

COMMITTEE OF ADJUSTMENT

November 15, 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 #21

Meeting Date: November 15, 2017

TIME OF MEETING:	3:30 P.M.
PLACE OF MEETING:	Room 247 2 nd Floor City Hall

AGENDA

DECLARATION OF INTEREST:

HEARING NO.	TIME	FILE NO. 540-02-	APPLICATION ADDRESS
1)	3:30 P.M.	A-139/17	Re: 349 Cardinal Ave., Burlington Ward 1 Pages 1-11
2)	3:30 P.M.	A-140/17	Re: 217 Hart Ave., Burlington Ward 4 Pages 12-16
3)	3:30 P.M.	A-141/17	Re: 1441 Caroline St., Burlington Ward 2 Pages 17-28
4)	3:30 P.M.	A-143/17	Re: 586 Deborah Cres., Burlington Ward 1 Pages 29-39
5)	3:30 P.M.	A-142/17	Re: 4084 Lorraine Cres., Burlington Ward 4 Pages 40-45

OTHER BUSINESS:

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

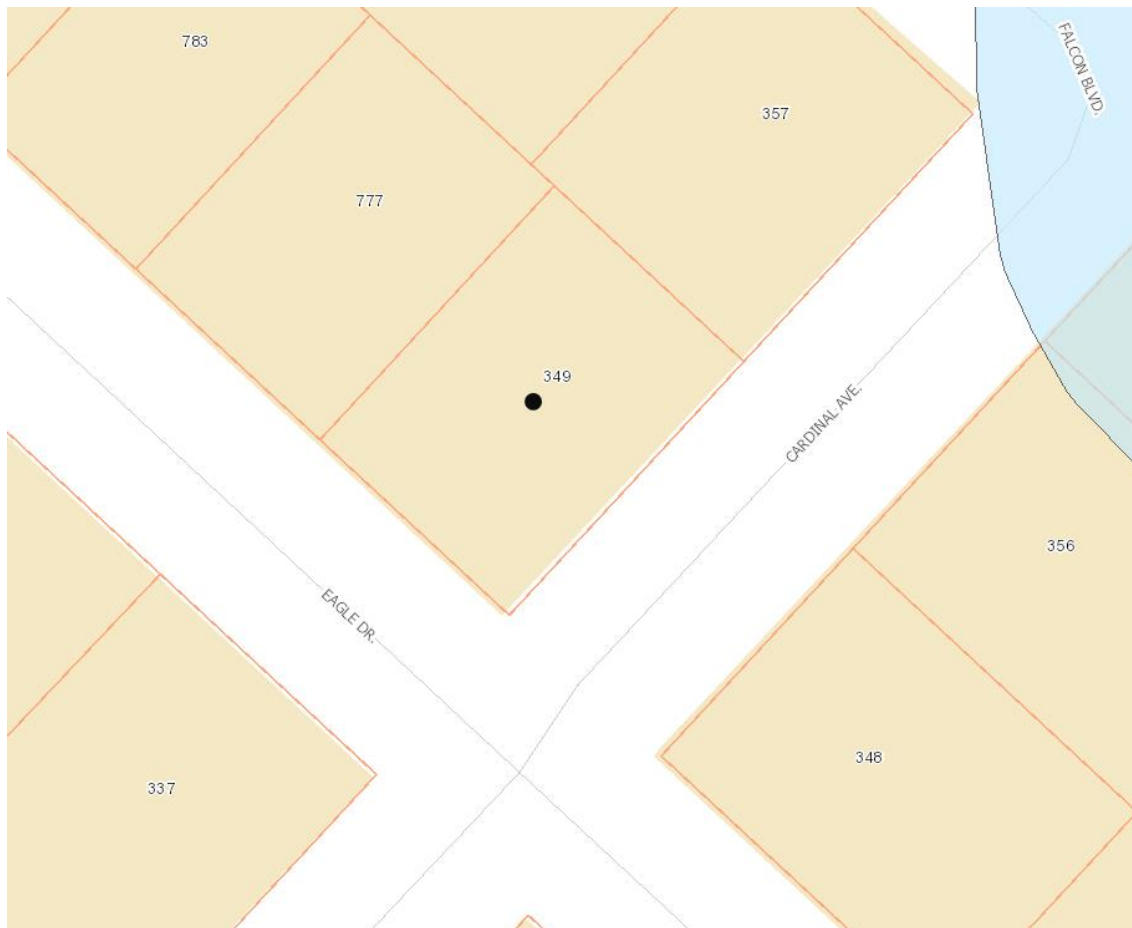
HEARING NO. 1 - 3:30 P.M.

File
540-02-A-139/17

APPLICANT: Andrew & Leah Vasilak,
349 Cardinal Ave., Burlington ON L7T 2P3

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

- VARIANCES:
1. To permit a maximum dwelling depth of 22.9 m instead of the maximum permitted dwelling depth of 18 m
 2. 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 #21

AGENDA

NOVEMBER 15, 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, 2017Prepared 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.

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

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

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

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 #21

AGENDA

NOVEMBER 15, 2017

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

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

- (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.

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

-
- 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, 2017Prepared By: Mark Dalrymple**Site Planning**ZONING 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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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

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.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 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 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 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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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 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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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 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.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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.

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.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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**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.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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, 2017

Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

HEARING NO. 2 - 3:30 P.M.

File**540-02-A-140/17**

APPLICANT: Hillary Alexandra Prins,
217 Hart Ave., Burlington ON L7N 1N9

PROPERTY: 217 Hart Ave.,
PLAN 136 PT LOTS 13,14, ALLEYWAY PLAN 205 PT LOT 32
RP 20R7940 PART 2
City of Burlington - Regional Municipality of Halton.

VARIANCES: 1. To permit a dwelling building of 21 m instead of the
maximum permitted 18 m dwelling depth

**STAFF REPORTS:****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. A072/1986 – Approved

- Side yard and rear yard

Date: June 12, 2017

Prepared By: Amanda D'Angelo

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Zoning**ZONING COMMENT**

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

The applicant is proposing a second storey addition over the existing garage.

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R1 ZONES						
R1.2	24 m	925 m ²	9 m	9 m (c)	(a)	9 m

Variance required:

- 1) To permit a 1.5 m rear yard setback instead of the minimum required 9 m for the proposed second storey addition over the existing garage.

Notes:

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

Date: July 20, 2017

Prepared By: Mark Dalrymple

ZONING COMMENT

The subject property is zoned R1.2, low density residential, Zoning By-Law 2020.374, as amended, and is in the designated area for lot coverage and located in the Roseland Character Area.

The applicant is proposing a second storey addition over the existing garage.

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R1 ZONES						
R1.2	24 m	925 m ²	9 m	9 m (c)	(a)(d)	9 m

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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.

Variance required under By-law 2020.374:

- 1) To permit a 1.5 m rear yard setback instead of the minimum required 9 m for the proposed second storey addition over the existing garage.
- 2) To permit a dwelling building of 21 m instead of the maximum permitted 18 m dwelling depth

Notes:

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

Date: July 20, 2017

Prepared By: Mark Dalrymple

Site Planning

The applicant is proposing an addition over the existing garage to add additional living space. The footprint and exterior ground floor dimensions do not change.

1) Official Plan Designation: Low Density Residential and Rose land Character Area

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 policies for Neighbourhood Character Areas. The subject property falls within the Roseland Character Area. Subsection 2.12.3 states that new development shall enhance and protect the following elements of the area's garden-like setting with large and mature trees, strong historic character, and homes with varied and unique architectural styles. The applicant's proposal to construct an addition above the existing garage will not require an expansion of the buildings footprint, nor the removal of any trees. The existing garage is located in the rear yard and is not visible from the street. The proposed addition will also not be visible from the street.

Staff are of the opinion the proposed variances meet the intent of the Official Plan.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

2) Zoning By-law Designation: R1.2

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 rear yard setback instead of the minimum required 9 m for the proposed second storey addition over the existing garage.
- 2) To permit a dwelling building of 21 m instead of the maximum permitted 18 m dwelling depth

Both of these variances are existing, the proposed addition above the garage does not affect the variances required. Staff feel that the variances are supportable and meet the intent of the Zoning By-law as they represent an existing situation and the proposed development does not negatively impact these variances. The lot to the rear is quite large and the reduced setback should not cause and over-view issues. There is also a considerable amount of landscaping on both the subject lot and the lot to the rear.

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 addition is in keeping with the character of the area.

4) Minor in Nature:

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

Yes

As the proposed development does not expand the footprint or contribute to an increase of the required variances, the existing deviations from the zoning by-law are small.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Whether considered separately or together, the requested variances are acceptable.

Recommendation:

Staff has reviewed the proposed variance in accordance with the Planning Act, the

COMMITTEE OF ADJUSTMENT**MEETING #21****AGENDA****NOVEMBER 15, 2017**

policies of the Official Plan and the requirements of the Zoning By-law and has no objection.

Date: August 8, 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 13, 2017Prepared By: A. Capone

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

Date: August 9, 2017Prepared By: Carol Gulak**Building**

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

Date: August 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 28, 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

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

Date: July 28, 2017Prepared By: Sandra Chau

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

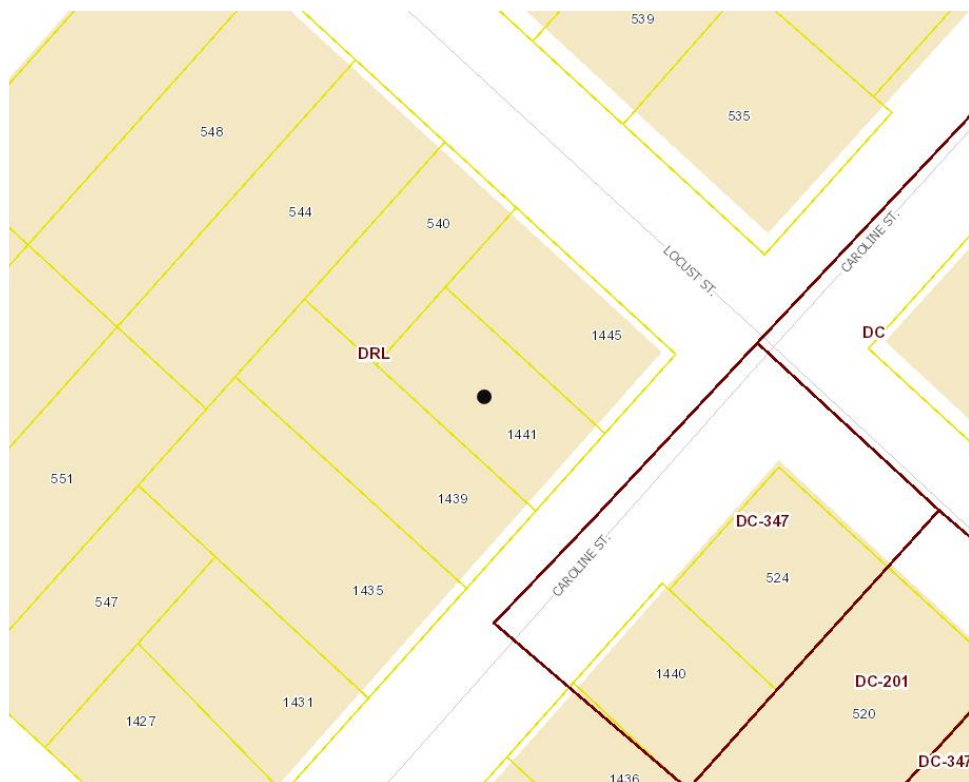
HEARING NO. 3 - 3:30 P.M.

File**540-02-A-141/17**

APPLICANT: Robert Stepinski & Sarah Leon,
1441 Caroline St., Burlington ON L7S 1H7

PROPERTY: 1441 Caroline St.,
PLAN 70 PT LOTS 14,15
City of Burlington - Regional Municipality of Halton.

VARIANCES: 1. To permit a floor area ratio of 0.64:1 instead of the maximum permitted 0.45:1 for a 2 storey addition on an existing 2 ½ storey detached dwelling.

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

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

File No. A074/2007 – Approved

1. To permit an 8.3 m rear yard setback instead of the minimum required 9.0 m to accommodate a second storey addition.
2. To permit a 2.6 m front yard setback instead of the minimum required 5.35 m (6.0 m - 0.65 m) to accommodate renovations of an existing roofed over porch.
3. To permit 1.4 m setback instead of the minimum required 4.4 m (6.0 m - 1.6 m) to accommodate new porch stairs.
4. To permit a 4.52 m high detached garage instead of the maximum permitted height of 3.7 m.

The applicant is proposing to add a rear second storey addition, renovate an existing front porch and construct a new detached garage.

Date: July 11, 2017Prepared By: Shawna Houser**Zoning**

The subject property is zoned DRL, downtown low density residential and is in the designated area for lot coverage, under **Zoning By-Law 2020**, as amended. A detached dwelling in the DRL zone is subject to the R3.2 zoning regulations;

1.6 COMPLIANCE WITH THIS BY-LAW

1.6.1 No person shall use, cause, or permit the use of any land, building, structure, or part thereof, or erect, repair, or alter, or cause or permit the erection, repairing, or altering of any building or structure which is not in conformity with the provisions of this By-law, EXCEPT as follows:

- (a) Where a building or structure, the existing use of which is permitted by this By-law, has been lawfully erected prior to the passing of this By-law, or any applicable amendments thereto, is deficient in respect of any regulation required by this By-law, the non-conforming building or structure may be enlarged or altered provided that the enlargement or alteration itself complies with all applicable provisions of this By-law.

2.27 DEEMED STREET WIDTH

2.27.1 For the purposes of establishing building setbacks or for the application of any other provisions of this By-law, the streets listed in Table 1.2.9 – “Deemed Street Widths” shall be deemed to be the width shown. Streets not included in Table 1.2.9 shall be deemed to be 20 m wide.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R3 ZONES						
R3.2	15 m	425 m ²	6 m	9 m (c)	(b)	4.5 m

Footnotes to Table 2.4.1

(b) Without attached garage or carport:

- (i) One or one and a half storey side: 1.2 m, 3 m other side
(ii) Two or more storey side: 1.8 m, 3 m other side

4.2 LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
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

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			

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

- A roofed-over or screened but otherwise unenclosed 1-storey porch
- A terrace or unroofed porch
- A carport

The applicant is proposing the construction of a front porch replacement and a 2 storey rear addition on an existing 2 ½ storey dwelling assessed as being constructed in 1912. The right of way of Caroline Street at this location is not at the deemed width of 20 m.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Variances required:

1. To permit the zoning regulations to be taken from the actual street width of Caroline Street instead of the deemed street width. (20 m)
2. To permit a 2.5 m front yard setback instead of the minimum required 5.35 m for the reconstruction of the front porch including overhangs and steps on an existing 2 ½ storey detached dwelling.
3. To permit a 7.5 m rear yard setback instead of the minimum required 9 m for a 2 storey addition on an existing 2 ½ storey detached dwelling.
4. To permit a 1.6 m rear yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 1.0 m for an addition to a 2 ½ storey detached dwelling
5. To permit a 1.6 m west side yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 0.5 m for an addition to a 2 ½ storey detached dwelling.
6. To permit lot coverage of 28.5% instead of the maximum permitted 17% for a 2 storey addition on an existing 2 ½ storey detached dwelling.

Notes:

1. A zoning clearance certificate is required for the proposed additions/renovations.
2. The existing eave or gutter encroachment of 0.7 m from the side wall of the dwelling may remain provided it is unchanged from the original construction of the dwelling.
3. 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: August 23, 2017

Prepared By: C. Lipnicky

The subject property is zoned DRL, low density residential and is in the designated area for lot coverage, under Zoning By-Law 2020, as amended by **Zoning By-law 2020.374**. The DRL zone is subject to the R3.2 zoning regulations:

1.6 COMPLIANCE WITH THIS BY-LAW

1.6.1 No person shall use, cause, or permit the use of any land, building, structure, or part thereof, or erect, repair, or alter, or cause or permit the erection, repairing, or altering of any building or structure which is not in conformity with the provisions of this By-law, EXCEPT as follows:

- (b) Where a building or structure, the existing use of which is permitted by this By-law, has been lawfully erected prior to the passing of this By-law, or any

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

applicable amendments thereto, is deficient in respect of any regulation required by this By-law, the non-conforming building or structure may be enlarged or altered provided that the enlargement or alteration itself complies with all applicable provisions of this By-law.

2.27 DEEMED STREET WIDTH

2.27.1 For the purposes of establishing building setbacks or for the application of any other provisions of this By-law, the streets listed in Table 1.2.9 – “Deemed Street Widths” shall be deemed to be the width shown. Streets not included in Table 1.2.9 shall be deemed to be 20 m wide.

4.1 LOT WIDTH, AREA, YARDS

Table 2.4.1

Zone	Lot Width	Lot Area	Front Yard	Rear Yard	Side Yard	Street Side Yard
R3 ZONES						
R3.2	15 m	425 m ²	6 m	9 m (c)	(b)	4.5 m

Footnotes to Table 2.4.1

(b) Without attached garage or carport:

- (iii) One or one and a half storey side: 1.2 m, 3 m other side
 (iv) Two or more storey side: 1.8 m, 3 m other side

4.2 LOT COVERAGE

Table 2.4.3

Dwelling Type	Dwelling with Attached Garage	Dwelling without Attached Garage
All Dwellings in Designated Areas (b) (c)	35% for one storey dwellings including accessory buildings 30% for one and a half storey dwellings including accessory buildings 25% for all other dwelling types including accessory buildings	27% for one storey dwellings plus 8% for accessory buildings 22% for one and a half storey dwellings plus 8% for accessory buildings 17% for all other dwelling types plus 8% for accessory buildings

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.

2.13 ENCROACHMENT INTO YARDS

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

(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			

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

- A roofed-over or screened but otherwise unenclosed 1-storey porch
- A terrace or unroofed porch
- A carport

The applicant is proposing the construction of a front porch replacement and a 2 storey rear addition on an existing 2 ½ storey dwelling assessed as being constructed in 1912. The right of way of Caroline Street at this location is not at the deemed width of 20 m.

Variances required:

1. To permit the zoning regulations to be taken from the actual street width of Caroline Street instead of the deemed street width. (20 m)
2. To permit a 2.5 m front yard setback instead of the minimum required 5.35 m for the reconstruction of the front porch including overhangs and steps on an existing 2 ½ storey detached dwelling.
3. To permit a 7.5 m rear yard setback instead of the minimum required 9 m for a 2 storey addition on an existing 2 ½ storey detached dwelling.
4. To permit a 1.6 m rear yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 1.0 m for an addition to a 2 ½ storey detached dwelling.
5. To permit a 1.6 m west side yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 0.5 m for an addition to a 2 ½ storey detached dwelling.
6. To permit lot coverage of 28.5% instead of the maximum permitted 17% for a 2 storey addition on an existing 2 ½ storey detached dwelling.
7. To permit a floor area ratio of 0.64:1 instead of the maximum permitted 0.45:1 for a 2 storey addition on an existing 2 ½ storey detached dwelling.

Notes:

1. A zoning clearance certificate is required for the proposed additions/renovations.
2. The existing eave or gutter encroachment of 0.7 m from the side wall of the dwelling may remain provided it is unchanged from the original construction of the dwelling.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

-
3. 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: August 23, 2017Prepared By: C. Lipnicky**Site Planning**

The property is located on the north side of Caroline Street, west of Brant Street. The property supports an existing two-and-a-half storey single detached dwelling. The applicant wishes to construct a two-storey addition at the rear of the existing dwelling and rebuild the existing front porch. In order to facilitate the proposed addition and front porch, the applicant will require minor variances for the following:

- 1) To permit the zoning regulations to be taken from the actual street width of Caroline Street instead of the deemed street width (20 metres);
- 2) To permit a 2.5 metre front yard setback instead of the minimum required 5.35 metres for the reconstruction of the front porch including overhangs and steps on an existing 2 ½ storey detached dwelling;
- 3) To permit a 7.5 metre rear yard setback instead of the minimum required 9 metres for a 2 storey addition on an existing 2 ½ storey detached dwelling;
- 4) To permit a 1.6 rear yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 1 metre for an addition to a 2 ½ storey detached dwelling;
- 5) To permit a 1.6 metre west side yard eave or gutter encroachment from the wall of the dwelling instead of the maximum permitted 0.5 metres for an addition to a 2 ½ storey detached dwelling;
- 6) To permit lot coverage of 28.5% instead of the maximum permitted 17% for a 2 storey addition on an existing 2 ½ storey detached dwelling.

Should Zoning By-law 2020.374 be in effect at the time of the Committee of Adjustment hearing, the following additional minor variance will be required:

- 7) To permit a floor area ratio of 0.64:1 instead of the maximum permitted 0.45:1 for a 2 storey addition on an existing 2 ½ storey detached 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 area is characterized by single detached dwellings. While the existing dwellings range in height from 1 to 2 ½ storeys, staff notes that there are many 2 ½ storey single detached dwellings similar to what exists on the subject property. Staff is of the opinion

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

that the reconstruction of the front porch will be an improvement to the appearance of the façade and will maintain the existing character of the area.

Part II, Section 6.5 a) 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 proposed reduction of the rear yard setback, the proposed increase in maximum lot coverage and the proposed increased eave and gutter encroachments would continue to be compatible with the dwellings on adjacent and surrounding properties with respect to bulk, height, setbacks and massing. The streetscape will not change as a result of the proposed development with the exception of an improved front porch. The proposed minor variances meet the intent and purpose of the Official Plan.

SHOULD BY-LAW 2020.374 BE IN EFFECT

If By-law 2020.374 is in effect at the time of the writing of this report, an additional minor variance will be required for the Floor Area Ratio (FAR). Staff is of the opinion that in this case, although the FAR will be higher than the maximum permitted 0.45:1, the intent of the Official Plan will be maintained. The dwelling will not be changing from the streetscape, and should the addition be approved, the massing, siting, spacing and materials would be similar to what currently exists in the area. The subject property is more shallow than surrounding properties, and as a result of a smaller lot size, the FAR becomes higher even though the surrounding dwellings are similar in size.

2) Zoning By-law Designation:

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

Yes

The intent of the Zoning By-law as it relates to front yard setback encroachments for front porches and encroachment allowances for eaves and gutters is to recognize that these features can often be used to improve the appearance of dwellings. It should be noted that the applicant is proposing to leave the front of the dwelling the same, but reconstruct an existing front porch, which would not meet the front yard setback encroachment requirements. Staff is of the opinion that the proposed porch would be an improvement for an existing dwelling that is already in keeping with the character of the area. Further, the proposed overhangs that exceed the encroachment allowance will improve the design of the dwelling. Staff is satisfied that the encroachments requested in variances 2, 4 and 5 are in keeping with the intent and purpose of the Zoning By-law.

The intent of the Zoning By-law as it relates to rear yard setbacks is to ensure that neighbouring properties have adequate privacy as well as to provide amenity space for the owners. Staff notes that if approved, the rear yard setback would facilitate

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

development that is consistent with the building mass of adjacent dwellings, and thus would not affect their privacy. Staff recognizes that the adjacent properties have a much greater depth; allowing the buildings to extend further to the north (rear). The proposed addition would not extend further than the existing buildings, and the dwelling would therefore be compatible, and privacy would be protected. The owner is also proposing to construct a deck in the rear yard. The deck complies with the Zoning By-law and staff considers this to be adequate amenity space.

The subject property is located within a designated lot coverage area, which means that the maximum lot coverage is lower than other areas of the City in order to protect the character of established neighbourhoods. Staff notes that the Zoning By-law for these designated areas allows a maximum lot coverage of either 17% for the primary dwelling plus an additional 8% for a detached garage; or, when the dwelling has an attached garage, a total lot coverage of 25%. In either scenario, a maximum lot coverage of 25% is permitted. This is important to note, because the dwelling does not have an attached garage, and is therefore subject to the 17% lot coverage plus 8% for a detached garage. The proposed dwelling, however, does not have a detached garage either, but is still restricted to 17% lot coverage. Staff has recognized that whether a dwelling has an attached garage or a detached garage, a cumulative lot coverage of 25% is permitted. The Zoning By-law does not contemplate scenarios where a dwelling has neither an attached nor a detached garage. As such, while the variance is written in such a way that requests a lot coverage increase of 11.5%, staff recognizes that an additional 8% should be considered acceptable, and that the additional lot coverage to be considered should be 3.5%.

Staff is of the opinion that should the lot coverage be granted, the dwelling would not be out of character with what exists in the area. The additional massing would be located at the rear of the dwelling, and would not negatively affect surrounding dwellings, all of which have similar masses to the proposed.

For the reasons noted above, staff considers the proposed minor variances to be in keeping with the general intent and purpose of the Zoning By-law.

SHOULD BY-LAW 2020.374 BE IN EFFECT

The subject property is located within a designated lot coverage area and is subject to a lower maximum lot coverage and, should the Zoning By-law Amendment be approved at the time of this hearing, a FAR of 0.45:1. Staff is of the opinion that the dwelling is similar in mass to surrounding properties. The lot size is smaller than adjacent properties, bringing the FAR up, however the spacing and size are appropriate, the side yard setbacks comply with the Zoning By-law and staff considers there to be enough remaining amenity space on the property. Staff is of the opinion that the proposal is in keeping with the intent and purpose of the Zoning By-law.

3) Desirability:

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 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 variances relating to the porch encroachment and eave and gutter encroachments will facilitate improvements to the dwelling. Staff notes that the floor area will be added to the back of the dwelling. As a result, the streetscape will remain the same (with the exception of the improved front porch), and the character and compatibility will be maintained.

Staff appreciates that the two storey addition at the rear is stepped down to reduce the effects of the massing. Staff also recognizes that adjacent properties are much deeper and the buildings extend further to the north and as a result, the reduced rear yard setback would not have an impact on the privacy of adjacent properties.

The applicant has designed the two storey addition in such a way that minimizes the impact of the development and helps to mitigate the impact on adjacent properties and the streetscape, which staff considers to be desirable.

SHOULD BY-LAW 2020.374 BE IN EFFECT

Staff is of the opinion that despite the proposed increase in floor area, the proposed addition has been designed in such a way that reduces the impact of massing and matches the design of the dwelling. The dwelling would continue to be compatible with the surrounding area.

4) Minor in Nature:

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

Yes

The dwelling will remain the same from the streetscape. Staff appreciates that the streetscape will not be significantly altered as a result of the proposed development. The design of the proposed addition complements the existing dwelling design. As noted in the discussion of how the proposal meets the second test, staff is of the opinion that the lot coverage increase should be considered as if an additional 8% were permitted for garage space. Due to the size and shape of the lot compared to adjacent lots, the rear yard setback is reduced, however the building itself is compatible with abutting dwellings. Staff is of the opinion that the proposal is minor in nature.

SHOULD BY-LAW 2020.374 BE IN EFFECT

The proposed dwelling, with the increased floor area, will not change the streetscape

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

and will not have a significant impact on the privacy of surrounding properties. The rear of the dwelling, with the addition, will be relatively consistent with the established building line of the rear of the dwellings along this section of Caroline Street. The dwelling would continue to be compatible with the area and the request for an increased FAR is minor in nature.

Cumulative Effects of Multiple Variances and Other Planning Matters:

The applicant is requesting the approval of six minor variances (seven, should the proposed Zoning By-law Amendment be in effect at the time of the Committee of Adjustment Hearing). While at first sight the list is large and it includes a proposed lot coverage increase of 11.5% beyond what is permitted, it is important to consider each proposal on a case by case basis. Staff notes that three of the proposed variances relate to encroachment allowances; all of which will improve the appearance of the dwelling. While the lot coverage increase appears to be large, the maximum permitted lot coverage does not account for the additional 8% which is typically allotted for a garage. It should be noted that the applicant maintains the required side yard setbacks, and while requesting a decreased rear yard setback, adequate amenity space continues to be provided. The front of the dwelling, while too close to the street, is in keeping with the established building line along Caroline Street.

Staff is of the opinion that despite the number of the variances or the numbers proposed as part of the variances, the development is in keeping with the character of the area and is compatible with the immediately surrounding development. Effects to the adjacent neighbours and to the streetscape will be minimal.

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: September 13, 2017Prepared By: Melissa Morgan**Site Engineering**

Actual road width varies from 17.67m to 18.89m. Deemed road width is 20m. An irregular road widening from 1.10m to 1.16m is required and must be verified by an OLS. No land conveyance at this time.

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

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

Please note a grading a drainage certificate will be required prior to the issuance of a

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

building permit.

Date: September 9, 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: September 13, 2017Prepared By: Kathy Pavlou**Transportation Planning**

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

Date: August 29, 2017Prepared By: John Zunic**Finance****Notice regarding Development Charges:**

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

Tax

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

Date: Sept 5, 2017Prepared By: L. Bray

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

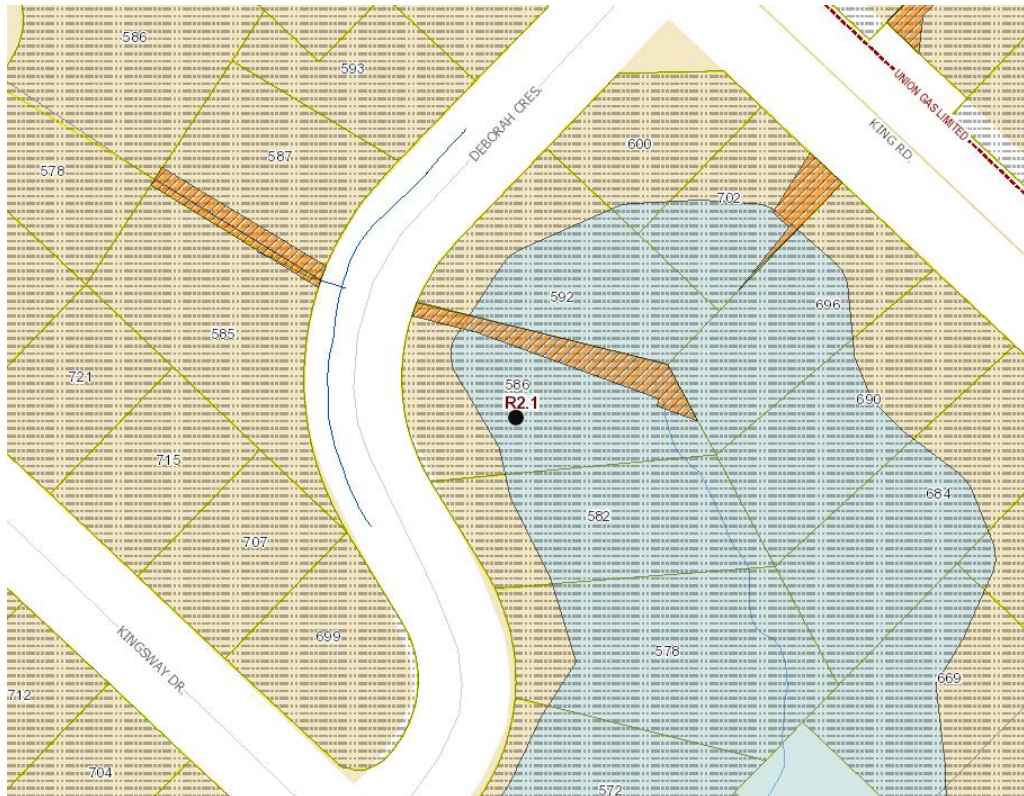
HEARING NO. 4 - 3:30 P.M.

File
540-02-A-143/17

APPLICANT: Alexandra Smeding,
 586 Deborah Cres., Burlington ON L7T 2N1

PROPERTY: 586 Deborah Cres.,
 PLAN 1018 LOT 33
 City of Burlington - Regional Municipality of Halton.

VARIANCES: 1. To permit a second storey balcony, where a balcony located above the first storey is not permitted in the rear yard.

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

There is 1 previous minor variance applications on record for this property.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

File No. A087/2007 – Approved

1. To permit a front yard setback of 6.0 m instead of the minimum required 15.0 m for an existing shed less than 10.0 m²
2. To permit an increased size of 55.0 m² instead of the maximum permitted 42.0 m² for a proposed accessory building
3. To permit an increased size of 44.0 m² instead of the maximum permitted 30.0 m² for a deck over 1.2 m high.
4. To permit a south side yard setback of 1.2 m instead of the minimum required 3.0 m for a proposed deck and patio roof over 1.2 m high.

The application proposed the construction of a new accessory building, rear deck over 1.2 m high and roof alterations.

Date: July 26, 2016Prepared By: Shawna Houser**Zoning****By-Law 2020**

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 R 2.1 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

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

2.3 PATIOS, DECKS, BALCONIES, AND PORCHES – RESIDENTIAL

2.3.1 Patios, as defined in Part 16, are permitted in all zones.

- (a) Patio roofs shall be subject to the yard and setback regulations contained in Tables 1.2.1 and 1.2.2

2.3.2 Decks, as defined in Part 16, are permitted in all zones.

- (a) Deck roofs shall be subject to the yard and setback regulations contained in Tables 1.2.1 and 1.2.2

2.3.3 Balconies are permitted in all zones, provided:

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

-
- Accessory to dwelling unit
 - Must meet principal building setback with encroachment allowance permitted in Part 1, Section 2.13 (c)
- 2.3.4 Porches are permitted in all zones, provided:
- Maximum size 20 m² (no roof)
 - No maximum size if roofed over
 - Must meet principal building setback with encroachment allowance permitted in Part 1, Section 2.13 (d)

The applicant is proposing the construction of a roofed over front porch and an attached garage with second storey above.

Variations required:

1. To permit a front yard setback of 8.3 m instead of the minimum required 11 m for a proposed attached garage and second storey addition.
2. To permit a front yard setback of 6.8 m instead of the minimum required 10.35 m for a proposed roofed over porch including overhang.

Notes:

1. A zoning clearance certificate is required.
2. The variations identified are based on the plans provided. Any changes to the plans resulting in additional variations will be the responsibility of the applicant to obtain.
3. Revised Conservation Halton approval required prior to application of a zoning certificate. The plans submitted with the variance application show a larger addition than stamped by conservation halton.
4. Proposed construction not to encroach onto easement.
5. Variance 540-02-A087/07 approved to permit the following:
 - a.) Front yard setback of 6.0m instead of the minimum required 15.0m for an existing shed less than 10.0m².
 - b.) An increased size of 55.0m² instead of the maximum permitted 42.0m² for a proposed accessory building.
 - c.) An increased size of 44.0m² instead of the maximum permitted 30.0m² for a deck over 1.2m high.
 - d.) A south side yard setback of 1.2m instead of the maximum required 3.0m for a proposed deck and patio roof over 1.2m high.

Character Study By-Law 2020.374

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 by Zoning By-law 2020.374. The R2.1 zone requires, among other things, the following:

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Part 1 – General Conditions and Provisions**2.3 PATIOS, DECKS, BALCONIES, AND PORCHES – RESIDENTIAL**

2.3.3 Balconies are permitted in all zones, provided:

- Accessory to dwelling unit
 - Must meet principal building setback with encroachment allowance permitted in Part 1, Section 2.13 (c)
- a) Balconies located above the first storey in the side and rear yard of detached dwellings are not permitted.

The above shall not apply to Uptown Centre, Orchard Community and Alton Community zones.

2.3.4 Porches are permitted in all zones, provided:

- Maximum size 20 m² (no roof)
- No maximum size if roofed over
- Must meet principal building setback with encroachment allowance permitted in Part 1, Section 2.13 (d)

Part 2 –Residential Zones**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

- (b) 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

The applicant is proposing the construction of a roofed over front porch and an attached garage with second storey above.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Variances required:

1. To permit a front yard setback of 8.3 m instead of the minimum required 11m for a proposed attached garage and second storey addition.
2. To permit a front yard setback 6.8 m instead of the minimum required 10.35 m for a proposed roofed over porch including overhang.
3. To permit a second storey balcony, where a balcony located above the first storey is not permitted in the rear yard.

Notes:

1. A zoning clearance certificate is required.
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.
3. Revised Conservation Halton approval required prior to application of a zoning certificate. The plans submitted with the variance application show a larger addition than stamped by conservation halton.
4. Proposed construction not to encroach onto easement.
5. Variance 540-02-A087/07 approved to permit the following:
 - a) Front yard setback of 6.0m instead of the minimum required 15.0m for an existing shed less than 10.0m².
 - b) An increased size of 55.0m² instead of the maximum permitted 42.0m² for a proposed accessory building.
 - c) An increased size of 44.0m² instead of the maximum permitted 30.0m² for a deck over 1.2m high.
 - d) A south side yard setback of 1.2m instead of the maximum required 3.0m for a proposed deck and patio roof over 1.2m high.

Date: August 10, 2017

Prepared By: Dave McLellan

Site Planning

The applicant proposes to construct a garage and breezeway with living space above attached to the existing dwelling. The applicants also propose to construct a new enlarged front porch and a rear 2nd floor balcony.

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

permits single detached dwellings with a density of 25 units per net residential hectare. The proposal to add a garage with living space above to the side of the existing dwelling respects the character of the area with no projecting garage face, and adequate spacing between adjacent dwellings. The front façade of the addition is compatible with the front façade design of the existing dwelling. The proposed addition to the single family dwelling complies with the density and design policies. The proposed development meets the general intent of the Official Plan.

The subject property lies within the regulated area for Conservation Halton, Staff defer to CH with respect to watershed planning.

2) Zoning By-law Designation:

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

Yes

1. **To permit a front yard setback of 8.3 m instead of the minimum required 11m for a proposed attached garage and second storey addition.**
2. **To permit a front yard setback 6.8 m instead of the minimum required 10.35 m for a proposed roofed over porch including overhang.**

The proposed garage is in line with the existing dwelling, however the lot is on an inside curve on the road, with an easement along the northern property line, causing the front yard setback to change depending on the location in the curve. The proposed front and garage setbacks are acceptable; adequate front yard area and driveway parking are provided. The proposal is in keeping with the character of the area. These two variances, in Staff's opinion, are in keeping with the intent of the Zoning By-law.

3. **To permit a second storey balcony, where a balcony located above the first storey is not permitted in the rear yard.**

The intent of this new by-law regulation is to provide enhanced privacy protection to rear yard amenity areas. The design of the house and the upper balcony, in conjunction with the depth of lot provide adequate privacy protection. The abutting properties are shielded by the house (it forms a shallow u shape with the balcony recessed in the middle) and the balcony is almost 20 m away from the rear lot line. Staff are of the opinion that the intent of the by-law is maintained.

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 #21

AGENDA

NOVEMBER 15, 2017

Yes

The garage addition has been demonstrated to not be located on an easement and Site Engineering staff and CH have no concerns, this proposed development is in keeping with the character of the area and the requested minor variances are desirable.

4) Minor in Nature:

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

Yes

The garage addition has been demonstrated to not be located on an easement and Site Engineering staff and CH have no concerns, 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:

The garage addition has been demonstrated to not be located on an easement and the Engineering Department and CH have no concerns, there should be 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 to their approval.

Date: September 28, 2017Prepared By: Kristen Boulard**Site Engineering**

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

Date: July 28, 2017Prepared By: A. Capone

Site Engineering has reviewed the proposed minor variances and provides the following:

Upon further review and additional information provided by the applicant, staff has no objection to the proposed variances, however, due to the proximity of the proposed addition and an existing storm sewer easement, the applicant will be required to submit a grading and drainage plan with detailed instructions addressing construction procedures adjacent to the easement.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Date: September 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: September 13, 2017Prepared By: Kathy Pavlou**Transportation Planning**

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

Date: August 31, 2017Prepared By: John Zunic**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: September 5, 2017Prepared By: L. Bray**Conservation Halton**

September 6, 2017

Re: Minor Variance Application
File Number: 540-02-A-102/17
586 Deborah Crescent, City of Burlington
Smeding – Applicants/Owner

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 #21

AGENDA

NOVEMBER 15, 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.

Applicable**Ontario Regulation 162/06**

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

One Window Delegated Authority under PPS

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

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

Other Comments (as a Public Body)

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

Proposal

The purpose of the above-noted Minor Variance Application is to permit the construction of a roofed over front porch and an attached garage with second storey above. The following Variances are required by Zoning:

Variances required under Zoning By-law 2020:

1. To permit a front yard setback of 6.8 metres instead of the minimum required 10.35 metres for a proposed roofed over porch including overhang.
2. To permit a front yard setback of 8.3 metres instead of the minimum required 11 metres for a proposed attached garage and second storey addition.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Variances required under Zoning By-law 2020.374:

1. To permit a front yard setback of 8.3 metres instead of the minimum required 11 metres for a proposed attached garage and second storey addition.
2. To permit a front yard setback of 6.8 metres instead of the minimum required 10.35 metres for a proposed roofed over porch including overhang.
3. To permit a second storey balcony, where a balcony located above the first storey is not permitted in the rear yard.

Staff received the following documents submitted with this application:

- *Site Plan A1.00*, prepared by Toms + McNally issued for Minor Variance dated July 21, 2017 received by CH August 31, 2017; and,
- *A2.00-EX, A2.00, A2.01-EX, A2.01, A2.02-EX, A2.02, A2.03-EX, A2.03, A4.01, and A4.02* prepared by Toms + McNally issued for Minor Variance dated July 21, 2017 received by CH August 31, 2017.

Recommendation

Staff has no objection to the approval of this Minor Variance Application. While CH has no objection to the required variances, staff advise that a Revised Permit is required as the drawings submitted with this application differ from those which were stamped approved under CH Permit #5602.

Ontario Regulation 162/06

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

The subject property, 586 Deborah Crescent, is adjacent to the valley associated with a nearby tributary of Falcon Creek. CH regulates a distance of 7.5 metres from the stable top of bank associated with the valley feature of that watercourse. Therefore, CH regulates lands in close proximity to the proposed development.

CH Permit Requirements

In advance of this Minor Variance Application, staff had been working with the applicant to ensure that the proposed development complied with the relevant policies pursuant to *Ontario Regulation 162/06*. As a result of those efforts, the development associated with this Minor Variance Application is associated with CH's Revised Permit #5602 (Our File No. A/17/B/58).

Based on a review of the drawings submitted with this Minor Variance Application, it appears that the drawings submitted differ from those which have been stamped approved in association with the aforementioned Permit. Specifically, staff note that changes to the footprint of the "New 2 Storey Addition" have been made in addition to a "New Porch". While staff have no concerns with these changes from a policy

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

perspective, another Revised Permit pursuant to Ontario Regulation 162/06 is required to ensure the stamped approved drawings reflect the most recent configuration.

One Window Delegated Authority under PPS

As per Policy 4.2.3 of CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06*, staff works with the applicant and municipality to ensure no new development, be permitted within the flooding and 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: b) hazardous lands adjacent to river, stream, and small inland lake systems which are impacted by flooding and/or erosion hazards".

While specific comments relating to *River and Stream Valley Hazards (flooding/erosion) &/or allowances* can be found under the heading 'Ontario Regulation 162/06', staff are able to confirm that the proposed development meets the PPS and CH Policy.

Summary/Conclusion

Based on the above, while staff has no objection to the approval of this above-noted Minor Variance Application, the following is required in advance of the development associated with the variance:

1. The applicant apply for, and obtain, a Revised Permit pursuant to Ontario Regulation 162/06 for the works proposed. This is a requirement as the drawings submitted with this Minor Variance Application differ from those which have been stamped approved under the current Permit #5602.

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

Yours truly,

Cassandra Connolly
Regulations Officer
CC/

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

HEARING NO. 5 - 3:30 P.M.

File
540-02-A-142/17

APPLICANT: Agata Elzbieta Mirta,
4084 Lorraine Cres., Burlington ON L7L 1P6

PROPERTY: 4084 Lorraine Cres.,
PLAN 711 LOT 211
City of Burlington - Regional Municipality of Halton.

- VARIANCES: 1. To permit a maximum depth of a dwelling of 21 m instead of the maximum permitted depth of 18 m for the proposed rear addition



STAFF REPORTS:

Committee of Adjustment

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

Date: July 25, 2017

Prepared By: Shawna Houser

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Zoning**ZONING COMMENT**

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

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

The applicant is proposing a one storey rear garage addition.

Variance required:

- To permit a rear yard setback of 0.7 m instead of the minimum required 4.5 m for the proposed garage addition

Notes:

- A zoning clearance is required for the proposed addition.
- Any additional variances determined during further reviews will be the applicant's responsibility.

Date: August 17, 2017

Prepared By: Mark Dalrymple

ZONING COMMENT

The subject property is zoned R2.1, Residential Low Density, under Zoning By-Law 2020, as amended by by-law 2020.374, and is in the designated area for lot coverage. 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
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COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

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

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

4.6 DWELLING DEPTH

(c) 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.

The applicant is proposing a one storey rear garage addition.

Variances required:

- 1) To permit a rear yard setback of 0.7 m instead of the minimum required 4.5 m for the proposed garage addition
- 2) To permit a maximum depth of a dwelling of 21 m instead of the maximum permitted depth of 18 m for the proposed rear addition

Notes:

- A zoning clearance is required for the proposed addition.
- Any additional variances determined during further reviews will be the applicant's responsibility.

Date: August 17, 2017

Prepared By: Mark Dalrymple

Site Planning

The applicant is proposing façade changes including a new peaked roof over the front door, a revised front porch, and an enlarged garage on a corner lot on Lorraine Crescent.

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

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

permits single detached dwellings with a density of 25 units per net residential hectare. The proposed garage addition and façade improvements do not change the form or density of residential development. The variance requested is in keeping with the 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 rear yard setback of 0.7 m instead of the minimum required 4.5 m for the proposed garage addition

The existing garage has a setback of 2.52 m; the proposed setback is 1.82 m less than existing. The subject property is located on a corner bend in the road of Lorraine Crescent changing the performance of the lot from an internal lot to a corner lot. The house is oriented to the side lot line and towards the rear of the lot. This siting provides a 16.37m setback from the front lot line and provides adequate amenity area for the residential use. The reduced rear setback is supportable as it abuts the side yard of the adjacent lot and abutting the driveway and garage on that lot. Staff have no objection to this variance.

The following variance is only required if By-law 2020.374, amending By-law 2020, is in effect (subject to an OMB appeal currently).

- 2) To permit a maximum depth of a dwelling of 21 m instead of the maximum permitted depth of 18 m for the proposed rear addition

This measurement is taken from the closest points on the dwelling to the front and rear lot lines as defined by the Zoning By-law. Again, this situation has the house oriented towards the side lot line. Therefore, the “depth” as defined is the width of the house. The intent of this new by-law is to deter over-building developments that are out of character with the existing development. The proposed addition is not over building and is in keeping the character of the area. Staff have no objection to this requested variance.

3) Desirability:

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

Yes

The variances are in keeping with the character of the immediate area.

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

4) Minor in Nature:

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

Yes

The required variances are small deviations from the zoning by-law.

Cumulative Effects of Multiple Variances and Other Planning Matters:

Whether considered separately or together, the requested variances are acceptable.

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 1, 2017Prepared By: Kristen Boulard**Site Engineering**

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

Date: July 25, 2017Prepared By: A. Capone

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

Please note a discussion with the home owner was held onsite September 6th 2017 proposed downspouts. If the garage addition requires a downspout it must be located on a street facing façade because of the reduced rear yard setback.

Date: September 6 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 31, 2017Prepared By: Kathy Pavlou

COMMITTEE OF ADJUSTMENT

MEETING #21

AGENDA

NOVEMBER 15, 2017

Transportation Planning

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

Date: August 29, 2017Prepared By: John Zunic**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 balances plus current year taxes that have been billed but not yet due.

Date: August 28, 2017Prepared By: Paul Lacelle