

COMMITTEE OF ADJUSTMENT
AGENDA

Date: September 1, 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 D13VAR21.016H– Polanski**

3

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

b. Minor Variance D13VAR21.028H – Drzewiecki

8

Location: 11 Credit Street, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

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

1. To permit the lot line that abuts Beaver Street to be deemed the front lot line, whereas the Zoning By-law requires the shortest lot line that abuts a street (Erin Street) to be deemed as the front lot line.
2. To increase the number of driveways from the maximum one driveway per lot, to permit two driveways.

To accommodate a proposed new dwelling.

Owner(s): Wieslaw Drzewiecki & Ewa Drzewiecka, **Agent(s):** Mirka Kulesza, Elan Design Studio Inc.

c. Minor Variance D13VAR21.029H – Langdana

12

Location: 35 Barraclough Boulevard, 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 61 sq m.

To accommodate a proposed accessory structure.

Owner(s): Karen Langdana, **Agent(s):** Eric Langdana

4. ADJOURNMENT

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

FROM: John McMulkin, Planner – Development Review

DATE: August 24, 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 and proposed pergola surrounding 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 along its north, east and south sides.

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.

As per Section 4.6 of the Zoning By-law, decks are required to maintain the same side yard setback as the dwelling on the lot (for the subject property, the setbacks are 0.6 m (~2 ft.) on the north side of the dwelling and 1.0 m (~3.28 ft.) on the south side). Decks that have a height of 0.6 m or greater are required to be located no closer than 3.0 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. No objections were received; relevant comments regarding the Minor Variance application are as follows:

Building

Building staff identified 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. The fence on the property line serves as part of the pool enclosure for 81 Foxtail Court. Section 5.7 of the Town’s Pool Enclosure By-law 2009-0028 states, in part, that no person shall place, pile, attach or lean any object or material against or near a pool enclosure so as to facilitate the climbing of the pool enclosure. Additional information and drawings were requested 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 property line fences and into any neighbouring outdoor swimming pool.

The Applicant has since provided additional drawings to staff’s satisfaction that demonstrate that the deck will not facilitate the climbing of the pool enclosure or contravene Section 5.7 of the Pool Enclosure By-law by installing guards along the north, south and east perimeter. To ensure this is implemented at the time of building permit application, it is recommended that Minor Variance approval be conditional upon a deck guard being installed along the north, east and south sides of the upper-level deck to the satisfaction of the Director of Building Services & Chief Building Official.

Planning

The intent of the minimum interior side yard and rear yard setback requirements for a deck is to ensure that there is sufficient separation between the structure and the lot line for drainage purposes and access for landscape maintenance. To a lesser extent, the requirements are also present to mitigate visual concerns from neighbouring properties. Potential visual impacts must be

evaluated only in the context of the requested setback relief given the two-level deck and proposed pergola comply with the maximum height requirement for an accessory structure located within the LDR1 zone (i.e. 3.5 metres).

Town Development Engineering staff reviewed the proposal and identified no concerns from a drainage perspective. The proposed setbacks are sufficient to maintain the sodded area between the deck and the property line fences.

With respect to visual impacts, the Applicant is proposing to install planter boxes containing juniper shrubs along the north and south sides of the upper-level deck and a pergola along its north, east and south sides to screen views from neighbouring properties. (The pergola is proposed to be of open-air design on its north and south sides with a wooden slatted wall on its east side). In addition, paper birch trees are proposed to be planted in front of the deck structure to provide further screening and privacy.

Given the extent of the relief requested and the proposed mitigation measures, the requested relief would not impact the above considerations. Therefore, staff views the intent of these requirements to be maintained.

Public Comments

One (1) letter of support was received from the 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.

Three (3) letters of objection were received from the property owners to the east (81 and 83 Foxtail Court) and south (75 West Branch Drive) as of the date this report was prepared.

81 Foxtail Court

Property owners directly to the east of the subject property indicated safety and liability concerns related to a user of the deck having the ability to access the outdoor swimming pool on their property given the deck is approximately the same height as the rear lot line fence and is set back only 0.85 metres (~2.8 ft.) from the fence. To address this concern, the Applicant has indicated that the pergola will consist of a wooden slatted wall on its east side to provide a physical barrier preventing access to the rear lot line fence.

83 Foxtail Court

Property owners directly to the east of 81 Foxtail Court indicated visual impact concerns and concerns related to property values. The owners were also concerned for pool safety and liability on behalf of their neighbours located at 81 Foxtail Court. Planning staff provided a response to the correspondence indicating that there are several trees located on the other side of the fence at 81 Foxtail Court that would provide significant screening of the proposed pergola from this property and 83 Foxtail Court. In addition, property values are not something that Planning staff or the Committee of Adjustment can take into consideration when evaluating the merits of a Minor

Variance application as this is not something that the Ontario Land Tribunal will add to the list of issues when evaluating the merits of an appeal of an application.

75 West Branch Drive

Property owners directly to the south of the subject property indicated visual impact concerns regarding the view from the first storey of their dwelling to the trees located at 81 Foxtail Court and the trees located on the Town woodlot to the north of the neighbourhood being obstructed by the proposed pergola. Planning staff conducted a site visit to 75 West Branch Drive and a second site visit to 73 West Branch Drive to assess the visual impact. Based on the measurements taken on-site, the view to the trees located at 81 Foxtail Court appears to be partially obstructed. However, given these trees appear to be taller than the proposed pergola, the view to the trees located on the Town woodlot does not appear to be significantly impacted. Additionally, views across a neighbour's private property are considered "borrowed" and the Town cannot mandate that they be preserved, especially considering the proposed pergola is in keeping with the maximum height requirement for an accessory structure under the Town's Zoning By-law.

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 Owner shall apply for and obtain a building permit for the deck and pergola no later than one month after the Minor Variances come into effect. The building permit will include the installation of a guard around the deck. In addition to the requirements of the Building Code (S. 9.8.8), the deck guard will have to comply with the applicable requirements of the Pool Enclosure By-law to prevent individuals from climbing over enclosures/property line fences.
2. Planter boxes (minimum 1.1 m tall) containing juniper shrubs (minimum 1.37 m tall) shall be located on the north and south sides of the upper-level deck and paper birch trees (minimum 15 ft. tall at planting) shall be planted in front of the structure to screen views to the upper-level deck in accordance with Drawing 2 (Site Plan) and Drawing 3 (Planter Box Details), prepared by Mark Polanski, date stamped by the Committee of Adjustment on May 25, 2021, to the satisfaction of the Commissioner of Planning & Development. If needed, these drawings will have to be revised for compliance with the requirements of the Building Code and Pool Enclosure By-law and submitted in support of the application for the building permit for the deck/pergola.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jeff Markowiak, Director of Development Review

Notes:

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: August 24, 2021

RE: Planning Recommendation for
Application D13VAR21.028H – Drzewiecki
Municipally known as 11 Credit Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To permit the lot line that abuts Beaver Street to be deemed the front lot line, whereas the Zoning By-law requires the shortest lot line that abuts a street (Erin Street) to be deemed as the front lot line.
2. To increase the number of driveways from the maximum one driveway per lot, to permit two driveways.

To accommodate a proposed new dwelling.

Proposal

The variances are required in order to demolish an existing dwelling at the southwest corner of the property adjacent to Erin Street and Credit Street and construct a new dwelling and driveway on the east side of the property adjacent to Beaver Street. The current driveway along Credit Street is intended to remain as a secondary access to an existing accessory building (workshop).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area under in the Glen Williams Secondary Plan. Single detached dwellings are permitted in the Hamlet Residential designation.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Residential One (Mature Neighbourhood One) (HR1(MN1)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Under the Zoning By-law the front lot line on a corner lot is defined as the shortest lot line that divides the lot from a public street. In this case, Erin Street is deemed to be the front lot line. Further, under the Zoning By-law only one driveway is permitted per lot.

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

Planning staff views the variances to be technical in nature. The Applicant is proposing to construct a new dwelling adjacent to Beaver Street and install a driveway for access for the attached garage. Given that Beaver Street will function as the visual frontage for the property, there are no concerns also defining Beaver Street as the property frontage for the irregularly shaped lot as this will avoid having to obtain technical setback variances.

The Applicant would also like to maintain the current driveway off Credit Street to provide access to the existing accessory building (workshop). There are no functional concerns with the two proposed driveways given the size and irregular shape of the lot and that the second driveway would provide access to an existing structure. The Applicant will be required to obtain an entrance permit from the Town's Development Engineering Department to support the final location of the proposed driveway along Beaver Street. It should also be noted that the site plan will need to be revised through the entrance permit process to ensure the proposed driveway along Beaver Street meets to the maximum dimension of 7.0 m at the property line.

A previous minor variance was granted in 2017 (D13VAR17.023H) for the size and location of the existing accessory structure and the increased driveway width along Credit Street.

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 proposal shall be generally constructed in accordance with the Site Plan prepared by Elan Design Studio Inc., date stamped by the Committee of Adjustment on July 12, 2021 to the satisfaction of the Commissioner of Planning & Development.
2. An Entrance Permit must be obtained from the Town's Development Engineering Department to confirm support of the final location of the proposed entrance from Beaver Street. The maximum dimension at the property line to the connection of asphalt on Beaver Street shall be 7.0 metres.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Owner/Applicant will require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.
- The Applicant shall provide a Grading Plan of the building envelopes showing suitable surface drainage on the property, including existing and proposed elevations. The topographical survey must be completed and stamped by a Professional Engineer or Ontario Land Surveyor. These works are to be completed to the satisfaction of the Commissioner of Transportation and Public Works.

Zoning

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

Credit Valley Conservation (CVC)

- 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

- 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 or other equipment 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: August 24, 2021

RE: Planning Recommendation for
Application D13VAR21.029H – Langdana
Municipally known as 35 Barraclough Boulevard
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the total floor area of all accessory structures from the maximum 20 sq m to permit a total floor area of 61 sq m.

To accommodate a proposed accessory building.

Proposal

The variance is required in order to construct a 61 sq m accessory structure in the rear yard of the subject property. The accessory building will be used for storage, gardening tools and pool equipment.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area and Hamlet Buffer under in the Glen Williams Secondary Plan. The proposed accessory structure is within the Hamlet Residential Area designation, which permits single detached dwellings. The Secondary Plan does not specifically identify maximum total floor areas for accessory buildings; 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 16) (HR1(16)) in the Town's Comprehensive 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 Zoning By-law to cap the maximum total floor area of accessory structures is to ensure that the buildings 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. The subject property is bounded by a hamlet buffer to the east and greenlands to the south. The Applicant has indicated that a row of mature trees will be planted adjacent to the neighbouring lot to the west (39 Barraclough Boulevard) in order to provide landscape screening. Therefore, it does not appear that the proposed variance will have an impact on the above considerations. Planning staff has no objection to the proposal.

Public Comments

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

RECOMMENDATION

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

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

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

1. The accessory building shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on July 28, 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 a metric scale and contain existing vs proposed topographical data.
- The Owner/Applicant will need to acquire a Site Alteration Permit under By-law 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.

Credit Valley Conservation (CVC)

- A CVC permit is required for the development as proposed. Upon approval of the minor variance, please contact CVC directly for the next step related to the CVC permit application process.

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 or other equipment to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.