

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, March 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 D13VAR21.002H – Last**

3

Location: 11 Holdroyd Court, 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 20 sq m to permit a 29 sq m accessory structure (cabana).

To accommodate a proposed cabana.

Owner(s): Gary Last, **Agent:** Beamish Landscape Construction, Tim Beamish

b. Minor Variance D13VAR21.003H – Blaber

6

Location: 10916 22 Side Road, Town of Halton Hills (Limehouse),
Regional Municipality of Halton

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

1. To reduce the interior side yard setback from the minimum 9.5 m to permit a 0.91 m east side yard setback.
2. To reduce the interior side yard setback from the minimum 9.5 m to permit a 3.46 m west side yard setback.

To accommodate a proposed addition to the dwelling.

Owner(s): Benjamin & Amanda Blaber, **Agent:** Rocmar Engineering Inc.,
Ashton Furtado

c. Minor Variance D13VAR21.004H – Faber

11

Location: 12425 Kirkpatrick Lane, Town of Halton Hills (Limehouse),
Regional Municipality of Halton

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

1. To reduce the setback from the land owned by a federally owned railway company from 30 m to permit a setback of 15.75 m.
2. To reduce the interior side yard setback from the minimum 4.5 m to permit a 2.06 m side yard setback.
3. To reduce the front yard setback from the minimum 7.5 m to permit a 5.5 m front yard setback.

To accommodate a proposed addition to the dwelling.

Owner(s): Alex and Carla Faber.

4. ADJOURNMENT

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

FROM: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: February 24, 2021

RE: Planning Recommendation for
Application D13VAR21.002H – LAST
Municipally known as 11 Holdroyd Court
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 20 sq m to permit a 29 sq m accessory structure (cabana).

To accommodate a proposed cabana.

Proposal

The Applicant is proposing to construct a new cabana.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Hamlet Residential Area” in the Town’s Official Plan. This designation permits single detached dwellings and accessory buildings and structures. 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. The Town’s Official Plan does not contain policies related to maximum floor areas for a single accessory structure.

Town of Halton Hills Zoning By-Law

The subject property is zoned HR1 (16) Hamlet Residential One (Exception 16) under Comprehensive Zoning By-law 2010-0050, as amended. The HR1(16) zone permits single detached dwellings and accessory buildings and structures.

In the HR1(16) zone, the by-law limits individual accessory structures to a maximum gross floor area of 20.0 sq 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 an accessory building is to ensure it does not visually dominate the lot, is clearly accessory to the principal residential use (i.e. single detached dwelling) and does not create impacts to surrounding properties. Given the extent of relief requested and the location of the cabana, the proposed variance would have no impact on these considerations.

Therefore, Planning staff has no objection to the proposal.

Public Comments

No objections 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(s):

1. The location of the proposed cabana shall be constructed, as generally shown on the submitted Registered Plan and Site Plan drawing, date stamped by the Committee of Adjustment on January 22, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under Bylaw 2017-0040 for the proposed works through the Development Engineering Department prior to the issuance of the associated Building Permit. Please contact the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a grading plan, prepared by an appropriate professional, will be required to support this Site Alteration Permit application.
- It is the owner's responsibility to, maintain the existing drainage pattern. Ensure positive drainage is achieved and repair any drainage problems caused by the proposed works on their property and/or the adjacent owner's properties.
- All proposed site works are to remain 0.6m (2ft.) minimum from all lot lines as per Site Alteration By-Law 2017-0040.

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. Please contact Codi for further information at Ext. 414.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: February 23, 2021

RE: Planning Recommendation for
Application D13VAR21.003H – Blaber
Municipally known as 10916 22nd Sideroad
Town of Halton Hills (Limehouse)

APPLICATION

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

1. To reduce the interior side yard setback from the minimum 9.5 m to permit a 0.91 m east side yard setback.
2. To reduce the interior side yard setback from the minimum 9.5 m to permit a 3.46 m west side yard setback.

To accommodate a proposed addition to the dwelling.

Proposal

The Applicant is proposing to construct a two-storey, 396 sq. m. (4,262 sq.ft.) addition to the existing single detached dwelling. The existing dwelling would be substantially renovated as part of the project including the replacement of some exterior walls. The 2nd storey portion of the addition would only be located above the garage. The Applicant is applying to reduce the minimum interior setbacks from 9.5 m (31.2 ft.) to 0.91 m (3.0 ft.) on the easterly side and to 3.46 m (11.4 ft.) on the westerly side. Note that the reduction to the westerly side yard setback reflects an existing condition.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is split between three land use designations on Schedule A14 – Limehouse in the Town’s Official Plan. The front portion of property (approximately 1/3) is designated “Rural Cluster Area”. The rest of the property is split approximately evenly between the “Greenlands A” and “Greenlands B” designation with the “Greenlands B” designation located through the middle of the property and the “Greenlands A” designation located at the rear. A single detached dwelling is a permitted use within the “Rural Cluster Area” designation. The “Greenlands B” designation permits single detached dwellings on existing lots. The “Greenlands A” designation does not permit a single detached dwelling. The existing dwelling, along with the proposed addition, are located partially within the “Rural Cluster Area” and “Greenlands B” designations.

The Town’s Official Plan does not specifically identify policies related to minimum exterior side yard setbacks; however, Policy Objectives E4.1(c) and E4.1(d) speak to ensuring that Rural Clusters are developed in a logical manner and ensuring that new development contributes to and enhances the character of the rural area. Policy B.1.3.3, which pertains to lands partially within the “Greenlands B” designation in Rural Cluster Areas, aims to direct development away from the portion of the property that is designated “Greenlands B”. It is the intent of the both the “Greenlands A” and “Greenlands B” designation that natural heritage features be preserved (subject to Natural Heritage System policies of the Region of Halton Official Plan).

Town of Halton Hills Zoning By-Law

Like the Town’s Official Plan, the subject property is split between three zones in the Town’s Comprehensive Zoning By-law 2010-0050 as amended. These zone limits coincide with the same limits of the above discussed Official Plan designations. The front portion of the property is zoned Rural Cluster Residential One (RCR1) Zone; the middle portion is zoned Environmental Protection Two (EP2) Zone; and, the rear portion is zoned Environmental Protection One (EP1) Zone. The RCR1 Zone permits a single detached dwelling. The EP2 Zone permits a single detached dwelling on an existing lot. The EP1 Zone does not permit a single detached dwelling.

The existing dwelling, along with the proposed addition are located partially within the RCR1 Zone and partially within the EP2 Zone. The minimum required interior side yard setback within the RCR1 Zone is 4.5 m. However, as the existing dwelling and the proposed addition would be located partially within the EP2 Zone it is the 9.5 m minimum interior setback from the EP2 Zone that would be applied (the more restrictive provision).

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 Applicant is proposing to reduce the minimum interior side yard setback from 9.5 m to 0.91 m on the easterly side and to 3.46 m on the westerly side of the dwelling and proposed addition. As previously noted, the requirement for a 9.5 m setback can be considered somewhat a technicality due to the split zoning of the subject lands. Given the existing dwelling and proposed addition are mostly situated within the RCR1 Zone, it would be more appropriate to evaluate the requested 0.91 m and 3.46 m setbacks against the 4.5 m standard of the RCR1 Zone.

The intent of the EP2 Zone requiring a 9.5 m side yard setback is to recognize that many of these properties contain substantive nature heritage features. Therefore, a 9.5 m setback will help maintain the open space feel and character of the property and ensure adequate setbacks are provided to any on-site protected environmental features. In this regard, the existing lot, along with existing lots on either side of the subject lands are predominantly residential in nature, in keeping with the character of the Rural Cluster of Limehouse. Halton Region and CVC staff have also confirmed that the existing dwelling and proposed addition (along with the septic system) are located outside of any on-site natural heritage features and associated buffers. However, the Applicant will be required to obtain a CVC prior to the issuance of any Building Permit.

With regards to the proposed easterly 0.91 m side yard setback, this represents an existing condition. While that portion of the existing dwelling is proposed to be substantially renovated, the bulk of the new addition is located on the opposite side of the dwelling. The 2nd storey portion of the addition would also be located above the new attached garage on the opposite side of the dwelling to where the 0.91 m setback is requested.

With regards to the proposed 3.46 m westerly side yard setback, this setback is consistent with the existing character of the dwellings on the south side of 22nd Sideroad. More specifically, the proposed setback appears to be very similar to the same setback that currently exists between the existing single detached dwelling to the west and the subject lands. Therefore, the streetscape character and rural residential character of Limehouse is being maintained. There also appears to be a row of vegetation and trees located between the two properties that would also serve as a further buffer.

Therefore, Planning staff has no objection to the proposed variances.

Public Comments

One email inquiry was received from an area resident with questions about the proposal. No other 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(s):

1. The location of the addition to the existing single detached dwelling shall be constructed, as generally shown on the drawings submitted by RocMar Engineering Inc., date stamped by the Committee of Adjustment on February 1, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- 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

Credit Valley Conservation Authority

- A CVC Permit is required for the development as proposed. Upon approval of the Minor Variance, please contact CVC directly for the next steps related to the CVC permit application process.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead transformer (C05X011) on 22nd Side Road. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductor and/ or the existing meter base. Customer to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required. Customer shall request for a Technical Service Layout Request for permanent service when required. Location and method of servicing is at the sole discretion of Halton Hills Hydro. The customer should review our Condition of Service prior to submitting applications. Please find links below;
 - TSLO - <https://website-245714.appspot.com/about/engineering/new-service-upgrades/application-electrical-service-form/>
 - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>
- 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.
- Please contact Codi for further information at Ext. 414.

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

FROM: John McMulkin, Planner – Development Review

DATE: February 24, 2021

RE: Planning Recommendation for
Application D13VAR21.004H – FABER
Municipally known as 12425 Kirkpatrick Lane
Town of Halton Hills (Limehouse)

APPLICATION

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

1. To reduce the setback from the land owned by a federally owned railway company from 30 m to permit a setback of 15.75 m.
2. To reduce the interior side yard setback from the minimum 4.5 m to permit a 2.06 m side yard setback.
3. To reduce the front yard setback from the minimum 7.5 m to permit a 5.5 m front yard setback.

To accommodate a proposed addition to the dwelling.

Proposal

The variances are required in order to accommodate a 2-storey addition to the north side of the existing dwelling. The addition includes an attached garage and additional living space.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Rural Cluster Area” in the Town’s Official Plan. This designation permits single detached dwellings. The Town’s Official Plan does not identify minimum yard and railway setbacks for single detached dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Rural Cluster Residential One (RCR1)” in the Town’s Comprehensive Zoning By-law 2010-0050, which permits single detached dwellings.

Within the RCR1 zone the minimum front yard setback is 7.5 metres and the minimum interior side yard setback is 4.5 metres. Zoning By-law 2010-0050 also establishes a minimum setback from a railway corridor of 30.0 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:

Development Engineering

The Development Engineering Section has no objection to the proposed variances, but requests that the reduced front yard setback of 5.5 m apply only to the portion of the lot where the addition and driveway are proposed to be located, as shown on the Site Plan prepared by Van Harten Surveying Inc. This reduced setback has not been considered or evaluated for any other location on the property.

Fire Department

Acknowledging the fire separation concerns raised by residents in the neighbourhood, the Fire Department requests that the side of the proposed addition facing the interior side lot line not contain any windows or other openings, as shown on the Side (Northwest) Elevation, and encourages the exterior cladding to be made of non-combustible material.

Planning

The intent of the minimum front yard setback requirement is to provide an area on the private lot for parking, permitted projections (e.g. porches, balconies, canopies and decks) and snow storage. The intent of the minimum interior side yard setback requirement is to provide separation between the dwelling and the lot line for maintenance of the building's eaves/outside walls and to access the property's rear yard. In addition, these requirements are intended to provide a consistent pattern of dwelling setbacks and area for landscaping to maintain privacy and neighbourhood character.

The proposed addition would be located no closer to the front lot line than the existing dwelling (which has a setback of approximately 4.87 m), no closer to the interior side lot line than the setback maintained for the neighbouring dwelling (12429 Kirkpatrick Lane) and is consistent with setbacks in the neighbourhood. Given the extent of the relief requested, the location of the proposed addition and its context within the neighbourhood, Planning staff views the intent of the front yard and interior side yard setbacks to be maintained.

The intent of the minimum required setback from the railway right-of-way is to ensure that impacts to sensitive land uses (e.g. dwelling units) from railway operations are mitigated. Given the

proposed addition would be located on the north side of the dwelling facing away from the railway, Planning staff views the intent of the setback from the railway right-of-way to be maintained.

Public Comments

One (1) objection letter has been received from the public (12439 Kirkpatrick Lane) as of the date this report was prepared.

The concerns identified by the residents through their correspondence can generally be characterized as relating to:

- Size of the proposed addition;
- Architectural style of the proposed addition;
- Impact to property values;
- Impact to neighbouring wells;
- Fire separation; and,
- Potential businesses operating from the existing accessory building.

The following summarizes the responses provided by Planning staff to the residents:

- The size of the proposed addition is not something that Planning staff can restrict based on the zoning by-law as there is no maximum lot coverage requirement in the RCR1 zone;
- The Town's Senior Heritage Planner has reviewed the application and noted no objections from a heritage/character perspective;
- Planning staff cannot consider impact to property values when evaluating the merits of the Minor Variance application as this is not something that the Local Planning Appeal Tribunal will add to the list of issues when considering an appeal of an application;
- Halton Region's Public Health Department has reviewed the application and noted no objections from a public health (private servicing) perspective;
- The Town's Fire Department and Building Section have reviewed the application and noted no objections from a fire separation perspective. As noted, it is requested that the side of the proposed addition not contain any windows or other openings (as shown) and non-combustible material is encouraged to be used for the exterior cladding; and,
- Any business for gain or profit is not permitted to be operated from a residential accessory building and a formal complaint may be filed with the Town's By-law Enforcement Section for further investigation. Staff or the Committee of Adjustment is not able to take concerns about a business in a separate on-site structure into consideration when evaluating the merits of the requested variances for the proposed dwelling expansion as the Planning Act only grants municipalities the authority to evaluate the merits of the requested zoning relief based on their suitability for the site.

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(s):

1. The location of the addition and its accompanying driveway leading to the attached garage shall be generally in accordance with the Site Plan, prepared Van Harten Surveying Inc., date stamped by the Committee of Adjustment on February 1, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. The addition shall be constructed generally in accordance with the architectural design as shown on the Front (Southwest) and Side (Northwest) Elevations, date stamped by the Committee of Adjustment on February 1, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Section prior to the issuance of the associated Building Permit. Please contact the Development Engineering Section or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a grading plan, prepared by an appropriate professional, will be required to support this Site Alteration Permit application.
- The Owner/Applicant shall apply for and acquire an Entrance Permit under Bylaw 2018-0028 for the proposed entrance through the Development Engineering Section prior to the issuance of the associated Building Permit. Please contact the Development

Engineering Section or visit the Town's website and search "Entrance" for further details prior to making the application.

Fire Department

- The Fire Department requests that the side of the proposed addition facing the interior side lot line not contain any windows or other openings, as shown on the Side (Northwest) Elevation, and encourages the exterior cladding to be made of non-combustible material.

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.