

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: July 7, 2021, 6:00 p.m.
Location: VIA ZOOM
Members: T. Hill, N. Panchuk, J. Watson, Lloyd Hillier, Todd Jenney

Pages

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

a. **Minor Variance D13VAR21.015H – Pannu**

5

Location: 9061 Eighth Line, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To reduce the side yard setback from the minimum 4.5 m, to permit a 2.25 m side yard setback to the attached carport (north).
2. To reduce the side yard setback from the minimum 4.5 m, to permit a 2.44 m side yard setback (south).

To accommodate a proposed new dwelling.

Owner(s): Gurtejbir Singh Pannu & Kanwarjeet Singh Pannu, **Agent:** Harpreet Bhons

b. Minor Variance D13VAR21.016H –Polanski

Location: 73 West Branch Drive, Town of Halton Hills (Georgetown),
Regional Municipality of

Halton

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

1. To reduce the rear yard setback (for a deck with a height of 0.6 m or greater above grade) from the minimum 3 m, to permit a 0.85 m rear yard setback.
2. To reduce the side yard setback (for a deck with a height of 0.6 m or greater above grade) from the minimum 1 m, to permit a 0.72 m side yard setback (south).
3. To reduce the side yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 0.6 m, to permit a 0 m side yard setback (north lower deck).

To accommodate an existing two-level deck built around the swim spa.

Owner(s): Mark & Diana Polanski

c. Minor Variance D13VAR21.017H – Lenstra

10

Location: 12430 20 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 height for an accessory structure from the maximum 5 m to permit a height of 8.2 m.
2. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 223 sq m accessory structure.
3. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 280 sq m.

To accommodate a proposed accessory structure.

Owner(s): Marvin Lenstra

d. Minor Variance D13VAR21.018H – Forbes 13

Location: 5 Dufferin Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the setback from the right-of-way owned by a federally regulated railway company from 30 m to permit a setback of 19.62 m.

To accommodate a proposed addition to the dwelling.

Owner(s): April Forbes, **Agent:** Alana Nielsen

e. Minor Variance D13VAR21.019H – Tribble 15

Location: 13850 Sixth Line, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 7.57 m.
2. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 195.1 sq m accessory structure.
3. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 211 sq m.
4. To increase the driveway width from the maximum 7 m to permit an existing driveway width of 12.75 m.

To accommodate a proposed accessory structure, and existing driveway.

Owner(s): Lance Tribble, **Agent:** Chris Feenstra

f. Minor Variance D13VAR21.020H – Osborne 19

Location: 14190 Eighth Line, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 5.18 m.
2. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 112 sq m accessory structure.

To accommodate a proposed addition to an existing accessory structure (garage).

Owner(s): Brenda & Mark Osborne

g. Minor Variance D13VAR21.021H – Domingues

Location: 3 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 permit an accessory structure (cabana) to be built closer to the exterior side lot line (4.9
2. m) than the main building (dwelling) from the exterior side lot line (7.65 m).

To accommodate a proposed cabana.

Owner(s): George Domingues

4. ADJOURNMENT

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

FROM: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: June 28, 2021

RE: Planning Recommendation for
Application D13VAR21.015H – Pannu
Municipally known as 9061 Eighth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To reduce the side yard setback from the minimum 4.5 m, to permit a 2.25 m side yard setback to the attached carport (north).
2. To reduce the side yard setback from the minimum 4.5 m, to permit a 2.44 m side yard setback (south).

To accommodate a proposed dwelling.

Proposal

The Applicant is proposing to construct a new two-storey single detached dwelling, replacing an existing single detached dwelling on the property. The Applicant is applying to reduce the minimum side yard setback.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Agricultural Area” in the Town’s Official Plan. Single detached dwellings are permitted on existing lots within this designation. The Town’s Official Plan does not specifically identify policies related to minimum exterior side yard setbacks.

Town of Halton Hills Zoning By-Law

The subject property is zoned Agricultural (A). The Agricultural zone permits single-detached dwellings. In a Agricultural zone, the by-law limits side yard setbacks to a minimum of 4.5 m.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. The Region of Halton has requested a Stage 1 Hydrogeological Study to determine whether the proposed dwelling can provide an adequate supply of water and treatment of wastewater. This is important to understand, because depending on the results of this review, the proposed variance could change, and other variances could be identified should the building the dwelling design be altered. As such it is requested that the Committee of Adjustment defer its decision on the application.

RECOMMENDATION

Planning staff recommends that the Committee defers its decision to allow for the Applicant to submit the Stage 1 Hydrogeological Study and for a further review of any updated site plan drawing to ensure all variances are correctly identified.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive style with a large, looping initial "J".

Jeff Markowiak, Director of Development Review

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

FROM: John McMulkin, Planner – Development Review

DATE: June 28, 2021

RE: Planning Recommendation for
Application D13VAR21.016H – Polanski
Municipally known as 73 West Branch Drive
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the rear yard setback (for a deck with a height of 0.6 m or greater above grade) from the minimum 3 m, to permit a 0.85 m rear yard setback.
2. To reduce the side yard setback (for a deck with a height of 0.6 m or greater above grade) from the minimum 1 m, to permit a 0.72 m side yard setback (south).
3. To reduce the side yard setback (for a deck with a height of less than 0.6 m above grade) from minimum 0.6 m, to permit a 0 m side yard setback (north lower deck).

To accommodate an existing two-level deck built around the swim spa.

Proposal

The variances are required to reduce the minimum rear and side yard setbacks on the east and south sides (portion of deck taller than 0.6 m) and reduce the minimum side yard setback on the north side (portion of deck shorter than 0.6 m) in order to recognize an existing two-level deck built around the swim spa. The Applicant is also proposing to construct a pergola on top of the deck at the northeast corner within the maximum height restriction to provide screening on its north side.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan. This designation permits single detached dwellings. 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 (LDR1-3)” under the Town’s Comprehensive Zoning By-law 2010-0050. 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 minimum side yard setbacks for all decks are consistent with the main building in accordance with Section 4.6 of the Zoning By-law. For the subject property, the setbacks are 0.6 m (~2 ft.) on the north side of dwelling/deck and 1m (~3.28 ft.) on the south side. In addition, decks that have a height of 0.6 m or greater are required to be located no closer than 3 m (~10 ft.) to the rear lot line.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. Relevant comments regarding the Minor Variance application are as follows:

Building

Staff has concerns regarding a user of the upper-level deck being able to access the outdoor swimming pool located at the neighbouring property (81 Foxtail Court) given the deck is approximately the same height as the shared property line fence and the deck is only set back 0.85 m (~2.8 ft.) from the property line fence. Further information and drawings will need to be submitted to the Town’s Building Section for review to demonstrate that a user of the upper-level deck will not have the ability to climb or step over the rear property line fence and into the outdoor swimming pool located at 81 Foxtail Court.

Public Comments

One (1) letter of support was received from the abutting property owner to the north (71 West Branch Drive) as of the date this report was prepared. The resident indicated no objections provided their privacy is maintained through the proposed screening.

One (1) letter of objection was received from the abutting property owner to the east (81 Foxtail Court) as of the date this report was prepared. The resident indicated liability concerns related to a user of the deck having the ability to access the outdoor swimming pool on their property.

RECOMMENDATION

Planning staff recommends that the Committee defers its decision to allow for the Applicant to submit further information and drawings to the Town’s Building Section for review to demonstrate that a user of the upper-level deck will not have the ability to climb or step over the rear property line fence and into the outdoor swimming pool located at 81 Foxtail Court.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive style with a large initial "J" and "M".

Jeff Markowiak, Director of Development Review

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

FROM: John McMulkin, Planner – Development Review

DATE: June 24, 2021

RE: Planning Recommendation for
Application D13VAR21.017H – Lenstra
Municipally known as 12430 20 Side Road
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 8.2 m.
2. To increase the floor area for single accessory structure from the maximum 80 sq. m to permit a 223 sq. m accessory structure.
3. To increase the total floor area for all accessory structures from the maximum 120 sq. m to permit a total floor area of 280 sq. m.

To accommodate a proposed accessory structure.

Proposal

The variances are required to increase the maximum floor area and height requirements for a single accessory building and the maximum total accessory building floor area for all accessory structures in order to accommodate a 223 m² (2,400 ft²) personal storage building. The Applicant has also requested an increase in the maximum total accessory building floor area for all accessory structures to provide flexibility in case additional accessory structures are contemplated. This includes additional buildings and structures up to a total floor area of 57 m² (~613 ft²).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Protected Countryside Area” in the Town’s Official Plan and contains a Natural Heritage System overlay. This designation permits single detached dwellings on existing lots 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.

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 the Town’s Comprehensive Zoning By-law 2010-0050. The proposed accessory building would be located within the portion of the property zoned “PC”, which permits accessory buildings and structures. As a condition of Minor Variance approval any additional buildings and/or structures will also be required to be outside the “PC-NHS2” zone.

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 and height requirements for accessory buildings is to ensure that the accessory 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. Given the size of the property and the location of the proposed accessory building, the proposed variances would not impact these considerations. The relief requested through the subject Minor Variance application is also consistent with relief granted for comparable rural properties by the Committee. Therefore, staff views the intent of these 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(s):

1. The location of the personal storage building shall be generally in accordance with the site plan prepared by Marvin Lenstra, date stamped by the Committee of Adjustment on May 21, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. No buildings and/or structures shall be located within the portion of the property zoned "Protected Countryside-Natural Heritage System Two (PC-NHS2)".

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- The Town requires a sealed grading plan completed by an Ontario Land Surveyor (O.L.S.) or Professional Engineer (P. Eng.) that demonstrates how grading and drainage shall function for the Applicant's proposal. The grading plan shall be set to a metric scale and contain existing vs. proposed topographical data.
- The 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.

Town Zoning

- Accessory buildings/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.
- 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: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: June 28, 2021

RE: Planning Recommendation for
Application D13VAR21.018H – Forbes
Municipally known as 5 Dufferin Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the setback from the right-of-way owned by a federally regulated railway company from 30 m to permit a setback of 19.62 m.

To accommodate a proposed addition to the existing dwelling.

Proposal

The Applicant is proposing to construct a 1-storey addition to an existing 2-storey single-detached dwelling that is situated in close proximity to the CN rail corridor. The addition includes a porch, deck, attached garage and a ground floor addition for a great room and laundry room.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” (LDRA) in the Town’s Official Plan and is within the Commuter Rail Corridor and Urban Area. Single-detached dwellings are permitted within this designation. The Town’s Official Plan does not identify minimum railway setbacks from single-detached dwellings.

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 which permits single detached dwellings. The General Provisions section of the Zoning By-law states, in part, that all

buildings and structures containing a dwelling unit, shall be located no closer than 30.0 m from the right-of-way owned by a federally regulated railway company.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. However, the Applicant has since indicated they are considering making alterations to the proposal which could affect the variances being requested. As such it is requested that the Committee of Adjustment defer its decision on the application.

RECOMMENDATION

Planning staff recommends that the Committee defers its decision to allow the Applicant to submit new materials and for a further review of any updated site plan drawing to ensure all variances are correctly identified.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive style with a large, looped initial "J".

Jeff Markowiak, Director of Development Review

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

FROM: John McMulkin, Planner – Development Review

DATE: June 24, 2021

RE: Planning Recommendation for
Application D13VAR21.019H – Tribble
Municipally known as 13850 Sixth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 7.57 m.
2. To increase the floor area for single accessory structure from the maximum 80 sq. m to permit a 195.1 sq. m accessory structure.
3. To increase the total floor area for all accessory structures from the maximum 120 sq. m to permit a total floor area of 211 sq. m.
4. To increase the driveway width from the maximum 7 m to permit an existing driveway width of 12.75 m.

To accommodate a proposed accessory structure and recognize an existing accessory structure and driveway.

Proposal

The variances are required to increase the maximum floor area and height requirements for a single accessory building and the maximum total accessory building floor area for all accessory structures in order to accommodate a 195.1 m² (2,100 ft²) detached garage and recognize an existing garden shed. The Applicant has also requested relief from the maximum driveway width requirement to recognize an existing driveway width of 12.75 metres (~42 ft.).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Greenbelt Greenlands Area” and “Protected Countryside Area” in the Town’s Official Plan and contains a Natural Heritage System overlay. These

designations permit single detached dwellings on existing lots and accessory buildings and structures, subject to an Environmental Impact Study (EIS) for any new development within 120 metres of a key natural heritage feature in accordance with Section E2.5.3.3(d). The proposed accessory building would be located within 120 metres of key natural heritage features (i.e. significant woodland and provincially significant wetland).

Town of Halton Hills Zoning By-Law

The subject property is located within the Greenbelt Plan's Natural Heritage System and is zoned "Protected Countryside Natural Heritage System One (PC-NHS1)", "Protected Countryside Natural Heritage System Two (PC-NHS2)" and "Protected Countryside (PC)". The detached garage is proposed within the portion of the property zoned PC-NHS1, which is subject to a Holding (H2) Provision. As outlined in Table 14.1 of the Town's Zoning By-law, the H2 Provision applies to the:

- replacement or expansion of existing permitted buildings where the ground floor area that existed on the effective date of this By-law is proposed to be increased by greater than 50%; and,
- construction of accessory buildings, if any part of the accessory building is located more than 20 metres from the main building on the lot.

Given the above, the Holding (H2) Provision must be lifted before construction of the detached garage can commence.

Through consultation with the Town's Building Department, the Region of Halton and Credit Valley Conservation, staff has determined that an EIS is not required for the proposed accessory building given that:

- the detached garage would replace existing accessory buildings located in the same area, meaning disturbance to the earth would be minimal;
- the proposed location of the detached garage would be outside the key natural heritage features existing on and adjacent to the property; and,
- Credit Valley Conservation staff has confirmed that they do not anticipate any impact to the key natural heritage features on and adjacent to the property given the Owners have planted 44 Eastern White Cedar trees, to their satisfaction, along the dripline of the significant woodland as staked by the Regional Forester.

Based on the above, Town staff is satisfied that the policies of Section E2.5.3.3 have been met and has recommended that Council lifts the Holding (H2) Provision from the portion of the lands to be occupied by the proposed accessory building at their July 5th Council meeting.

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 and height requirements for accessory buildings is to ensure that the accessory 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. Given the size of the property, the location of the accessory buildings and that the requested mitigation measures (i.e. tree plantings) have been implemented, the proposed variances would not impact these considerations. The relief requested through the subject Minor Variance application is also consistent with relief granted for comparable rural properties by the Committee. In addition, Development Engineering staff has identified no objection to the existing driveway width. Therefore, staff views the intent of these 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(s):

1. The location of the detached garage and garden shed shall be generally in accordance with the site plan prepared by Gara Farm Buildings Inc., dated June 1, 2021, date stamped by the Committee of Adjustment on June 1, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town 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 a metric scale and to the satisfaction of the Commissioner of Transportation & Public Works.
 - As part of the Grading Plan, the removal of the remaining asphalt around the proposed garage shall be illustrated. Staff recommends a drainage feature such as a grass swale or a swale that contains drainage stone (e.g. river rock).
- A Site Alteration Permit may be required in accordance with the Town's Site Alteration By-law 2017-0040. Contact the Town's Engineering Department for further discussion.
- If import of fill is required, soil analysis completed by a qualified professional must be provided to the Town for review. Please contact Development Engineering for any questions.
 - If fill material is to be distributed in the new location on-site, demonstrate the grading on the required plan.
 - If fill material is to be exported to a property within Halton Hills, confirm in writing to the Town that the recipient possesses a valid Site Alteration Permit or is registered with the Ministry of Natural Resources and Forestry (MNR).

Town Zoning

- The Holding (H2) Provision must be lifted by Council prior to the issuance of a building permit for the proposed accessory building.
- Accessory buildings/structures shall not be used for human habitation or an occupation for gain or profit.

Credit Valley Conservation (CVC)

- A CVC permit will be required for the proposed accessory building.

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: June 24, 2021

RE: Planning Recommendation for
Application D13VAR21.020H - Osborne
Municipally known as 14190 Eighth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 5.18 m.
2. To increase the floor area for a single accessory structure from the maximum 80 sq m to permit a 112 sq m accessory building.

To accommodate a proposed addition to an existing accessory structure (garage).

Proposal

The variances are required in order to construct a 62.8 sq m addition to an existing garage on the subject property to be used for storage purposes only.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Protected Countryside Area in the Town's Official Plan with a portion of the west side of the property containing a Natural Heritage System Overlay. No new development is proposed in the Natural Heritage System. The property is also identified within the Greenbelt Plan Boundary.

Permitted uses in the Protected Countryside Area include single detached dwellings on existing lots. 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 Protected Countryside (PC) in Zoning By-law 2010-0050, as amended, with a portion of the west side of the property zoned Protected Countryside – Natural Heritage System 2 (PC-NHS2). No new development is proposed in the PC-NHS2 zone.

In the PC zone, the By-law limits accessory structures to a maximum height of 5 m and the floor area for an individual accessory structure to a maximum size of 80 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 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. detached dwelling) and do not create impacts to surrounding properties. Staff is of the opinion that this intent is being maintained as the proposed garage addition would appear to be incidental and subordinate to the principal residential use and it does not appear that there will be any significant impacts to the surrounding rural properties given there is an abundance of vegetative screening adjacent to the proposed development.

Public Comments

No objections have been received from the public as of the date this report was prepared. A letter of support was submitted by the Applicant which was signed by four adjacent land owners.

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 addition shall generally be constructed in accordance with the Site Plan, New Garage Plan and Front Elevation date stamped by the Committee of

Adjustment on May 28, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Zoning

- The accessory structure is not to be used for human habitation or for an occupation for gain or profit.

Development Engineering

- As part of the building permit application for the proposed structure, identify where the downspouts of the proposed garage shall discharge. Ensure the downspouts do not directly discharge onto neighbouring lands and follow the existing drainage pattern.
- It is the Owner's responsibility to:
 - Maintain the existing drainage pattern
 - Ensure positive drainage is achieved
 - Repair any drainage problems cause by the proposed works on their property and/or the adjacent Owner's properties.
- All proposed site works are to remain 0.6 m (2 ft) minimum from all lot lines as per Site Alteration By-law 2017-0040.

Halton Hills Hydro

- The existing hydro service to this residence is underground from HHHI's overhead transformer on Eighth Line. It is unclear the exact underground path; however, given the plans provided in the application, it is possible the proposed addition may be in conflict with the existing underground secondary service cables and/or the existing meter base. The customer shall request for locates prior to commencement of construction. If required, the customer is to request for hydro disconnection and removal prior to commencement of construction and submit temporary service request as required. The customer shall request for a Technical Service Layout Request for permanent service when required.
- 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: June 23, 2021

RE: Planning Recommendation for
Application D13VAR21.021H - Domingues
Municipally known as 3 Holdroyd Court
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To permit an accessory structure (cabana) to be built closer to the exterior side lot line (4.9 m) than the main building (dwelling) from the exterior side lot line (7.65 m).

To accommodate a proposed cabana.

Proposal

The variance is required in order to construct a 12.5 sq m cabana in the rear and exterior side yards of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area under the Glen Williams Secondary Plan. The Secondary Plan does not specifically identify setback requirements for properties located within the Hamlet Residential Area designation; however, 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 Hamlet Residential One Exception (HR1(16)) in the Town's Zoning By-law 2010-0050, as amended. Under the By-law accessory structures are not permitted to be any closer to an exterior side lot line than the main dwelling.

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 Zoning By-law to keep accessory structures out of exterior side yards 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), orientation of the flanking lot line as well as the existing landscape in place along the exterior side lot line, it does not appear that the proposed variance will have an 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 conditions:

1. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.
2. The proposed cabana shall generally be constructed in accordance with the Site Plan and Building Permit Drawings date stamped by the Committee of Adjustment on June 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 Applicant has an open Site Alteration Permit with the Town. As part of the subject permit, provide the Development Engineering Department with an updated plan for the record.

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.

Halton Region

- The entirety of the property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.