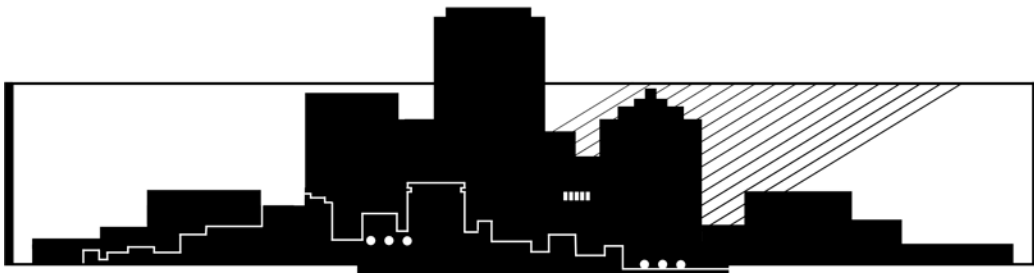


COMMITTEE OF ADJUSTMENT
August 28, 2017

AGENDA



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

COMMITTEE OF ADJUSTMENT

MEETING #15

Meeting Date: Monday August 28, 2017

TIME OF MEETING:	6:30 P.M.
PLACE OF MEETING:	Council Chambers 2nd Floor City Hall

AGENDA

DECLARATION OF INTEREST:

HEARING NO.	TIME	FILE NO. 540-02-	APPLICATION ADDRESS
1)	6:30 P.M.	A-025/17	Re: 290 North Shore Blvd. E, Burlington Ward 1 Pages 1-9
2)	6:30 P.M.	A-037/17	Re: 2162 Caroline St., Burlington Ward 2 Pages 10-30
3)	6:30 P.M.	A-056/17	Re: 217 Teddington Pl., Burlington Ward 5 Pages 31-39
4)	6:30 P.M.	A-066/17	Re: 523 Rosedale Cres., Burlington Ward 4 Pages 40-45
5)	6:30 P.M.	A-068/17	Re: 1070 Algonquin Rd., Burlington Ward 1 Pages 46-64

- 6) 6:30 P.M. A-072/17 Re: 5159 Garland Cres.,
Burlington
Ward 5
Pages 65-74
- 7) 6:30 P.M. A-075/17 Re: 931 Lasalle Park Rd.,
Burlington
Ward 1
Pages 75-86
- 8) 6:30 P.M. A-079/17 Re: 349 Cardinal Ave.,
Burlington
Ward 1
Pages 87-97
- 9) 6:30 P.M. A-086/17 Re: 4344 Elm Cres.,
Burlington
Ward 4
Pages 98-108

OTHER BUSINESS:

Correspondence
Items for Discussion
Date of Next Meeting
Approval of Minutes
Adjournment

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

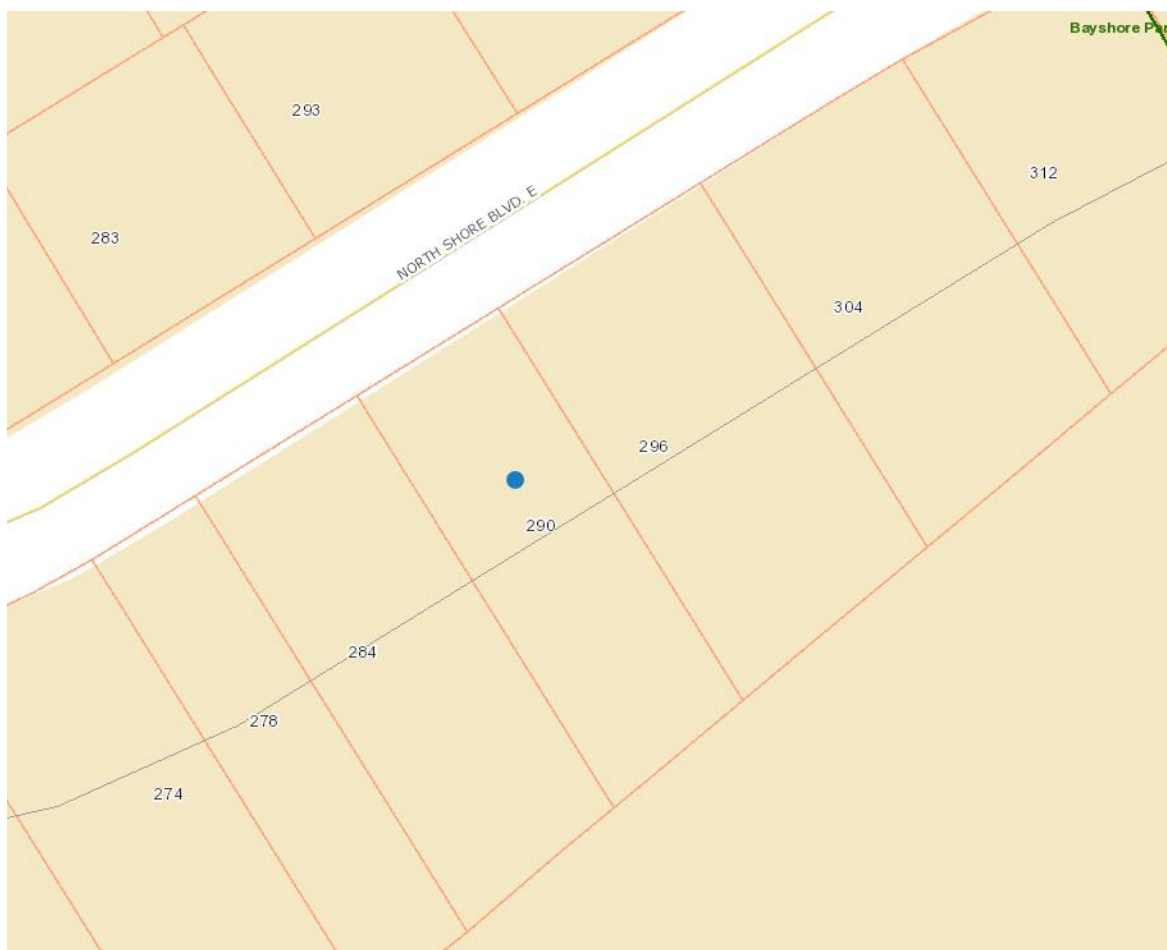
File

540-02-A-025/17

APPLICANT: Hussain Al-Bayati,
290 North Shore Blvd. E , Burlington ON L7T 1W9

PROPERTY: 290 North Shore Blvd. E,
PLAN 629 LOT 193 PT LOT 192
City of Burlington - Regional Municipality of Halton.

- VARIANCES:
1. To permit a front yard setback of 4.7 m instead of the minimum required 11 m for a two storey detached dwelling.
 2. To permit a west side yard setback of 0 m instead of the minimum required 1.2 m for an existing accessory building.



COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

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

File No. A068/1983 – Approved

- Front yard – garage

Date: March 1, 2017

Prepared By: Ashley Gianguialano

Zoning

The subject property is zoned R2.1, low density residential, and is not located in a designated lot coverage area, under Zoning By-Law 2020, as amended. The R2.1 zone requires, among other things, the following:

4.1 Lot Width, Area, Yards

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m	10 m (c)	(a)	4.5 m

Footnotes to Table 2.4.1

a) With attached garage or carport: 10 % of actual lot width
Without attached garage or carport: 10% of actual lot width, 3 m minimum on one side

2.2 Accessory Buildings and Structures and Unitary Equipment**2.2.1**

The following regulations shall apply to buildings and structures, when accessory to detached, semi-detached, duplex, triplex, fourplex or street townhouse dwellings:

b) Regulations for Accessory Buildings greater than 10 m² in floor area and/or greater than 2.5 m in height:

(i) Not permitted in front yard, street side yard, or required side yard.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

(ii) Permitted in a rear yard subject to the following:

- Setback from a rear lot line: 1.2 m
- Setback from a side lot line: 1.2 m
- Setback from a street side yard (not required): 7.5 m
- Maximum encroachment: 0.5 m
- Maximum floor area: 50 m²
- Maximum one storey: Maximum height (peaked roof): 4.6 m, Maximum height (flat roof): 3.5 m

The applicant is proposing the construction of a second storey addition over the existing dwelling, a new two storey rear addition and the conversion of existing floor area to an attached garage.

Variances required:

1. To permit a front yard setback of 4.7 m instead of the minimum required 11 m for a two storey detached dwelling.
2. To permit a west side yard setback of 0 m instead of the minimum required 1.2 m for an existing accessory building.

Note:

1. A zoning clearance certificate is required.
2. Conservation Halton approval including stamped approved plans dated June 6, 2017 received.
3. Property assessed and complies with Character Area Study By-Law 2020-374.
4. Committee of Adjustment A68/83 approved for a reduced front yard setback of 5.16 m for an attached garage on the west side of the dwelling. Building permit C19786 issued November 22, 1985. Addition never built.
5. Zoning is not able to confirm date of construction for the existing accessory building in the rear yard which is <50 sq m. An additional variance has been added to permit a reduced side yard setback. Conservation Halton has approved it as existing.

Date: July 7, 2017

Prepared By: Tina Vassalli

Site Planning

The property currently supports a one-storey single detached dwelling. The applicant is proposing to add a second storey addition over the existing footprint as well as a new two-storey addition at the rear of the dwelling. The applicant is seeking minor variances to recognize the existing deficient front yard setback as well as a deficient side yard setback to an existing accessory building located in the rear yard.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

1) Official Plan Designation: Residential – Low Density**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?****Yes**

The property is designated “Residential – Low Density” within the City’s Official Plan, which permits single detached dwellings. Part II, Section 6.5 of the Official Plan requires that development be compatible with its surrounding area with respect to density, form, bulk, height, setbacks, spacing and materials.

The area is characterized by a variety of dwelling types, mature vegetation and large lots. While the applicant’s proposal would be adding to the existing building footprint, it would still meet all of the applicable Zoning requirements with the exception of the deficient front yard setback, which is an existing condition. The proposed footprint would still be compatible with the area in terms of its massing and siting on the property. Staff is satisfied that the addition of a second storey on the existing first storey will be in keeping with the character of the area, and by building on top of an existing dwelling, the impact of the development will be mitigated. Staff is satisfied that the existing accessory building does not negatively impact the character of the area, and is of the opinion that both variances requested meet the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R2.1**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?****Yes**

The intent of the Zoning By-law as it relates to front yard setbacks is to ensure that the streetscape is consistent and that proposed development is compatible with the surrounding area. Staff notes that the proposed additions will not protrude beyond the existing front wall of the dwelling and as such, the front yard setback will not change. Staff also notes that the area is heavily vegetated, and the impact of the proposed second storey on the streetscape will therefore be mitigated.

The intent of the Zoning By-law with respect to side yard setbacks for accessory buildings is to ensure that the privacy of adjacent properties is maintained. In this case, the accessory building is existing. The property has mature vegetation along the west property line which helps to mitigate any negative effects on the adjacent property. Staff is satisfied that the general intent and purpose of the Zoning By-law is maintained.

3) Desirability:

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

Yes

The proposed development is an addition to an existing dwelling. While the addition of a second storey may impact the streetscape, it should also be noted that the proposed development would allow for additional floorspace for the applicant without drastically changing the character and the design of the dwelling. The requested minor variance for the setback to an accessory building is to recognize an existing situation. In this regard, staff considers the proposed minor variances to be desirable.

4) Minor in Nature:

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

Yes

The applicant is seeking relief from the Zoning By-law to recognize the existing front yard setback to the dwelling as well as the existing side yard setback to an accessory building in order to facilitate the construction of a second storey to their existing dwelling as well as a rear addition and to address existing deficiencies on the site. The established streetscape will be maintained, as the dwelling will not be located any closer to the property line than it is currently. Further, the proposed minor variance related to the setback to accessory buildings is to recognize an existing deficient setback. Staff is therefore of the opinion that the proposed variances are minor in nature.

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.

Date: July 12, 2017

Prepared By: Melissa Morgan

Site Engineering

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

Date: March 3, 2017

Prepared By: A. Capone

Site Engineering staff have reviewed the proposed minor variances and have no

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

 objection.
Date: July 20, 2017Prepared By: Joshua Medeiros**Building**

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

Date: July 12, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variances.

Date: July 13, 2017Prepared By: John Zaloznik**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: July 10, 2017Prepared By: L. Bray**Conservation Halton**

July 14, 2017

Re: Minor Variance Application
File Number: 540-02-A-025/17
290 North Shore Boulevard East, City of Burlington
Al-Bayati – Applicants/Owners

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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 checked="" type="checkbox"/>
River and Stream Valley Hazards (flooding/erosion) &/or allowances	<input 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"/>
--	-------------------------------------

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"/>

Proposal

The purpose of the above-noted Minor Variance Application is to permit the construction of a second storey addition over the existing dwelling, a new two storey rear addition and the conversion of existing floor area to an attached garage. The following Variances are required by Zoning:

1. To permit a front yard setback of 4.7 metres instead of the minimum required 11 metres for a two storey detached dwelling.
2. To permit a west side yard setback of 0 metres instead of the minimum required 12 metres for an existing accessory building.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Staff has received the following documents submitted with this application:

- *Survey and Site Plan and Site Plan* prepared by PFP Professional Floor Plans Inc. dated April 6, 2017, most recently revised June 1, 2017; and,
- *Cover Sheet T001, Existing Ground Floor Plan A100, Proposed Basement Plan A101, Proposed ground Floor Plan A102, Proposed Second Floor Plan A103, Proposed Front (North) Elevation A201, Proposed Side (West) Elevation A202, Proposed Rear (South) Elevation A203, and Proposed Front (North) Elevation A204* prepared by Professional Floor Plans Inc. dated November 2016, received by CH July 10, 2017.

Recommendation

CH has **no objection** to the approval of this Minor Variance Application. These works are associated with CH File S/16/B/16, Permit #5610 issued June 6, 2017.

Ontario Regulation 162/06**Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances**

The subject property, 290 North Shore Boulevard West, is adjacent to Lake Ontario. The shoreline of Lake Ontario is subject to the provisions of Ontario Regulation 162/06 of the *Conservation Authorities Act*. Through the review of the plans for development along the shoreline, CH seeks to ensure that waterfront development will generally be directed to areas outside of the hazardous lands. Hazardous lands are those lands adjacent to the shoreline of the Great Lakes - St. Lawrence River System, which are impacted by flooding, erosion, and/or dynamic beach hazards. The combination of these hazardous lands delineates the extent of the development setback and is determined on-site specific conditions.

Proposed Development

In advance of this Minor Variance Application, staff had been working with the applicant to ensure that the proposed development complies with the relevant policies pursuant to *Ontario Regulation 162/06*. The development associated with this Minor Variance Application is associated with CH Permit File S/16/B/16. CH Permit #5610 was issued on June 6, 2017 in support of this development.

The drawings submitted with this Minor Variance Application delineate the appropriate development setback from the natural shoreline, as determined through the review of Permit #5610, from which all proposed development is located landward. Staff has no concerns with the variances proposed as the overall development complies with our Regulation.

One Window Delegated Authority under PPS
Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

As per Policy 4.2.3 of CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*, staff work with the applicant and municipality to ensure no new development, including lot creation, be permitted within the flooding and erosion hazard limits, that would be contrary to the Provincial Policy Statement and/or CH policies. Policy 3.1.1 of the *Provincial Policy Statement 2014* (PPS) states that, "development shall generally be directed to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards, and/or dynamic beach hazard".

While specific comments pertaining to *Lake Ontario/Burlington Bay/Hamilton Harbour Shoreline Hazards &/or allowances* can be found under the heading Ontario Regulation 162/06, staff are of the opinion that the proposed development (lot creation) meets the intent of CH Policy and the PPS.

Summary/Conclusion

The subject property, 290 North Shore Boulevard West, is adjacent to Lake Ontario. In advance of this Minor Variance Application, staff had been working with the applicant to ensure that the proposed development complies with the relevant policies pursuant to *Ontario Regulation 162/06*. The development associated with this application is associated with CH Permit #5610 issued on June 6, 2017. Staff has no concerns with the variances proposed as the overall development complies with our Regulation and the direction of the PPS. Based on the above, staff has **no objection** to the approval of this 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
Regulations Officer

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

File**540-02-A-037/17****APPLICANT:**

Jessica Zaitz,
2162 Caroline St, Burlington ON L7R 1M1

PROPERTY:

2162 Caroline St.,
PLAN 134 LOT 57
City of Burlington - Regional Municipality of Halton.

VARIANCES:**Zoning By-law 2020:**

1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
3. To permit lot coverage of 25% instead of the maximum permitted 17% for a 2 storey detached dwelling without an attached garage located within a designated area.
4. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.
5. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

Zoning By-law 2020, as amended by By-law 2020-347:

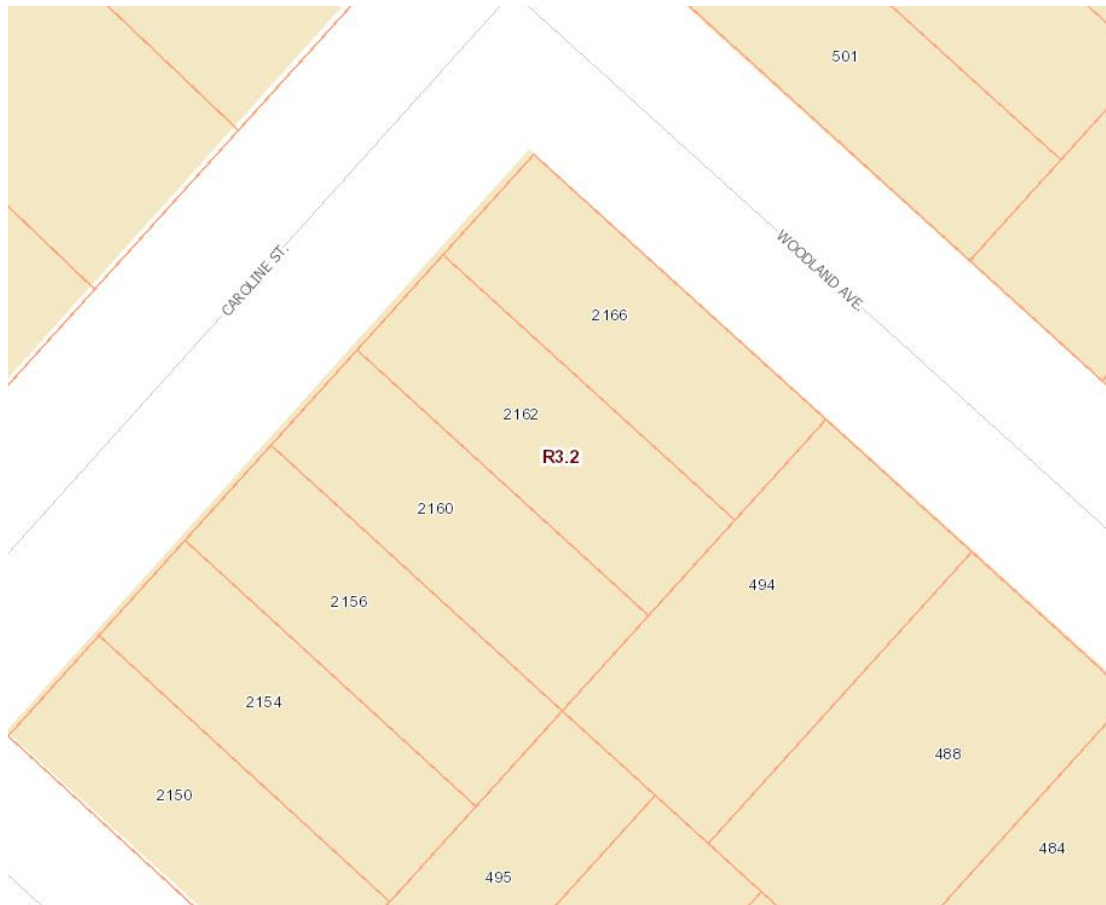
1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
2. To permit lot coverage of 25% instead of the maximum permitted 17% for a 2 storey detached dwelling without an attached garage located within a designated area.
3. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.
4. To permit a floor area ratio of 0.50:1 instead of the maximum permitted 0.45:1 for a proposed 2 storey detached dwelling without an attached garage.
6. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

**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: March 8, 2017

Prepared By: Ashley Gianguialano

ZoningZoning By-law 2020

The property is zoned R3.2 (Low Density Residential) and is located in a designated area for lot coverage under Zoning By-law 2020, as amended. The R3.2 zone permits the existing detached dwelling.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The following regulations apply:

Yards

Front Yard:	6 m
Rear Yard:	9 m
Side Yard:	1.8 m on one side for a 2 storey dwelling
Side Yard:	3 m on the other side for a dwelling without an attached garage
Lot Coverage:	17 % for a dwelling greater than one storey within a designated area 8% for an accessory building

Encroachments

Front porch: 0.65 m into a required yard

Accessory Buildings

Regulations for Accessory Building greater than 10 m² in floor area and/or greater than 2.5 m in height:

(i) Not permitted in a front yard, street side yard or required side yard.

(ii) Permitted in a rear yard subject to the following:

- Setback from a rear lot line: 1.2 m
- Setback from a side lot line: 1.2 m
- Setback from a street side yard (not required): 7.5 m
- Maximum encroachment: 0.5 m
- Maximum floor area: 50 m²
- Maximum one storey
- Maximum height (peaked roof): 4.6 m
- Maximum height (flat roof): 3.5 m

House Addition

The owner proposes to construct a two storey addition at the rear of the existing house. The addition is proposed less than 1.8 m from the west side lot line. The total lot coverage for the existing house and addition will exceed 17% maximum. As a result, variances are required to address side yard setback, and lot coverage.

In addition the owner proposes to renovate the existing roofed over porch, which is currently located within the required front yard. A variance is required to address the location of the roofed over front porch including the new steps.

Accessory Building

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The existing detached garage will be demolished and a new one is proposed in the southeast corner of the rear yard. The location of the new detached garage is proposed less than 1.8 m from the east side lot line and the size of the garage will exceed the permitted lot coverage.

Variances required:

1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
2. To permit lot coverage of 25% instead of the maximum permitted 17% for a 2 storey detached dwelling without an attached garage located within a designated area.
3. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.
4. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

As a condition of approval, the applicant is required to apply for a Zoning Clearance Certificate.

Zoning By-law 2020 as amended by By-law 2020-347

The property is zoned R3.2 (Low Density Residential) and is located in a designated area for lot coverage under Zoning By-law 2020, as amended by By-law 2020-347. The R3.2 zone permits the existing detached dwelling.

The following regulations apply:

Yards

Front Yard:	6 m
Rear Yard:	9 m
Side Yard:	1.8 m on one side for a 2 storey dwelling
Side Yard:	3 m on other side for a dwelling without an attached garage
Lot Coverage:	17 % for a dwelling greater than one storey within a designated area
	8% for an accessory building

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Floor Area Ratio

- (a) A maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.
- (b) Notwithstanding subsection a) above, properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a maximum floor area ratio of 0.4:1.

Encroachments

Front porch: 0.65 m into a required yard

Accessory Buildings

Regulations for Accessory Building greater than 10 m² in floor area and/or greater than 2.5 m in height:

- (i) Not permitted in a front yard, street side yard or required side yard.
- (ii) Permitted in a rear yard subject to the following:
 - Setback from a rear lot line: 1.2 m
 - Setback from a side lot line: 1.2 m
 - Setback from a street side yard (not required): 7.5 m
 - Maximum encroachment: 0.5 m
 - Maximum floor area: 50 m²
 - Maximum one storey
 - Maximum height (peaked roof): 4.6 m
 - Maximum height (flat roof): 3.5 m

House Addition

The owner proposes to construct a two storey addition at the rear of the existing house. The addition is proposed less than 1.8 m from the west side lot line. The total lot coverage for the existing house and addition will exceed 17% maximum. The floor area ratio of the two storey house will also exceed 0.45:1. As a result, variances are required to address side yard setback, lot coverage and floor area ratio.

In addition the owner proposes to renovate the existing roofed over porch, which is currently located within the required front yard. A variance is required to address the location of the roofed over front porch including the new steps.

Accessory Building

The existing detached garage will be demolished and a new one is proposed in the southeast corner of the rear yard. The location of the new detached garage is proposed less than 1.8 m from the east side lot line and the size of the garage will

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

exceed the permitted lot coverage.

Variances required:

1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
2. To permit lot coverage of 25% instead of the maximum permitted 17% for a 2 storey detached dwelling without an attached garage located within a designated area.
3. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.
4. To permit a floor area ratio of 0.50:1 instead of the maximum permitted 0.45:1 for a proposed 2 storey detached dwelling without an attached garage.
5. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

As a condition of approval, the applicant is required to apply for a Zoning Clearance Certificate.

Date: July 10, 2017

Prepared By: Gary Jin

Site Planning

ZONING BY-LAW 2020

The subject property is located on the south side of Caroline Street between Crosby Avenue and Woodland Avenue. The property is located in an established neighbourhood just east of the Downtown Mixed Use Centre, which contains older homes of varying form and architectural style. The applicant contemplates the construction of a two-storey addition at the rear of the existing dwelling and a new detached garage in the rear yard of the property, as well as renovations to the existing front porch. The following variances are required:

1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
2. To permit lot coverage of 25% instead of the maximum permitted 17 % for a 2 storey detached dwelling without an attached garage located within a designated area.
3. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

4. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

1) Official Plan Designation: Residential – Low Density**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?**

The subject property is designated as Residential – Low Density within the City's Official Plan. Ground-oriented housing is permitted in this designation to a maximum density of 25 units per net hectare. The proposed development would have no bearing on the existing density and use of the subject property.

The Official Plan directs new residential development to be compatible with its surroundings in order to ensure its harmonious integration into neighbourhoods, and to avoid undue physical or functional adverse impacts to existing or proposed development. While more prescriptive regulations pertaining to setbacks, lot coverage, and encroachments are set out in Zoning By-law 2020, Part II of the Official Plan contains the following policy:

Policy 6.5 a)

The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.

Staff notes that the subject property is located within an established residential neighbourhood. While additions and upgrades to older dwellings in established neighbourhoods are anticipated by staff, proposals which require relief from Zoning By-law requirements must be reviewed in accordance with the Official Plan and assessed for overall compatibility.

Variance 1 – Side Yard Setback**No**

Staff notes that the application would require relief from the applicable side yard setback regulation in the Zoning By-law. The proposed addition would extend from the existing dwelling into the rear yard of the property and would maintain the two-storey massing of the existing dwelling. The plans submitted to staff indicate that the proposed west side yard setback of the existing dwelling and addition would taper to less than 1 m to accommodate the addition.

Staff notes that the proposed addition would project significantly into the current rear yard of the subject property, and beyond the rear wall of the property to the west (2160 Caroline Street), which is in rough alignment with that of the subject dwelling. Staff is concerned that the proposed setback would not afford the new addition with adequate

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

separation from the property to the west at the proposed two-storey massing. Staff is of the opinion that the requested setback would preclude the development of a compatible dwelling addition and would pose a negative impact on the rear yard of the neighbouring property to the west.

Based on the above, staff is of the opinion that variance 1 would not maintain the general intent and purpose of the Official Plan.

Variance 2 – Lot Coverage**No**

The proposed addition would also require relief from the applicable lot coverage regulation. Staff notes that in addition to the proposed dwelling addition, the applicant plans to construct a larger detached garage to replace the existing garage. The aforementioned Official Plan policy specifies that spacing and bulk of new development is to be compatible with its surroundings, both of which would be impacted by the proposed increase in lot coverage.

Based on the mapping resources available to staff, similar-sized lots in the vicinity of the subject property generally contain more open space than the amount that would remain on the subject property if the subject application were to be approved. Staff is of the opinion that the coverage increase required for the addition, combined with the footprint of the proposed garage would result in an inappropriate balance of spacing and built form on the subject property when compared with the surrounding context. Thus, staff does not consider the requested variance to be consistent with the compatibility requirement of the Official Plan.

Based on the above, staff is of the opinion that variance 2 would not maintain the general intent and purpose of the Official Plan.

Variance 3 – Front Porch Setback**Yes**

With regards to the front porch, it is staff's understanding that the extent of the proposed development is to replace the existing stairs on the east side of the porch with new stairs on the north side, and to construct a new roof over the existing porch landing.

Staff is of the opinion that the proposed changes to the existing porch would improve its appearance from the street and notes that with the exception of the new stairs, there would be little or no change to the setback of the rest of the porch. Staff opines that variance 3 would maintain a compatible interface between the front porch and the street.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Based on the above, staff is satisfied that variance 3 would maintain the general intent and purpose of the Official Plan.

Variance 4 – Accessory Building Setback**Yes**

The applicant proposes to replace the existing garage with a slightly larger garage, to be located in the southeast corner of the property at a reduced setback from the east lot line. Staff notes that the garage would accommodate only one vehicle and provide minimal additional space for storage and movement around a vehicle. Staff does not anticipate any compatibility concerns resulting from the proposed relief, as the garage would be reasonably sized and would not constitute a major increase in massing along the east property line when compared to the existing garage.

Based on the above, staff is satisfied that variance 4 would maintain the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R3.2**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?**Variance 1 – Side Yard Setback**No**

The applicant requires a variance to permit a west side yard setback of 0.7 m instead of the minimum requirement of 1.8 m for the proposed two-storey addition. Side yard setback regulations are intended to allow for compatible separation between dwellings and to maintain consistent building separation along the streetscape. Side yard setbacks also provide for adequate access between the front and rear yards of properties. Furthermore, the R3.2 zoning regulations establish a relationship between side yard setback requirements and height. Specifically, staff notes that two-storey dwellings are required to maintain greater setbacks than one-storey and 1.5 storey dwellings. Staff's primary concern with regards to variance 1 relates to compatible separation between the addition and the property to the west.

Staff notes that the setback of the existing dwelling, at approximately 1 m, is currently not in compliance with the minimum requirement. The applicant proposes to extend the dwelling into the rear yard of the property, resulting in a setback of 0.7 m. While staff appreciates the applicant's attempt to align the addition with the existing dwelling, staff is of the opinion that the requested variance would result in an undesirable pinch point along the west property line that would be further exacerbated by the two-storey massing of the proposed dwelling addition. Staff opines that the proposed addition requires an increased setback in order to remain compatible with the neighbouring

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

property to the west.

Based on the above, staff is of the opinion that variance 1 would not maintain the general intent and purpose of the Zoning By-law.

Variance 2 – Lot Coverage**No**

The applicant requires a variance to permit lot coverage of 25 % instead of the maximum permitted 17% to accommodate the proposed dwelling addition. Staff notes that the subject property is located within a Designated Area for lot coverage. The intent of Designated Areas is to provide established residential areas of the City with enhanced protection from overbuilding and to assist in maintaining the unique characteristics of these areas. Lot coverage regulations also generally assist in ensuring that an appropriate amount of open space is included on properties as an element of neighbourhood design. Staff notes that lot coverage regulations account for dwellings as well as accessory buildings and establish a relationship between height and allowable coverage in order to mitigate potential impacts of vertical massing. In Designated Areas, two-storey dwellings are limited to 17% lot coverage, while an additional 8 % can be allotted to accessory buildings for a total of 25 %.

While the proposed detached garage would comply with the applicable lot coverage regulation for accessory buildings, the dwelling addition would represent a significant increase beyond the permitted maximum. In the opinion of staff, the balance between built form and open space that is proposed in the subject application would not remain in keeping with the general character of similar-sized properties within the surrounding neighbourhood. Given that the addition would be two storeys in height, and considering that additional coverage would be allotted to the proposed detached garage, staff is of the opinion that the variance 2 would amount to overbuilding of the subject property.

Based on the above, staff is of the opinion that variance 2 would not maintain the general intent and purpose of the Zoning By-law.

Variance 3 – Front Porch Setback**Yes**

Encroachment restrictions on front porches are intended to maintain streetscape consistency, ensure adequate separation between private amenity areas and the public right-of-way, and to maintain an appropriate amount of front yard open space. The applicant requires a variance in order to permit a 1.5 m front yard setback instead of the minimum requirement of 5.35 (6 m minus a 0.65 m encroachment allowance).

As previously mentioned, the application contemplates minor renovations to the existing porch, including relocated stairs and a new roof structure. The stairs would project

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

closer to the street than the existing porch structure, but this would not constitute a negative impact to the streetscape. In the opinion of staff, the roof would add a positive element to the façade of the dwelling. Furthermore, the siting of the porch would remain unchanged, thus maintaining the same separation from the street and nearly the same front yard area.

Based on the above, staff is of the opinion that variance 3 would maintain the general intent and purpose of the Zoning By-law.

Variance 4 – Accessory Building Setback**Yes**

The applicant also requires a variance to allow an east side yard setback of 0.6 m for the proposed detached garage instead of the minimum required 1.2 m. The intent of setback regulations for accessory buildings is to provide appropriate separation between buildings and neighbouring properties and to ensure that adequate access around buildings is provided.

As previously mentioned, the proposed garage has been designed to accommodate a single vehicle. Staff does not anticipate that the massing of the garage would have a detrimental impact on the rear yard area to the east at the reduced setback and notes that the reduction would allow for improved alignment of the garage with the existing driveway. Staff is satisfied that the setback would allow for any necessary access to the east side of the building and notes that additional separation is provided at the rear of the accessory building to improve access around its perimeter.

Based on the above, staff is of the opinion that variance 4 would maintain the general intent and purpose of the Zoning By-law.

Yes**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 and 2**No**

The relief requested to permit a reduced west side yard setback would allow for what staff considers to be inappropriate siting of a dwelling addition. In staff's opinion, the addition would come too close to the property to the west and does not incorporate any design elements that would significantly mitigate impacts of its massing at the reduced setback.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The relief requested to permit additional lot coverage for the proposed addition would amount to what staff considers to be overdevelopment of the subject property. While additions and upgrades are anticipated to older dwellings in established neighbourhoods, staff opines that the proposed addition would be at the expense of the established character of the neighbourhood.

Based on the above, staff is of the opinion that variances 1 and 2 would allow for undesirable development of the subject property.

Variances 3 and 4**Yes**

Staff is of the opinion that variances 3 and 4 would allow for the appropriate development of the subject property. Variance 3 allows for architectural improvements to an existing front porch feature and improves the condition of the streetscape. Variance 4 allows for a new accessory building to be sited in an orderly manner to better align with the driveway access.

Based on the above, staff is satisfied that variances 3 and 4 are desirable to allow for the appropriate development of the subject property.

4) Minor in Nature:

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

Variances 1 and 2**No**

Staff is of the opinion that variances 1 and 2 propose deviations from the Zoning By-law that would result in negative impacts to the property's surroundings. The proposed setback reduction is not sufficient to alleviate the massing of a two-storey dwelling, and the requested lot coverage increase significantly exceeds what is contemplated by the Zoning By-law for a two-storey dwelling in a Designated Area for lot coverage. If approved, staff is of the opinion that the resulting built form would be incompatible with the character of the subject neighbourhood and particularly the adjacent property to the west. Therefore, staff does not consider variances 1 and 2 to be minor in nature.

Variances 3 and 4**Yes**

Variances 3 and 4, if approved, would not amount to any significant negative impacts to

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

the property's environs. The variances constitute minor deviations that would maintain the intent and purpose of the Zoning By-law and Official Plan. Therefore, staff considers variances 3 and 4 to be minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that variances 1 and 2 would result in a negative cumulative impact. The application contemplates a reduction to an already deficient side yard setback condition to allow for additional building mass and lot coverage.

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 to variances 3 and 4; however, staff objects to the approval of variances 1 and 2.

Date: August 14, 2017 Prepared By: Paul Klassen

ZONING BY-LAW 2020.347

The subject property is located on the south side of Caroline Street between Crosby Avenue and Woodland Avenue. The property is located in an established neighbourhood just east of the Downtown Mixed Use Centre, which contains older homes of varying form and architectural style. The applicant contemplates the construction of a two-storey addition at the rear of the existing dwelling and a new detached garage in the rear yard of the property, as well as renovations to the existing front porch. The following variances are required:

1. To permit a 0.7 m west side yard setback instead of the minimum required 1.8 m for a proposed 2 storey addition to a detached dwelling.
2. To permit lot coverage of 25% instead of the maximum permitted 17 % for a 2 storey detached dwelling without an attached garage located within a designated area.
3. To permit a 1.5 m front yard setback instead of the minimum required 5.35 m [6 m – 0.65 m] for the proposed roofed over front porch including steps.
4. To permit a floor area ratio of 0.50:1 instead of the maximum permitted 0.45:1 for a proposed 2 storey detached dwelling without an attached garage.
5. To permit a 0.6 m east side yard setback instead of the minimum required 1.2 m for a proposed accessory building.

1) Official Plan Designation: Residential – Low Density

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The subject property is designated as Residential – Low Density within the City's Official Plan. Ground-oriented housing is permitted in this designation to a maximum density of 25 units per net hectare. The proposed development would have no bearing on the existing density and use of the subject property.

The Official Plan directs new residential development to be compatible with its surroundings in order to ensure its harmonious integration into neighbourhoods, and to avoid undue physical or functional adverse impacts to existing or proposed development. While more prescriptive regulations pertaining to setbacks, lot coverage, floor area ratio, and encroachments are set out in Zoning By-law 2020, Part II of the Official Plan contains the following policy:

Policy 6.5 a)

The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.

Staff notes that the subject property is located within an established residential neighbourhood. While additions and upgrades to older dwellings in established neighbourhoods are anticipated by staff, proposals which require relief from Zoning By-law requirements must be reviewed in accordance with the Official Plan and assessed for overall compatibility.

Variance 1 – Side Yard Setback

No

Staff notes that the application would require relief from the applicable side yard setback regulation in the Zoning By-law. The proposed addition would extend from the existing dwelling into the rear yard of the property and would maintain the two-storey massing of the existing dwelling. The plans submitted to staff indicate that the proposed west side yard setback of the existing dwelling and addition would taper to less than 1 m to accommodate the addition.

Staff notes that the proposed addition would project significantly into the current rear yard of the subject property, and beyond the rear wall of the property to the west (2160 Caroline Street), which is in rough alignment with that of the subject dwelling. Staff is concerned that the proposed setback would not afford the new addition with adequate separation from the property to the west at the proposed two-storey massing. Staff is of the opinion that the requested setback would preclude the development of a compatible dwelling addition and would pose a negative impact on the rear yard of the neighbouring property to the west.

Based on the above, staff is of the opinion that variance 1 would not maintain the general intent and purpose of the Official Plan.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Variance 2 – Lot Coverage**No**

The proposed addition would also require relief from the applicable lot coverage regulation. Staff notes that in addition to the proposed dwelling addition, the applicant plans to construct a larger detached garage to replace the existing garage. The aforementioned Official Plan policy specifies that spacing and bulk of new development is to be compatible with its surroundings, both of which would be impacted by the proposed increase in lot coverage.

Based on the mapping resources available to staff, similar-sized lots in the vicinity of the subject property generally contain more open space than the amount that would remain on the subject property if the subject application were to be approved. Staff is of the opinion that the coverage increase required for the addition, combined with the footprint of the proposed garage would result in an inappropriate balance of spacing and built form on the subject property when compared with the surrounding context. Thus, staff does not consider the requested variance to be consistent with the compatibility requirement of the Official Plan.

Based on the above, staff is of the opinion that variance 2 would not maintain the general intent and purpose of the Official Plan.

Variance 3 – Front Porch Setback**Yes**

With regards to the front porch, it is staff's understanding that the extent of the proposed development is to replace the existing stairs on the east side of the porch with new stairs on the north side, and to construct a new roof over the existing porch landing.

Staff is of the opinion that the proposed changes to the existing porch would improve its appearance from the street and notes that with the exception of the new stairs, there would be little or no change to the setback of the rest of the porch. Staff opines that variance 3 would maintain a compatible interface between the front porch and the street.

Based on the above, staff is satisfied that variance 3 would maintain the general intent and purpose of the Official Plan.

Variance 4 – Floor Area Ratio**No**

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The applicant proposes to extend the dwelling's two-storey massing into the rear yard of the property, causing the dwelling to exceed the maximum permitted floor area ratio. The additional floor space being proposed would further reduce the compatibility of the interface between the subject property and the property to the west, in combination with the reduced west side yard setback and lot coverage increase.

Based on the above, staff is of the opinion that variance 4 would not maintain the general intent and purpose of the Official Plan.

Variance 5 – Accessory Building Setback**Yes**

The applicant proposes to replace the existing garage with a slightly larger garage, to be located in the southeast corner of the property at a reduced setback from the east lot line. Staff notes that the garage would accommodate only one vehicle and provide minimal additional space for storage and movement around a vehicle. Staff does not anticipate any compatibility concerns resulting from the proposed relief, as the garage would be reasonably sized and would not constitute a major increase in massing along the east property line when compared to the existing garage.

Based on the above, staff is satisfied that variance 5 would maintain the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R3.2**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?**Variance 1 – Side Yard Setback**No**

The applicant requires a variance to permit a west side yard setback of 0.7 m instead of the minimum requirement of 1.8 m for the proposed two-storey addition. Side yard setback regulations are intended to allow for compatible separation between dwellings and to maintain consistent building separation along the streetscape. Side yard setbacks also provide for adequate access between the front and rear yards of properties. Furthermore, the R3.2 zoning regulations establish a relationship between side yard setback requirements and height. Specifically, staff notes that two-storey dwellings are required to maintain greater setbacks than one-storey and 1.5 storey dwellings. Staff's primary concern with regards to variance 1 relates to compatible separation between the addition and the property to the west.

Staff notes that the setback of the existing dwelling, at approximately 1 m, is currently not in compliance with the minimum requirement. The applicant proposes to extend the

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

dwelling into the rear yard of the property, resulting in a setback of 0.7 m. While staff appreciates the applicant's attempt to align the addition with the existing dwelling, staff is of the opinion that the requested variance would result in an undesirable pinch point along the west property line that would be further exacerbated by the two-storey massing of the proposed dwelling addition. Staff opines that the proposed addition requires an increased setback in order to remain compatible with the neighbouring property to the west.

Based on the above, staff is of the opinion that variance 1 would not maintain the general intent and purpose of the Zoning By-law.

Variance 2 – Lot Coverage**No**

The applicant requires a variance to permit lot coverage of 25 % instead of the maximum permitted 17% to accommodate the proposed dwelling addition. Staff notes that the subject property is located within a Designated Area for lot coverage. The intent of Designated Areas is to provide established residential areas of the City with enhanced protection from overbuilding and to assist in maintaining the unique characteristics of these areas. Lot coverage regulations also generally assist in ensuring that an appropriate amount of open space is included on properties as an element of neighbourhood design. Staff notes that lot coverage regulations account for dwellings as well as accessory buildings and establish a relationship between height and allowable coverage in order to mitigate potential impacts of vertical massing. In Designated Areas, two-storey dwellings are limited to 17% lot coverage, while an additional 8 % can be allotted to accessory buildings for a total of 25 %.

While the proposed detached garage would comply with the applicable lot coverage regulation for accessory buildings, the dwelling addition would represent a significant increase beyond the permitted maximum. In the opinion of staff, the balance between built form and open space that is proposed in the subject application would not remain in keeping with the general character of similar-sized properties within the surrounding neighbourhood. Given that the addition would be two storeys in height, and considering that additional coverage would be allotted to the proposed detached garage, staff is of the opinion that the variance 2 would amount to overbuilding of the subject property.

Based on the above, staff is of the opinion that variance 2 would not maintain the general intent and purpose of the Zoning By-law.

Variance 3 – Front Porch Setback**Yes**

Encroachment restrictions on front porches are intended to maintain streetscape consistency, ensure adequate separation between private amenity areas and the public

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

right-of-way, and to maintain an appropriate amount of front yard open space. The applicant requires a variance in order to permit a 1.5 m front yard setback instead of the minimum requirement of 5.35 (6 m minus a 0.65 m encroachment allowance).

As previously mentioned, the application contemplates minor renovations to the existing porch, including relocated stairs and a new roof structure. The stairs would project closer to the street than the existing porch structure, but this would not constitute a negative impact to the streetscape. In the opinion of staff, the roof would add a positive element to the façade of the dwelling. Furthermore, the siting of the porch would remain unchanged, thus maintaining the same separation from the street and nearly the same front yard area.

Based on the above, staff is of the opinion that variance 3 would maintain the general intent and purpose of the Zoning By-law.

Variance 4 – Floor Area Ratio**No**

The proposed addition would require a variance to permit a floor area ratio of 0.5:1 instead of the maximum permitted 0.45:1. Floor area ratio regulations provide for additional control of the massing of buildings in sensitive neighbourhoods in the City. In addition to lot coverage regulations, floor area ratio takes into account floor space above the ground level, further limiting the size of buildings.

Staff notes that the two-storey mass of the subject dwelling contributes to its impact on the property to the west. The second-storey floor area proposed as part of the dwelling addition contributes to this impact. Staff is of the opinion that the additional floor area proposed would result in excess second-storey massing which, on top of the proposed building footprint, would further exacerbate an undesirable condition.

Based on the above, staff is of the opinion that variance 4 would not maintain the general intent and purpose of the Zoning By-law.

Variance 5 – Accessory Building Setback**Yes**

The applicant also requires a variance to allow an east side yard setback of 0.6 m for the proposed detached garage instead of the minimum required 1.2 m. The intent of setback regulations for accessory buildings is to provide appropriate separation between buildings and neighbouring properties and to ensure that adequate access around buildings is provided.

As previously mentioned, the proposed garage has been designed to accommodate a

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

single vehicle. Staff does not anticipate that the massing of the garage would have a detrimental impact on the rear yard area to the east at the reduced setback and notes that the reduction would allow for improved alignment of the garage with the existing driveway. Staff is satisfied that the setback would allow for any necessary access to the east side of the building and notes that additional separation is provided at the rear of the accessory building to improve access around its perimeter.

Based on the above, staff is of the opinion that variance 5 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?

Variances 1, 2 and 4

No

The relief requested to permit a reduced west side yard setback would allow for what staff considers to be inappropriate siting of a dwelling addition. In staff's opinion, the addition would come too close to the property to the west and does not incorporate any design elements that would significantly mitigate impacts of its massing at the reduced setback.

The relief requested to permit additional lot coverage and floor area ratio for the proposed addition would amount to what staff considers to be overdevelopment of the subject property. While additions and upgrades are anticipated to older dwellings in established neighbourhoods, staff opines that the proposed addition would be at the expense of the established character of the neighbourhood.

Based on the above, staff is of the opinion that variances 1, 2 and 4 would allow for undesirable development of the subject property.

Variances 3 and 5

Yes

Staff is of the opinion that variances 3 and 5 would allow for the appropriate of the subject property. Variance 3 allows for architectural improvements to an existing front porch feature and improves the condition of the streetscape. Variance 5 allows for a new accessory building to be sited in an orderly manner to better align with the driveway access.

Based on the above, staff is satisfied that variances 3 and 5 are desirable to allow for

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

the appropriate development of the subject property.

4) Minor in Nature:

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

Variances 1, 2 and 4

No

Staff is of the opinion that variances 1, 2 and 4 propose deviations from the Zoning By-law that would result in negative impacts to the property's surroundings. The proposed setback reduction is not sufficient to alleviate the massing of a two-storey dwelling, and the requested lot coverage increase significantly exceeds what is contemplated by the Zoning By-law for a two-storey dwelling in a Designated Area for lot coverage. The requested relief for additional floor area ratio would add to the negative impact that would result from the lot coverage increase. If approved, staff is of the opinion that the resulting built form would be incompatible with the character of the subject neighbourhood and particularly the adjacent property to the west. Therefore, staff does not consider variances 1, 2 and 4 to be minor in nature.

Variances 3 and 5

Yes

Variances 3 and 5, if approved, would not amount to any significant negative impacts to the property's environs. The variances constitute minor deviations that would maintain the intent and purpose of the Zoning By-law and Official Plan. Therefore, staff considers variances 3 and 5 to be minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that variances 1, 2 and 4 would result in a negative cumulative impact. The application contemplates a reduction to an already deficient side yard setback condition to allow for additional building mass and lot coverage.

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 to Variances 3 and 5; however, staff objects to the approval of variances 1, 2 and 4.

Date: August 14, 2017

Prepared By: Paul Klassen

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Site Engineering

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

Date: May 15, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variances and has no objections provided the applicant obtains grading and drainage approval before applying for a building permit. Please contact the Site Engineering Department to discuss the necessary site plan details.

Date: July 28, 2017Prepared 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: Windows are not permitted in side yard less than 1.2m to property line. (OBC 9.10.15- Spatial Separation)

Date: August 4, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variances.

Date: July 18, 2017Prepared By: John Zaloznik**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: July 14, 2017Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

File**540-02-A-056/17**

APPLICANTS:

Jeremy Chadwick Burns,
Evelyn Young Burns,
217 Teddington Pl , Burlington ON L7L 6X6

PROPERTY:

217 Teddington Pl.,
PLAN M792 LOT 14
City of Burlington - Regional Municipality of Halton.

VARIANCES:

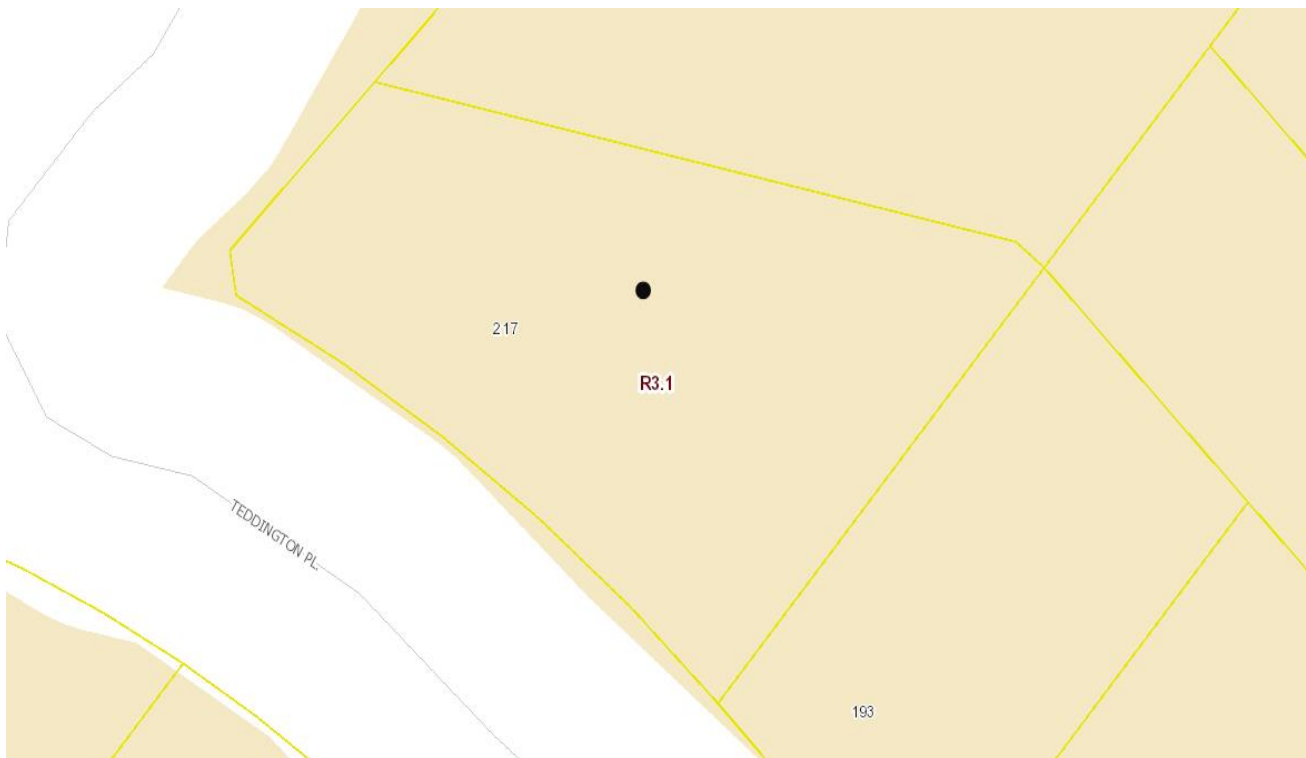
1. To permit an inground swimming pool in a street side yard, whereas Zoning By-law 2020 does not permit a swimming pool in a street side yard.
2. To permit an accessory building in a street side yard, whereas Zoning By-law 2020 does not permit an accessory building in a street side yard.
3. To permit a 0.7 m street side yard setback instead of the minimum required 7.5 m for a proposed accessory building.
4. To permit a 0.6 m north side yard setback instead of the minimum required 0.9 m for an existing accessory structure.
5. To permit hard surface [ie. Patio/pebble rock] between the street line and the building elevation facing a street, whereas Zoning by-law 2020 requires that the remaining lot area between a street line and a building elevation facing a street shall be for landscaped open space area only.
6. To permit lot coverage of 26% instead of the maximum permitted 25% for the existing house and proposed accessory building within a designated area.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

**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: April 19, 2017

Prepared By: Amanda D'Angelo

Zoning

The subject property is zoned R3.1 residential – low density and is located in a designated area for lot coverage under Zoning By-law 2020, as amended. The R3.1 zone permits the existing detached dwelling.

The following regulations apply to the house, swimming pool, accessory building, accessory structure, driveway and landscape open spaces.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

4.2 LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
One storey	40% including accessory buildings	32% plus 8% for accessory buildings
One and a half storey	37.5% including accessory buildings	29.5% plus 8% for accessory buildings
Two or more storeys	35% including accessory buildings 40% in R3.3 and R3.4 zones	27% plus 8% for accessory buildings 32% plus 8% in R3.3 and R3.4 zones
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

Footnotes to Table 2.4.3

- (a) One accessory building less than 10 m² and less than 2.5 m in height shall be exempt from the lot coverage requirements of Table 2.4.3.
- (b) Designated Areas are shaded on ZONING MAPS in Part 15.
- (c) Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall be exempt from the designated area regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

2.5 SWIMMING POOLS

2.5.1 Regulations for outdoor swimming pools:

- (a) On lots containing detached or duplex dwellings and on lots containing one dwelling unit of a semi-detached, triplex, fourplex, or street townhouse:
- (i) On lots less than 12 m wide, swimming pools are permitted in a rear yard only.
 - (ii) On lots 12 m wide or greater, swimming pools are not permitted in a required front or street side yard.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

(iii) In-ground pools shall be set back 1.5 m from a property line or street line, measured from the inside wall of the pool.

(iv) Above-ground pools shall be set back from a property line or street line 1.5 m plus 30 cm for each 30 cm that the top of the pool wall is above the grade elevation at the property line, measured from the inside wall of the pool.

2.2 ACCESSORY BUILDINGS AND STRUCTURES AND UNITARY EQUIPMENT

2.2.1 The following regulations shall apply to buildings and structures, when accessory to detached, semi-detached, duplex, triplex, fourplex or street townhouse dwellings:

(a) Regulations for Accessory Buildings up to 10 m² in floor area:

(iii) Setback from a side lot line abutting a street:	7.5 m
(iv) Setback from a rear lot line abutting a street:	90 cm
(v) Setback from a front lot line:	15 m
(vi) Setback from any other lot line:	no minimum
(vii) Maximum height:	2.5 m

(b) Regulations for Accessory Building greater than 10 m² in floor area and/or greater than 2.5 m in height:

(i) Not permitted in a front yard, street side yard or required side yard.

(ii) Permitted in a rear yard subject to the following:

- Setback from a rear lot line: 1.2 m
- Setback from a side lot line: 1.2 m
- Setback from a street side yard (not required): 7.5 m
- Maximum encroachment: 0.5 m
- Maximum floor area: 50 m²
- Maximum one storey
- Maximum height (peaked roof): 4.6 m
- Maximum height (flat roof): 3.5 m

(iii) Notwithstanding the required setback from a side lot line, the dividing wall of a semi-detached garage may be constructed on a side lot line.

(iv) A detached swimming pool enclosure may be greater than 50 m² in area provided that the yard requirements for a principal building on the same lot shall apply to the pool enclosure.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

(c) Regulations for Accessory Structures:

(i) Not permitted in required front, side, street side yards.

(ii) Permitted in a rear yard subject to the following:

- Setback from a rear lot line: 90 cm
- Setback from a side lot line: 90 cm
- Setback from a street side yard (not required) 7.5 m
- Maximum floor area 42 m²
- Maximum height 3.7 m
- Maximum encroachment 0.5 m

2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA

1) The width of driveways and walkways shall be measured perpendicular to the direction of travel of the vehicle or person.

2)

(a) A maximum of one driveway shall be permitted for each residential property, except in the case of a corner lot where a maximum of one driveway per street frontage may be permitted if the second driveway location is approved by the city.

(b) The maximum width of the 2nd driveway is of 4 metres inclusive of walkways.

3) Unless otherwise specified in this by-law, the following combined maximum width of all hard surfaces (driveways plus walkways) and landscaped open space area requirements shall apply for detached, semi-detached, duplex, triplex, fourplex, common element townhouse, common element back-to-back townhouse, and street townhouse dwellings.

[d] For front or street side lot lines equal to or greater than 12 m and less than 18 m in width:

[i] The combined maximum width of all hard surfaces is 7.5 m.

[ii] The remaining lot area between a street line and a building elevation facing a street shall be landscaped open space area.

The applicant is proposing a new inground swimming pool within the street side yard, which is the area between the house and the street. As the by-law does not permit a swimming pool within this area, a variance is required. [note: the inground swimming pool is proposed at least 1.5 m from a street side lot line and rear lot line].

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The applicant is also proposing a new accessory building [cabana] within a street side yard and within 7.5 m from the street side lot line. Variances are required to address both items. In addition, the accessory building is also subject to lot coverage. The combined maximum lot coverage permitted for both the house and accessory building is 25%. As the proposed lot coverage exceeds 25%, a variance is required.

An existing accessory structure [Pavillion] is located in the rear yard. The existing accessory structure is located 0.6 m from the north side lot line, which is less than the required 0.9 m. A minor variance is required to address the lesser side yard setback.

The applicant is proposing a new hard surface patio/pebblestones along the street side lot line. The by-law stipulates that the remaining lot area between a street line and a building elevation facing a street shall be landscaped open space area only. A variance is required to allow new hard surface [ie. Patio/pebble stone] within a street side lot line rather than landscape open space.

Variances required:

1. To permit an inground swimming pool in a street side yard, whereas Zoning By-law 2020 does not permit a swimming pool in a street side yard.
2. To permit an accessory building in a street side yard, whereas Zoning By-law 2020 does not permit an accessory building in a street side yard.
3. To permit a 0.7 m street side yard setback instead of the minimum required 7.5 m for a proposed accessory building.
4. To permit a 0.6 m north side yard setback instead of the minimum required 0.9 m for an existing accessory structure.
5. To permit hard surface [ie. Patio/pebble rock] between the street line and the building elevation facing a street, whereas Zoning by-law 2020 requires that the remaining lot area between a street line and a building elevation facing a street shall be for landscaped open space area only.
6. To permit lot coverage of 26% instead of the maximum permitted 25% for the existing house and proposed accessory building within a designated area.

Date: July 4, 2017

Prepared By: G. Jin

Site Planning

1) Official Plan Designation: Low Density Residential

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

Yes

The subject lands are designated Low Density Residential in the Official Plan which permits single detached dwellings with a density of 25 units per net residential hectare. The proposed accessory use of a pool, accessory structures, and patios complies with this policy. The proposed development meets the general intent of the Official Plan.

2) Zoning By-law Designation: R3.1

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

Yes

1. To permit an inground swimming pool in a street side yard, whereas Zoning By-law 2020 does not permit a swimming pool in a street side yard; and,
2. To permit an accessory building in a street side yard, whereas Zoning By-law 2020 does not permit an accessory building in a street side yard.

The subject lot is a corner lot with a reduced rear yard of 4.5m and a large hedge along the street lot line. This shape of the lot is unique creating a situation where these zoning regulations cause undue hardship. A pool, patio, accessory structures, and fencing will not detract from the streetscape or character of the immediate area.

3. To permit a 0.7 m street side yard setback instead of the minimum required 7.5 m for a proposed accessory building; and,
4. To permit a 0.6 m north side yard setback instead of the minimum required 0.9 m for an existing accessory structure.
The reduced side yards should have little or no impact as the structures are screened by landscaping and fencing. Staff have no objection to the variance.
5. To permit hard surface [ie. Patio/pebble rock] between the street line and the building elevation facing a street, whereas Zoning by-law 2020 requires that the remaining lot area between a street line and a building elevation facing a street shall be for landscaped open space area only.
The paved surface area is largely restricted to the private amenity area of the subject dwelling. The street side and rear yards will be screened from view by the pool fencing; therefore staff have no objection to the variances requested.
6. To permit lot coverage of 26% instead of the maximum permitted 25% for the existing house and proposed accessory building within a designated area.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The lot coverage increase is minor and acceptable. The Zoning By-law seeks to reduce a sense of crowding by having decreasing lot coverage for two storey dwellings compared to single storey dwellings. Adequate setbacks from the adjacent properties are maintained and the development will still be in keeping with the area.

3) Desirability:

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

Yes

The proposed dwelling is in keeping with the form and scale of the dwellings on the street and causes no undue hardships on any adjacent property.

4) Minor in Nature:

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

Yes

The requested variance is minor in nature. It represents a small deviation from the zoning by-law requirements.

Cumulative Effects of Multiple Variances and Other Planning Matters:

No perceived negative cumulative effects.

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.

Date: July 19, 2017

Prepared By: Kristen Boulard

Site Engineering

The actual road width of Teddington Place is equal to or greater than the deemed width of 18.0 metres therefore, no road widening is required.

Date: April 25 2017

Prepared By: A. Scott

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The Site Engineering Department has reviewed the proposed minor variances and has no objections provided the applicant obtains grading and drainage approval before applying for a building permit. This is due to the limited permeable surface area within the rear and street side yards.

Direct the drainage from the patio towards the street because of the reduced permeable surface area and poor soil conditions. Therefore, the rear yard sub drain indicated on the provided plan is not advisable. Please contact the Site Engineering Department to discuss the necessary grading and drainage plan details.

Date: July 17 2017Prepared 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) A Pool Permit is required.

Date: July 12, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variances.

Date: July 10, 2017Prepared By: John Zaloznik**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: July 6, 2017Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

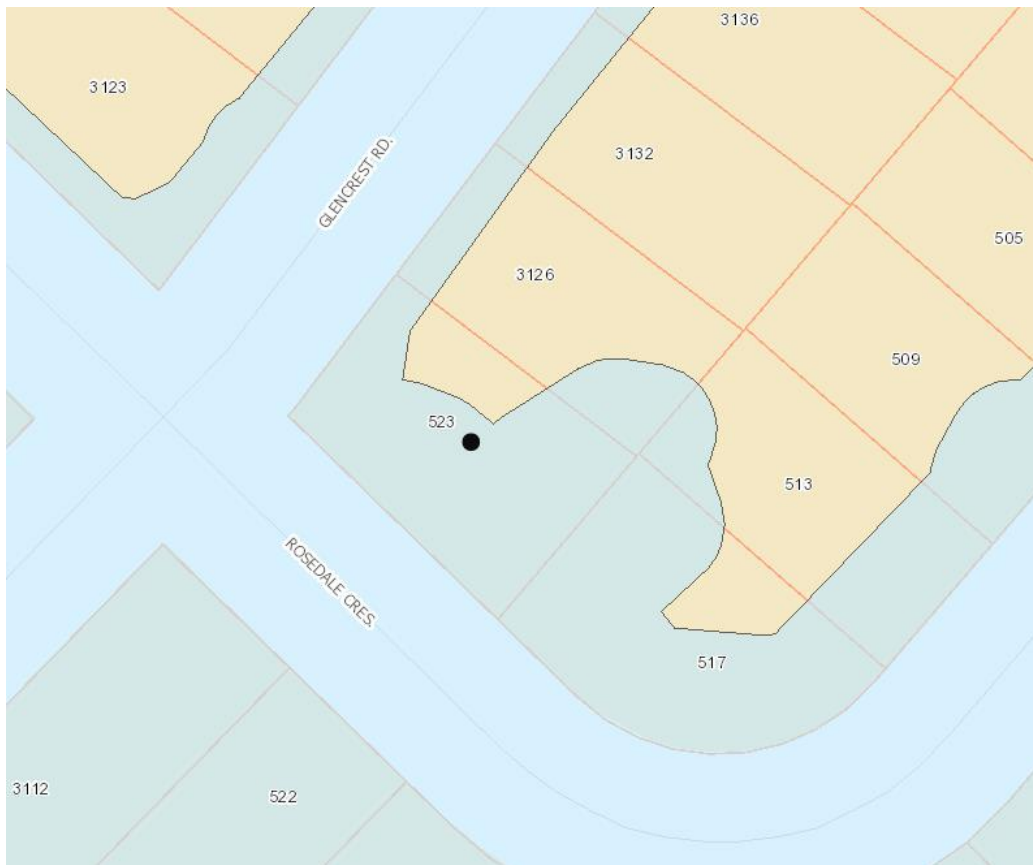
HEARING NO. 4 - 6:30 P.M.

File
540-02-A-066/17

APPLICANTS: Pauline Teresa Grande,
Giuseppe Grande,
523 Rosedale Cres. , Burlington ON L7N 2S7

PROPERTY: 523 Rosedale Cres.,
PLAN 1262 LOT 78
City of Burlington - Regional Municipality of Halton.

VARIANCE: 1. To permit a 2.6 m side yard setback instead of the
minimum required 3 m for a proposed deck greater than
1.2 m high



COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

STAFF REPORTS:

PLANNING AND BUILDING DEPARTMENT COMMENTS

Committee of Adjustment

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

Date: May 9, 2017Prepared By: Ashley Giangualano

Zoning

The subject property is zoned R3.1, low density residential, Zoning By-Law 2020, as amended, and is in the designated area for lot coverage.

The applicant is proposing a deck greater than 1.2 m in height with a maximum area of 29.7 m².

Part 1, Section 2.3: Table 1.2.1

Regulations for Decks associated with Detached, Semi-Detached, Duplex, Triplex, Fourplex, and Street Townhouse Dwelling Units			
Regulation	Deck Requirements		
	Over 60 cm to 1.2 m High	Over 1.2 m High	
		Up to 15 m ²	Over 15 m ²
Maximum Deck Area (a)	no maximum	15 m ²	30 m ²
Permitted in a Front Yard	no	no	no
Permitted in a Rear Yard	yes	yes	yes
Permitted in a Side Yard	yes	yes	yes
Setback from a Street Line	3 m	4.5 m	6 m
Setback from a Rear Lot Line	1.8 m	4.5 m	6 m
Setback from a Side Lot Line in a Rear Yard (See Illustration No. 1 –Side Yard)	1.2 m (b)	1.8 m (b)	3 m
Maximum coverage (c)	50% of the yard area in which decks are located		

Footnotes to Table 1.2.1

(a) Total combined area of all platforms over 1.2 m high

Variance required:

- 1) To permit a 2.6 m side yard setback instead of the minimum required 3 m for a proposed deck greater than 1.2 m high

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Notes:

- A zoning clearance is required for the proposed deck. At time of zoning clearance certificate the applicant will be required to provide the following additional information:
 - Revised elevation plan (signed and stamped by the architect), showing the height from fixed grade to the peak of the roof.
- Variance requirement the same under proposed Zoning By-law 2020.374. No additional comments required.
- Comments based upon the plans submitted. Any additional variances determined during further reviews will be the applicant's responsibility.

Date: July 18, 2017Prepared By: Mark Dalrymple**Site Planning**

The subject property is located in the southeast corner of Rosedale Crescent and Glencrest Road and supports a single detached dwelling. The applicant requires relief from the Zoning By-law in order to allow a covered deck to be constructed in the east side yard of the subject property. The following relief is requested:

1. To permit a 2.6 m side yard setback instead of the minimum required 3 m for a proposed deck greater than 1.2 m high.

1) Official Plan Designation: Residential – Low Density

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

Yes

The proposed deck would be integrated with a new roof element of the house and would replace the existing uncovered deck. The Official Plan requires new residential development to be compatible with its surroundings in terms of its density, form, bulk, height, setbacks, spacing and materials. The intent is to ensure that new development is integrated harmoniously into existing neighbourhoods. Staff is of the opinion that the proposed deck would maintain compatibility with surrounding properties in terms of the above aspects.

Based on the above, staff is satisfied that the requested variance would maintain the intent and purpose of the Official Plan.

2) Zoning By-law Designation: R3.1

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yes

The intent of the Zoning By-law regulations, as they relate to setbacks for taller decks, is to provide enhanced separation between decks and adjacent properties for privacy and compatibility purposes.

Staff notes that the requested relief would be for an encroachment of 0.4 m, and would be for only the northeast corner of the proposed deck. The balance of the deck would comply with the minimum-required setback of 3 m. Staff is of the opinion that the requested variance, if approved, would not amount to any undue impact on the neighbouring property to the east.

Based on the above, staff is satisfied that the requested variance would maintain the intent and purpose of the Zoning By-law.

3) Desirability:

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

Yes

The requested variance would allow for an improved outdoor amenity area to be added to the existing dwelling in an orderly manner. Staff therefore considers the requested variance to be desirable.

4) Minor in Nature:

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

Yes

The proposed variance represents a reasonable deviation from the Zoning By-law regulation. The intent of both the Official Plan and Zoning By-law would be maintained in this case, and there would be no negative impacts posed on the property's surroundings.

Therefore staff is satisfied that the requested variance is minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

N/A

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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.

Date: August 3, 2017Prepared By: Paul Klassen**Site Engineering**

This is a corner lot and both road widths are equal to or greater than deemed road widths (20m) No road widenings required.

Date: May 11, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variance and has no objection.

Date: July 26, 2017Prepared By: A. Capone**Building**

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

Date: August 4, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variance.

Date: July 27, 2017Prepared By: John Zaloznik**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.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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 improvements must be commuted.

Date: August 3, 2017

Prepared By: Paul Lacelle

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

File**540-02-A-068/17**

APPLICANTS: David Scott McPhee,
Sabina Gisela McPhee,
1258 Coloney Rd., Oakville ON L6M 1J8

PROPERTY: 1070 Algonquin Rd.,
PLAN 236 LOTS 29,30
City of Burlington - Regional Municipality of Halton.

VARIANCES: Variances required (2020):

1. To permit a front yard setback of 7.0 m instead of the minimum required 11.0 m for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 m instead of the minimum required 10.35 m for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 m instead of the minimum required 3.16 m for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 m instead of the maximum permitted projection of 0.50 m from the wall of the building for proposed overhangs.
5. To permit a rear yard setback of 6.6 m instead of the minimum required 10 m for a proposed basement walkout.

Character Study (2020.374) Variances required:

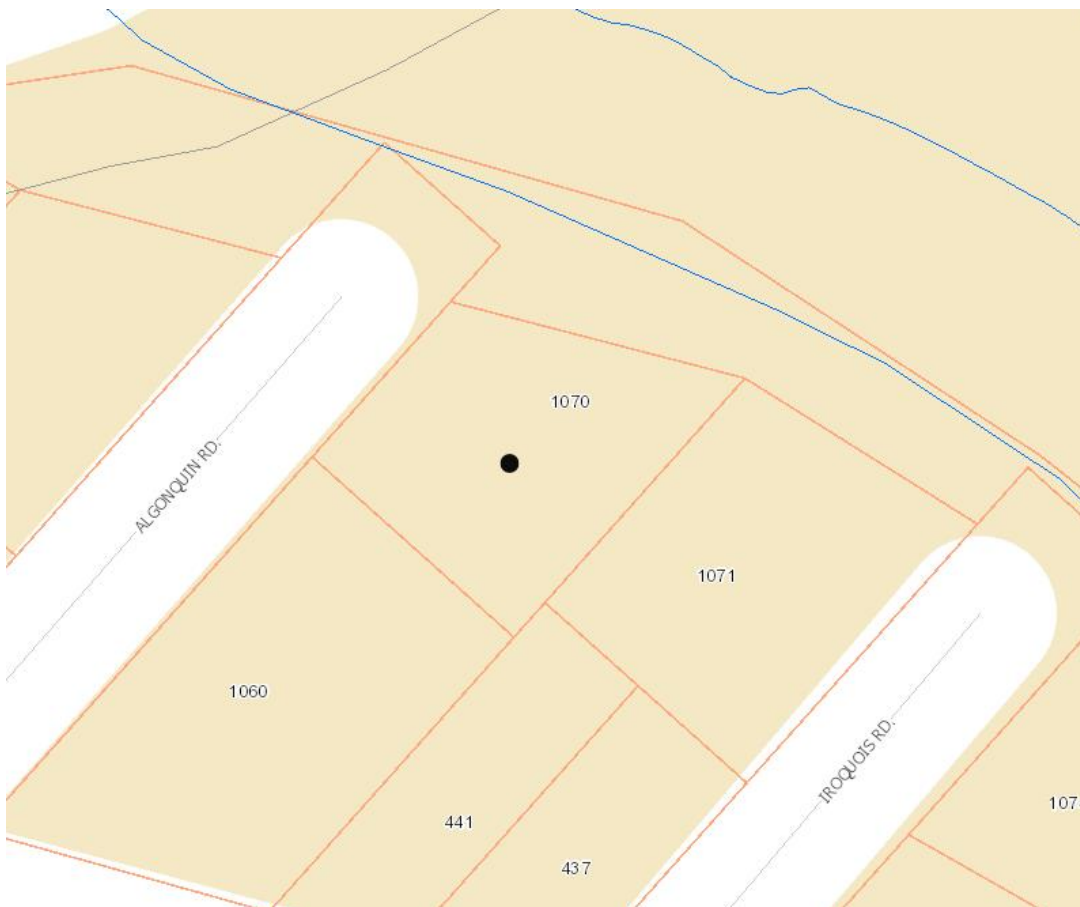
1. To permit a front yard setback of 7.0 m instead of the minimum required 11.0 m for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 m instead of the minimum required 10.35 m for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 m instead of the minimum required 4.74 m for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 m instead of the maximum permitted projection of 0.50 m from the wall of the building for proposed overhangs.
5. To permit a rear yard setback of 6.6 m instead of the minimum required 10 m for a proposed basement walkout.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

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

Date: May 10, 2017

Prepared By: Ashley Gianqualano

Zoning**By-Law 2020**

The subject property is zoned R2.1, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended. The R2.1 zone requires, among other things, the following:

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

4.1 Lot Width, Area, Yards

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m	10 m (c)	(a)	4.5 m

Footnotes to Table 2.4.1

a) With attached garage or carport: 10 % of actual lot width

Table 2.4.2

Other Yards	Requirement
Building setback abutting a creek block	7.5 m, 4.5 m if block includes a 3 m buffer

2.13 Encroachment Into Yards**2.13.1**

Every part of a required yard shall be unobstructed except with respect to the following encroachments:

a) The following obstructions may project **50 cm maximum into a side yard and 1 m maximum into any other yard from the wall of the building:**

- Overhang

c) A bay window, balcony, vestibule, fire escape or **open stairway** may project 50 cm maximum into a required side yard and 1.6 m maximum into any other required yard, provided that:

(i) The sum of the length of these projections does not exceed one third of the permitted length of a building wall,

(ii) The length of any one projection does not exceed 3 m (**basement walkout exceeds 3 m**).

d) The following obstructions may project 65 cm maximum into a required yard:

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

- A roofed-over or screened but otherwise unenclosed 1 storey porch (11 - .65 m = 10.35 m)
- A terrace or unroofed porch
- A carport

The applicant is proposing to demolish the existing dwelling and construct a new two storey detached dwelling. The following variances are required to facilitate the proposed development.

Variances required:

1. To permit a front yard setback of 7.0 m instead of the minimum required 11.0 m for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 m instead of the minimum required 10.35 m for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 m instead of the minimum required 3.16 m for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 m instead of the maximum permitted projection of 0.50 m from the wall of the building for proposed overhangs.
5. To permit a rear yard setback of 6.6 m instead of the minimum required 10 m for a proposed basement walkout.

Notes:

1. A zoning clearance certificate is required.
2. Conservation Halton approval is required including stamp approved plans and survey prior to application for a zoning certificate.
3. Ministry of Transportation approval is required prior to application for a zoning certificate.
4. Demolition permit required.
5. Property is located in the Indian Point Character Area. By-Law 2020.374 is currently under appeal. The proposed dwelling was assessed using current zoning regulations only.
6. A survey stamped by the Ontario Land Surveyor showing zoning layers only to be submitted with the zoning certificate application.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Character Study By-Law 2020-374

The subject property is zoned R2.1, low density residential (designated lot coverage), under Zoning By-Law 2020, as amended. The property is located in the Indian Point Character Area. The R2.1 zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS**Table 2.4.1**

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m (e)(f)	10 m (c)	(a)(d)	4.5 m

Footnotes to Table 2.4.1

(a) With attached garage or carport: 10%
of actual lot width

(d) Properties located within the Roseland and Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps:

With attached garage or carport:

Lots under 17m in width: 10% of actual lot width

Lots between 17-25m in width: 12% of actual lot width

Lots greater than 25m in width: 15% of actual lot width up to a maximum of 5 m (31.63 m x 15% = 4.74 m)

2.13 Encroachment Into Yards**2.13.1**

Every part of a required yard shall be unobstructed except with respect to the following encroachments:

a) The following obstructions may project **50 cm maximum into a side yard and 1 m maximum into any other yard from the wall of the building:**

- Overhang

c) A bay window, balcony, vestibule, fire escape or **open stairway** may project 50 cm maximum into a required side yard and 1.6 m maximum into any other required yard, provided that:

(i) The sum of the length of these projections does not exceed one third of the permitted length of a building wall,

(ii) The length of any one projection does not exceed 3 m (**basement walkout exceeds 3 m**).

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

d) The following obstructions may project 65 cm maximum into a required yard:

- A roofed-over or screened but otherwise unenclosed 1 storey porch (11 - .65 m = 10.35 m)
- A terrace or unroofed porch
- A carport

The applicant is proposing to demolish the existing dwelling and construct a new two storey detached dwelling. The following variances are required to facilitate the proposed development.

Variances required:

1. To permit a front yard setback of 7.0 m instead of the minimum required 11.0 m for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 m instead of the minimum required 10.35 m for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 m instead of the minimum required 4.74 m for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 m instead of the maximum permitted projection of 0.50 m from the wall of the building for proposed overhangs.
5. To permit a rear yard setback of 6.6 m instead of the minimum required 10 m for a proposed basement walkout.

Notes:

1. A zoning clearance certificate is required.
2. Conservation Halton approval is required including stamp approved plans and survey prior to application for a zoning certificate.
3. Ministry of Transportation approval is required prior to application for a zoning certificate.
4. Demolition permit required.
5. A survey stamped by the Ontario Land Surveyor showing zoning layers only to be submitted with the zoning certificate application.

Date: July 4, 2017

Prepared By: Tina Vassalli

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Site Planning

Indian Point Character Area

New Official Plan policies and Zoning By-law regulations regarding development within the City's character areas were adopted by Council on December 19, 2016. These regulations implement the Indian Point Character Study Area and create a policy framework to preserve neighbourhood character in the subject area. The Zoning By-law regulations have been appealed to the Ontario Municipal Board (OMB) and are not therefore in full force and effect. Notwithstanding this, the Committee of Adjustment may consider the new zoning regulations in their decision.

Although the zoning by-law regulations have been appealed to the OMB, the Official Plan policies were not and thus have status.

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

The subject property is designated "Residential Low Density" within the City's Official Plan. This designation permits low density residential development to a maximum density of 25 units per net hectare. The applicant proposes to demolish an existing house and construct a new 2 storey detached dwelling with attached garage. The demolition and construction of a single detached house does not impact density.

The subject lands are located in the Indian Point Character Area; new Official Plan policies have been adopted by Council as follows:

8.3.5.2 Policies

- | |
|--|
| a) <i>Neighbourhood Character Areas shall be identified in the City's Zoning By-law.</i> |
| b) <i>City Council may add or delete Neighbourhood Character Areas or alter the boundaries of existing Neighbourhood Character Areas from time to time through further amendment to the Zoning By-law, without the need for an Official Plan Amendment.</i> |
| c) <i>Notwithstanding the policies of Subsection 8.3.2.1 a) and b) of this Plan, permitted residential uses in Neighbourhood Character Areas shall be restricted to single-detached dwellings.</i> |
| d) <i>Proposed development should respect the existing neighbourhood character by incorporating built form and design elements, architectural features, building separations, lot coverage, scale, floor area ratio, and landscape qualities and characteristics that are prevalent in the Neighbourhood Character Area.</i> |
| e) <i>Healthy mature trees contribute to neighbourhood character. Development shall be consistent with the policies of Subsection 4.3. (Urban Forestry)</i> |

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Section 8.3.5.3 Site Specific Policies states the following with regards to Indian Point:

8.3.5.3 Site Specific Policies

- a) Indian Point is a distinct historic Neighbourhood Character Area characterized by its lakeside location, few streets, large mature tree canopy, spacious properties separated by large open spaces between houses and a variety of architectural styles. New development shall protect and enhance these neighbourhood character elements.

City Council recognizes that development will occur within the Character Areas. However such development will be more strictly scrutinized to ensure that it contributes to and entrenches the character of the historic neighbourhood in which it is located, thus not negatively altering or redefining this character.

Variance #1 and #2 – Front Yard Setback – YES

The subject application requests two variances that will allow the proposed house to better align with the front yards of houses on surrounding lots. The proposed front yard setback is meant to line the house up with the house to the west. That house maintains a front yard setback of approximately 8 m (still much below the required 11 m). The proposed 7 m is considered compatible especially as the subject house is the last house on Algonquin Road and adjacent to Indian Creek.

Variances #3 and #4 – Side Yard Setback - NO

Two variances are required for the west side yard setback where a 3 m setback (plus encroachment) is proposed and 3.16 m is the requirement under the current zoning and 4.74 m is the requirement based on character area zoning. As noted, the new Official Plan policies identify space between houses as part of the established character of the Indian Point neighbourhood. Although the adjacent house provides a large spatial separation to the common lot line, staff considers the proposed 3 m setback (36% reduction from character area zoning) on the subject lot as posing a noticeable visual impact on this part of Algonquin Road and to the development of this lot. The established rhythm of space versus built form will be negatively impacted. Staff recommends that the house be modified to comply with the spatial requirements of the Official Plan.

Variance #5 – Rear Yard Setback - YES

The subject variance is needed to allow a basement walkout to extend beyond the rear wall of the house. The rear wall of the house will adhere to the 10 m setback requirement. The basement walkout plus the rear deck and porch as proposed for the rear of the house are not considered to negatively impact on the provision of open space in the rear yard due to their very low mass and open air designs relative to the main dwelling structure.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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?

Variations #1 and #2 – Front Yard Setback - YES

The current zoning regulations as well as the regulations contained within the Indian Point Character Area zoning (which is under appeal) require a front yard setback of 11 m minimum for development of the subject lot. Staff have considered the proposed front yard relative to adjacent front yards and note that the proposed 7 m front yard (6.2 m for porch) does not negatively impact overall front spacing in the area and are of the opinion that the reduction is acceptable and appropriate to allow compatible development. The intent of the zoning regulations will be met.

Variations #3 and #4 - Side Yard Setback - NO

Under the current zoning regulations, a structure is to maintain a minimum side yard setback of 3.16 m. Under the Character Area zoning, the setback requirement is increased to 4.74 m in recognition of the importance that space plays in the character of Indian Point. While the reduction to the current requirement is minor from a mathematical perspective, its impact as it relates to the protection of open space especially between houses is a concern. The Official Plan makes very clear that spacing between houses is considered part of what defines the character of the Indian Point Neighbourhood.

Given general concerns regarding overall compatibility and the clarity provided by Council via the adoption of specific Official Plan policy regarding spacing between houses, the reduction to the side yard setback is not deemed to meet the intent of the zoning regulation.

Variance #5 – Rear yard Setback - YES

Both the current zoning regulations and the Character Area zoning regulations call for a 10 m rear yard setback on this property. The intent in both cases is to ensure that an adequate amount of rear open space is retained on each lot and also to ensure that buildings do not encroach into this space so as to negatively impact the rear yard amenity space on any adjacent lot.

In this case, the subject lot has an irregular shape and so a large amount of open space is maintained on the east side of the lot adjacent to Indian Creek. The retention of on-site amenity space is not a concern.

With regards to the adjacent development to the west, staff notes that the proposed house will extend beyond the rear wall of that adjacent home. As such, a portion of the

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

proposed house will flank the adjacent rear yard amenity area.

The variance however does not impact the siting of the dwelling itself. The variance would only allow a walkout basement structure to project beyond the rear wall of the house, maintaining a rear yard setback of 6.6 m. The rear wall of the house will comply with the 10 m rear yard setback requirement.

Staff considers the walkout basement feature to be low mass and not directly impacting the streetscape, the function of the rear yard space or the adjoining neighbour.

Staff considers this variance as meeting the intent of the regulation.

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, #2 and #5 – YES

Variance #3 and #4 - NO

While the front and rear yard setbacks for the proposed dwelling are deemed to be compatible with the adjacent dwelling and surrounding area, the proposed side yard setback is not considered desirable for protecting neighbourhood character and this is an important expectation of City Council

4) Minor in Nature:

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

Variances #1, #2 and #5 – YES

Variance #3 and #4 - NO

While Variances 1, 2 and 5 are minor in nature with regards to overall impact to the surrounding area, Variances 3 and 4 are not.

Cumulative Effects of Multiple Variances and Other Planning Matters:

The variances 1, 2 and 5, whether considered together or separately, are acceptable to allow for the proposed development. Variances 3 and 4 cannot be supported as they impact the provision of space on the property and conflict with the Indian Point Character Study.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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 to **Variances 1, 2 and 5**.

Staff recommends **refusal** of **Variances 3 and 4** as they contribute towards the elimination of an important character element being space and are not therefore deemed to be in keeping with the general intent of the Official Plan and Zoning By-law.

Date: July 18, 2017Prepared By: Charles Mulay MCIP RPP**Site Engineering**

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

Date: May 11, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variances and has no objections, subject to the following conditions:

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

Project Implementation Requirements:

- i. Prior to commencing any site works, the Owner shall submit a preliminary schedule for the servicing contract, utilities work, and building construction.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

mediation session may be necessary. The cost of the mediation shall be borne by the Owner.

- xi. If the Owner fails to comply with the above expectations and the project incurs significant delays, the development securities required by the development agreement may be used by the City to carry out any outstanding works deemed necessary as per this checklist to bring the site into compliance.

General Site Development Conditions:

- i. No work shall be done until the Executive Director of Capital Works has approved the plans and all work (grading, drainage, construction access, fencing, servicing and driveway locations) shall conform to such plans.
- ii. If during any phase of construction potentially adverse environmental impact to the site is discovered or occurs, the developer/owner agrees to:
 - a. inform the City/Region/MOE immediately
 - b. retain a qualified Environmental Consultant to investigate report and remediate as may be required, all in compliance with Ontario Regulation 153/04.
- iii. The Owner shall pay the cost of relocating any existing services or utilities made necessary by reason of the development
- iv. Submit for approval and implement silt control measures. Silt control shall be maintained during all phases of construction
- v. All streets abutting on the lands covered by this Agreement and to be used for access during the construction of any building/s on the approved Site Plan/s, shall be kept in good and usable condition during the said construction and, if damaged, will be restored immediately by the Owner. If the Owner fails to do this work on reasonable notice, the City may go in and do it at his expense. All vehicles making delivery to or taking materials from the lands on the said approved Site Plan/s, shall be adequately covered and not unreasonably loaded so as to not scatter refuse, rubbish or debris on the said streets abutting. Where more than one access may be had to the development site, the Executive Director of Capital Works may prohibit use of one or more, but not all, for the delivery of materials. Roads to be flushed and swept on Friday afternoons.
- vi. Take all necessary steps to prevent building material, mud, waste, soil or dust from being spilled or tracked onto public streets during construction and proceed immediately to clean up any streets so affected and agree that the performance securities may be used by the Executive Director of Capital Works to cover the cost of cleanup necessitated by failure to comply within a reasonable time frame with these requirements.

COMMITTEE OF ADJUSTMENT**MEETING #15****AGENDA****AUGUST 28, 2017**

-
- vii. The Owner will take all necessary steps as directed from time to time by the Executive Director of Capital Works to control dust, weeds, noise and any other nuisances.
 - viii. The Owner shall make good all damage caused by anything done in connection with the development.
 - ix. The Owner shall construct all works necessary as approved by the Executive Director of Capital Works to provide for proper drainage and stormwater management of all lands included in the development plan and adjacent lands which drain there through, or where existing drains in adjacent or abutting lands have been cut.
 - x. The Owner shall construct all works required to rectify and alleviate any drainage problem in the manner required by the Executive Director of Capital Works upon written notice by him; such work shall be in accordance with plans approved by the Executive Director of Capital Works.
 - 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: July 14, 2017Prepared By: V Aykroyd, OALA**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: July 10, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance application and has no concerns with the proposed variances.

Date: July 12, 2017Prepared By: John Zaloznik**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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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: July 6, 2017

Prepared By: L. Bray

Conservation Halton

July 11, 2017

**Re: Application For Minor Variance: 540-02-A-068/17
1070 Algonquin Road
City of Burlington
McPhee – Applicants**

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
- River and Stream Valley Hazards (flooding/erosion) &/or allowances
- Wetlands &/or Other Areas*
- Hazardous Lands (Unstable Soil/Unstable Bedrock)
- CH Permit Requirements

One Window Delegated Authority under PPS

- Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

CA/MOU

- Impacts on Lakes and Rivers
- Wildlife Habitat

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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"/>
<u>Other Comments (as a Public Body)</u>	
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"/>

Proposal

The applicant is proposing to demolish the existing dwelling and construct a new two-storey detached dwelling. The following variances are required to facilitate the proposed development.

Variances required as indicated by Zoning:

1. To permit a front yard setback of 7.0 metres instead of the minimum required 11.0 metres for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 metres instead of the minimum required 10.35 metres for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 metres instead of the minimum required 3.16 metres for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 metres instead of the maximum permitted projection of 0.50 metres from the wall of the building for proposed overhangs.
5. To permit a rear yard setback of 6.6 metres instead of the minimum required 10 metres for a proposed basement walkout.

Character Study Variances required:

1. To permit a front yard setback of 7.0 metres instead of the minimum required 11.0 metres for a proposed detached dwelling.
2. To permit a front yard setback of 6.2 metres instead of the minimum required 10.35 metres for a proposed roofed over front porch including overhang and stairs.
3. To permit a west side yard setback of 3.0 metres instead of the maximum required 4.74 metres for a proposed detached dwelling.
4. To permit a west side yard encroachment of 0.65 metres instead of the maximum permitted projection of 0.50 metres from the wall of the building for proposed overhangs.

COMMITTEE OF ADJUSTMENT**MEETING #15****AGENDA****AUGUST 28, 2017**

5. To permit a rear yard setback of 6.6 metres instead of the minimum required 10 metres for a proposed basement walkout.

Recommendation

CH has no objection to the approval of this Minor Variance Application. A Permit from CH is required prior to the initiation of any development on site.

Ontario Regulation 162/06

The subject property, 1070 Algonquin Road, is located adjacent to a tributary of Indian Creek. CH regulates a distance of 7.5 metres from the greater of the flooding and erosion hazards associated with that watercourse. Based on a review of our Approximate Regulation Limit (ARL) mapping, and a site visit conducted November 30, 2016, the property contains a portion of the erosion hazard (top of bank) associated with Indian Creek and the 7.5 metre regulatory setback from that hazard. The property is therefore considered to be regulated by CH.

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

As per Ontario Regulation 162/06 Policy 3.36.1, where buildings and structures already exist within 7.5 metres of the stable top of bank of minor valley systems, any replacement or additions may be permitted provided a) the replacement or addition does not encroach any closer to the stable top of bank than the existing development at its closest point and/or b) even if existing development is closer than 6 metres to the stable top of bank, no new development is permitted within 6 metres of the stable top of bank in order to provide for an erosion access allowance as per the Provincial Policy Statement. A geotechnical assessment may also be required to determine the location of the stable top of bank and to determine if the proposed development will have a negative impact on slope stability.

Based on a review of the information submitted with this application and observations made by staff while on site, it appears that the proposed dwelling will maintain minimum setback requirements as per Policy 3.36.1 a) and b) above. A geotechnical assessment is not required to accurately define our regulatory limits at this time. In lieu of that technical study, while staff has no objection to the proposed works and raise no concern with the required variances in association with those works, a Permit pursuant to Ontario Regulation 162/06 is required.

CH Permit Requirements

A permit pursuant to Ontario Regulation 162/06 is required prior to the initiation of the demolition and reconstruction works proposed. The applicant is to apply for, and obtain, a permit from CH. To do so, the following is to be submitted to our Administration Office:

- A complete and signed Permit Application Form under Ontario Regulation 162/06;
- Four (4) copies of all associated drawings; and,

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

-
- A cheque in the amount of the applicable P(3a) category as indicated on our Fee Schedule.

The Permit will be issued upon notice of approval of this Minor Variance Application.

Future Development

As the subject property is regulated by CH, additional technical information may be required to accurately refine the regulated limits at the time of any future development. Staff advises that development within the regulated area can be restricted and, in some cases, not permitted subject to CH's regulatory policies as approved by the Board of Directors.

One Window Delegated Authority under PPS
Natural Hazards (Sections 3.1.1-3.1.7 inclusive)

CH's flooding and erosion hazard policies are described within Section 3 of CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*. Those policies reflect the policies contained in the Provincial Policy Statement and Ontario Regulation 162/06 related to hazardous lands adjacent to river and stream systems. While specific comments pertaining to *River and Stream Valley Hazards (flooding/erosion) &/or allowances* can be found under the heading Ontario Regulation 162/06, staff are of the opinion that the proposed development meets the intent of CH Policy and the PPS.

Conclusion

The property contains a portion of the regulated area associated with Indian Creek. Based on the information submitted with this application, the proposed development meets the required policies pursuant to Ontario Regulation 162/06 and the direction of the PPS.

While staff have **no objection** to the proposed development or the associated variances required. The following is required prior to the initiation of any site works:

1. The applicant applies for, and obtains, a permit pursuant to Ontario Regulation 162/06 from CH.

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

Please note that CH has not circulated these comments to the applicant and we trust that you will provide them as part of your report.

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yours truly,

Original Signed

Cassandra Connolly
Regulations Officer
CC/

Ministry of Transportation

The Ministry has reviewed the Minor Variance application for 1070 Algonquin Road in Burlington and has the following comments:

1. The property is within the Ministry's Building and Land Use permit control area.
2. A Ministry Building and Land permit will be required before the commencement of work

Date: July 31, 2017

Prepared By: Connor McBride, Corridor Management Officer

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

File**540-02-A-072/17**

APPLICANTS:

Melissa Seifort,
Daniel Hyslop,
5159 Garland Cres. , Burlington ON L7L 7L2

PROPERTY:

5159 Garland Cres.,
PLAN M884 LOT 41
City of Burlington - Regional Municipality of Halton.

VARIANCES:

By-law 2020

1. To permit 1 parking space instead of the minimum required 2 parking spaces for the conversion of a garage to living space in an existing detached dwelling.
2. To permit a 9.0 m driveway width instead of the maximum permitted 5.5 m based on a detached dwelling having a garage located no closer to the street line than the dwelling.

By-law 2020.374

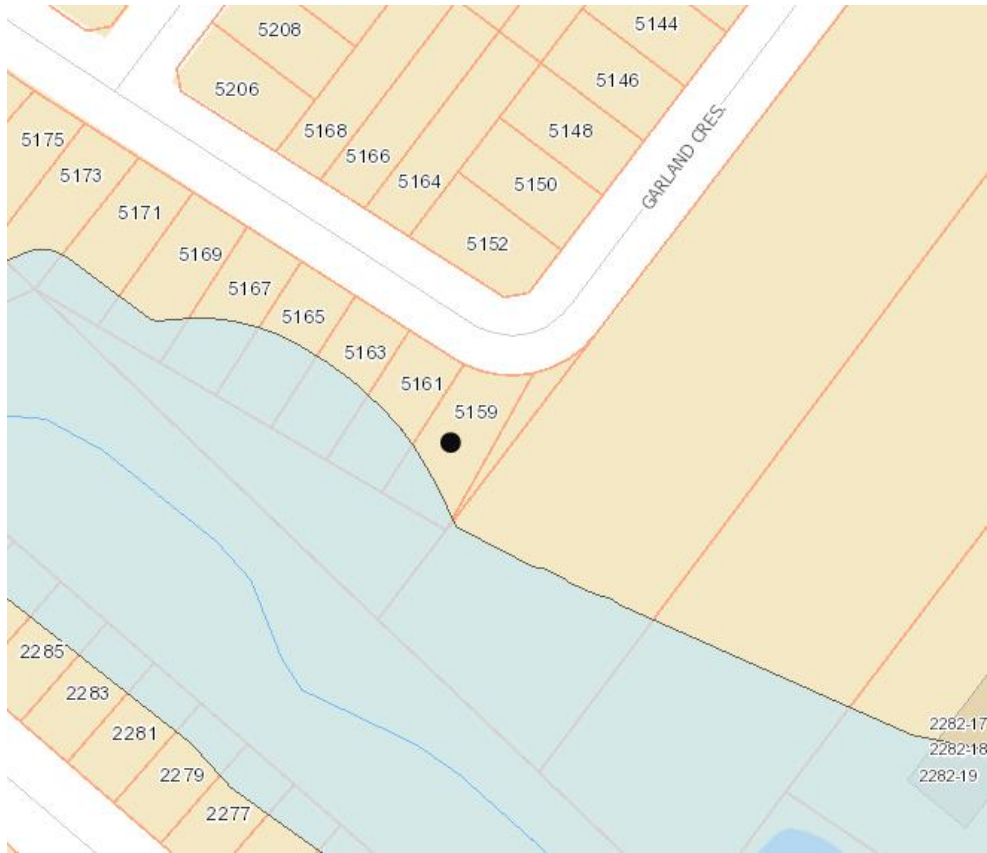
1. To permit 1 parking space instead of the minimum required 2 parking spaces for the conversion of a garage to living space in an existing detached dwelling.
2. To permit a 9.0 m driveway width instead of the maximum permitted 5.5 m based on a detached dwelling having a garage located no closer to the street line than the dwelling.
3. To permit a 5.5 m existing driveway length instead of the minimum required 6.0 m for an existing detached dwelling without an attached garage.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017



STAFF REPORTS:

PLANNING AND BUILDING DEPARTMENT COMMENTS

Committee of Adjustment

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

Date: May 15, 2017

Prepared By: Amanda D'Angelo

Zoning

The subject property is zoned RO3, Orchard Community Residential, under Zoning **By-Law 2020**, as amended. The RO3 zone requires, among other things, the following:

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

19.1 LOT WIDTH, AREA, YARDS

Table 2.19.1

Dwelling	Lot Width	Lot Area	Front Yard and Street Side Yard	Rear Yard	Side Yard
Detached	Min. 7.5 m (a) Max. 11 m (c)	245 m ²	3 m dwelling 5.5 m garage (b)	7 m	1.2 m one side, 0.6 m other side

19.4 BUILT FORM

Within each section of a plan of subdivision (i.e. a grouping of three or more contiguous lots fronting the same street, bounded by other streets, a subdivision boundary, a zone boundary, or other section) the following shall apply:

- (i) At least one third of the dwelling units shall have attached garages which shall not project more than 1.5 m beyond the second storey.
- (ii) One third of the dwelling units may have attached garages which project a maximum of 6.5 m beyond the second storey.
- (iii) One third of the dwelling units may have attached garages which project a maximum of 3.5 m beyond the second storey.
- (iv) Not more than 8 contiguous lots shall be 9 m or less in width.
- (v) Notwithstanding Part 1, Subsection 2.24, a lot width of 11.0 metres or greater may have a maximum driveway width of 5.5 m, subject to the following regulations:
 - (i) A garage (attached or unattached) shall not be located closer to a street line than the closest distance between the dwelling unit and the street line.

19.2 DETACHED GARAGE

A detached garage located in a rear yard abutting a public or private lane may be constructed to the rear lot line and shall be set back 90 cm from a side lot line and 3 m from a side lot line abutting a street. A detached garage located in a rear yard shall be set back 6 m from a dwelling on the same lot.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

19.6 PARKING

Parking shall be provided in accordance with Part 1, Subsection 2.25 "Off-Street Parking and Loading Requirements".

2.25 OFF-STREET PARKING AND LOADING REQUIREMENTS

2.25.4 The number of parking spaces required for permitted uses in all zones shall be in accordance with Table 1.2.6, unless otherwise specified in the respective zones.

Table 1.2.6: Off-Street Parking Standards

USE	PARKING STANDARD
Detached Dwelling	2 spaces per unit; one of which may be provided in an attached or detached garage

The applicant is proposing the conversion of an existing attached garage to living space. The driveway width maximum which has been modified is tied to the garage location and does not anticipate a detached dwelling without a garage.

Variances required:

1. To permit 1 parking space instead of the minimum required 2 parking spaces for the conversion of a garage to living space in an existing detached dwelling.
2. To permit a 9.0 m driveway width instead of the maximum permitted 5.5 m based on a detached dwelling having a garage located no closer to the street line than the dwelling.

Notes:

1. A zoning clearance certificate is required for the proposed dwelling.
2. The RO3 zoning has no regulations for a detached dwelling without an attached garage except if a detached garage is located in the rear yard and the rear yard abuts a public or private lane.
3. Conservation Halton approval is required.
4. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.
5. The plans provided indicate that portions of the concrete walkway and fence are located on Block 42.

Date: July 12, 2017

Prepared By: C. Lipnicky

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The subject property is zoned RO3, Orchard Community Residential, under Zoning By-Law 2020 as amended by Zoning By-law 2020.374. The RO3 zone requires, among other things, the following:

19.1 LOT WIDTH, AREA, YARDS

Table 2.19.1

Dwelling	Lot Width	Lot Area	Front Yard and Street Side Yard	Rear Yard	Side Yard
Detached	Min. 7.5 m (a) Max. 11 m (c)	245 m ²	3 m dwelling 5.5 m garage (b)	7 m	1.2 m one side, 0.6 m other side

19.4 BUILT FORM

Within each section of a plan of subdivision (i.e. a grouping of three or more contiguous lots fronting the same street, bounded by other streets, a subdivision boundary, a zone boundary, or other section) the following shall apply:

- (vi) At least one third of the dwelling units shall have attached garages which shall not project more than 1.5 m beyond the second storey.
- (vii) One third of the dwelling units may have attached garages which project a maximum of 6.5 m beyond the second storey.
- (viii) One third of the dwelling units may have attached garages which project a maximum of 3.5 m beyond the second storey.
- (ix) Not more than 8 contiguous lots shall be 9 m or less in width.
- (x) Notwithstanding Part 1, Subsection 2.24, a lot width of 11.0 metres or greater may have a maximum driveway width of 5.5 m, subject to the following regulations:
 - (i) A garage (attached or unattached) shall not be located closer to a street line than the closest distance between the dwelling unit and the street line.

19.2 DETACHED GARAGE

A detached garage located in a rear yard abutting a public or private lane may be constructed to the rear lot line and shall be set back 90 cm from a side lot line and 3 m from a side lot line abutting a street. A detached garage located in a rear yard shall be set back 6 m from a dwelling on the same lot.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

19.6 PARKING

Parking shall be provided in accordance with Part 1, Subsection 2.25 “Off-Street Parking and Loading Requirements”.

2.24 DRIVEWAY WIDTHS AND LANDSCAPED OPEN SPACE AREA (Part 1)

- 4) The width of driveways and walkways shall be measured perpendicular to the direction of travel of the vehicle or person.
- 3) Unless otherwise specified in this by-law, driveways shall be a minimum of 6m in length.

2.25 OFF-STREET PARKING AND LOADING REQUIREMENTS

2.25.4 The number of parking spaces required for permitted uses in all zones shall be in accordance with Table 1.2.6, unless otherwise specified in the respective zones.

Table 1.2.6: Off-Street Parking Standards

USE	PARKING STANDARD
Detached Dwelling	2 spaces per unit; one of which may be provided in an attached or detached garage

The applicant is proposing the conversion of an existing attached garage to living space. The driveway width maximum which has been modified is tied to the garage location and does not anticipate a detached dwelling without a garage.

VariANCES required:

1. To permit 1 parking space instead of the minimum required 2 parking spaces for the conversion of a garage to living space in an existing detached dwelling.
2. To permit a 9.0 m driveway width instead of the maximum permitted 5.5 m based on a detached dwelling having a garage located no closer to the street line than the dwelling.
3. To permit a 5.5 m existing driveway length instead of the minimum required 6.0 m for an existing detached dwelling without an attached garage.

Notes:

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

COMMITTEE OF ADJUSTMENT**MEETING #15****AGENDA****AUGUST 28, 2017**

-
2. The RO3 zoning has no regulations for a detached dwelling without an attached garage except if a detached garage is located in the rear yard and the rear yard abuts a public or private lane.
 3. Conservation Halton approval is required.
 4. The variances identified are based on the plans provided. Any changes to the plans resulting in additional variances will be the responsibility of the applicant to obtain.
 5. The plans provided indicate that portions of the walkway and fence are located on Block 42.

Date: July 12, 2017Prepared By: C. Lipnicky**Site Planning**

The applicant is proposing to convert the existing garage into living space and to permit the existing hard surface in front of the house. The existing garage does not meet the current standards for a parking space in Zoning By-law 2020. However, a small car could still fit in the existing garage. The existing hard surface installed in front of house does not meet the Zoning requirement for a parking space, but is being used as one.

1) Official Plan Designation: Low Density Residential

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

Yes

The subject lands are designated Low Density Residential in the Official Plan which permits single detached dwellings with a density of 25 units per net residential hectare. The proposed single family dwelling complies with this policy. The Official Plan includes a policy for the reduction of parking ratios. Subsection 3.2.2 (j) in Part II states that reduced parking ratios/standards/on-street parking may be permitted subject to an evaluation by the City of the appropriateness of such standards.

The Orchard community has a history of parking related problems that the City is called out to investigate including on-street parking beyond the allowable time, parking in the front yard and general complaints that there is not enough parking in the area. The proponent has identified that the garage is undersized with respect to the City's by-law standards and does not fit either of the proponent's current vehicles. The area permits overnight parking but limits daytime parking to 5hrs maximum.

The subject property includes a four bedroom house, and the images of the dwelling on Google street view show the dwelling with two vehicles (one parked in front of living space). Staff feels that the increased driveway width is appropriate as the subject lands

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

are at the edge of the subdivision and on a curve in the road which provides a significant amount of green space in front of the dwelling in the municipal road allowance and on an adjacent block of land. The proposed reduction in parking space size meets the general intent of the Official Plan.

The proposal meets with the intent of the Urban Design policies in the Official Plan in Part II, Section 6. The OP has an overriding design principle that states the tangible elements of the urban form shall be designed in an efficient, attractive and compact manner. The associated policies include regard for streetscape improvements, continuous streetscapes, and parking areas shall be designed to minimize their potential to erode the qualities of the public streetscape and to lessen their visual impact. In this specific case where the property has an excess of green space within the municipal road allowance and in the adjacent remnant block, the increase in hardscaping is acceptable. However, if this had been an interior lot - it would not meet the intent of these policies. Staff feel the requested variances meet the intent of the Official Plan.

2) Zoning By-law Designation: RO3

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

Yes

The request to eliminate one parking space (currently located in the garage) given that the garage does not meet the standards currently in Zoning By-law 2020 is acceptable. As the dwelling currently only has one parking space as defined by Zoning By-law 2020, Staff has no objection to the conversion of the attached garage to living space in exchange for a wider driveway to provide more functional parking on site.

Required under Zoning By-Law 2020, if amended by Zoning By-law 2020.374

Variance 3 is required due to a city wide zoning by-law requirement for a 6m driveway length despite the fact that Orchard zoning permits a garage with a 5.5m setback from the street. This variance is technical in nature to reflect an existing condition. Staff are of the opinion the proposed variances meet the intent of the zoning by-law.

3) Desirability:

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yes

The current garage does not fit the proponent's vehicles; while the city receives many complaints relating to the lack of parking available in the area, the garage is not usable by the proponent's for parking.

The Zoning By-law regulates the driveway width and landscaped area to ensure a balance of parking and green space. Due to the excess of green space in the front and side yard and the curvature of the street, the proposed variances for this specific property are desirable.

4) Minor in Nature:

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

Yes

The variances requested do not functionally change the use or performance of the subject lands. The unique characteristics of this property enable the proposed minor variances to be considered minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff do not foresee any cumulative effects associated with the approval of the requested variances.

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 does not object to the variances, as requested.

Date: Aug 3, 2017Prepared By: Kristen Boulard**Site Engineering**

Actual road width is equal to or greater than deemed road width (14m) No road widening required.

Date: May 15, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variances and has no objection.

Date: July 18, 2017Prepared By: A. Capone

COMMITTEE OF ADJUSTMENT**MEETING #15****AGENDA****AUGUST 28, 2017**

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: window not permitted in side wall of garage. (9.10.15 –Spatial Separation)

Date: August 4, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and notes that the proposed variances would result in the subject property having 1 parking space within the property limits. It is acknowledged that the existing driveway on the subject property can accommodate two vehicles, in practice. However, the subject property cannot accommodate two vehicle parking spaces which adhere to the parking stall dimensions as set out in the City's Site Plan Application Guidelines.

Date: July 20, 2017Prepared By: John Zaloznik**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 improvements must be commuted.

Date: August 3, 2017Prepared By: Paul Lacelle**Conservation Halton**

Conservation Halton has received circulation of Minor Variance Application 540-02-A-072/17 for 5159 Garland Crescent, Burlington. Based on a review of the submission, it is our understanding that the proposal is associated with the conversion of an existing attached garage into living space. As the proposed development is primarily internal renovations to an existing portion of the dwelling, Conservation Halton staff do not have any comments/concerns.

Date: July 18, 2017Prepared By: Cassandra Connolly

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

HEARING NO. 7 - 6:30 P.M.

File**540-02-A-075/17**

APPLICANT: Michal Bzowski,
491 Holtby Ave, Burlington ON L7R 2R4

PROPERTY: 931 Lasalle Park Rd.,
PLAN 732 LOT 3
City of Burlington - Regional Municipality of Halton.

VARIANCES: Zoning By-law 2020:

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.
2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.

Zoning By-law 2020 as amended by 2020.374

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.
2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.
3. To permit a floor area ratio of 50% instead of the maximum permitted 45% for a proposed 2 storey detached dwelling with an attached garage.
4. To permit a building depth of 21 m instead of the maximum permitted depth of 18 m for a proposed 2 storey detached dwelling with an attached garage.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

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

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

File No. A301/1989 – Approved

- Reduced side yard setbacks

Date: May 29, 2017

Prepared By: Amanda D'Angelo

Zoning

The subject property is zoned R2.1 (Low Density Residential) and is located in a designated area for lot coverage under Zoning By-law 2020, as amended. The R2.1 zone permits a detached dwelling.

The following regulations apply to the new dwelling.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yards

The R2.1 requires the following setbacks:

Front Yard:	11 m
Rear Yard:	10 m
Side Yard [internal]:	1.53 m [10% of lot width]
Street Side Yard:	4.5 m

4.2 LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
One storey	40% including accessory buildings	32% plus 8% for accessory buildings
One and a half storey	37.5% including accessory buildings	29.5% plus 8% for accessory buildings
Two or more storeys	35% including accessory buildings 40% in R3.3 and R3.4 zones	27% plus 8% for accessory buildings 32% plus 8% in R3.3 and R3.4 zones
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

Footnotes to Table 2.4.3

- (d) One accessory building less than 10 m² and less than 2.5 m in height shall be exempt from the lot coverage requirements of Table 2.4.3.
- (e) Designated Areas are shaded on ZONING MAPS in Part 15.
- (f) Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall be exempt from the designated area regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

The applicant is proposing a new dwelling on this corner lot. The new house is required to be located 4.5 m from Bayside Court, which is considered as the street side yard. As the new house will only be located 1.5 m from the street side yard, a variance is required for the reduced setback.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

This property is located in a designated area for lot coverage and for a 2 storey house; the maximum lot coverage is 25%. As the proposed house has a lot coverage of 28%, a variance is required for the greater lot coverage.

Variations required:

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.
2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.

Zoning By-law 2020-374

The subject property is zoned R2.1 (Low Density Residential) and is located in a designated area for lot coverage under Zoning By-law 2020, as amended by Zoning By-law 2020-374. The R2.1 zone permits a detached dwelling.

The following regulations apply to the new dwelling.

Yards

The R2.1 requires the following setbacks:

Front Yard:	11 m
Rear Yard:	10 m
Side Yard [internal]:	1.53 m [10% of lot width]
Street Side Yard:	4.5 m

4.2 LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
One storey	40% including accessory buildings	32% plus 8% for accessory buildings
One and a half storey	37.5% including accessory buildings	29.5% plus 8% for accessory buildings
Two or more storeys	35% including accessory buildings 40% in R3.3 and R3.4 zones	27% plus 8% for accessory buildings 32% plus 8% in R3.3 and R3.4 zones

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings
--	--	--

Footnotes to Table 2.4.3

- (a) One accessory building less than 10 m² and less than 2.5 m in height shall be exempt from the lot coverage requirements of Table 2.4.3.
- (b) Designated Areas are shaded on ZONING MAPS in Part 15.
- (c) Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard shall be exempt from the designated area regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

4.5 FLOOR AREA RATIO

- (a) A maximum floor area ratio of 0.45:1 shall apply to all properties in Designated Areas for Lot Coverage.
- (b) Notwithstanding subsection a) above, properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a maximum floor area ratio of 0.4:1.

4.6 DWELLING DEPTH

- (a) Maximum depth of a dwelling shall be 18m measured from building wall closest to front lot line to building wall closest to rear lot line.

Note - Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this dwelling depth regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

The applicant is proposing a new dwelling on this corner lot. The new house is required to be located 4.5 m from Bayside Court, which is considered as the street side yard. As the new house will only be located 1.5 m from the street side yard, a variance is required for the reduced setback.

This property is located in a designated area for lot coverage and for a 2 storey house; the maximum lot coverage is 25%. As the proposed house has a lot coverage of 28%,

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

a variance is required for the greater lot coverage.

With regards to floor area ratio, the applicant is proposing a 2 storey house with a 50% floor area ratio. As this exceeds the 45% maximum allowed by the by-law, a variance is required for the greater ratio.

Lastly the proposed dwelling has a building depth of 20.75 m, which exceeds the 18 m maximum allowed by the by-law. A variance is required for the greater building depth.

Variations required:

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.
2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.
3. To permit a floor area ratio of 50% instead of the maximum permitted 45% for a proposed 2 storey detached dwelling with an attached garage.
4. To permit a building depth of 21 m instead of the maximum permitted depth of 18 m for a proposed 2 storey detached dwelling with an attached garage.

As a condition of approval, the applicant is required to apply for a Zoning Clearance Certificate.

Date: July 10, 2017

Prepared By: Gary Jin

Site Planning

The applicant is proposing to construct a new dwelling on the subject lands with an attached garage.

1) Official Plan Designation: Low Density Residential

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

Yes

The subject lands are designated Low Density Residential in the Official Plan which permits single detached dwellings with a density of 25 units per net residential hectare. The proposed single family dwelling complies with this policy. The proposed development meets the general intent of the Official Plan.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

2) Zoning By-law Designation: R2.1

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

Yes

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.

The subject property was created prior to the adjacent roadway of Bayside Court; therefore it was not designed as a corner lot, which are typically wider to address flankage yard requirements. The newly constructed Bayside Court was approved as part of subdivision agreement and the roadway includes a large board on board fence in the municipal right-of-way along the existing developments to the south.



Staff are of the opinion that the variance requested is acceptable given the hardship the development to the north has caused and the fence constructed as part of the subdivision mitigates any impact of the reduced side yard setback.

2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.

The proposed dwelling is able to provide adequate setbacks and private amenity area given the lot was created as an internal lot and became external through the adjacent development. The dwellings located adjacent along Bayside Court have lot coverages up to 30% offering compatibility of the proposed structure with the surrounding development which has a variety of lot coverages. The proposed dwelling has a reduced second floor with a low roof (similar to a one and half storey) to reduce the impact on the adjacent one storey dwelling to the south. The lot coverage at grade is not reflected in the mass of the dwelling. Staff are of the opinion the application meets the intent of the Zoning By-law.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

3) Desirability:

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

Yes

The variances for a flankage yard reduction and for a lot coverage increase are appropriate development for this particular lot.

4) Minor in Nature:

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

Yes

The requested variances are minor in nature. They represent small deviations from the zoning by-law requirements.

Cumulative Effects of Multiple Variances and Other Planning Matters:

No perceived negative cumulative effects.

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.

Date: July 24, 2017

Prepared By: Kristen Boulard

Site Planning – If Variance is from Zoning By-law 2020, as amended by 2020.374.

The applicant is proposing to construct a new dwelling on the subject lands with an attached garage.

1) Official Plan Designation: Low Density Residential

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

Yes

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The subject lands are designated Low Density Residential in the Official Plan which permits single detached dwellings with a density of 25 units per net residential hectare. The proposed single family dwelling complies with this policy. The proposed development meets the general intent of the Official Plan.

2) Zoning By-law Designation: R2.1

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

Yes

1. To permit a 1.5 m street side yard setback instead of the minimum required 4.5 m for a proposed 2 storey detached dwelling.

The subject property was created prior to the adjacent roadway of Bayside Court; therefore it was not designed as a corner lot, which are typically wider to address flankage yard requirements. The newly constructed Bayside Court was approved as part of subdivision agreement and the roadway includes a large board on board fence in the municipal right-of-way along the existing developments to the south.



Staff are of the opinion that the variance requested is acceptable given the hardship the development to the north has caused and the fence constructed as part of the subdivision mitigates any impact of the reduced side yard setback.

2. To permit lot coverage of 28% instead of the maximum permitted 25% for a proposed 2 storey detached dwelling with an attached garage in the designated area.

The proposed dwelling is able to provide adequate setbacks and private amenity area given the lot was created as an internal lot and became external through the adjacent development. The dwellings located adjacent along Bayside Court have lot coverages up to 30% offering compatibility of the proposed structure

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

with the surrounding development which has a variety of lot coverages. The proposed dwelling has a reduced second floor with a low roof (similar to a one and half storey) to reduce the impact on the adjacent one storey dwelling to the south. The lot coverage at grade is not reflected in the mass of the dwelling. Staff are of the opinion the application meets the intent of the Zoning By-law.

3. To permit a floor area ratio of 50% instead of the maximum permitted 45% for a proposed 2 storey detached dwelling with an attached garage.

The new Floor Area Ratio regulation is defined by taking the area of the floor area of the dwelling measured from the external walls and including an attached garage and dividing it by the lot area. The intent of the floor area ratio is to further regulate the mass and scale of the proposed built form. Lot coverage only deals with the two dimensional plane, while floor area ratio can regulate the mass and bulk of the structure.

This surrounding community is very much in transition, due to the built form of the new subdivision. The new subdivision has large houses (25-35% coverage) and have a large massing, while the older dwellings are smaller in massing. The proposed dwelling is well designed as a transition between the two forms. The scale of the proposed dwelling is similar to the newer dwellings, but has a low roofline (the same height as a one and half storey dwelling), a reduced second floor plate, and is designed with an historic design aesthetic (Prairie School). Staff have no objection to the variance, as it is keeping with the intent of the Zoning Bylaw.

4. To permit a building depth of 21 m instead of the maximum permitted depth of 18 m for a proposed 2 storey detached dwelling with an attached garage

The proposed variance is acceptable as the dwellings in the immediate area to the south and west have a range of depths from 22m to 16m and the lot is a narrow, deep lot. The increase in depth is in keeping the character of the immediate area.

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 requested variances are minor in nature. They represent small deviations from the zoning by-law requirements.

Cumulative Effects of Multiple Variances and Other Planning Matters:

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

No perceived negative cumulative effects.

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.

Date: July 25, 2017Prepared By: Kristen Boulard**Site Engineering**

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

Date: June 5, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variances and has no objection.

Date: July 20, 2017Prepared By: A. Capone**Building**

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

Date: August 4, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variances.

Date: July 17, 2017Prepared By: John Zaloznik**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.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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: July 13, 2017

Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

HEARING NO. 8 - 6:30 P.M.

File**540-02-A-079/17**

APPLICANTS: Andrew Thomas Vasilak,
Leah Evelyn Vasilak,
349 Cardinal Ave., Burlington ON L7T 2P3

PROPERTY: 349 Cardinal Ave.,
PLAN 873 LOT 102
City of Burlington - Regional Municipality of Halton.

VARIANCES: Variances required under By-law 2020:

1. To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
2. To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition

Variances required under By-law 2020.374:

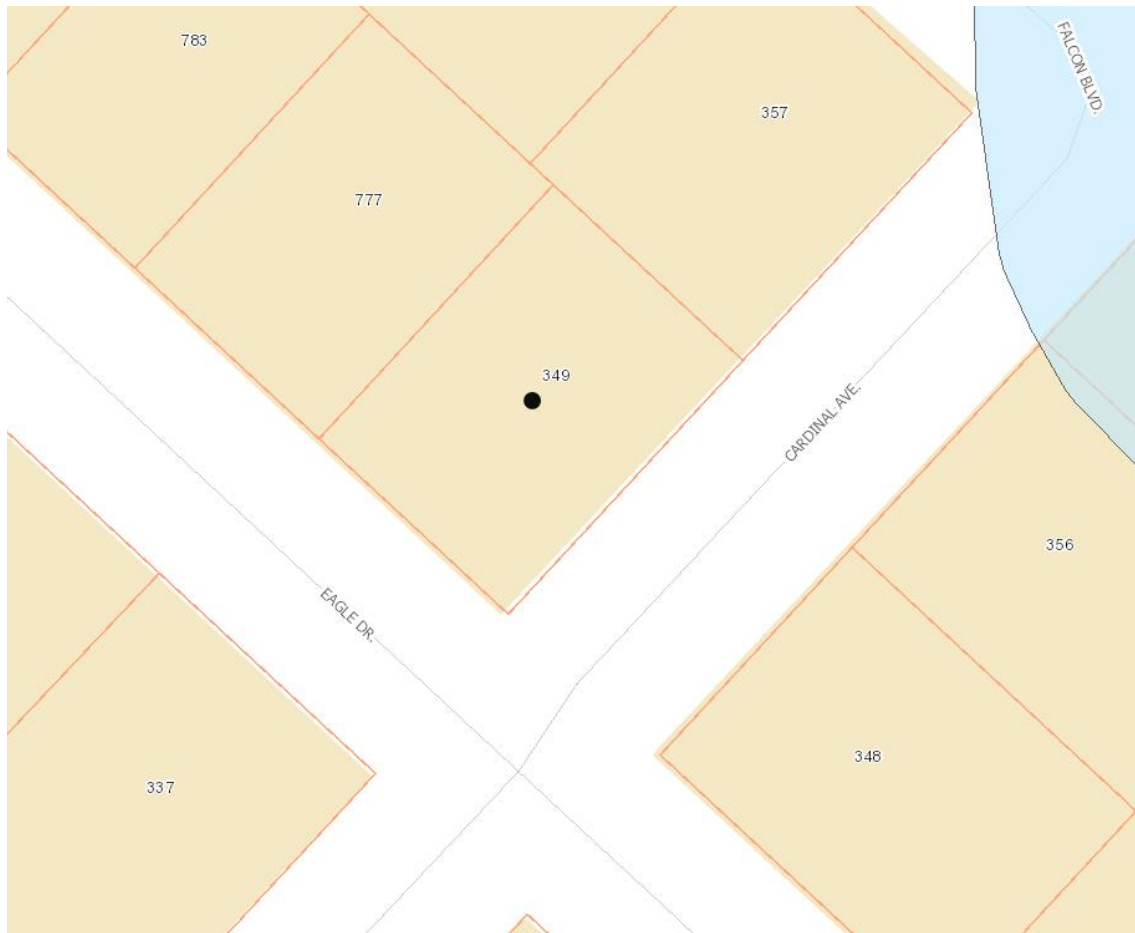
1. To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
2. To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition
3. To permit a maximum dwelling depth of 22.9 m instead of the maximum permitted dwelling depth of 18 m
4. To permit the height of columns on the porch to exceed the height of the ceiling of the first storey instead of the requirement that the height of columns not exceed the height of the ceiling of the first storey.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017



STAFF REPORTS:

PLANNING AND BUILDING DEPARTMENT COMMENTS

Committee of Adjustment

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

Date: May 31, 2017

Prepared By: Amanda D'Angelo

Zoning

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

The applicant is proposing several additions to the existing 1 storey dwelling.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m	10 m (c)	(a)	4.5 m

Footnotes to Table 2.4.1

(b) With attached garage or carport: 10% of actual lot width

(c) On a corner lot the rear yard may be 4.5 m

Variances required under By-law 2020:

- 2) To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
- 3) To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition

Notes:

- A zoning clearance is required for the proposed additions.
- Comments based upon the plans submitted. Any additional variances determined through further reviews are the applicant's responsibility.

Date: June 29, 2017 Prepared By: Mark Dalrymple**ZONING COMMENT**

The subject property is zoned R2.1, low density residential, Zoning By-Law 2020 as amended by Zoning By-law 2020.374, and is in the designated area for lot coverage.

The applicant is proposing several additions to the existing 1 storey dwelling.

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m (e)(f)	10 m (c)	(a)(d)	4.5 m

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Footnotes to Table 2.4.1

- (a) With attached garage or carport: 10% of actual lot width
- (c) On a corner lot the rear yard may be 4.5 m

4.6 DWELLING DEPTH

- (b) Maximum depth of a dwelling shall be 18m measured from building wall closest to front lot line to building wall closest to rear lot line.

Note - Properties with a front or street side yard abutting Lakeshore Road and North Shore Boulevard and all properties south of Lakeshore Road and North Shore Boulevard (excluding Indian Point Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps) shall be exempt from this dwelling depth regulation. For through lots, the front building elevation shall determine the front of the lot for the purposes of this regulation.

4.7 ARCHITECTURAL FEATURES

- (a) On building elevations facing a street, the height of columns on the first storey shall not exceed the height of the ceiling of the first storey.

Variances required under By-law 2020.374:

- 1) To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
- 2) To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition
- 3) To permit a maximum dwelling depth of 22.9 m instead of the maximum permitted dwelling depth of 18 m
- 4) To permit the height of columns on the porch to exceed the height of the ceiling of the first storey instead of the requirement that the height of columns not exceed the height of the ceiling of the first storey.

Notes:

- A zoning clearance is required for the proposed additions.
- Comments based upon the plans submitted. Any additional variances determined through further reviews are the applicant's responsibility.

Date: June 29, 2017

Prepared By: Mark Dalrymple

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Site PlanningZONING BY-LAW 2020

The subject property is located in the northeast corner of Cardinal Avenue and Eagle Drive, and currently supports a single-storey detached dwelling. The applicant requires the following variances in order to permit additions to the existing dwelling:

1. To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
2. To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition

Although the dwelling is functionally oriented towards Cardinal Avenue, under the Zoning By-law, the front lot line of the subject property is considered to be the west lot line along Eagle Drive, and the rear lot line is considered to be the east lot line, which is shared with the adjacent property known as 357 Cardinal Avenue. The dwelling at 357 Cardinal Avenue is also oriented towards Cardinal Avenue, although it has driveway access off of Falcon Boulevard.

1) Official Plan Designation: Residential - Low Density

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

Yes

The subject property is designated 'Residential – Low Density' within the City's Official Plan, which permits ground-oriented housing to a maximum density of 25 units per net hectare. The proposed additions to the existing home would represent no change to the current use and density on the property.

The Official Plan also requires that new residential development be compatible with its surroundings in terms of its density, form, bulk, height, setbacks, spacing and materials, in order to ensure that it is harmoniously integrated into existing neighbourhoods. Staff is of the opinion that the requested variances would not preclude compatible building additions to the existing one-storey home in terms of the above-noted characteristics.

Based on the above, staff is satisfied that the requested variances would maintain the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R2.1

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yes

Front yard setbacks are intended to provide for appropriate separation between dwellings and public roadways, facilitate the alignment of dwellings along the streetscape, and maintain open space within neighbourhoods. Rear yard setbacks allow for the preservation of rear yard amenity space, and prevent dwellings from imposing on adjacent properties by restricting them from coming too close to rear lot lines and by encouraging their alignment with adjacent dwellings. Staff notes that the subject property's front and rear yards function practically as west and east side yards, respectively.

The requested front yard setback would be a reduction of less than one metre from the existing setback and would maintain sufficient alignment between the subject dwelling and the façade of the dwelling to the north at 777 Eagle Drive. Staff is of the opinion that the west/south addition would maintain an appropriately-sized yard abutting Eagle Drive and would maintain compatibility with the surrounding neighbourhood in its corner lot position.

The applicant is also requesting a variance for a reduced rear yard setback of 1.63 m for the proposed east/south addition. Staff notes that the interface between the subject property and the property to the east at 357 Cardinal Avenue is and would remain functionally equivalent to two abutting side yards. The proposed east/south addition would maintain the dwelling's single-storey height, and would pose no negative impact on the neighbouring dwelling at the proposed setback. Staff anticipates that the rear yard of the property will be used only for access between the north and south side yards of the property and will not function as an amenity area. Given that the rear yard of the property will continue to appear and function as a side yard, staff notes that the proposed setback from the east property line would not appear to be out of keeping with side yard setbacks and dwelling spacing on properties in the surrounding area.

Based on the above, staff is satisfied that the proposed 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

The requested variances would allow for an existing dwelling to be expanded while maintaining its single-storey massing. The proposed additions would provide various articulations to the dwelling that would enhance its appearance from both adjacent streets. The proposed additions would also improve the appearance of the dwelling in its corner lot location, while maintaining appropriate spacing around the street corner and with adjacent dwellings.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Based on the above, staff considers the requested variances to be desirable.

4) Minor in Nature:

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

Yes

The requested variances allow for compatible dwelling additions that would pose no negative impacts on the streetscape or surrounding properties. Therefore, staff considers the variances to be minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that no negative cumulative impacts would result from the requested variances if they were to be approved.

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.

Date: July 27, 2017Prepared By: Paul Klassen**Site Planning****BY-LAW 2020.374**

The subject property is located in the northeast corner of Cardinal Avenue and Eagle Drive, and currently supports a single-storey detached dwelling. The applicant requires the following variances in order to permit additions to the existing dwelling:

1. To permit a front yard (Eagle Drive) setback of 9 m instead of the minimum 11 m for a proposed one storey addition
2. To permit a 1.6 m rear yard setback instead of the minimum 4.5 m for a proposed one storey addition
3. To permit a maximum dwelling depth of 22.9 instead of the maximum permitted dwelling depth of 18 m.
4. To permit the height of columns on the porch to exceed the height of the ceiling of the first storey instead of the requirement that the height of columns not exceed the height of the ceiling of the first storey.

Although the dwelling is functionally oriented towards Cardinal Avenue, under the

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Zoning By-law, the front lot line of the subject property is considered to be the west lot line along Eagle Drive, and the rear lot line is considered to be the east lot line, which is shared with the adjacent property known as 357 Cardinal Avenue. The dwelling at 357 Cardinal Avenue is also oriented towards Cardinal Avenue, although it has driveway access off of Falcon Boulevard.

1) Official Plan Designation: Residential - Low Density**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Official Plan?****Yes**

The subject property is designated 'Residential – Low Density' within the City's Official Plan, which permits ground-oriented housing to a maximum density of 25 units per net hectare. The proposed additions to the existing home would represent no change to the current use and density on the property.

The Official Plan also requires that new residential development be compatible with its surroundings in terms of its density, form, bulk, height, setbacks, spacing and materials, in order to ensure that it is harmoniously integrated into existing neighbourhoods. Staff is of the opinion that the requested variances would not preclude compatible building additions to the existing one-storey home in terms of the above-noted characteristics.

Based on the above, staff is satisfied that the requested variances would maintain the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R2.1**Does the proposed minor variance from the Zoning By-law maintain the general intent and purpose of the Zoning By-law?****Yes****Variances 1 and 2 - Front and rear yard setbacks**

Front yard setbacks are intended to provide for appropriate separation between dwellings and public roadways, facilitate the alignment of dwellings along the streetscape, and maintain open space within neighbourhoods. Rear yard setbacks allow for the preservation of rear yard amenity space, and prevent dwellings from imposing on adjacent properties by restricting them from coming too close to rear lot lines and by encouraging their alignment with adjacent dwellings. Staff notes that the subject property's front and rear yards function practically as west and east side yards, respectively.

The requested front yard setback would be a reduction of less than one metre from the

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

existing setback and would maintain sufficient alignment between the subject dwelling and the façade of the dwelling to the north at 777 Eagle Drive. Staff is of the opinion that the west/south addition would maintain an appropriately-sized yard abutting Eagle Drive and would maintain compatibility with the surrounding neighbourhood in its corner lot position.

The applicant is also requesting a variance for a reduced rear yard setback of 1.63 m for the proposed east/south addition. Staff notes that the interface between the subject property and the property to the east at 357 Cardinal Avenue is and would remain functionally equivalent to two abutting side yards. The proposed east/south addition would maintain the dwelling's single-storey height, and would pose no negative impact on the neighbouring dwelling at the proposed setback. Staff anticipates that the rear yard of the property will be used only for access between the north and south side yards of the property and will not function as an amenity area. Given that the rear yard of the property will continue to appear and function as a side yard, staff notes that the proposed setback from the east property line would not appear to be out of keeping with side yard setbacks and dwelling spacing on properties in the surrounding area.

Variance 3 – Dwelling depth

The applicant requires a variance to permit a dwelling depth of 22.9 m instead of the maximum permitted depth of 18 m. The intent of the dwelling depth regulation is to facilitate compatible massing in proposals for new dwellings or dwelling additions and to limit the length of side walls where applicable setback and lot coverage regulations would otherwise permit deeper dwellings.

In this case, the existing dwelling and the proposed additions are designed to front onto Cardinal Avenue despite the front lot line of the property being along Eagle Drive, which necessitates the application of the depth regulation. However, the resulting depth of the dwelling would be perceived as its width from Cardinal Avenue. Staff does not consider the proposed depth of the dwelling to be inappropriate, considering the dwelling's orientation and considering that the massing of the dwelling additions would be compatible with the dwelling's surroundings.

Variance 4 – Column height

The applicant requires further relief from the Zoning By-law in order to permit the proposed front porch columns to exceed the height of the ceiling of the first storey of the subject dwelling. The intent of this regulation is to prohibit certain architectural features that emphasize the height of dwellings.

Staff notes that the angled design of the proposed roofed-over porch causes the supporting columns of the porch to exceed the height of the first-floor ceiling. Staff is of the opinion that the proposed columns would not have any effect of emphasizing the verticality of the dwelling. The columns are subtle and complementary to the overall design of the proposed additions.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Variances 1-4

Based on the above, staff is satisfied that the proposed 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

The requested variances would allow for an existing dwelling to be expanded while maintaining its single-storey massing. The proposed additions would provide various articulations to the dwelling that would enhance its appearance from both adjacent streets. The proposed additions would also improve the appearance of the dwelling in its corner lot location, while maintaining appropriate spacing around the street corner and with adjacent dwellings.

Based on the above, staff considers the requested variances to be desirable.

4) Minor in Nature:

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

Yes

The requested variances allow for compatible dwelling additions that would pose no negative impacts on the streetscape or surrounding properties. Therefore, staff considers the variances to be minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Staff is of the opinion that no negative cumulative impacts would result from the requested variances if they were to be approved.

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.

Date: July 28, 2017Prepared By: Paul Klassen

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Site Engineering

This is a corner lot and both road widths are equal to or greater than deemed road widths (20m respectively) No road widenings required.

Date: June 5, 2017Prepared By: A. Capone

Site Engineering staff have reviewed the proposed minor variances and have no objection.

Date: July 20, 2017Prepared By: Joshua Medeiros**Building**

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

Date: July 11, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance application and has no concerns with the proposed variances.

Date: July 12, 2017Prepared By: John Zaloznik**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: July 7, 2017Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

HEARING NO. 9 - 6:30 P.M.

File**540-02-A-086/17**

APPLICANT: Antonio Dasilva,
4344 Elm Cres., Burlington ON L7L 1J3

PROPERTY: 4344 Elm Cres.,
PLAN 524 LOT 27
City of Burlington - Regional Municipality of Halton.

VARIANCES: By-law 2020

1. To permit a 13.8 m total hard surface width instead of the maximum permitted 7.5 m for combined driveway and walkway widths for a proposed single storey detached dwelling.
2. To permit a 2.0 m front yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 1.0 m for a proposed single storey detached dwelling.

By-law 2020.374

1. To permit a 13.8 m total hard surface width instead of the maximum permitted 7.5 m for combined driveway and walkway widths for a proposed single storey detached dwelling.
2. To permit a proposed attached garage projection whereas Zoning By-law 2020.374 does not permit the garage to project beyond the front wall of the first storey of the dwelling.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017



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: June 15, 2017

Prepared By: Amanda D'Angelo

Zoning

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. The R2.1 zone requires, among other things, the following:

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m	10 m (c)	(a)	4.5 m

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Footnotes to Table 2.4.1

- (c) With attached garage or carport: 10% of actual lot width
 Without attached garage or carport: 10% of actual lot width, 3 m minimum on one side

2.13 ENCROACHMENT INTO YARDS

2.13.1 Every part of a required yard shall be unobstructed with respect to the following encroachments:

- (a) The following obstructions may project 50 cm maximum into a side yard and 1 m maximum into any other yard from the wall of the building:

chimney	pilaster	belt course	eave or gutter
overhang	sill	lintel	cornice
ornamental projection			

The applicant is proposing the construction of a single storey detached dwelling with a total driveway and walkway width of 13.77 m and a front yard eave or gutter overhang of 1.98 m from the face of the garage.

Variances required:

1. To permit a 13.8 m total hard surface width instead of the maximum permitted 7.5 m for combined driveway and walkway widths for a proposed single storey detached dwelling.
2. To permit a 2.0 m front yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 1.0 m for a proposed single storey detached dwelling.

Notes:

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

Date: July 18, 2017

Prepared By: C. Lipnicky

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

The subject property is zoned R2.1, low density residential and is in the designated area for lot coverage and is located in the Shoreacres Character Area, under **Zoning By-Law 2020.374**, as amended. The R2.1 zone requires, among other things, the following:

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R2 ZONES						
R2.1	18 m	700 m ²	11 m (e)(f)	10 m (c)	(a)(d)	4.5 m

Footnotes to Table 2.4.1

- (d)** With attached garage or carport: 10% of actual lot width
 Without attached garage or carport: 10% of actual lot width, 3 m minimum on one side
- (e)** Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps with an R2.1 zone shall have a front yard of 9m.
- (f)** Properties located within the Shoreacres Character Area as identified in Part 2 – Residential Zones, Section 4.9 Character Area Maps shall have a side yard subject to footnote (a) above

4.8 GARAGES

- (a)** The width of a front loading attached garage shall not exceed 50% of the width of its building elevation.
- (b)** An attached garage with a garage door facing the street is not permitted to project beyond the front wall on the first storey of a dwelling.

Note - Notwithstanding Part 2, Section 4.8 of By-law 2020, as amended, any dwelling which legally existed as of the date of the enactment of Zoning By-law 2020.374 (December 19, 2016), and used for a purpose permitted by this By-law, is deemed to conform to the regulations of this By-law for the life of the existing dwelling.

The applicant is proposing the construction of a single storey detached dwelling with a total driveway and walkway width of 13.77 m and a garage projecting closer to the front lot line than the front wall of the dwelling

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Variances required:

1. To permit a 13.8 m total hard surface width instead of the maximum permitted 7.5 m for combined driveway and walkway widths for a proposed single storey detached dwelling.
2. To permit a proposed attached garage projection whereas Zoning By-law 2020.374 does not permit the garage to project beyond the front wall of the first storey of the dwelling.

Notes:

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

Date: July 18, 2017Prepared By: C. Lipnicky**Site Planning**

The applicant is proposing to construct a new one-storey single detached dwelling. In order to facilitate the proposed development, the applicant requires relief from the Zoning By-law to facilitate a combined driveway and walkway width of 13.8 metres instead of the minimum required 7.5 metres; and an eave or gutter overhang encroachment of 2 metres, instead of the maximum permitted encroachment allowance of 1 metre from the front wall of the dwelling.

1) Official Plan Designation: Residential – Low Density

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

Yes

The subject property is designated “Residential – Low Density” within the City’s Official Plan. The Official Plan seeks to maintain compatibility amongst neighbourhoods. Part II, Section 6.5 of the Official Plan states that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area”.

Staff notes that the property is irregular and has a narrow frontage but a large lot area. The dwelling has been designed in such a way that respects the corner on which it is located and maintains an established building line. Despite the overhang from the garage being larger than what is permitted, staff notes that the dwelling is in keeping with the required front yard setback, and the impact would not cause any negative impact on the existing character of the area.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Staff notes that the existing driveway is shared with the neighbour to the west. The applicant is proposing to relocate the driveway and add landscaped area at the front of the property on the west side to separate the two, which staff considers to be an improvement to the streetscape and is more compatible with the area. Staff considers the proposed minor variances to be in keeping with the general intent and purpose of the Official Plan.

2) Zoning By-law Designation: R2.1

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

Yes

The intent of the Zoning By-law as it relates to driveway widths is to prevent excessive amounts of hardscaping in front yards, as it has a negative impact on the streetscape. Staff notes that because the applicant is proposing to separate the driveway which is currently shared with the neighbour to the west, this situation will be improved. It should also be noted that the driveway and walkway widths are measured at the widest points, which are located further back into the irregularly shaped property. Staff notes that given the shape of the lot and the location of its frontage, the driveway width at its widest point is appropriate for the size of the lot and the dwelling, and maintains the intent of the Zoning By-law as it relates to the streetscape.

The intent of the Zoning By-law regulations as they relate to overhang encroachments is to ensure that development beyond the walls of buildings does not project too close to property lines. In this case, the overhang from the garage continues to meet the required front yard setback for overhang encroachments, and the front wall of the dwelling is in keeping with the required front yard setback. The overhang is located a significant distance from the front property line and as such, staff is of the opinion that the variance request for overhang encroachments meets 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

The subject lands are quite large, and are able to accommodate the proposed dwelling without requiring variances for setbacks, height or lot coverage. The frontage of the property is small due to its irregular shape. As such, the maximum permitted driveway width is based on the frontage of the property and not further back where the property widens. Further, the 13.8 metres being requested is measured at the widest point of the

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

driveway which is located away from the frontage. Separating the proposed driveway from the driveway to the west will positively impact the streetscape and will thus be desirable.

The increased overhang from the front of the garage is set back a significant distance from the property line and, in the opinion of staff, will contribute to an attractive dwelling. As such, staff considers the proposed variances to be desirable.

4) Minor in Nature:

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

Yes

The requested minor variance for the driveway is required due to the shape of the property, and the overhang will be located a significant distance from the property line; thus mitigating its impact on the streetscape. Staff is of the opinion that the two variances requested are minor in nature.

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.

Date: July 24, 2017Prepared By: Melissa Morgan**Site Planning – Shoreacres Character Area**

The applicant is proposing to construct a new one-storey single detached dwelling. In order to facilitate the proposed development, the applicant requires relief from the Zoning By-law to facilitate a combined driveway and walkway width of 13.8 metres instead of the minimum required 7.5 metres; and an attached garage projection beyond the front wall of the dwelling.

New Official Plan policies and Zoning By-law regulations pertaining to development within the City's character areas were adopted by Council on December 19, 2016. The Zoning By-law regulations were appealed to the Ontario Municipal Board (OMB) and are not therefore in full force and effect; however the Official Plan policies were not appealed and thus have status.

1) Official Plan Designation: Residential – Low Density

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

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

Yes

The subject property is designated “Residential – Low Density” within the City’s Official Plan. The Official Plan seeks to maintain compatibility amongst neighbourhoods. Part II, Section 6.5 of the Official Plan states that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area”.

The subject lands are located in the Shoreacres Character Area; new Official Plan policies have been adopted by Council as follows:

8.3.5.2 Policies
a) <i>Neighbourhood Character Areas shall be identified in the City’s Zoning By-law.</i>
b) City Council <i>may add or delete Neighbourhood Character Areas or alter the boundaries of existing Neighbourhood Character Areas from time to time through further amendment to the Zoning By-law, without the need for an Official Plan Amendment.</i>
c) Notwithstanding the policies of Subsection 8.3.2.1 a) and b) of this Plan, permitted residential uses in <i>Neighbourhood Character Areas shall be restricted to single-detached dwellings.</i>
d) Proposed <i>development should respect the existing neighbourhood character by incorporating built form and design elements, architectural features, building separations, lot coverage, scale, floor area ratio, and landscape qualities and characteristics that are prevalent in the Neighbourhood Character Area.</i>
e) Healthy mature trees contribute to neighbourhood character. Development shall be consistent with the policies of Subsection 4.3. (Urban Forestry)

Council recognizes that development will occur in the Neighbourhood Character Areas, however it is important to carefully review development proposals to ensure that the historic character is maintained.

Staff notes that the property is irregular and has a narrow frontage but a large lot area. The dwelling has been designed in such a way that respects the corner on which it is located and maintains an established building line. Despite the projection of the attached garage beyond the front wall of the dwelling, staff notes that the dwelling is in keeping with the required front yard setback, and the impact would not create any negative impact on the existing character of the area.

The existing driveway is shared with the neighbour to the west. The applicant is proposing to relocate the driveway and add landscaped area at the front of the property on the west side to separate the two, which staff considers to be an improvement to the streetscape and is more compatible with the area.

Staff is of the opinion that the design of the proposal respects the character of the area, and that the projection of the garage beyond the front wall of the dwelling is due to the shape of the proposed dwelling, which has regard for the corner property on which it is located. Staff considers the proposed minor variances to be in keeping with the general

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

intent and purpose of the Official Plan.

2) Zoning By-law Designation: R2.1

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

Yes

The intent of the Zoning By-law as it relates to driveway widths is to prevent excessive amounts of hardscaping in front yards, as it has a negative impact on the streetscape. Staff notes that because the applicant is proposing to separate the driveway which is currently shared with the neighbour to the west, this situation will be improved. It should also be noted that the driveway and walkway widths are measured at the widest points, which are located further back into the irregularly shaped property. Staff notes that given the shape of the lot and the location of its frontage, the driveway width at its widest point is appropriate for the size of the lot and the dwelling, and maintains the intent of the Zoning By-law as it relates to the streetscape.

The intent of the Zoning By-law regulations as they relate to the projection of an attached garage beyond the front wall of the dwelling is to preserve the streetscape and ensure that it does not become overwhelmed by the appearance of garages. In this case, the garage would be set back a significant distance from the property line, and the shape of the proposed dwelling would minimize its impact. Staff is of the opinion that the variance request for an attached garage projection meets 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

The subject property is quite large, and is able to accommodate the proposed dwelling without requiring variances for setbacks, height or lot coverage. The frontage of the property is small due to its irregular shape. As such, the maximum permitted driveway width is based on the frontage of the property and not further back where the property widens. Further, the 13.8 metres being requested is measured at the widest point of the driveway which is located away from the frontage. Separating the proposed driveway from the driveway to the west will positively impact the streetscape and will thus be desirable.

The attached garage is set back a significant distance from the property line and, in the opinion of staff, will contribute to an attractive dwelling. As such, staff considers the proposed variances to be desirable.

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

4) Minor in Nature:

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

Yes

The requested minor variance for the driveway is required due to the shape of the property, and the attached garage will be located a significant distance from the property line; thus mitigating its impact on the streetscape. Staff is of the opinion that the two variances requested are minor in nature.

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.

Date: July 24, 2017Prepared By: Melissa Morgan**Site Engineering**

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

Date: June 19, 2017Prepared By: A. Capone

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

Date: August 2, 2017Prepared 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: August 8, 2017Prepared By: Kathy Pavlou**Transportation Planning**

Transportation Planning has reviewed the Minor Variance Application and has no concerns with the proposed variances.

Date: July 26, 2017Prepared By: John Zaloznik

COMMITTEE OF ADJUSTMENT

MEETING #15

AGENDA

AUGUST 28, 2017

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

Property taxes must be paid. This includes all outstanding tax balances plus current year taxes that have been billed but not yet due.

Date: August 3, 2017Prepared By: Paul Lacelle