

## **COMMITTEE OF ADJUSTMENT AGENDA**

**Date:** November 3, 2021, 6:00 p.m.  
**Location:** VIA ZOOM  
**Members:** T. Jenney, T. Hill, N. Panchuk, J. Watson, L. Hillier

### **Pages**

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

**a. Minor Variance D13VAR21.033H – Polifroni**

**3**

**Location:** 47 Stockman Crescent, Town of Halton Hills (Georgetown),  
Regional Municipality of Halton

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

1. To reduce the interior side yard setback for the second storey from the minimum 1.8 m, to permit a 1.46 m interior side yard setback to the proposed second storey addition.
2. To reduce the interior side yard setback for the first storey from the minimum 1.2 m, to permit a 0.53 m interior side yard setback to the existing attached storage shed.

**To accommodate a proposed second storey addition, and existing attached storage shed.**

**Owner(s):** Rafael Polifroni & Edith Cortes, **Agent:** Jorge Regueira, Studio REI

**b. Minor Variance D13VAR21.034H – Grant**

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**Location:** 98 Main Street North, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To reduce the front yard soft landscaping from the minimum 40%, to permit a 14% front yard soft landscaping.

**To accommodate the existing driveways to be joined, and the removal of one driveway entrance.**

**Owner(s):** Christopher Grant

**c. Minor Variance D13VAR21.035H – McMullen**

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**Location:** 9 Sarah Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To increase the driveway width from the maximum 7 m to permit a driveway width of 8.25 m.

**To accommodate a total of three parking spaces for a detached dwelling with an accessory dwelling unit.**

**Owner(s):** Nicole McMullen, **Agent:** Ryan Green, Your Green Homes Design Build Inc.

**4. ADJOURNMENT**

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

**FROM:** Ruth Conard, Planner – Development Review

**DATE:** October 27, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.033H – Polifroni  
Municipally known as 47 Stockman Crescent  
Town of Halton Hills (Georgetown)

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### **APPLICATION**

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

1. To reduce the interior side yard setback for the second storey from the minimum 1.8 m, to permit a 1.46 m interior side yard setback to the proposed second storey addition.
2. To reduce the interior side yard setback for the first storey from the minimum 1.2 m, to permit a 0.53 m interior side yard setback to the existing attached storage shed.

To accommodate a proposed second storey addition, and existing attached storage shed.

### **Proposal**

The variances are required in order to accommodate a second storey addition on the west side of the existing 1.5-storey single detached dwelling for additional living space and to recognize an existing attached storage shed on the east side of the home.

### **POLICY CONTEXT**

#### **Town of Halton Hills Official Plan**

The subject lands are 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.

## **Town of Halton Hills Zoning By-Law**

The subject property is zoned Low Density Residential One Mature Neighbourhood (LDR1-1(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted in this zone.

Through the approval of the Mature Neighbourhoods Character Study, the following provisions were established for the construction of single detached dwellings in the LDR1-1(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.

In accordance with the Mature Neighbourhoods Character Study, a tiered interior side yard setback was implemented. It was determined that a 1.2 m interior side yard setback is an appropriate setback on the ground floor; however, it may not be enough to provide privacy and light penetration for two-storey buildings. In order to address overlook and massing of redevelopment, the interior side yard setback was increased by 0.6 m for the second storey.

## **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 interior side yard setback requirement is to provide separation between the dwelling and the lot line for maintenance of the building's eaves/outside walls and to access the property's rear yard. In addition, these requirements are intended to provide a consistent pattern of dwelling setbacks and area for landscaping to maintain privacy and character of the mature neighbourhood.

#### ***Variance 1 – Interior Side Yard Setback (west side)***

Given the proposed addition is located above the existing attached garage, is contained within its existing footprint and is maintaining the existing setback from the lot line, the requested variance would have no impact on the above considerations.

The establishment of new zoning provisions following completion of the Mature Neighbourhoods Character Study also ensured that neighbourhood residents would be granted the opportunity to provide comment and object to any proposals seeking to vary these standards and potentially construct a new home or addition that was perceived to be inconsistent with the intent of the Study or out of character with the existing neighbourhood. In regard to the subject proposal, seven letters of support have been submitted by area residents, including the two neighbours directly abutting 47 Stockman Crescent. As of the date of this report, no objections to the proposal have been received. Given the community is in support of the proposed addition and Town staff cannot identify any specific aspect of the proposed addition that would result in a dwelling that would conflict with the intent of the Mature Neighbourhoods Character Study, Planning staff do not have any objections to Variance 1.

#### *Variance 2 – Interior Side Yard Setback (east side)*

The Applicant is proposing to recognize an existing storage shed. Given its size, that the existing 1-storey structure is well screened from the adjacent property and that the community is in support of the application, Planning staff do not have any objections to Variance 2.

### **Public Comments**

As of the date of this report, seven letters of support have been submitted from adjacent landowners.

### **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 addition shall be constructed generally in accordance with the architectural design as shown on drawings A.01, A.09, A.10 and A.11 and A.12, prepared by Studio REI Arch. Consultants Inc., date stamped by the Committee of Adjustment on September 29, 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 the Site Alteration Permit application.

## Halton Hills Fire

- Install smoke alarms throughout the building as per Ontario Building Code – 9.10.19.
- Install carbon monoxide alarms throughout the building as per Ontario Building Code – 9.33.4.

## 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:** Greg Macdonald, Senior Planner – Development Review

**DATE:** October 28, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.034H – Grant  
Municipally known as 98 Main Street North  
Town of Halton Hills (Acton)

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### **APPLICATION**

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

1. To reduce the front yard soft landscaping from the minimum 40%, to permit a 14% front yard soft landscaping.

To accommodate the existing driveways to be joined, and the removal of one driveway entrance.

### **Proposal**

As part of a Town of Halton Hills initiated project to improve pedestrian safety at the existing signalized intersection off Main Street North and School Lane, new pedestrian crossing signal infrastructure is being installed in the boulevard in front of 98 Main Street North. As a result of these works, the southerly of the two access driveways to the subject lands would be impacted and must be closed due to conflicts with the planned location of signal infrastructure and Ministry of Transportation (MTO) requirements to have only one driveway within the intersection. The curb and sidewalk would be reinstated by the Town of Halton Hills.

The subject lands currently have two parking spaces, one on either side of the existing single detached dwelling, both accessed from separate driveways off Main Street North. The implication of closing one of the two access driveways is that the property would be left with one viable parking space, which is less than the two required by the Town's Zoning By-law. To address this and to maintain access to both parking spaces on the property, a portion of the existing front yard is needed as an aisle to access the parking space being impacted by the proposed municipal works so that both parking spaces would be accessed from the northerly existing driveway from Main Street North. However, in utilizing the front yard as an access aisle the property is no longer able to provide the minimum required 40% front yard soft landscaping.

## **POLICY CONTEXT**

### **Town of Halton Hills Official Plan**

The subject property is designated Low Density Residential Area under the Town of Halton Official Plan (Schedule A6 – Acton Urban Area Land Use Plan). This designation permits single detached dwellings.

The Urban Design Guidelines contained with the Halton Hills Official Plan in Section F2 promote the use of landscaping within the private realm. Section F6.2 of the Official Plan requires the integration of cycling and walking routes with the location of school sites. Finally, Section F6.7 of the Official Plan speaks to the objective of providing adequate off-street parking facilities.

### **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. This zone permits single detached dwellings.

Section 5.2.14(b) of the Zoning By-law requires that a minimum of 40% of the front yard consists of soft landscaping.

## **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:

#### **Engineering**

There are concerns that the new driveway / aisle parallel to Main Street North could be used for additional parking. In addition, approval of the application could lead to other residents looking for a similar arrangement of parking on both sides of the house with a connecting link in the front yard. However, it is understood that the proposed situation is unique and is the result of a Town initiated project to improve pedestrian and vehicular safety and that the gains for public safety (and MTO technical requirements) outweigh these concerns for this specific project.

Therefore, Engineering staff has no objection to the proposal.



## Planning

The intent of the Zoning By-law to regulate the minimum amount of front yard soft landscaping is to ensure that the streetscape and front of the property is not dominated by parking spaces and hard surfaced materials.

The reduction in soft landscaping has been triggered only because of a Town of Halton Hills initiated project to improve the existing pedestrian crosswalk area and associated signal infrastructure. By allowing for the two existing parking spaces to be 'linked' via a new drive aisle across the front of the property it will ensure that adequate off-street parking would still be maintained for the dwelling. Closing of one of the access driveways also serves to improve the streetscape and the Zoning By-law does not allow for parking in a parallel manner to Main Street North in front of the dwelling.

Therefore, 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.

Reviewed and Approved by,



**Jeff Markowiak, Director of Development Review**

## Notes

### Zoning

- Motor Vehicles shall not be parked parallel to the street line that the driveway crosses.

### 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.
- It is recommended that the applicant obtain a Technical Service Layout as early as possible for HHHI to be prepared to relocate the stub pole upon their request.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

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

**FROM:** Ruth Conard, Planner – Development Review

**DATE:** October 28, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.035H – McMullen  
Municipally known as 9 Sarah Street  
Town of Halton Hills (Georgetown)

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### **APPLICATION**

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

1. To increase the driveway width from the maximum 7 m to permit a driveway width of 8.25 m.

To accommodate a total of three parking spaces for a detached dwelling with an accessory dwelling unit.

### **Proposal**

The variance is required in order to facilitate a proposed accessory dwelling unit in the basement of the existing single detached dwelling. The Applicant has submitted a conversion permit which is still under review by Building Services.

### **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). Single detached dwellings are permitted in this designation. Accessory dwelling units in single detached dwellings are also permitted as a complimentary use subject to the following criteria:

- a) The accessory apartment shall comply with the Ontario Building and Fire Codes;
- b) Adequate parking is available on the lot for both dwelling units and minimizes the loss of outdoor amenity areas or landscaping;
- c) The accessory apartment is designed and located in such a manner to not have a negative impact on the character of the surrounding neighbourhood and to that end any building

- addition shall be compatible with the massing, height, and setbacks of adjacent dwelling units; and,
- d) Municipal water and wastewater facilities are adequate and available.

### **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 and accessory dwelling units are permitted in this zone. The Zoning By-law requires 2 parking spaces per single detached dwelling plus 1 parking space per accessory dwelling unit.

### **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 driveway width requirement is to limit the width of the vehicular access onto the public road for traffic safety and to maintain area on the lot for soft landscaping. Given that Development Engineering staff has identified no objection to the existing driveway width, the extent of the relief requested and the amount of soft landscaping to be maintained, Planning staff has no objection to the requested variance.

#### **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 proposal shall be constructed generally in accordance with Site Plan drawing A0, prepared by Your Green Homes Design Build Inc., date stamped by the Committee of Adjustment on October 4, 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 Applicant shall apply for an entrance permit to relocate the depression of the driveway.

Halton Region

- Should services need to be relocated as a result of the proposed works:
  - Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
  - No wastewater service laterals or water service connections are to cross existing or proposed property lines.
  - The Applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-law Respecting the Prevention of Backflow into the Water System as set out in By-law 157-05.
  - That prior to final approval, the owner obtain water and wastewater servicing permits from Halton, pay all necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.

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.