions in the area are not adversely affected; and ensuring that the intent of the Official Plan and standards established in the Zoning By-law are upheld. Staff is of the opinion that the existing accessory building meets the criteria in the Official Plan and providing for the extended use of the existing building will not negatively impact compatibility with

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adjacent properties or the streetscape. To that end, staff is of the opinion that the proposed relief would maintain the general intent and purpose of the Official Plan.

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

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

Yes**Proposed Severed Lot***Variance #1 – Lot width*

The applicants are proposing a reduced lot width for the proposed severed lot of 14m, whereas the minimum lot width is 18m in the R2.1 zone. The intent of the minimum lot width provision is to achieve uniform lot configurations along a streetscape by ensuring that properties are wide enough to accommodate appropriate building envelopes with sufficient side yard setbacks. The lot width requirements vary by zone category depending on the established fabric of neighbourhoods. Staff have completed a review of the area and assessed the lot widths along Bellview Street. As set out earlier, the lot pattern along Bellview Street is somewhat irregular in terms of width, area and configuration. The subject property is the widest property in the immediate vicinity along Bellview Street and the proposed severance would result in two lots that would reflect the existing lot pattern. The proposed 14m severed lot would be reflective of lot sizes in the area, including the abutting lot the east of the subject property. Staff is of the opinion that the proposed severed lot width would integrate well with the existing lot pattern along Bellview Street and provide sufficient width to accommodate future development. As such, staff is of the opinion that the general intent and purpose of the Zoning By-law would be maintained.

Variance #2 – Lot area

The applicants are proposing a reduced lot area for the proposed severed lot of 564m², whereas the minimum lot area is 700m² in the R2.1 zone. The intent of the minimum lot area provision is to ensure that lots are an appropriate size to reflect the lot fabric of an area and provide sufficient space for a building envelope, appropriate setbacks, and amenity space. The subject property is largest property in the immediate vicinity along Bellview Street and the proposed severance would result in lots that are reflective of lot sizes in the immediate vicinity. Staff is satisfied that the proposed lot areas would be compatible with lots in the immediate vicinity and would allow the proposed lots to integrate well into the existing character of the area. As such, staff is satisfied that the general intent and purpose of the Zoning By-law would be met.

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Variance #3 – Front yard setback

The applicants are proposing a reduced front yard setback of 8.5m, whereas the Zoning By-law requires a front yard setback of 11m. The intent behind front yard setback regulations is to ensure consistency with an established building line and also to maintain an aesthetically pleasing streetscape. To that end, the intention is to promote the orderly development of a street by ensuring that new buildings or building additions not encroach closer to the street than the established building line that may exist on a street. In this case, the applicant requests a reduced front yard setback on the proposed severed lot to align any future development with the established building line that currently exists along the south side of Bellview Street. While the proposed setback would not comply with the minimum setback as required by the Zoning By-law, staff is of the opinion that the proposed front yard setback is appropriate given that the proposed setback would align with the established building line and protect the streetscape of the area. Staff is satisfied that the requested zoning relief would maintain the general intent and purpose of the Zoning By-law.

Proposed Retained Lot*Variances #1 & 2 – Front yard setback*

The intent behind the front yard setback regulations is to ensure consistency with an established building line and also to maintain an aesthetically pleasing streetscape. To that end, the intention is to promote the orderly development of a street by ensuring that new buildings or building additions not encroach closer to the street than the established building line that may exist on a street. The proposed relief is the result of the existing dwelling's non-conforming location. The existing dwelling and front porch are considered non-conforming to the By-law as the existing location of the dwelling and porch were established prior to the implementation of the current zoning provisions.

While the existing dwelling and porch do not comply with the minimum setbacks as required by the Zoning By-law, staff is of the opinion that the existing front yard setbacks are appropriate given that the existing dwelling and porch align with the established building line along the south side of Bellview Street. As such, the existing front yard setbacks would not negatively impact the established building line, and therefore staff is satisfied that the requested zoning relief would maintain the general intent and purpose of the Zoning By-law.

Variances #3 – 8 – Lot coverage, maximum area, side and rear yard setback, height and driveway width for existing residential accessory building

The applicant is requesting relief of various zoning provisions to recognize the existing location of the residential accessory building located in the rear yard. Specifically, the applicant is requesting relief of the lot coverage provision, maximum accessory building area, side and rear yard setbacks, building height and driveway width for the existing

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accessory building. These variances all relate to the current conditions, which have existed for many years. The existing residential accessory building is considered non-conforming as it was constructed prior to the current zoning provisions coming into effect. Notwithstanding, staff have reviewed the existing building in light of the current zoning provisions to determine if an extension to this use is appropriate.

With respect to Variances 3 & 4, the existing building exceeds the maximum permitted lot coverage (8% maximum – 17.5% proposed) and maximum accessory building area (50m² maximum – 127.1m² proposed). The intent behind these provisions is to prevent overbuilding, to control bulk and to maintain the character of an area. In addition, these provisions ensure that a sufficient amount of open space is maintained within a lot relative to the size of the structures, which assists in creating compatibility within the neighbourhood by providing buffer areas and amenity space. While it is acknowledged that the proposed size of the existing accessory building is larger than what is envisioned by the current zoning provisions, staff is not aware of any compatibility issues relating to the size existing building. Further, while the proposed lot coverage would increase as a result of the proposed severance, the size of the building in relation to the existing dwelling will not increase. To that end, staff do not anticipate any impact to the existing compatibility resulting from the proposed relief.

Variances 5 & 6 relate to the proposed side and rear yard setback relief (0.36m & 0.42m requested – 1.2m required), which is intended to recognize the location of the existing accessory building. The intent of the side and rear yard setback provisions for accessory buildings is to ensure appropriate separation distance between structures, as well as ensuring an adequate amount of area for maintenance of the building and property within the property boundaries. While staff acknowledge that the existing setbacks do not comply with current standards, in order to prevent undue hardship on the applicant, the continuation of the existing building location is considered to be appropriate. The proposed relief would allow the existing accessory building to remain in its current location, which is not anticipated to have a negative impact on the adjacent properties to the east and south. Staff is not aware of any compatibility issues relating to the location of the existing building. To that end, the intent of the Zoning By-law standards are being maintained.

The detached accessory building is a one storey building with a height of 4.67m, whereas the Zoning By-law only permits detached residential accessory buildings to have a maximum height of 4.6m. The height of the accessory building is measured as the vertical distance between grade at the front wall of the building to the highest point of the roof. The existing accessory building is lower in height than the principal residence, which reinforces the fact that the accessory building should be subordinate in size, scale and bulk to the main dwelling. The existing building height is only slightly higher than the maximum permitted height and is considered to be a minor deviation.

The applicant is requesting an increased driveway width from the maximum 9m width to 13m to accommodate a new driveway which provides access to the existing accessory building. The intent of the maximum driveway width provision is to ensure that

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streetscapes are not dominated by paved surfaces, parked cars and garages. The driveway width is measured at the widest point of the driveway, regardless of where that point is situated. In this case, the design of the driveway from Bellview Street at the widest point where it curves is 13m. The driveway width perpendicular to Bellview Street is 3m, and it increases at the rear of the existing dwelling. As such, the increased driveway width would not be overly visible from Bellview Street, as the increased driveway width would be at the rear of the property. Staff is of the opinion that the proposed driveway width would not represent a visually obtrusive feature to the streetscape, beyond that which currently exists. Staff is of the opinion that the requested variances would maintain the general intent and purpose of the Zoning By-law.

3) Desirability:

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

Yes

If approved, relief of the requested zoning provisions would facilitate the severance of the subject property into two separate residential properties. Relief of the zoning provisions for the proposed severed lot would provide an infill opportunity which is in line with the City's policy objectives. Relief from the zoning provisions for the retained property would allow the existing buildings to remain in their current location within one of the City's mature urban neighbourhoods. Such relief would allow the property owners to continue to utilize the existing dwelling and accessory building without negatively impacting compatibility or the streetscape appearance of the property. Further, such relief would facilitate residential infill on an oversized and underutilized property, while ensuring that the objectives of the City's Official Plan and Zoning By-law are being met.

4) Minor in Nature:

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

Yes

Staff has considered the proposed relief in the context of the current lot and neighbourhood configuration and is of the opinion that the proposed relief is considered minor in nature, as the requested relief is not anticipated to create any undue hardships or impacts on the owner or adjacent properties. Staff is of the opinion that each requested variance represents an acceptable deviation from the zoning provision and is satisfied that relief of such will not negatively impact compatibility with the surrounding properties. As such, staff is of the opinion that the proposed setback relief is considered minor in nature.

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Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that the variances, either considered separately or cumulatively, would not create any adverse impacts on the subject or adjacent properties.

Recommendation:

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

1. That the proposed driveway on the retained lands be constructed substantially in accordance with the plans reviewed and approved by the Committee of Adjustment;
2. That the existing accessory building not be used for human habitation; and
3. That the garage only be used as an accessory use to the residential use of the property.

Date: October 26, 2016Prepared By: Kyle Plas, MCIP, RPP**Site Engineering**

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

Date: August 26, 2016Prepared By: A. Capone

Site engineering has reviewed the proposed minor variances for application number A-108/16 and A-109/16 and has no objections.

Date: November 1, 2016Prepared By: A. Scott

Site Engineering has no objection to the consent of address **1222 Bellview Street** application number **B-11/16** being granted subject to the following conditions:

1. Provide confirmation from the Region of Halton that the severed lot has the opportunity to connect to the existing sanitary sewer and watermain on Bellview Street.
2. Obtain a tree permit for any work that may affect trees on city property.
3. Obtain an entrance permit from the Utility Coordinator for the proposed driveway.

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4. **Enter into an agreement under Section 53** of the Planning Act or any other agreement required by the City Solicitor dealing with all the facilities or matters, approval of plans and drawings and the conditions set out herein:

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

- a) Implement the grading, drainage and servicing layouts and required driveway changes as per the approved overall servicing, grading and drainage plan that includes the following:
- i. Proposed maximum building envelope for the severed lot.
 - ii. Provide ground elevations at the main corners of the existing structures to help determine the direction of surface flow.
 - iii. Existing and proposed ground elevations with overlap to adjoining properties, enough to determine existing drainage patterns.
 - iv. Demonstrate how drainage will be contained within property limits for both the retained and severed lots via swales, soak-away pits, permeable pavers, and/or other forms of appropriate low impact development.
 - v. Existing downspouts and sump pump outlets.
 - vi. Existing service connections.
 - vii. Indicate all trees within 3.0 metres of the property with a diameter greater than or equal to 0.1 metres and indicate the base elevation.
 - viii. Indicate the diameter and base elevation of all city trees.
 - ix. Indicate any trees to be removed.
 - x. Indicate the proposed tree protection for both city owned and private trees.
 - xi. Existing and proposed driveway locations indicating the slope and direction of flow.
 - o Existing and proposed driveways to maintain a minimum 1.2 meter clearance from above ground utilities.
 - xii. Indicate the proposed silt fence location.
 - xiii. Existing and proposed fence(s).
 - xiv. Plan to be stamped and signed by either a professional engineer or Ontario Land Surveyor.
- b) Prior to the issuance of any Zoning and Grading certificate, complete the following to the satisfaction of the Director of Capital Works:
- Install tree protection to the satisfaction of the City Forester, call for an inspection (905-335-7600 ext. 7428)
 - Install siltation control to the satisfaction of Site Engineering, call for an inspection (905-335-7600 ext. 7783)
- c) Prior to laying sod, call for a grading inspection (905-335-7600 Ext. 7783)

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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.
- 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.

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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 of Burlington, Region of Halton, and Ministry of Environment 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
- 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 their 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.**

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- 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 them; 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: November 1, 2016Prepared By: A. Scott**Building**

- 1) A Building Permit is required for all building construction;
- 2) Permit application drawings are to be prepared by a qualified designer as per Div. C., Section 3.2 - Qualifications of Designers and OBC 2012.
- 3) Applicant to submit documents to Building Department showing compliance to OBC 9.10.15 – Spatial Separation Between Houses for existing house for review prior to approval.

Date: Nov. 4, 2016Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the application and has no objection to the proposed consent and minor variances of address 1222 Bellview Street.

Date: November 1, 2016Prepared By: John Zaloznik

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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 as of the date of Final Consent. Local improvement must be commuted.

Date: Oct 6, 2016Prepared By: L. Bray**Urban Forestry**

Pursuant to Public Tree Bylaw 68-2013, a Tree Permit is required for all works around a City tree. There are two existing, large caliper City silver maples in front of the lot at 1222 Bellview. Any new access (driveway or walkway) and services will be required to be outside the minimum tree protection zone of the City trees. Protective tree hoarding will be required through the duration of all site works.

Date: October 18, 2016Prepared By: M. Hunter**Region of Halton**

**RE: Consent Files: B16/011-B
1222 Bellview Street
Shanna Pendakis
City of Burlington, Region of Halton**

Regional Staff have received the above noted application for consent to sever an existing lot to create one (1) new lot for residential purposes and offer the following comments:

Matters of Regional Interest:

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

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Section 89(3) of the ROP 2006 requires that all new development within the Urban Areas be on the basis of connection to Halton's municipal water and wastewater service. There are existing services adjacent to the site within Bellview Street. Therefore, municipal services are available for both the retained and the severed lot. It should be noted that a Regional Services permit will be required for severed lands and any changes to the existing services to the retained parcel. In this regard, Regional Staff recommend that a note be attached to the decision on this proposed consent application advising the applicant of the Regional Service Permit process for the severed lot.

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

Conclusion:

Halton Region has reviewed Consent application **B16/011 B** in the context of the ROP and does not object to the proposed consent subject to the following conditions:

1. Prior to final approval, the applicant is required to submit to Halton Region a completed Regional Environmental Site Screening Questionnaire, and any addition material requested by the Region as determined by the review of the Questionnaire (i.e. Phase 1, Phase 2, and a RSC).

Regional Staff do request that the following notes be added to the Committee's decision on this consent application:

- i. The Owner is advised that once all conditions have been satisfied and the final consent for the severance has been granted the Owner will be required to contact Halton's Public Works Department, Services Permits Group, (905) 825-6000 extension 7878, Services Permits Technician, to supply copies of their detailed servicing drawings, to review any water and wastewater servicing concerns, obtain a Services Permit(s) and pay all necessary fees. Any water or wastewater service connections that currently exist to the property, that will not be utilized, currently exist in duplication or are deemed substandard, will be required to be disconnected at their respective mains by the Owner. The Owner can at any time investigate with their builder and contractor, and by obtaining utility locates, the size and location of existing services within the road allowance in order to design the Owner's individual site servicing.

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

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

Sincerely,

Original Signed

Adam Huycke, MCIP, RPP, CPT

Intermediate Planner

Extension 7604

adam.huycke@halton.ca

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HEARING NO. 3 - 6:30 P.M.

File

540-02-A-026/16

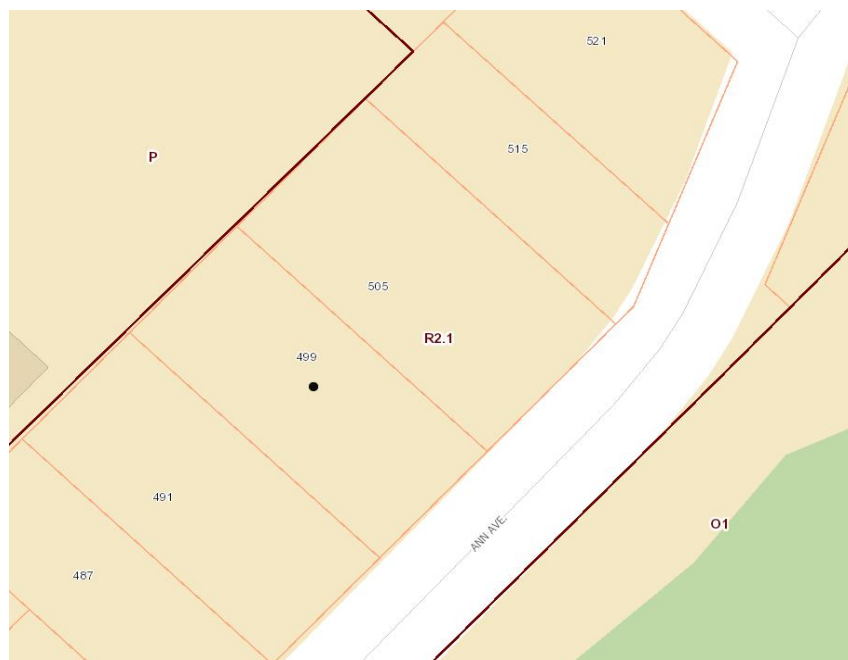
PROPERTY:

499 Ann Avenue,
PLAN 849 LOT 3 PT LOT 2

City of Burlington - Regional Municipality of Halton.

VARIANCES:

1. To permit an 8.4 m front yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 11 m.
2. To permit a 1.8 m west side yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 2.75 m.
3. To permit a 1.8 m east side yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 2.75 m.
4. To permit a 9.5 m dwelling height for a proposed 1 ½ storey detached dwelling instead of the maximum permitted 8.5 m.
5. To permit 27% lot coverage for a proposed 1 ½ storey detached dwelling instead of the maximum permitted 25%.
6. To permit a patio in a front yard whereas Zoning By-law 2020, Part 1, Section 2.24 does not permit any hard surface other than a driveway or walkway in the front yard.



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STAFF REPORTS:

Planning and Building Department Comments

Committee of Adjustment

There are no previous land divisions on record for this property.

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

A067/2012

Front yard setback – withdrawn.

Date: October 17, 2016

Prepared By: Amanda D'Angelo

Zoning

The applicant is proposing the construction of a new 1 ½ storey dwelling with a height of 9.5 m, side yard setbacks of 1.8 m, a front yard setback of 8.5 m and lot coverage of 26.9%.

Variations required:

1. To permit an 8.4 m front yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 11 m.
2. To permit a 1.8 m west side yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 2.75 m.
3. To permit a 1.8 m east side yard setback for a proposed 1 ½ storey detached dwelling instead of the minimum required 2.75 m.
4. To permit a 9.5 m dwelling height for a proposed 1 ½ storey detached dwelling instead of the maximum permitted 8.5 m.
5. To permit 27% lot coverage for a proposed 1 ½ storey detached dwelling instead of the maximum permitted 25%.
6. To permit a patio in a front yard whereas Zoning By-law 2020, Part 1, Section 2.24 does not permit any hard surface other than a driveway or walkway in the front yard.

Notes:

1. A zoning clearance certificate is required for the proposed dwelling.
2. The variations identified are based on the plans provided, date stamped received by Committee of Adjustment October 7, 2016. Any changes to the plans resulting in additional variations will be the responsibility of the applicant to obtain.

Date: November 3, 2016

Prepared By: C. Lipnicky

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Site Planning

The subject application has been revised based upon the Committee of Adjustment deferral of the subject application at its meetings of June 20, 2016 & August 22, 2016. The applicants have revised the plans by reducing the height of the proposed dwelling and adding floor area into the existing attic space of the dwelling, which converts the single storey dwelling into a one and a half storey dwelling. This change has resulted in a revised height variance of 9.5m, as opposed to the previously proposed 10m. The addition of the floor area in the attic has converted the dwelling to a one and a half storey dwelling, which has a lower permitted lot coverage (25%) than a single storey dwelling (35%). This has resulted in an additional variance as the proposed dwelling would exceed the maximum permitted lot coverage. These revisions have not changed the proposed location or footprint of the dwelling.

As a result of the additional dwelling storey, planning staff have new comments with respect to the proposed coverage variance. Staff's position regarding the other 5 variances has not changed; and as such, the staff comments from June 2016 and July 2016, are attached below for Committee's review and consideration. Additional comments dated November 14, 2016 are located immediately below.

Additional comments dated November 14, 2016 regarding proposed increased lot coverage:

The maximum permitted lot coverage has decreased, as the applicants have added floor area into existing attic, which has converted the dwelling from a single storey dwelling to a one and a half storey dwelling. The Zoning By-law has a maximum lot coverage of 35% for a single storey dwelling and 25% for all other dwelling types. The applicants are proposing 27% lot coverage.

Planning staff is of the opinion that the proposed lot coverage meets the 4 tests, as set out in the *Planning Act*. The proposed additional floor area would not increase the dwelling height or building footprint. To that end, the exterior appearance of the dwelling would not change as a result of the increased floor area. The intent behind the lot coverage provision is to prevent overbuilding, to control bulk and massing and to help maintain the character of an area. In addition, lot coverage provisions ensure that a sufficient amount of open space is maintained within a lot relative to the size of the structure. The amount of open space assists in creating compatibility within the neighborhood by providing buffer areas and amenity space. The lot coverage provisions in the Zoning By-law are based on the number of storeys for a proposed dwelling and include reduced lot coverage provisions within designated areas. It is staff's opinion that the proposed lot coverage would not compromise the amount of buffer areas or amenity space. To that end, staff is of the opinion that the proposed lot coverage is in keeping with the general intent and purpose of both the Official Plan and Zoning By-law; is considered desirable for the appropriate development of the property; and is considered minor in nature.

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Planning staff's opinion with respect to variances 1 – 4 & 6 remains the same as outlined in staff original comments dated June 2, 2016 & July 22, 2016 (attached below).

Comments dated July 22, 2016 regarding regarding revised front yard setback – For Information Only

The applicant has increased the proposed front yard setback from 6.5m to 8.5m, whereas the Zoning By-law requires 11m.

Planning staff is of the opinion that the revised front yard setback meets the 4 test, as set out in the *Planning Act*. Planning staff is of the opinion that the revised front yard setback would appropriately address compatibility with the adjacent properties and the overall streetscape. With respect to the proposed front yard setback, the proposed 8.5m setback would be to the closest point between the front property line and the front wall; however, the majority of the front wall is actually setback at approximately 9m. This is approximately the same setback distance as the front porch of the existing dwelling. While the front wall would encroach slightly into an established building line, the encroachment would only be for the garage width of approximately 8.5m, whereas the property width is approximately 27m. As such, the impact of the proposed front yard setback encroachment is considered minimal. Staff is of the opinion that the proposed front yard setback revision has appropriately addressed the previously identified compatibility issue with the adjacent property. To that end, staff is of the opinion that the revised front yard setback is in keeping with the general intent and purpose of both the Official Plan and Zoning By-law; is considered desirable for the appropriate development of the property; and is considered minor in nature.

Planning staff's opinion with respect to variances 2 – 5 remains the same as outlined in staff original comments dated June 2, 2016 (attached below).

Date: July 22, 2016

Prepared By: Kyle Plas, MCIP, RPP

PLANNING COMMENTS OF JUNE 2, 2016 - FOR INFORMATION ONLY

The subject property is located on the north side of Ann Ave in a mature neighbourhood, and is known municipally as 499 Ann Ave. The subject property is located in the South Aldershot Planning District and generally located south of Townsend Ave and west of Kingsway Drive. The subject property currently contains a one storey single detached residential dwelling. The applicants have requested relief of the required front yard setback; side yard setbacks; max dwelling height and front yard provisions to facilitate the construction of a new one storey single detached residential dwelling.

1) Official Plan Designation:

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

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intent and purpose of the Official Plan?

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

VariANCES #1 - 3 – Front and side yard setbacks**NO**

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 reduced front yard setback is intended to permit the proposed location of the attached projecting garage, at a reduced setback to Ann Ave. The front yard setback deficiency is the result of the applicant’s desire to have a rear yard setback that exceeds the minimum required rear yard setback, such that additional amenity space would be available within the rear yard of the proposed building. Similarly, the applicant has indicated that the proposed reduced side yard setbacks are intended to permit a dwelling that is wider than the setbacks would allow.

Planning staff is of the opinion that compatibility and the streetscape would be negatively impacted if the proposed reduced setbacks were approved. With respect to the proposed front yard setback, the proposed building would encroach into an established building line that currently exists along the north side of Ann Ave, which would negatively impact the streetscape along Ann Ave. Further, the proposed front yard setback has the potential to negatively impact compatibility with the adjacent properties as it would protrude a considerable distance further towards Ann Ave than the dwellings on the adjacent properties.

With respect to the proposed side yard setbacks, staff is of the opinion that the proposed side yard setbacks would negatively impact the streetscape along the north side of Ann Ave. The proposed setbacks would impact the consistency of building separation that exists along Ann Ave and would negatively affect the open character of the properties that exists along this portion of Ann Ave.

The City’s Official Plan sets out that any City Council-approved design guidelines are considered City policy and shall be implemented for all public and private development proposals. According to the City’s Urban Design Guidelines for Low Density Residential

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Zones, the front, rear and side yards of new dwellings should respect and relate to those of the adjacent lots. Specifically, the guidelines set out that the site layout and setbacks of a proposed dwelling should be consistent with the adjacent homes. The proposed dwelling location would have a smaller front yard setback than the adjacent homes along Ann Ave, and would also have smaller side yard setback than the majority of properties along Ann Ave. As such, staff is of the opinion that the proposed building design would not respect or relate to the setbacks of the adjacent lots or other properties in the immediate vicinity.

The Design Guidelines for Low Density Residential Zones also set out that garages should not be the dominant feature of a dwelling and their visual impact on a streetscape should be minimized. Specifically, the guideline sets out that garages shall be recessed or located behind the main face of the dwelling as projecting garages are strongly discouraged. The proposed reduced front yard setback is the result of the location of the proposed projecting garage. Staff is of the opinion that reducing the required front yard setback to facilitate the proposed projecting garage would not comply with the Design Guidelines or maintain the general intent and purpose of the City's Official Plan.

Planning staff is concerned that reducing the front yard and side yard setbacks would negatively impact the streetscape along the north side of Ann Ave, as adjacent properties contain greater setbacks than what is being proposed for the subject property. As such, staff is of opinion that the proposed front and side yard setback variances do not maintain the intent of the Official Plan and should be refused.

Variance #4 – Dwelling height**NO**

The Official Plan contains a policy that shall be considered when evaluating minor variance applications for increased height to detached dwellings in low density residential designations. The policy sets out that the maximum building height should not exceed the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application. The intent is to ensure that new dwellings or additions to existing dwellings are proportional with similar dwelling types in the immediate vicinity. In this case, the applicant has not submitted a height survey confirming the average height of adjoining dwellings; however, it is believed that the proposed dwelling height would exceed the average height of the adjoining properties that share lot lines with the subject property. Notwithstanding, given that a height survey has not been provided, staff are unable to confirm that the aforementioned Official Plan policy or the general intent and purpose of the Official Plan have been met.

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Variance #5 – Front yard patio**YES**

The applicants are proposing an unenclosed hard surface area at the front of the dwelling, (i.e. courtyard) adjacent to the driveway. As outlined, the Official Plan sets out that compatibility and streetscape are to be considered with any redevelopment within an existing neighbourhood. Staff is of the opinion that the proposed hard surface area at the front of the dwelling would not have any impact on either the streetscape or compatibility with adjacent properties. To that end, staff is of the opinion that the proposed relief to facilitate this front patio / courtyard area would maintain the general intent and purpose of the Official Plan.

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

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

Variance #1 – Front yard setback**NO**

The applicant requests approval of a variance to permit a reduced front yard setback. The applicant requests a front yard setback of 6.5m instead of the minimum required 11m for a projecting attached garage. As outlined previously, the applicants are requesting a reduced front yard setback in order to provide a larger amenity area in the rear yard, beyond the minimum required rear yard setback.

The intent behind the front yard setback regulation is to ensure consistency with an established building line and also to maintain an aesthetically pleasing streetscape along a street. To that end, the intention is to promote the orderly development of a street by ensuring that new buildings or building additions not encroach closer to the street than the established building line that may exist on a street.

To ensure consistency with an established building line along the north side of Ann Ave, staff have reviewed the existing setbacks of properties in the immediate vicinity and have determined that the proposed front yard setback (i.e. 6.5m) would be the smallest front yard setback along the north side of Ann Ave. The only property along the north side of Ann Ave, within this block, that does not currently comply with the minimum required front yard setback is 481 Ann Ave. 481 Ann Ave has the smallest front yard setback to Ann Ave in the immediate vicinity (6.9m); however, this property is considered legal non-conforming as it was constructed in 1955, prior to the enactment of the current Zoning By-law. It should also be noted that 481 Ann Ave has a much

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shorter depth than the subject property. Notwithstanding, the proposed front yard setback of the subject property would represent a further encroachment into the minimum required front yard setback and would be significant smaller than the front yard setbacks of the immediately abutting properties.

Planning staff is of the opinion that the proposed setback would result in a dwelling that would encroach into an established building line, which would negatively impact the streetscape along the north side of Ann Ave. It is also noted that there is sufficient room, within the permissions of the Zoning By-law, to relocate the proposed dwelling further to the rear of the property to be more in-line with the expectations of the Zoning By-law. Therefore, staff is of the opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law and should be refused.

Variances 2 & 3 – Side yard setbacks**NO**

The applicant is requesting reductions in the side yard setbacks (east & west) to permit the proposed dwelling to encroach into the minimum required side yards. The side yard regulation for the R2.1 zone is determined based upon the lot width (10% of lot width). In this case, the minimum required side yard setbacks would be 2.74m, whereas the applicants are proposing 1.8m for both the east and west side yard setbacks.

The intent of the side yard setback provision is to ensure consistency in separation between adjacent structures, as well as ensuring an adequate amount of area for maintenance of the building and property within the property boundaries. Side yard setbacks assist in achieving an aesthetically pleasing streetscape by spacing buildings uniformly. Compatibility and privacy between adjoining properties is also protected through the implementation of appropriate side yard setbacks.

While the proposed side yard setbacks would provide sufficient distance for construction, privacy and maintenance, staff is concerned that the proposed side yard setbacks would not maintain the open space character of the neighbourhood by providing appropriate open space on each side of the building. Within the R2.1 zone, the expectation of the Zoning By-law is that the minimum required side yard setbacks will reflect the width of the property. As such, the greater the width of the property, the greater the side yard setback requirements to preserve a spacious, open character of a neighbourhood. It should be noted that there are not any unique circumstances that warrant reduced side yard setbacks; the applicants simply desire a dwelling that is wider than the current Zoning permits. Staff is of the opinion that the proposed setbacks would erode the existing streetscape appearance and result in a development that would not reflect the character of the area. Staff is of the opinion that the proposed side yard setbacks would not maintain the general intent or purpose of the Zoning By-law.

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Variance #4 – Dwelling height**NO**

The applicant requests an increased dwelling height of 10m instead of the maximum permitted 7.5m to facilitate the construction of a new single storey dwelling. The Zoning By-law contains maximum height provisions for 1, 1 ½, and 2 storey residential dwellings. The intent of the height provisions is to ensure that dwellings and additions to existing dwellings are consistent with the proportions of other similar dwelling types in the area. To that end, these provisions ensure that new dwellings or additions to dwellings do not have a mass and scale that is significantly greater than surrounding dwellings and do not dominate a streetscape. In this case, the applicant is proposing a dwelling height of 10m for a single storey dwelling, which exceeds the maximum permitted height for a single storey dwelling (7.5m), 1 ½ storey dwelling (8.5m) and actually equals the maximum permitted height for a 2-storey dwelling (10m). The intent of the maximum height regulations in the Zoning By-law is to ensure appropriate linear heights in relation to the scale and type of dwelling. It is also meant to protect neighbourhood character and continuity along a streetscape. Staff is of the opinion that the proposed zoning relief does not maintain the general intent and purpose of the Zoning By-law.

Variance #5 – Front yard patio**YES**

The applicants are proposing to have a hard surface area (i.e. patio / courtyard) at the front of the proposed dwelling, whereas the Zoning By-law only permits a driveway and / or a walkway in the required front yard. The intent of this provision is to ensure that front yards and streetscapes are not dominated by hard surface, but rather incorporate an appropriate amount of landscaping to contribute to the overall streetscape. The proposed patio / courtyard is a small unenclosed area at the front of the proposed dwelling, which provides a hard surface connection between the front entrance and the proposed garage. Staff is of the opinion that the proposed patio / courtyard is a minor feature that will not have a negative impact on the streetscape. In addition, there is sufficient open space proposed along the width of the front yard, which would minimize impact of the hard surface areas. Staff is of the opinion that this requested variance maintains the general intent and purpose of the Zoning By-law.

3) Desirability:

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

Variances #1-3 – Front and side yard setbacks**NO**

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The proposed variances for the reduced front yard and side yard setbacks would result in development that is not considered compatible or consistent with adjacent properties or the streetscape of the surrounding area. It is not considered desirable as it would facilitate the construction of a structure that would encroach closer to the front property line than other properties in the area and have a negative impact on the streetscape in this area. To that end, the proposed development would not maintain or be reflective of the overall character that currently exists along the north side of Ann Ave. As such, staff is of the opinion that the proposed relief from the front yard and side yard setback provisions is not considered desirable or appropriate and should be refused.

Variance #4 – Dwelling height**NO**

If approved, relief of this variance could result in development that is not considered to meet the general intent and purpose of either the Official Plan or Zoning By-law. While the proposed development is intended to increase the functionality and appearance of the subject property, the impact on the streetscape is not considered favourable as the proposed height would exceed the maximum permitted height and the average height of the dwellings on the adjacent properties. As such, staff is of the opinion that the relief of this zoning provision is not considered desirable for the appropriate development of the subject property.

Variance #5 – Front yard patio**YES**

The requested variance to permit a patio / courtyard in the front yard is considered desirable as relief from such would allow the property owners to include a feature at the front of the proposed dwelling that would increase its functionality without impacting the overall streetscape. Staff is of the opinion that the character of the neighbourhood and the streetscape would not be impacted by this feature. Further, existing and proposed landscaping would assist in screening and softening the appearance of the proposed patio / courtyard. Staff is of the opinion that no adverse impacts would result on the subject property or adjacent properties if this variance is approved.

4) Minor in Nature:

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

Variances #1-3 – Front and side yard setbacks**NO**

Staff is of the opinion that the requested variances to facilitate the proposed reduced

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front and side yard setbacks are not minor in nature given that they would allow a development that does not protect the character of the area or compatibility with adjacent properties. The overall impact of the proposed development is such that it could negatively impact surrounding properties and should be refused.

Variance #4 – Dwelling height

NO

Staff is of the opinion that the requested variance to facilitate the proposed increased height is not minor in nature given that it would permit a development that does not protect the character of the area or compatibility with adjacent properties. Staff do not consider the proposed zoning relief minor in nature as the overall impact of the development is such that could negatively impact compatibility with surrounding properties.

Variance #5 – Front yard patio

YES

Staff is of the opinion that the variance requested to permit the front yard patio / courtyard in front of the proposed dwelling is considered minor in nature, given that the proposed patio / courtyard is not likely to produce any adverse impacts to the subject property, adjacent properties or the existing streetscape.

Cumulative Effects of Multiple Variances and Other Planning Matters:

The requested variances will have a cumulative effect that will create a greater impact, should all the requested variances be approved. Staff is of the opinion that relief of variances 1-4 would result in a negative impact on the character of the area and compatibility with adjacent properties.

Recommendation:

Variances # 1 – 4 – Front and side yard setbacks, and dwelling height

Staff has reviewed the proposed variances in accordance with the Planning Act, the policies of the City's Official Plan and the requirements of Zoning By-law 2020 and object to the variances requested and recommend that these variances be refused.

Variance # 5 – Front yard patio

Staff has reviewed the proposed variance in accordance with the Planning Act, the policies of the City's Official Plan and the requirements of Zoning By-law 2020 and has no objection.

Note: A concurrent site plan application has been submitted and is in process as File MD-020/16.

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Date: June 2, 2016Prepared By: Kyle Plas, MCIP, RPP**Site Engineering**

Site Engineering has reviewed the proposed and existing minor variances and has no objections.

Note:

Site Engineering will require grading and drainage plans to be approved prior to a building permit being issued.

Date: November 17 2016Prepared By: A. Scott**Building**

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

Date: November 16, 2016Prepared By: Kathy Pavlou**Transportation Planning**

No transportation issues with this minor variance application.

Date: November 9/2016Prepared By: Dan Ozimkovic**Finance****Notice regarding Development Charges:**

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

Tax

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

Date: Nov 3, 2016Prepared By: L. Bray

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HEARING NO. 4 - 6:30 P.M.

File

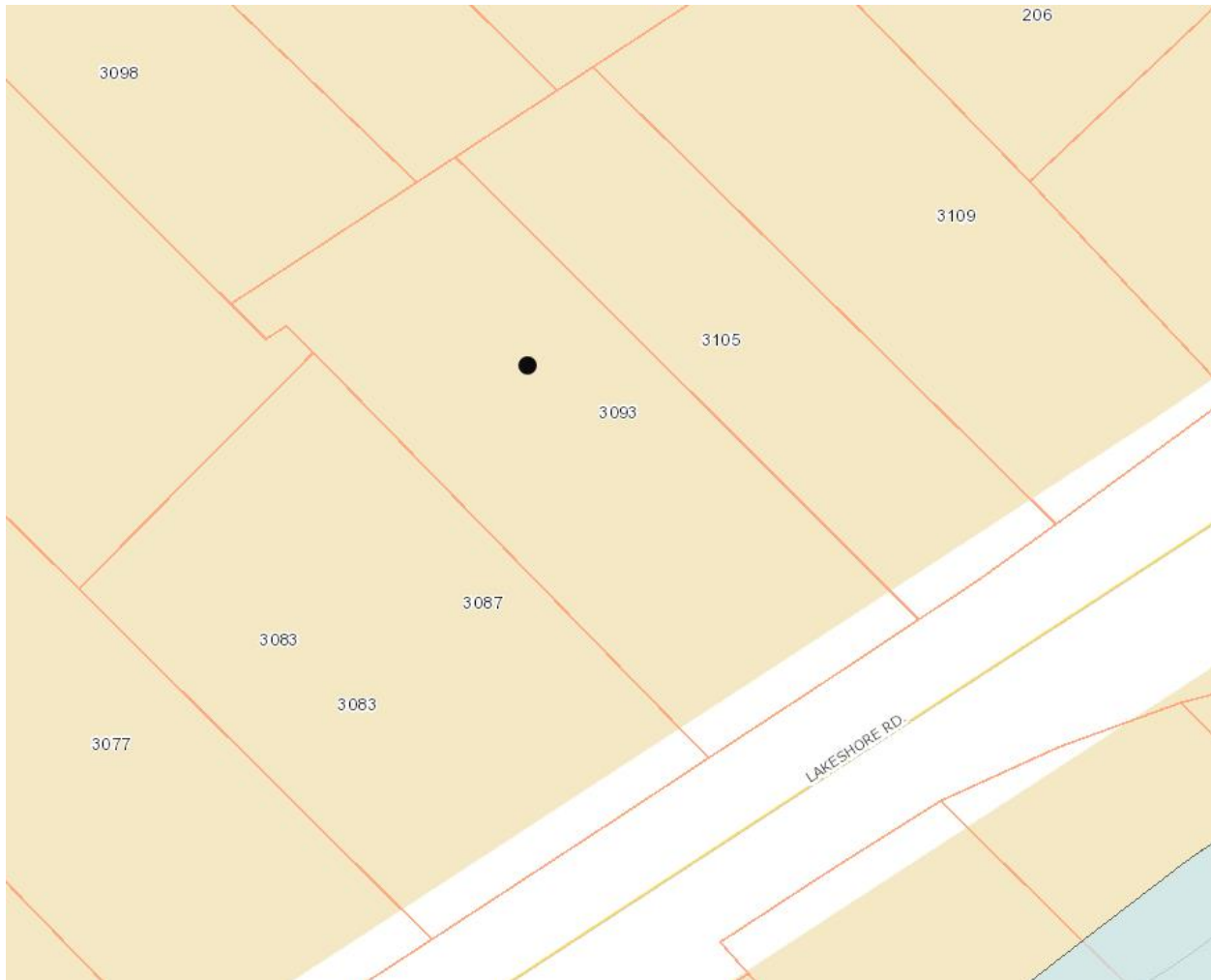
540-02-A-134/16

PROPERTY:

3093 Lakeshore Rd.,
PLAN 136 LOTS 22,23
City of Burlington - Regional Municipality of Halton.

VARIANCES:

1. To permit a 2.2 m west side yard setback instead of the minimum required 3.05 m for a proposed 2 storey garage addition on an existing 2 ½ storey dwelling.
2. To permit 0.7 m east side yard setback for an existing 54.2 m² accessory building (detached garage) located in a required side yard instead of the minimum required 3.05 m.



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STAFF REPORTS:**PLANNING AND BUILDING DEPARTMENT COMMENTS****Committee of Adjustment**

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

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

A935/1965 – Approved

- NE Side Yard

A032/2016 – Approved

- To permit a 1.7 m east side yard setback whereas Zoning By-law 2020, Part 2, Section 4.1, Table 2.4.1 requires a minimum 3.05 m for a second storey addition on an existing 2 ½ storey dwelling.

Date: October 17, 2016

Prepared By: Amanda D'Angelo

Zoning

The applicant is proposing the construction of an attached 2 storey garage addition on the west side of the existing dwelling constructed in 1915. The garage addition will result in the existing legal non-conforming detached garage to be located in the required side yard.

Variances required:

1. To permit a 2.2 m west side yard setback instead of the minimum required 3.05 m for a proposed 2 storey garage addition on an existing 2 ½ storey dwelling.
2. To permit 0.7 m east side yard setback for an existing 54.2 m² accessory building (detached garage) located in a required side yard instead of the minimum required 3.05 m.

Notes

3. A zoning clearance certificate is required for the proposed garage addition.
4. Submission of plans for zoning certificate will require submission of the ground floor plan of the dwelling with all outside dimensions shown.
5. The applicant is to contact site engineering regarding a grading approval.
6. A variance was obtained for the north east side yard setback in 1965 to facilitate an addition at that time.
7. In 2016, a variance for the east side yard setback for a second storey addition was obtained under file 540-02-A32/16
8. Assessment records indicate that the existing detached garage was constructed at approximately the same time as the dwelling, in 1915.

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9. The variances identified are based on the plans provided. (stamped received by Committee of Adjustment on October 13, 2016) Any changes or additions to the plans resulting in additional variances will be the responsibility of the applicant to obtain.

Date: November 3, 2016Prepared By: C. Lipnicky**Site Planning****1) Official Plan Designation:**

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

Yes

The subject property is located on the north side of Lakeshore Road, east of Guelph Line. It currently supports a single detached house with a rear detached attached garage building. This development is in keeping with the "Residential – Low Density" designation under the City's Official Plan. Under the subject application, the property owner proposes the construction of a new garage addition on the west side of the property while also retaining the existing detached garage/accessory building.

The Official Plan permits the construction of a new garage addition provided that the structure is compatible with the scale, urban design and community features of the neighbourhood. Staff is satisfied that the objectives of the Official Plan related to overall compatibility will be met. The proposed garage addition is designed to integrate with the existing house in terms of size and design and will be compatible in the area.

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

By-law 2020 includes various regulations used to promote compatible development. In this case, the By-law requires that the new garage addition maintain a west side yard setback of 3.05 m where 2.2 m is proposed. The existing garage on the east side of the property is subject to the same 3.05 m side yard setback requirement, although it currently maintains a setback of 0.7 m in that yard.

Attached Garage Addition

The By-law permits a garage addition subject to various regulations including a side

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yard setback of 3.05 m (10% of lot width). The intent of the regulation is to ensure that there is adequate space maintained around the structure for outside access to the rear yard and for maintenance purposes. The setback also assists with the retention of space between structures on adjacent lots.

Given the location of the existing house and a desire to line the garage addition up with the existing driveway, an 85 cm encroachment into the 3.05 m setback is considered reasonable. Staff considers the encroachment to be minor and is of the opinion that the intent of the By-law (access and spacing) will be met. The location of the garage promotes the orderly development of the property.

Staff also notes that the garage design (including height) ensures that it retain a subordinate role on the property as an addition to the main dwelling.

Existing Garage/Accessory Building

As part of the review of the development plan for the proposed garage addition, it was noted that an existing garage building does not comply with the 3.05 m side yard setback requirement. The detached garage maintains a setback of .7 m in the east side yard. While staff would prefer that a larger setback be maintained in this yard, it is understood that the variance would only serve to recognize an existing structure and that no expansion or modification is proposed for the existing garage building.

Staff does not object to the approval of a variance recognizing the location of the existing garage building but note that this building may not be expanded or enlarged in conjunction with the approval of the subject variance application.

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

In each case the variances are desirable to allow for the construction of an attached garage and to allow for the retention of an existing garage/accessory building, increasing the overall function and utility of the existing property.

4) Minor in Nature:

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

Yes

The variances are considered minor in terms of impact to adjacent properties. The

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encroachment into the west yard is relatively small at 85 cm and the encroachment into the east side yard is existing.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Individually or together the variances are considered acceptable for the orderly development of the property.

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:

1. The encroachment into the east side yard is approved for the existing building only and any future enlargement or expansion must comply with the applicable zoning regulations.

Date: November 16, 2016Prepared By: Charles Mulay MCIP RPP**Site Engineering**

Actual road width is irregular and varies from 20.11 to 22.06m. Deemed road width is 30m. A road widening ranging from 5.05 to 5.97m will be required. Only a professional OLS can determine the actual road widening dimension.

Date: October 18, 2016Prepared By: A. Capone

Site Engineering has reviewed the proposed and existing minor variances and has no objections.

Note:

Site Engineering will require grading and drainage plans to be approved prior to a building permit being issued.

Date: November 17 2016Prepared By: A. Scott**Building**

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

Date: November 18, 2016Prepared By: Kathy Pavlou

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Transportation Planning

No transportation issues with this minor variance application.

Date: November 9/2016Prepared By: Dan Ozimkovic**Finance****Notice regarding Development Charges:**

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

Tax

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

Date: Nov 7, 2046Prepared By: L. Bray

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HEARING NO. 5 - 6:30 P.M.

File

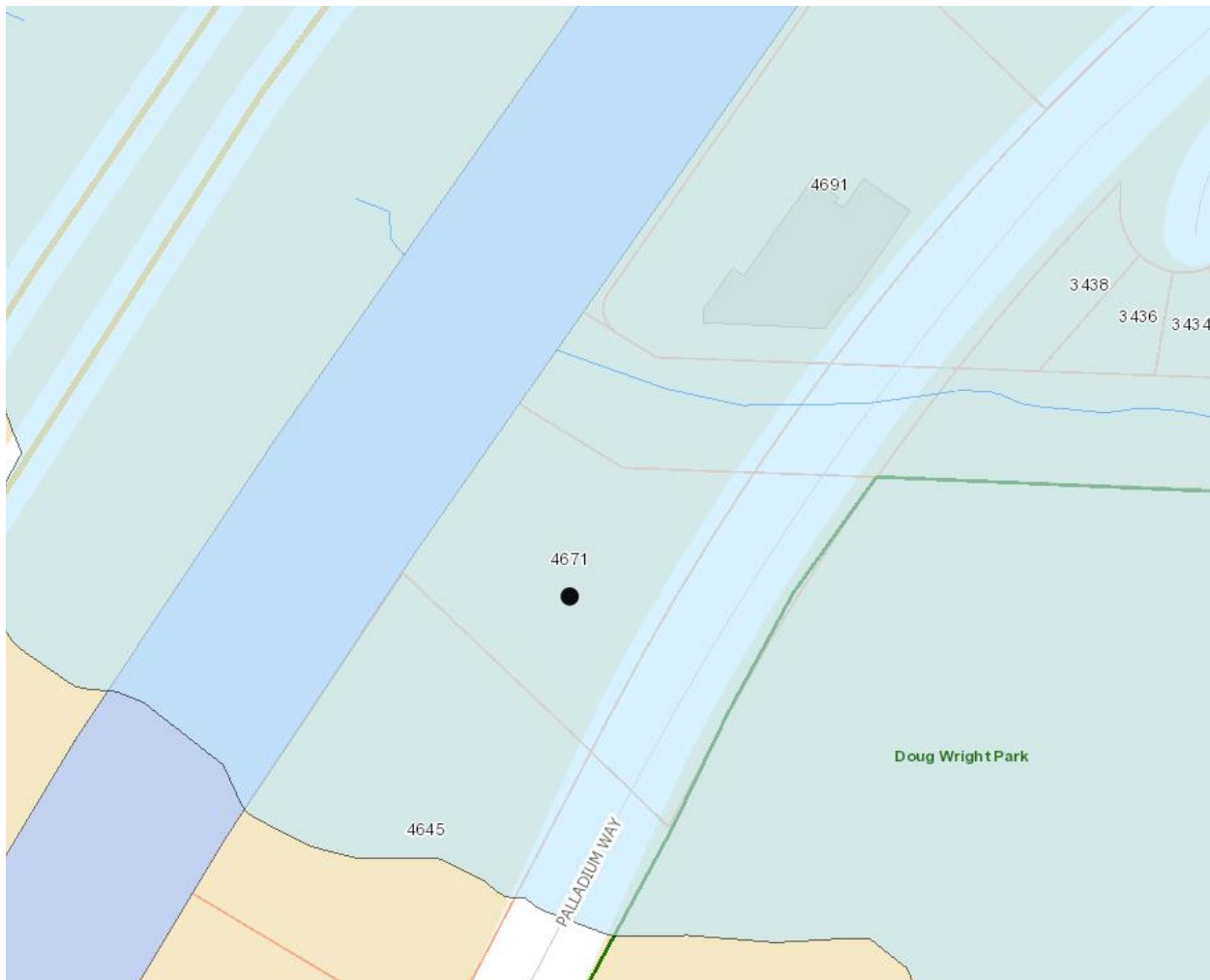
540-02-A-135/16

PROPERTY:

4671 Palladium Way,
PLAN M1035 BLK 89
City of Burlington - Regional Municipality of Halton.

VARIANCE:

- 1) To permit a 112 m2 credit union in a building with a total building floor area of 1650 m2 instead of the requirement that a credit union is only permitted on a lot with a total building floor area of 3000 m2 .



COMMITTEE OF ADJUSTMENT

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PLANNING AND BUILDING DEPARTMENT COMMENTS**Committee of Adjustment**

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

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

File No. A012/2009 – Approved

- To permit a minimum 3.0 m landscape area abutting Highway 407 instead of the required 15.0 m
- To permit 55 required parking spaces for the proposed building located outside of the MTO setback abutting Highway 407 and the 15.0 m landscape area abutting Highway 407 instead of the required 74 spaces. (Note: 55 spaces are accessible from driveways as shown on the site plan submitted without accessing the 15 m landscape area required abutting Highway 407 or the MTO setback. 26 additional parking spaces will be provided on site to a total of 81 spaces subject to approval of the MTO and C. of A.)
- To permit a required parking space to also be used for loading / unloading instead of the requirement that one exclusive loading / unloading space be provided for the building

File No. A095/2015 – Approved

- To permit a 3 m minimum landscape area abutting Highway 407 whereas Part 3, Section 4.8 requires a landscape area of 15 m abutting Highway 407
- To permit a 4 m minimum landscape area abutting a street having a deemed width of 26 m or greater (Palladium Way) where as Part 3, Section 4.8 requires a landscape area of 6 m abutting a street having a deemed width of 26 m or greater
- To permit 2 tandem parking spaces whereas Part 1, Section 2.26(1)(a) requires that a parking space must be readily accessible without obstructions at all time for parking and removal of a motor vehicle without the necessity of moving any other vehicle or obstruction
- To permit 43 parking spaces whereas Part 1, Section 2.25 – Table 1.2.6 requires 48 parking spaces to facilitate the proposed building
- To permit the required loading space to be obstructed by 4 tandem parking spaces whereas Part 1, Section 2.26(1)(a) requires that a parking space must be readily accessible without obstructions at all time for parking and removal of a motor vehicle without the necessity of moving any other vehicle or obstruction
- To permit a 2.6 m minimum parking space width whereas Part 1, Section 2.26(1)(a) requires a 2.75 m minimum parking spaces width
- To permit a 15.6 m² minimum park space area whereas Part 1, Section 2.26(1)(a) requires a 16.5 m² minimum parking space area

Date: October 17, 2016

Prepared By: Amanda D'Angelo

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Zoning

The applicant is proposing a 112 m² credit union use within the proposed building.

The following variances are required:

- 1) To permit a 112 m² credit union in a building with a total building floor area of 1650 m² instead of the requirement that a credit union is only permitted on a lot with a total building floor area of 3000 m² .

Notes:

- A zoning clearance certificate is required for the proposed credit union use
- Proposed change of use may be subject to Development Charges and Park Dedication fees.
- Comments prepared based upon the plan submitted. Any additional variances determined through further reviews will be the applicant's responsibility.

Date: November 4, 2016

Prepared By: Mark Dalrymple

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

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

Yes

The subject property is designated "Business Corridor" within the City's Official Plan. This designation encourages uses that generate employment in the City including offices, industrial uses and some select retail and service commercial uses (banks) that are deemed to support the main employment use.

The "Business Corridor" expects that where service commercial uses are proposed that they be contained within a building having a floor area greater than 3000 m². This ensures that the commercial function is minor and ancillary to the main employment use. It also greatly reduces drawing the general public to the area relative to employment.

The Official Plan does not speak specifically about credit unions. Staff notes that although a credit union can sometimes operate in a similar manner to a bank which is specifically identified, it can also operate in a different way.

In the case of this application, the credit union is proposed to be 112 m² in size. Staff notes that credit unions that are open and geared to full public use are usually

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substantially larger than the proposed 112 m². Like banks, larger type credit unions can be approximately 400-500 m² in floor area. In this regard, staff is of the opinion that the limited size of the proposed credit union will help to ensure that its use will remain ancillary to the employment uses in the area.

Given the small size of the unit and the intention that the credit union remain ancillary to the main employment use, the request to locate it in a building having a floor area of less than 3000 m² is considered to be in keeping with the general intent and purpose of the Official Plan.

2) Zoning By-law Designation:

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

Yes

The applicant is requesting relief from the provisions of the BC1-319 zone in accordance with Zoning By-law 2020, as amended. The Zoning By-law states that banks and credit unions (service commercial uses) are permitted subject to such uses being situated within a building with a size of at least 3000 m². Similar to the Official Plan policies noted above, the intent of the Zoning By-law is to ensure that employment uses remain the primary function in the area.

The Zoning By-law does contemplate banks and credit unions within this employment zone. The By-law classifies banks and credit unions as similar uses since in many cases they operate in a very similar manner, especially with regards to size and how they serve the public. This ensures that service commercial type uses remain secondary and subordinate to the primary employment function of the area.

Staff has reviewed the subject proposal and note that in this case, the proposed credit union is meant to serve Halton Regional Police staff and their families and also the Police staff that will be employed within the proposed building. In this way, the credit unit acts much more like an administrative type use (office) than a service commercial type use (typical bank). It is focused on a specific employer. It is considered supportive to an employment use.

Furthermore, staff note the limited size of the credit union unit and are of the opinion that this will ensure it operate as an ancillary use to the principal employment uses in the area, notwithstanding the size of the building in which it is contained. Staff is of the opinion that the request for relief from the minimum required floor area for the building in which the credit union is located is appropriate and meets the general intent and purpose of the Zoning By-law.

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3) Desirability:

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

Yes

The building in which the credit union is proposed to be located has not yet been constructed. In this regard, there are no existing uses on the subject property. The establishment of a police credit union within a new building will bring employment to the City of Burlington – more specifically to an employment area – which is a desirable and strongly encouraged use of the land.

4) Minor in Nature:

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

Yes

It is important to note that the use being proposed is permitted; it is only the size of the building which it is located that is deficient. As previously mentioned, the building size requirement contemplated the general public routinely accessing the use and ensures that the credit union remain minor and incidental to the main employment use of the building. Given the size and proposed operation of the credit union, inclusion in a larger building is not required and it is the opinion of staff that the variance request is minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

N/A

Recommendation:

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

1. The credit union use be limited to a floor area of 112 m² as described in the plans submitted in support of the subject application.

Date: November 22, 2016Prepared By: Melissa Morgan

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Site Engineering

Actual road width is equal to or greater than deemed road width (26m) No road widening required.

Date: October 18, 2016Prepared By: A. Capone

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

Date: November 18 2016Prepared By: A. Scott**Building**

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

NOTE: Compliance to OBC 3.2.5.5.(4) Location of Access Routes for the proposed unit to be reviewed to the satisfaction of the City of Burlington Fire Department.

Date: November 18, 2016Prepared By: Kathy Pavlou**Transportation Planning**

No transportation issues with this minor variance application.

Date: November 9/2016Prepared By: Dan Ozimkovic**Finance****Notice regarding Development Charges:**

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

Tax

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

Date: Nov 8, 2016Prepared By: L. Bray

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Conservation Halton

Re: Minor Variance Application
File Number: 540-02-A-135/16
4671 Palladium Way, City of Burlington
1811087 Ontario Ltd. (Applicant)

Conservation Halton (CH) staff has reviewed the above-noted application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) with Halton Region; and as a public body under the *Planning Act*. These responsibilities are not mutually exclusive. Comments that pertain to items contained in the MOU may also apply to areas regulated under Ontario Regulation 162/06.

The following comments relate to the items marked as “applicable” for this specific application. Comments under Ontario Regulation 162/06 are clearly identified and are requirements. Other comments are advisory.

Ontario Regulation 162/06**Applicable**

Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances	<input type="checkbox"/>
River and Stream Valley Hazards (flooding/erosion) &/or allowances	<input checked="" type="checkbox"/>
Wetlands &/or Other Areas*	<input type="checkbox"/>
Hazardous Lands (Unstable Soil/Unstable Bedrock)	<input type="checkbox"/>
CH Permit Requirements	<input checked="" type="checkbox"/>

One Window Delegated Authority under PPS

Natural Hazards (Sections 3.1.1-3.1.7 inclusive)	<input checked="" type="checkbox"/>
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CA/MOU

Impacts on Lakes and Rivers	<input type="checkbox"/>
Wildlife Habitat	<input type="checkbox"/>
Endangered & Threatened Species	<input type="checkbox"/>
Fish Habitat	<input type="checkbox"/>
Stormwater Management (as per Schedule I)	<input type="checkbox"/>
Sub-watershed Planning/Master Drainage Planning	<input type="checkbox"/>

Other Comments (as a Public Body)

Niagara Escarpment Plan	<input type="checkbox"/>
Watershed Plan	<input type="checkbox"/>
Greenbelt Plan	<input type="checkbox"/>
Source Protection Plan	<input type="checkbox"/>
Hamilton Harbour Remedial Action Plan	<input type="checkbox"/>

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Proposal

The purpose of the above-noted Minor Variance Application is to permit a 112 sq. m credit union use within the proposed building. The following variance is required as indicated by Zoning:

1. To permit a 112 square metre credit union in a building with a total building floor area of 1,650 square metres instead of the requirement that a credit union is only permitted on a lot with a total building floor area of 3,000 square metres.

Ontario Regulation 162/06

The subject property is adjacent to a tributary of Sheldon Creek. Specifically, the creek block abutting the subject property contains the watercourse and associated hazards. It has been determined that the Regional Storm Floodplain is the greater hazard, contained within the creek block, of which the 7.5 metre regulatory limit and associated policies apply. As such, Conservation Halton regulates a distance of 7.5 meters into the property, from the limit of the creek block (east property line).

River and Stream Valley Hazards (flooding/erosion) &/or allowances

As confirmed through New Site Plan Application [535-001/16], the proposed building of which the 112 square metre credit union is to be located within is proposed outside of the portion of the property considered to be regulated by Conservation Halton. As variances requested pertain to development within a structure located outside of Conservation Halton's regulated area, staff raise no concern and have no objection to the variances requested.

CH Permit Requirements

The 1,650 square metre building proposed does not require a Permit pursuant to Ontario Regulation 162/06 as it is located outside of the regulated area, as confirmed through the above noted New Site Plan Application. Conservation Halton issued Permit # 5421 [CH File A/16/B/49] for the proposed grading, landscaping, and concrete pads within the 7.5 metre regulated area in association with the proposed building, and Permit #5420 [CH File A/16/B/52] for the associated new outfall to a tributary of Sheldon Creek associated with the 1,650 square metre building. Staff have no further requirements in this regard.

MNRF/MMAH/CA MOU and CA/Halton MOU*PPS - Natural Hazards*

As per Policy 4.2.3 of Conservation Halton's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*, staff works with the applicant and municipality to ensure no new development, be permitted within the flooding and

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erosion hazard limits, that would be contrary to the Provincial Policy Statement and/or Conservation Halton policies. While specific comments relating to *Natural Hazards* and *Flood Hazards* can be found under the heading 'Ontario Regulation 162/06', staff are able to confirm that the proposed development meets the PPS and Conservation Halton Policy, as the proposed building is located outside of the regulated area staff have no further comment in this regard.

Conclusion

Based on the above, Conservation Halton has **no objection** to the approval of the above-noted Minor Variance application.

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

Yours truly,

Original Signed

Cassandra Connolly
Environmental Planning Analyst
CC/