

COMMITTEE OF ADJUSTMENT AGENDA

Date: August 4, 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 D13VAR21.022H – Daly**

5

Location: 10226 Tenth Line, 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 a single accessory structure from the maximum 20 sq m to permit a 38.7 sq m accessory structure.
2. To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 4.2 m.

To accommodate a proposed accessory structure.

Owner(s): Kevin Daly

b. Minor Variance D13VAR21.023H – Stanic

8

Location: 1 Ainley Trail, 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 total floor area for all accessory structures from the maximum 20 sq m to permit a total floor area of 38 sq m.

To accommodate a proposed cabana.

Owner(s): Claudia Stanic & Ken Paige, **Agent:** Mike Badovinac, Hinkley Associates

c. Minor Variance D13VAR21.024H – Eden Oak(Creditview Heights)

11

Location: 0 Gamble 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 height for an accessory structure from the maximum 4.5 m to permit a height of 6.34 m for lots 3, 8 and 28.
2. To increase the floor area for a single accessory structure from the maximum 40 sq m to permit a 44.5 sq m accessory structure for lots 3, 8 and 28.
3. To reduce the side yard setback from the minimum 2.25 m, to permit a 0.87 m side yard setback for lot 9 (driveway).

To accommodate a proposed subdivision.

Owner(s): Eden Oak (Creditview Heights) Inc., Romas Kartavicius, **Agent:** RN Design, David Huie

d. Minor Variance D13VAR21.025H – Oliver

Location: 23 Academy Road, 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 from the minimum 7.5 m, to permit a 1.33 m rear yard setback.
2. To reduce the exterior side yard setback from the minimum 4.5 m, to permit a 3.63 m exterior side yard setback to the second storey.
3. To permit an accessory structure (existing canopy) to be located closer to the front lot line

(3.95 m) that the main building from the front lot line (7.6 m).

To accommodate a proposed attached garage with storey above, and existing canopy.

Owner(s): Bryan Oliver, **Agent(s):** Matthews Design & Drafting, Doug Matthews/Bethany VanRavens

e. Minor Variance D13VAR21.026H– Hrynkiw

Location: 13519 Fourth 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 floor area for a single accessory structure from the maximum 60 sq m to permit a 112 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 222.5 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.05 m (garage).
4. To reduce the side yard setback from the minimum 1.5 m, to permit a 0.91 m side yard setback (greenhouse).

To accommodate a proposed garage and existing greenhouse.

Owner(s): Rick & Susan Hrynkiw, **Agent(s):** Matthews Design & Drafting, Doug Matthews/Bethany VanRavens

f. **Minor Variance D13VAR21.027H – Frank Heller and Co. Ltd.**

Location: 125 McDonald Boulevard, Town of Halton Hills (Acton),
Regional Municipality of

Halton

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

1. To increase the number of model units on a Draft Plan of Subdivision from the maximum 10% (10 units), to permit 16% (17 units) on a Draft Plan of Subdivision.
2. To reduce the required front yard soft landscaping from the minimum 40%, to permit a 29% front yard soft landscaping.

To accommodate a proposed subdivision.

Owner(s): Frank Heller and Co. Limited, Fred Dawkins & Ron Heller

Agent(s): Wellings Consultants Inc., Glenn Wellings

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: July 27, 2021

RE: Planning Recommendation for
Application D13VAR21.022H - Daly
Municipally known as 10226 Tenth Line
Town of Halton Hills (Georgetown)

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 38.7 sq m accessory structure.
2. To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 4.2 m.

To accommodate a proposed accessory structure.

Proposal

The variances are required in order to construct a 38.7 sq m accessory structure (shed) in the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town of Halton Hills Official Plan. 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 (LDR1-1) in the Town's Zoning By-law 2010-0050, as amended. Under the Zoning By-law, a single accessory structure is required to be 20 sq m in size with a maximum height of 3.5 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 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 accessory building (shed) 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 properties given that there is an abundance of landscape screening and all other setbacks have been satisfied.

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 proposed accessory structure (shed) shall generally be constructed in accordance with the Site Plan, Elevations, Cross Section, Floor Plan and Foundation Plan date stamped by the Committee of Adjustment on June 11, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Town requires a grading plan that demonstrates how grading and drainage shall function for the applicant's proposal. The grading plan shall be set to metric scale and contain existing vs. proposed topographical data.

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. extending 3-phase line, moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

Halton Region

- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed at <https://ctcswp.ca/ctc-source-protection-plan/>. The property is located in a highly vulnerable aquifer.

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

FROM: Ruth Conard, Planner – Development Review

DATE: July 27, 2021

RE: Planning Recommendation for
Application D13VAR21.023H - Stanic
Municipally known as 1 Ainley Trail
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the total floor area for all accessory structures from the maximum 20 sq m to permit a total floor area of 38 sq m.

To accommodate a proposed cabana.

Proposal

The variance is required in order to construct a 38 sq m cabana in the rear yard 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 floor area 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 Zoning By-law accessory structures are required to be a maximum of 20 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 the maximum floor area requirement for accessory structures is to ensure that the collective 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 extent of relief requested and the location of the cabana being in the rear yard adjacent to landscape screening, 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:

1. The proposed accessory structure (cabana) shall generally be constructed in accordance with the Site Plan and Elevations date stamped by the Committee of Adjustment on June 11, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Town requires a grading plan completed that demonstrates how grading and drainage shall function for the applicant's proposal. The grading plan shall be set to metric scale and contain existing vs. proposed topographical data.

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. extending 3-phase line, moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

Halton Region

- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed at <https://ctcswp.ca/ctc-source-protection-plan/>. The property is located in a Significant Groundwater Recharge Area.

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

FROM: Jeff Markowiak, Director of Development Review

DATE: July 28, 2021

RE: Planning Recommendation for
Application D13VAR21.024H – Eden Oak (Creditview Heights)
Municipally known as 0 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.34 m for lots 3, 8 and 28.
2. To increase the floor area for single accessory structure from the maximum 40 sq. m to permit a 44.5 sq. m accessory structure for lots 3, 8 and 28.
3. To reduce the side yard setback from the minimum 2.25 m to permit a 0.87 m side yard setback for lot 9 (driveway).

To accommodate a proposed subdivision.

Proposal and Background

On July 22, 2021, the 31-lot single detached subdivision often referred to as Eden Oak Creditview Heights or The Chase was registered. Registration of the subdivision means that the lots are formally created and construction of the homes may commence (once the Holding Provision is lifted in August). Construction of 5 model homes has already begun within the subdivision.

Variations 1 and 2 seek to increase the height (from 4.5 metres to 6.34 metres) and floor area (40.0m² to 44.5 m²) of the detached garages proposed to be built on three of the lots (lots 3, 8 and 28) within the subdivision. Variance 3 seeks to reduce the interior side yard setback from 2.25 metres to 0.87 metres for a portion of the driveway on lot 9 in the same subdivision.

POLICY CONTEXT

Town of Halton Hills Official Plan

The four lots within the subdivision subject to the requested minor variances are designated Hamlet Residential Area under the Glen Williams Secondary Plan. This designation allows for single detached residential dwellings and associated accessory structures.

Town of Halton Hills Zoning By-Law

The portions of lots 3, 8, 9 and 28 where the proposed garages and reduction to the driveway are proposed are zoned Hamlet Residential 1, Exception 64, Holding 1 (HR 1)(64)(H1) under site specific Zoning By-law 2017-0047 approved by the Ontario Municipal Board (now OLT). The site-specific by-law permits single detached dwellings and associated accessory structures on the lots.

However, it is Halton Hills Comprehensive Zoning By-law 2010-0050 that limits the height and floor area of detached garages to 40.0 m² and 4.5 metres respectively and the minimum side yard setback to a driveway of 2.25 metres. The site-specific by-law approved by the OMB for this subdivision did not address or alter the standard H1 zoning provisions associated with accessory structures or driveways.

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 detached garages 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. Planning staff is of the opinion that the proposed increase in floor area of 4.5 m² is considered minor and will not result in a visibly noticeable change to the garages. In regard to the requested height of 6.34 metres, staff do not believe the variance would impact the above considerations given the design of the houses to be built on lots 3, 8 and 28 and that the increased height should not have any visible impact to existing adjacent homes next to the subdivision due to the intervening woodlot and natural grade differential.

The intent of the minimum driveway setback is for the driveway to maintain the same interior setback as the dwelling and to provide sufficient area for landscaping and snow storage. While Lot 9 maintains a long driveway given its location within the subdivision, the requested setback of 0.87 metres is only intended to apply to a smaller portion adjacent to the dwelling itself. The reduced setback is being identified to provide proper turning movements for vehicles accessing the attached garage due to the angled positioning of the home. Given the location of the reduced setback, that it

will only be visible from lot 8 within the subdivision and that sufficient landscaping and snow storage can still be made available, staff believes the intent of the driveway setback can be maintained.

Public Comments

As of the date of this report, one (1) objection letter has been received regarding the application from the Glen Williams Community Association (GWCA). Their concerns can generally be characterized as relating to:

- the heights for any structure within the subdivision was always an area of concern throughout the OMB process for the development, especially for properties on Chelton Street;
- that the floor areas, heights and driveway setbacks agreed upon through the OMB process for the subdivision should be abided by;
- the proposed changes do not result from any legal or technical challenges - they are only for the convenience of the developer in being able to respond to design preferences instead of complying with the agreed upon zoning standards; and
- if these variances are approved it will establish a precedent for future homeowners within the subdivision seeking to make alterations to their homes or properties that do not conform to the OMB approved by-law.

Staff Response

While staff appreciates the general objection by the GWCA to any proposed changes to the subdivision given the lengthy and difficult application review and OMB process associated with the development, Town staff must evaluate the requested variances against the four tests as set out in the Planning Act, irrespective of any history attached to the subject proposal.

As outlined above, the floor area increase requested for the detached garages is minimal (4.5 m²) and will be undetectable from the street or abutting properties. The requested height of 6.34 m is quite a bit lower than the height of 11.0 metres permitted for the houses in the subdivision and will only apply to detached garages on 3 of the lots within the 31-lot subdivision. Additionally, that increase in height should not make the garages any more visible given the location of the affected lots, placement of the garages on those lots and the woodlot and grade differential that separate the three lots from the surrounding residential properties. The variance requested to the driveway will not be visible to any property outside of the subdivision and will not affect any of the considerations meant to be achieved as a result of the minimum setback standards.

For these reasons Planning staff can not identify any specific matter that would suggest the requested variances do not satisfy the intent and purpose of the Official Plan and Zoning By-law, would be considered inappropriate or would not be considered minor.

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 garages on lots 3, 8 and 28 shall be generally in accordance with the site plan drawings prepared by RN Design Ltd., date stamped by the Committee of Adjustment on June 9, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. The design of the detached garages on lots 3, 8 and 28 shall be generally in accordance with the architectural elevations (drawing A19) prepared by RN Design Ltd., date stamped by the Committee of Adjustment on June 9, 2021, to the satisfaction of the Commissioner of Planning & Development.
3. The side yard setback for the driveway on lot 9 shall only apply to the portion of the driveway generally identified as "Variance Required Driveway Location" (between the dwelling and property line for lot 8) as shown on the site plan drawing (Lot 9 CofA 1 of 3) prepared by RN Design Ltd., date stamped by the Committee of Adjustment on June 9, 2021, to the satisfaction of the Commissioner of Planning & Development.
4. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Zoning

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

Halton Hills Hydro

- The existing hydro secondary service to Lot 8, Gamble St., Georgetown is underground from HHHI's padmounted transformer (C09P984). Given the plans provided in this application, it is possible the proposed detached garage is in conflict with the existing underground hydro infrastructure. The customer shall request for locates prior to commencing construction. HHHI anticipates the accessory buildings are supplied from the residence they are attributed to. If a separate supply is needed, the customer shall request for a Technical Service Layout Request for the additional permanent service. The customer should review our Condition of Service prior to submitting any application. 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: John McMulkin, Planner – Development Review

DATE: July 27, 2021

RE: Planning Recommendation for
Application D13VAR21.025H – Oliver
Municipally known as 23 Academy Road
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the rear yard setback from the minimum 7.5 m, to permit a 1.33 m rear yard setback.
2. To reduce the exterior side yard setback from the minimum 4.5 m, to permit a 3.63 m exterior side yard setback to the second storey.
3. To permit an accessory structure (existing canopy) to be located closer to the front lot line (3.95 m) than the main building from the front lot line (7.6 m).

To accommodate a proposed attached garage with storey above, and existing canopy.

Proposal

The variances are required to accommodate an attached garage to the existing 1-storey dwelling with additional living space above (master bedroom and ensuite washroom/walk-in closet) and an existing canopy structure within the front yard along Glen Road. The existing detached garage accessed by a driveway from Academy Road is intended to be demolished to accommodate the proposed addition.

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). 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 Mature Neighbourhood (LDR1-2(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted in this zone. Accessory buildings and structures are also permitted subject to development standards such as not being located closer to the front lot line than the main building (dwelling).

For the subject property, the lot line abutting the portion of Glen Road that contains a pedestrian connection to the Wildwood Trail is considered the front lot line.

Through the approval of the Mature Neighbourhoods Character Study, the following provisions were established for the construction of single detached dwellings in the LDR1-2(MN) zone:

- Minimum Interior Side Yard Setback – 1.2 m (3.9 ft.) for the first storey; 1.8 m (5.9 ft.) for any second storey;
- **Minimum Exterior Side Yard Setback – 4.5 m (14.8 ft.);**
- Maximum Height – 10.0 m (32.8 ft.) and 2.5 storeys; and,
- Maximum Lot Coverage – 40% for 1- and 1.5-storey dwellings; 35% for 2- and 2.5-storey dwellings.

The minimum required rear yard setback in the LDR1-2(MN) zone is 7.5 metres, which did not change as a result of the Study.

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 minimum rear yard setback requirement is to provide separation between the dwelling and the rear lot line in order to provide an outdoor amenity area and maintain a level of privacy between neighbouring dwellings. The intent of the minimum exterior side yard setback requirement is to provide an area on the private lot for permitted projections (e.g. porches, balconies, canopies and decks), landscaping and snow storage, and ensure a consistent pattern of dwelling setbacks in order to maintain the character of the mature neighbourhood. The intent of the requirement that no accessory structure be located closer to the front lot line than the main building is also to maintain the character of the neighbourhood by ensuring that the dwelling remains the predominant built feature along the streetscape.

Due to the lot line abutting the Glen Road pedestrian connection being considered as the front lot line and the orientation/access to the dwelling being from Academy Road, what is defined as the exterior side yard functions more as a traditional front yard and what is defined as the rear yard functions more as a traditional side yard. The intent of the minimum front yard requirement is consistent with the exterior side yard but it is also intended to accommodate parking. 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 access to the rear yard (as well as provide landscaping and a consistent pattern of dwelling setbacks for preservation of the character of the mature neighbourhood).

Given the location of the existing canopy structure, that the proposed addition is replacing an existing garage of a similar area and is maintaining the existing setbacks from the exterior side and rear lot lines, the requested variances would have no impact on the considerations outlined above. Additionally, the property has a suitable amount of amenity space provided on-site. Therefore, staff views the intent of these requirements to be maintained and has no objection to the variances.

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 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 addition shall be constructed generally in accordance with the architectural design as shown on Drawing No. MV-2, prepared by Matthews Design & Drafting Services Inc., dated June 23, 2021, date stamped by the Committee of Adjustment on June 30, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- The Town requires a grading plan to be completed 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 Owner/Applicant may need to 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 Development Engineering 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

- The property was previously the subject of a minor variance (File No. 19-1974) approved to allow a rear yard setback of 24.59 ft., whereas the By-law required 25 ft.
- The property is currently listed on the two-unit registry (legal non-conforming status prior to November 16, 1995, under Bill 120/20). Confirmation of whether the property is going to continue as a two-unit dwelling or will be requested to be removed from the two-unit registry will be required as part of the building permit application.

Halton Hills Hydro

- Halton Hills Hydro sees a potential issue regarding the customer's Hydro Meter. The proposed work appears to be enclosing the Meter inside of the dwelling. If that is the case, the customer must contact Halton Hills Hydro for an Electrical Service Layout. 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. extending 3-phase line, 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: John McMulkin, Planner – Development Review

DATE: July 28, 2021

RE: Planning Recommendation for
Application D13VAR21.026H – Hrynkiw
Municipally known as 13519 Fourth Line
Town of Halton Hills (Bannockburn)

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 60 sq. m to permit a 112 sq. m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 80 sq. m to permit a total floor area of 222.5 sq. m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.05 m (garage).
4. To reduce the side yard setback from the minimum 1.5 m, to permit a 0.91 m side yard setback (greenhouse).

To accommodate a proposed garage and existing greenhouse.

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 ~112 m² (1,200 ft²) detached garage and recognize an existing greenhouse and other accessory structures. The garage is proposed to replace the existing detached garage with a larger footprint in approximately the same location.

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. 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 “Rural Cluster Residential Two (RCR2)” in the Town’s Comprehensive Zoning By-law 2010-0050. The RCR2 zone permits single detached dwellings and accessory buildings and structures.

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. single detached dwelling) and do not create impacts to surrounding properties. Given the size of the property, the location of the accessory buildings/structures and the extent of the requested relief, the proposed variances would not impact these considerations. Therefore, staff views the intent of these requirements to be maintained and has no objection to the requested minor variances.

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 generally in accordance with the architectural design as shown on Drawing No. MV-3, prepared by Matthews Design & Drafting Services Inc., dated June 2021, date stamped by the Committee of Adjustment on June 30, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- The Town requires a grading plan to be completed 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 Owner/Applicant may need to 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 Development Engineering 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

- The Town has no record of building permits being obtained for the canopy structures, carport structure or cabana. A building permit is required for any structure larger than 10 square metres in area.
- Accessory structures are not permitted to be used for human habitation or an occupation for gain or profit.

Credit Valley Conservation (CVC)

- As portions of the property are located within a CVC Regulated Area, the Applicant is advised to obtain a CVC Clearance upon approval of this Minor Variance application.

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. extending 3-phase line, 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: Jeff Markowiak, Director of Development Review

DATE: July 28, 2021

RE: Planning Recommendation for
Application D13VAR21.027H – Frank Heller and Co. Ltd.
Municipally known as 125 McDonald Blvd.
Town of Halton Hills (Acton)

APPLICATION

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

1. To increase the number of model units on a Draft Plan of Subdivision from the maximum 10% (10 units), to permit 16% (17 units) on a Draft Plan of Subdivision.
2. To reduce the required front yard landscaping from the minimum 40%, to permit a 29% front yard soft landscaping.

To accommodate a proposed subdivision.

Proposal and Background

In 2014 Town Council approved a site-specific Zoning By-law Amendment and Draft Plan of Subdivision to allow for the development of a 108-unit townhouse development on the former industrial property municipally known as 125 McDonald Boulevard in Acton. The Applicant continues to work on clearing the draft plan of subdivision conditions in order to register the subdivision; extensions to the 2014 draft approval have been granted until October 8, 2022. The site is also subject to an active Site Plan application (D11SPA21.001) for the townhouse development.

Variance 1 seeks to increase the number of model home townhouse units that can be constructed within the subdivision from 10 to 17. Variance 2 proposes to reduce the required front yard soft landscaped area from 40% to 29%; however, the variance is not intended to apply to all 108 units within the development.

POLICY CONTEXT

Town of Halton Hills Official Plan

The portion of the lands where the townhouses are to be constructed are designated Medium Density Residential Area under the Town's Official Plan. This designation allows for townhouse units.

Town of Halton Hills Zoning By-Law

The part of the site where the townhouses are to be constructed are zoned Medium Density One Exceptions 84 & 85, Holding 17 (MDR1)(84 & 85)(H17) under site-specific by-law 2014-0060 approved by Town Council in 2014. The site-specific by-law permits the 108 townhouses proposed for the site.

However, it is Halton Hills Comprehensive Zoning By-law 2010-0050 that limits the number of model homes to a maximum of 10% of the total number of residential units or 5 homes, whichever is greater. It is also By-law 2010-0050 that identifies the minimum front yard soft landscaping area of 40%. The site-specific by-law approved by the Town for this subdivision did not address or alter these provisions.

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 restriction on the number of model homes is to provide a suitable number of units to be constructed for the purposes of providing model units to view for prospective purchasers and to limit how many units could be constructed within a subdivision prior to registration. Given that this subdivision has 108 lots, staff do not have any concerns with 17 model home units being allowed to be constructed. The units will not be serviced until registration of the subdivision occurs and the 3 townhouse blocks the units are situated within do not directly abut any existing residential properties.

The intent of identifying a minimum front yard soft landscaping coverage percentage is to ensure that lots are developed to reduce the amount of hard surfaces for storm water management purposes and ensure sufficient room for landscaping is available in order to provide an attractive streetscape. In regard to the subject subdivision, the approved stormwater management design was based upon 40% soft landscaping being provided in the front yards. While the reductions to some of the lots could be supported, if it were applied to all 108 lots the stormwater management would need to be completely reevaluated for the subdivision to ensure the pond has sufficient

capacity. Therefore, Town Engineering staff recommend that any approval of Variance 2 be conditional upon the range of front yard soft landscape percentages shown on the Van Harten drawing submitted in support of the Minor Variance application. Planning staff are supportive of this approach as it would still ensure an attractive streetscape can be secured through the Site Plan review process.

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 17 model home units shall be generally located in accordance with the blocks shown on drawing S1 prepared by Beyond Architecture, date stamped by the Committee of Adjustment on July 6, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. The 29% front yard soft landscaping shall not apply to all 108 lots within the subdivision. The front yard soft landscaping percentages for each of the 108 lots shall generally conform to the percentages identified on the drawing prepared by Van Harten Surveying Inc., date stamped by the Committee of Adjustment on July 12, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

CVC

- The previously issued CVC permit for the subject subdivision (Permit No. FF 19/139) will expire shortly. A new CVC permit would be required to be issued. The proponent is advised to submit the CVC permit application package directly to CVC at the earliest convenience.

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.