

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, February 3, 2021, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, T. Hill, L. 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 D13VAR21.001H – Eden Oak (Creditview Heights)** 2

Location: 106 Park Street East, Town of Halton Hills (Glen Williams),
Regional Municipality of Halton

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

 1. To decrease the lot frontage from the minimum 30 m to permit a 20 m lot frontage.
 2. To decrease the minimum lot area from the minimum 0.2 ha to permit a lot area of 0.17 ha.

To allow a remnant parcel that will be created through the registration of the adjacent subdivision, to be considered a buildable lot.

Owner(s): Eden Oak (Creditview Heights) Inc., Romas Kartavicius,
Agent: Arnold, Foster LLP, Herbert Arnold
4. ADJOURNMENT

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

FROM: Jeff Markowiak, Director of Development Review

DATE: January 29, 2021

RE: Planning Recommendation for
Application D13VAR21.001H – Eden Oak (Creditview Heights)
Municipally known as 106 Park Street East
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To decrease the lot frontage from the minimum 30.0 m to permit a 20.0 m lot frontage.
2. To decrease the lot area from the minimum 0.20 hectares to permit a lot area of 0.17 hectares.

To allow a remnant parcel that will be created through the registration of the adjacent subdivision to be considered a buildable lot.

Proposal and Background

106 Park Street East is owned by Eden Oak and is part of a larger piece of land that received Draft Plan of Subdivision approval by the Ontario Municipal Board in 2017 to create 31 new residential lots off an extension of Gamble Street (the subdivision is often referred to as Creditview Heights or The Chase). Eden Oak is close to satisfying the conditions of Draft Plan approval, which will allow for registration of the subdivision occur; registration is the process by which all the Draft Plan approved lots are formally created.

Following registration of the subdivision 106 Park Street East will become a remnant (left over) parcel of land with frontage on Park Street East, created through natural severance, as the parcel is not part of the subdivision application itself. While the remnant parcel will be considered a legal lot, it cannot be considered a buildable lot (ie. allow the construction of a single detached dwelling) without first obtaining minor variances to recognize that the future lot will not meet the minimum lot frontage and lot area requirements of By-law 2010-0050. Therefore, Eden Oak is seeking minor variance approval to acknowledge that the future lot will have a frontage of 20 metres (whereas 30 metres is required) and area of 0.17 hectares (whereas 0.20 hectares is required); approval of the variances would allow a single detached home to be built on the remnant parcel.

POLICY CONTEXT

Town of Halton Hills Official Plan

The remnant parcel is designated Hamlet Residential Area under the Glen Williams Secondary Plan; this designation allows single detached residential dwellings. Within Glen Williams the minimum lot size for residential development on partial municipal services (ie. municipal water and private septic) is 0.19 hectares (0.47 acres); whereas the minimum lot size for development on full municipal water and wastewater services is 0.10 hectares (0.25 acres).

Town of Halton Hills Zoning By-Law

The remnant parcel is zoned Hamlet Residential One (HR1) Mature Neighbourhood One (MN1) under By-law 2010-0050. This zone permits single detached residential dwellings, subject to the Mature Neighbourhoods (MN1) height, lot coverage and setback provisions for Glen Williams. The HR1 zone requires a minimum lot frontage of 30.0 metres (98.0 feet) and lot area of 0.2 hectares (0.5 acres).

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 following provides an evaluation of the proposal in relation to the requested variances:

1. To decrease the lot frontage from the minimum 30.0 m to permit a 20.0 m lot frontage

The requested variance is intended to recognize that a remnant parcel (which will naturally come into existence once the adjacent draft plan of subdivision is registered) has a frontage that does not meet the 30.0 metre minimum established in the by-law. This remnant parcel is part of a larger piece of land that has always maintained a 20.0 metre frontage on Park Street East; however, approval of the variance is required before the parcel can be considered a buildable lot.

To evaluate whether the existing frontage of the remnant parcel has merit to accommodate a new dwelling it is helpful to understand whether the 30.0 metre (98 ft.) minimum is the predominant frontage pattern in the neighbourhood or whether a 20.0 metre (65 ft.) lot frontage could be considered compatible with the area.

A review of the other lots on Park Street East and broader neighbourhood identifies that:

- the average lot frontage on Park Street East is approximately 25 m (82 ft.);
- seven of the fifteen other lots on Park St. have an existing frontage that is equal to, or less than 20.0 m (65 ft.);
- on nearby Alexander St., Erin St. and Beaver St. the average frontage is approximately 24.0m (78 ft.), with an additional fourteen lots having a frontage of 20.0 m or less.

This suggests that the constructing a dwelling on a parcel maintaining a 20.0 metre frontage would not be out of character on Park Street East or the neighbourhood.

2. *To decrease the lot area from the minimum 0.2 hectares to permit a lot area of 0.17 hectares*

This variance is to reflect that the future left over lot will have an area of 0.17 hectares (0.42 acres), which is less than the minimum 0.20 hectares (0.5 acres) required for an HR1 zone. Similar to the lot frontage variance, acknowledgement and approval of the impending lot area for the remnant parcel is required before a dwelling could be constructed on the future lot. To evaluate whether construction of a dwelling on this size of lot is appropriate, it is helpful to understand the intent of the minimum lot area provision as well as whether a lot size of 0.17 hectares is characteristic for the neighbourhood.

A 0.20 hectare minimum lot size was established as that is what is typically required to support a septic system given many of the lots in the HR1 zone do not have access to municipal sanitary infrastructure (this is also the rationale behind the 0.19 hectare minimum lot size for properties on partial municipal services referenced in the Glen Williams Secondary Plan). However, the Town's Building Department has confirmed that the 0.17-hectare remnant parcel will be able to support a new tertiary sewage disposal system for an average two-storey dwelling.

Additionally, Eden Oak has identified that they intend to connect the property to the sanitary system being installed for their adjacent subdivision, meaning the lot would be on full municipal services. Under the Glen Williams Secondary Plan the minimum lot size for a property on full municipal services is 0.10 hectares.

A review of the other lots on Park Street East and broader neighbourhood identifies that:

- the average lot area on Park Street East is approximately 0.15 hectares (0.37 acres);
- nine of the fifteen other lots that front on to Park Street East have a lot area that is less than 0.17 hectares (0.42 acres); and,
- on nearby Alexander St., Erin St. and Beaver St. the average lot area drops to 0.12 hectares (0.3 acres).

The above identifies that the 0.20 hectare lot area requirement is not necessary for this parcel to address sanitary requirements. Additionally, should the parcel secure the intended sanitary connection the lot would exceed the Official Plan requirements for minimum lot size (ie. 0.10 ha). A review of lots in the area also suggests that constructing a dwelling on a parcel of 0.17 hectares would not be out of character in the neighbourhood.

Based on the foregoing, Planning staff do not have any objections to the approval of the two requested minor variances. The Applicant has also submitted a site grading plan that identifies a dwelling footprint that is in-line with the front yard setbacks of the two existing adjacent homes at 102 and 108 Park Street East and also conforms to the side yard setback requirements of the HR1 Mature Neighbourhood One (MN1) standards. Therefore, staff is recommending that any approval of the application be subject to the submitted site grading plan and also the submission of elevation drawings that demonstrate the height, massing and design of the future house will conform to the Mature Neighbourhood policies and standards for Glen Williams.

Public Comments

As of the date of this report, staff have received one joint written letter of objection from the owners of 102 Park Street East and 108 Park Street East (two abutting residential lots to the remnant parcel). The adjacent homeowners believe that the proposed 1/3 reduction in lot frontage and 300 m² reduction in lot area cannot be considered minor. Additionally, they note that the remnant parcel had originally be used as a driveway providing access to a home located further back on the property and was not intended to accommodate a house itself. They also noted concerns that substantial grading and drainage will have to take place for a house to be built on the site and questioned whether a septic system can be accommodated.

The letter also indicates that a Committee of Adjustment application had been submitted for the parcel in 2010 requesting a reduced lot frontage of 18.0 metres and a reduced side yard setback of 4.0 feet (instead of the permitted 15.0 feet) for a new dwelling on the site. They objected to that application as well but never heard back from the Town on the outcome and wonder whether this application will be reactivated to seek a reduced setback to the dwelling.

The letter was accompanied by a three-page petition signed by residents objecting to the proposed variances.

Staff Response:

As outlined above, there is a significant degree of variability of lot frontages and areas in the immediate surrounding area and that a dwelling lot with a frontage of 20.0 metres and area of 0.17 hectares is not uncharacteristic.

Also, as mentioned earlier, the Applicant intends to connect the lot to the municipal sanitary system being constructed for the adjacent subdivision. However, if the connection does not take place the Town's Building Department has confirmed that a private septic system can be accommodated on the lot. With regards to grading and drainage, the Applicant has submitted a conceptual grading plan that satisfies our Development Engineering staff that a dwelling and driveway can be constructed on this site without negatively impacting adjacent properties.

Further, the remnant parcel is not being created through a proposed severance that would seek to make an existing lot smaller in order to create a new one; the remnant parcel has always maintained a frontage on Park Street and will naturally come into existence. Therefore, staff are do not have any objections to the proposed variances to recognize the remnant parcel as a buildable lot.

As for the previous Committee of Adjustment application, no decision was ever made by the Committee as it was abandoned by Applicant before it could be considered. The conceptual grading plan submitted by Eden Oak shows a building envelope that conforms with the setbacks required under the Zoning By-law, which staff are proposing to be tied to the approval of the subject application. However, should the Applicant seek to revisit the setbacks for the dwelling they would have to submit new Minor Variance application, which would be circulated to the community, similar to this application.

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 conditions:

1. Any dwelling on the property shall be constructed in accordance with the building footprint (which is in line with the adjacent homes), setbacks and grading as shown on the "Grading Plan For Park Street Lot" drawing prepared by Condeland, dated January 2021, and e-mailed to the Town on January 27, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. That elevation drawings of the dwelling proposed for the property, demonstrating general conformity with the Glen Williams Mature Neighbourhood Area policies and provisions in the Town's Official Plan and Zoning By-law, be submitted to the satisfaction of the Commissioner of Planning & Development.

Sincerely,



Notes:

Development Engineering

- At the Building Permit stage Development Engineering will require a detailed grading plan for review.
- A Site Alteration Permit will be required, as well as an Entrance Permit and Excavation Permit for service connections within the Town's Road Allowance.

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.

Credit Valley Conservation

- A CVC permit is required for any proposed development on the subject lot. At the time of the CVC permit application, the limit of the toe slope of the valley would need to be confirmed by CVC staff. Any proposed development should be located 10 metres from this limit.