

COMMITTEE OF ADJUSTMENT
AGENDA

Date: Wednesday, January 13, 2021, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, T. Hill, Lloyd Hillier, N. Panchuk, J. Watson

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. APPLICATIONS TO BE HEARD

a. **Minor Variance D13VAR20.021H – Perusse**

3

Location: 70 King Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To increase the floor area for two accessory structures from the maximum 20 sq m each to permit a floor area of 35.1 sq m each (swim spa and golf simulator).
2. To increase the height for two accessory structures from the maximum 3.5 m to permit a height of 4.1 m each (swim spa and golf simulator).

To accommodate proposed accessory structures (2), (swim spa and golf simulator).

Owner(s): Vaughn Perusse & Rossana Cossaro

b. Minor Variance D13VAR20.023H – Swackhamer

Location: 9480 32 Side Road, Town of Halton Hills (Esquesing), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 159 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 318 sq m.
3. To increase the height for an accessory structure from the maximum 5 m to permit a height of 6.4 m (garage).

To accommodate a proposed garage.

Owner(s): Donald and Janeen Swackhamer, **Agent:** Westtech Contracting, Giancarlo Scappin

c. Minor Variance D13VAR20.024H – Venters

10

Location: 22 Erin Street, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,

1. To increase the floor area for a single accessory structure from the maximum 40 sq m to permit a 130.06 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 60 sq m to permit a total floor area of 137.95 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.65 m (garage).
4. To permit an accessory building to be built closer to the front lot line whereas the by-law requires that accessory structures not be permitted any closer to the front lot line than the main building from the front lot line.

To accommodate an existing garage.

Owner(s): Mark Venters, **Agent:** Matthews Design & Drafting, Doug Matthews/Bethany Van Ravens

4. ADJOURNMENT

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: John McMulkin, Planner – Development Review

DATE: November 26, 2020

RE: Planning Recommendation for
Application D13VAR20.021H – Perusse (Revised)
Municipally known as 70 King Street
Town of Halton Hills (Georgetown)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To increase the floor area for two accessory structures from the maximum 20 sq. m each to permit a floor area of 35.1 sq. m each (swim spa and golf simulator).
2. To increase the height for two accessory structures from the maximum 3.5 m to permit a height of 4.1 m each (swim spa and golf simulator).

To accommodate two (2) proposed accessory structures (swim spa and golf simulator).

Proposal

The variances are required in order to accommodate two (2) proposed accessory buildings, one of which is proposed to contain a swim spa and the other is proposed to contain a golf simulator.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan and located within the “Mature Neighbourhood Area” overlay established through adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). Single detached dwellings are permitted in this designation. Section G13.6 of the Official Plan states that whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Low Density Residential One Mature Neighbourhood (LDR1-2(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. Section 4.1.1 of the Zoning By-law states where the By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory buildings, structures or accessory uses located on the same lot as the primary use to which they are related.

The LDR1-2(MN) zone limits individual accessory structures to a maximum gross floor area of 20.0 square metres and a maximum height of 3.5 metres.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of accessory buildings and structures is to ensure that the accessory buildings/structures do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties. Given the location of the proposed accessory buildings and the extent of the relief requested, Planning staff views the intent of the maximum floor area and height requirements to be maintained.

Public Comments

No comments have been received from the public as of the date this report was prepared.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application, subject to the following condition:

1. The accessory buildings (swim spa and golf simulator) shall be constructed generally in accordance with the architectural design as shown on the building elevations, prepared by Vaughn Perusse and Rossana Cossaro, date stamped by the Committee of Adjustment on November 25, 2020, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- The Owner may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.
- Prior to the issuance of a Building Permit the Applicant shall provide a Grading Plan of the building envelopes showing suitable surface drainage on the property, including existing and proposed elevations, to the satisfaction of the Commissioner of Transportation and Public Works.

Town Zoning

- The proposed accessory structures are permitted to be used for personal use only.

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Ruth Conard, Planner – Development Review

DATE: December 8, 2020

RE: Planning Recommendation for
Application D13VAR20.023H – Swackhamer
Municipally known as 9480 32 Side Road
Town of Halton Hills (Esquesing)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 159 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 318 sq m.
3. To increase the height for an accessory structure from the maximum 5 m to permit a height of 6.4 m (garage).

To accommodate a proposed garage.

Proposal

The Applicant is proposing to construct a new 159 sq m (1,711 sq ft) detached garage with a height of 6.4 m (20 ft). The Applicant is also proposing to recognize two existing accessory structures in the rear yard of the property that are 23.2 sq m (250 sq ft) and 117 sq m (1,260 sq ft) in size respectively. The two existing structures are connected by an 18.6 sq m (200 sq ft) roof.

It should be noted that variance #1 should be revised as follows:

To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 159.8 sq m accessory structure (garage).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Protected Countryside Area with a Natural Heritage System Overlay and is located within the Greenbelt Plan Boundary. This designation permits single detached dwellings on existing lots and accessory buildings and structures. Section G13.6 of the Official Plan states that wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

Town of Halton Hills Zoning By-Law

The subject property is zoned Protected Countryside (PC) and Protected Countryside – Natural Heritage System Two (PC-NHS2) under Zoning By-law 2010-0050, as amended. A very small portion of the south east corner of the lot is also zoned Protected Countryside – Natural Heritage System One (Holding 2) (PC-NHS1(H2)).

The proposed garage and existing accessory structures are located within the PC-NHS2 zone. This zone permits single detached dwellings and accessory structures. The PC-NHS2 zone limits the maximum individual floor area for accessory buildings and structures to 80 sq m, the maximum floor area for all accessory buildings and structures to 120 sq m, and the maximum height for all accessory buildings and structures to 5 m.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of the maximum floor area requirement for accessory buildings and structures is to ensure that they do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties. Given the location and size of the property, being in the rural area and 1.5 ha (3.8 ac) in size as well as the abundance of screening along the eastern lot line, the proposed variances would have no impact on these considerations. Therefore, Planning staff has no objection to the proposal.

Public Comments

No comments have been received from the public as of the date this report was prepared.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a

Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application subject to the following condition:

1. The proposed garage shall be constructed, as generally shown on the Site Plan (SP1), Floor Plan (A1) and Elevations (A2), date stamped by the Committee of Adjustment on November 16, 2020, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Planning

- Accessory buildings or structures shall not be used for human habitation or an occupation for gain or profit.

Development Engineering

- The Owner/Applicant may require a Site Alteration Permit. Please contact Development Engineering for further details.

Credit Valley Conservation (CVC)

- The proposed accessory structure is located within a CVC Regulated Area and a CVC permit is required prior to its construction.

Halton Region

- The Applicant is advised to contact Halton Region to discuss next steps to formalize a Risk Management Plan for the subject property

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

TO: Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

FROM: Ruth Conard, Planner – Development Review

DATE: December 10, 2020

RE: Planning Recommendation for
Application D13VAR20.024H – Venters
Municipally known as 22 Erin Street
Town of Halton Hills (Glen Williams)

APPLICATION

Requesting relief from Zoning By-law 2010-0050, as amended:

1. To increase the floor area for a single accessory structure from the maximum 40 sq m to permit a 130.06 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 60 sq m to permit a total floor area of 137.95 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.65 m (garage).
4. To permit an accessory building to be built closer to the front lot line whereas the by-law requires that accessory structures not be permitted any closer to the front lot line than the main building from the front lot line.

To accommodate an existing garage.

Proposal

The Applicant is proposing to recognize an existing garage that is 130.06 sq m (1,399 sq ft) in size with a height of 6.65 m (21.9 ft). The Applicant is also proposing to recognize an existing shed on the property that is 7.89 sq m (84.92 sq ft) in size.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area within the Hamlet of Glen Williams Secondary Plan. This designation permits single detached dwellings on existing lots and accessory buildings and structures. Section G13.6 of the Official Plan states that wherever a

use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Residential One (Mature Neighbourhood One) (HR1(MN1)) under Zoning By-law 2010-0050, as amended. This zone permits single detached dwellings and accessory buildings and structures. The HR1(MN1) zone limits the maximum individual floor area for accessory buildings and structures to 40 sq m, the maximum floor area for all accessory buildings and structures to 60 sq m, and the maximum height for all accessory buildings and structures to 4.5 m.

The Zoning By-law defines the front lot line on a corner lot as the shortest of the lot lines that divides the lot from the public street. Further, Table 4.2 of the Zoning By-law states that accessory buildings and structures are not permitted any closer to the front lot line than the main building. In this case, Wildwood Road is deemed to be the front lot line and the existing garage is located closer to Wildwood Road than the main building.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of the maximum floor area requirement for accessory structures is to ensure that the buildings do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties. Based on a site visit, the garage appears to be clearly subordinate and incidental to the dwelling and it does not appear that the proposed variances will have an impact on these considerations.

Further, the intent of the Zoning By-law to keep accessory structures out of the front yard is to maintain the residential character of a property, provide an area on the lot for landscaping and to ensure a consistent pattern of setbacks. Given the location of the lot (corner lot), and the orientation of the garage and dwelling on the lot (facing Erin Street), Planning staff have no concerns with the proposed variances.

Therefore, Planning staff has no objection to the proposal.

Public Comments

No comments have been received from the public as of the date this report was prepared.

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application subject to the following condition:

1. The applicant will remove and landscape, to the satisfaction of the Commission of Transportation and Public Works, the existing driveway that directly connects to the intersection of Wildwood Road and Erin Street. The existing driveway that connects directly to Erin Street would remain in its current state.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Planning

- Accessory buildings or structures shall not be used for human habitation or an occupation for gain or profit.

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.