

COMMITTEE OF ADJUSTMENT AGENDA

Date: December 1, 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 D13VAR21.014H – Younis**

3

Location: 12121 Eighth Line, 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 maximum permitted lot coverage from 15%
(198.5 sq m) to permit a lot coverage of 19.23% (254.49 sqm).

To accommodate a proposed new dwelling.

Owner(s): Muhammad Younis, **Agent:** Steve Hamelin Design Studio,
Laura Page

b. **Minor Variance D13VAR21.036H – Auciello**

9

Location: 14 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 maximum permitted lot coverage from 15%
(133.1 sq m) to permit a lot coverage of 28.5% (252.6 sq m).

To accommodate a proposed new dwelling.

Owner(s): Brittany Auciello, **Agent:** Herbert Arnold, Arnold Foster LLP

c. Minor Variance D13VAR21.037H – Auciello

14

Location: 17 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 maximum permitted lot coverage from 15% (183.3 sq m) to permit a lot coverage of 24.5% (299.4 sq m).

To accommodate a proposed new dwelling.

Owner(s): Amanda Auciello, **Agent:** Herbert Arnold, Arnold Foster LLP

d. Minor Variance D13VAR21.038H – Shahiraj

19

Location: 13161 22 Side Road, Town of Halton Hills (Henderson's
Corners), Regional Municipality of Halton

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

1. To reduce the interior side yard setback from the minimum 4.5 m to permit a 3 m interior side yard setback (north-east).

To accommodate a proposed new dwelling.

Owner(s): Rupinder & Sukhraj Shahiraj, **Agent:** Cosimo Mazzaferro

4. ADJOURNMENT

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: November 24, 2021

RE: Planning Recommendation for
Application D13VAR21.014H – Younis
Municipally known as 12121 8th Line
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the maximum permitted lot coverage from 15.0% (198.5 sq m) to permit a lot coverage of 19.23% (254.49 sq m).

To accommodate a proposed dwelling.

Proposal

The Applicant is proposing to construct a new two-storey, 373 sq. m. (4,021 sq. ft.) single detached dwelling, replacing an existing single detached dwelling on the property. The Applicant is applying to increase the maximum permitted lot coverage for the new home from 15.0% (198.5 sq. m) to 19.23% (254.49 sq. m).

The application was originally scheduled for the June 2, 2021, meeting of the Committee of Adjustment. However, as part of the review of the application at that time concern was raised by Region of Halton and Town of Halton Hills staff as to whether an appropriately sized septic system could be accommodated on site. As a result, the application was deferred. Since that time the Applicant has provided sufficient information to the Region and Town to demonstrate that the property can accommodate a septic system for the proposed home. The size of the dwelling, and the extent of the variance, was also slightly reduced because of the septic system design.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

The policy framework for evaluating new development (including replacement housing) within Mature Neighbourhood Areas in Glen Williams is contained in Policy H4.3.13, which states that replacement housing is permitted provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood, and that the Zoning By-law should further detail the appropriate standards within Mature Neighbourhoods (including lot coverage). Furthermore, the policy also sets out what should be considered when evaluating the merits of Minor Variances in Mature Neighbourhoods in Glen Williams. These criteria are:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Finally, Policy H4.3.11 directs as part of the review of all planning applications within Glen Williams the application of the Hamlet Design and Heritage Protection Guidelines.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Residential One, Mature Neighbourhood Two (HR1)(MN2). This Zone permits a single detached dwelling subject to a range of zoning standards including a maximum lot coverage of 15%.

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:

Planning

The Applicant is proposing to increase the maximum permitted lot coverage from 15.0% to 19.23% to construct a new two-storey single detached dwelling on the subject lands.

The intent of the Mature Neighbourhood zone provisions is to ensure that new and replacement dwellings are compatible with the existing character of Glen Williams and to the more localized

streetscape context. Lot coverage is only one such way that the Zoning By-law aids in regulating character; setbacks and building height are also considered. The policy intent is not that new housing has to be of the exact scale and architecture as surrounding homes.

This section of Eighth Line is characterized by extremely deep lots on the west side of the street with shallower lots on the east side of the street. This allows homes on the west side to be both larger and setback further from the road and with greater setbacks to adjacent lots. Homes on the east side are generally smaller, located comparatively closer to the road, and closer to adjacent properties. Both sides of the street contain a mix of architecture styles and heights ranging from 1 storey, 1 ½ storey and 2-storey dwellings. The subject property, at a size of 0.13 ha (0.32 acres) may be the smallest property on Eighth Line. While the lot frontage may be similar to abutting properties to the south, the property maintains a depth at 45.8 m, which is shallower than the majority of other properties on the street.

The Applicant has situated the proposed replacement dwelling an adequate distance from the front lot line. While not exactly in line with the abutting dwellings to the north and south, the projection is not excessive as to dominate the streetscape. Similarly, by meeting and exceeding (particularly on the south side) the side yard setback requirement of the Zoning By-law, the dwelling would contain sufficient separation for privacy, rear yard access and grading and drainage. As noted above, this section of 8th Line contains a range of homes of varying heights and designs. The proposed 2-storey design, with partially peaked roof, while not of the exact same architecture as the mix of homes on the street, still has design elements consistent with other dwellings on the street and complies with the maximum dwelling height established through the Mature Neighbourhood zoning provisions (2 storeys and 9.0 metres).

When compared to the building footprint of the nearest houses, the proposed dwelling size is similarly consistent, which suggests the requested variance is more a function of the comparatively smaller lot to the rest of the properties on the street. The proposed building placement is also conducive to preserving as many trees as possible both adjacent to the roadway, and on the southerly side of property. Finally, should the size of the dwelling be reduced to comply with the maximum 15% lot coverage, this may not result in a tangible change to the character of the street in that the same building height, same architecture, and same setbacks could be provided. Should no Minor Variance had been necessary, the dwelling could have been constructed much closer to the roadway which would be less in keeping with the character of the street. Therefore, staff are recommending that any approval of the requested variance be made conditional upon the submitted site plan drawing to secure the placement of the dwelling to address these concerns.

Staff have also considered the Glen Williams Mature Neighbourhood Study when evaluating the merits of the proposed Minor Variance. Prior to completion of this study, the Zoning By-law did not regulate lot coverage in Glen Williams. The study resulted in the creation of two new Mature Neighbourhood overlay areas (MN1 and MN2), which introduced maximum lot coverage provisions for each of the two areas – 35% for a 2-storey dwelling in MN1; and 15% for a 2-storey dwelling in MN2. The areas of Glen Williams subject to the Mature Neighbourhood One (MN1) overlay (generally the older, established neighbourhoods within or near the Community Core area with smaller lot sizes) were granted a larger maximum lot coverage (35%) because the planning analysis concluded that a lesser lot coverage would be too restrictive on these smaller lots. The

areas made subject to the Mature Neighbourhood Two (MN2) overlay, and smaller 15% coverage, were those larger lots further away from the core where a larger coverage could allow for the construction of a 'monster home'. The subject property falls within the MN2 area because of its adjacency to the larger lots on Eighth Line; however, the property's relatively small size (0.13 ha or 0.32 ac) is more similar to the lots within the areas of Glen Williams that are allowed to have a 35% lot coverage. Therefore, by allowing a modest increase in lot coverage for this specific lot, the intent of the Mature Neighbourhood Study is being maintained. The staff recommendation report for the Mature Neighbourhood Study also noted in response to residents concerned with the restrictive nature of the 15% lot coverage requirement that "minor increases beyond this maximum threshold could be evaluated through the minor variance process (i.e. Committee of Adjustment)."

Public Comments

As of the date of this report, two (2) objection letters have been received regarding the application from residents. The concerns raised are:

- That the increase in lot coverage is too big to be a Minor Variance; would result in too big of a house on too small of a lot; is not in adherence with the Glen William Secondary Plan; and, that this would result in precedent being established;
- That the house is too close to the road; and,
- That there are discrepancies on the plans submitted about the height of the building.

Staff Response

The use of a Minor Variance application to seek relief from the maximum 15% lot coverage provision is a mechanism provided for within the policies of the Glen Williams Secondary Plan. The Mature Neighbourhood Study also noted that Minor Variances could be utilized to increase lot coverage where appropriate.

For the reasons outlined earlier in the report, staff is satisfied that the hamlet character is being maintained based on the comparative house size proposed to nearby homes; that the proposal meets or exceeds all other Zoning By-law provisions; and, that the home would be placed on the property in a manner congruent with the two abutting properties. The Building Division has confirmed that the proposed dwelling complies with the maximum 9 m height within the Zoning By-law.

Staff is also not concerned that a precedent would be established through the approval of the requested variance as each proposal must be evaluated on its own merit. The proposal also represents a unique circumstance where the subject property has more similarities to the MN1 overlay area, where a 35% lot coverage is permitted, than the more restrictive MN2 area it is situated within due to the larger lots that surround it.

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 new single detached dwelling shall be constructed, as generally shown on the drawings submitted by Steve Hamelin Design Studio, date stamped by the Committee of Adjustment on October 21, 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.
- The Owner/Applicant shall apply for an acquire an Entrance Permit under Bylaw 2018-0028 for the proposed entrance 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 "Entrance" for further details prior to making the application.

- 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 (MNRF).

Halton Hills Hydro

- The Applicant will be aware that the electrical servicing arrangement to supply the new home at 12121 8th Line will be installed fully underground directly from HHH's main line as per HHH's current Conditions of Service (Cos) document.
- HHHI recommends the Applicant apply for a Technical Service Layout (TSLO) a minimum of 6 months in advance of the anticipated in-service date. Please make the application and pay the requisite TSLO fee (\$341.54 HST incl.) via Halton Hills Hydro's website by following the link shown below.

<https://haltonhillshydro.com/for-home/new-service-upgrades/>

- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e., moving poles to accommodate lane ways, driveways, and parking lots, etc.) will be borne by the applicant.
- Please contact Alex for further information at Ext. 272.

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

FROM: Jeff Markowiak, Director of Development Review

DATE: November 24, 2021

RE: Planning Recommendation for
Application D13VAR21.036H – Auciello
Municipally known as 14 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the maximum permitted lot coverage from 15.0% (133.1 m²) to permit a lot coverage of 28.5% (252.6 m²).

To accommodate a proposed new dwelling.

Proposal

The subject lot was created in the late 2000's as part of the Cachet Homes subdivision that resulted in the development of Gamble Street. However, a house was never constructed on this parcel at the same time as the rest of the subdivision as this lot was constrained by the temporary cul-de-sac at the end of Gamble Street.

The abutting 31-lot single-detached subdivision to the north being developed by Eden Oak (referred to as Creditview Heights or The Chase) was registered on July 22, 2021, which resulted in the formal extension of Gamble Street and the future elimination of the temporary cul-de-sac. As such, this lot will no longer be constrained and can accommodate the construction of a new dwelling. Eden Oak recently purchased the vacant lot from Cachet Homes and will seek to develop it along with their adjacent subdivision, which is currently under construction.

The requested variance seeks to increase the maximum permitted lot coverage from 15.0% to 28.5% to allow for the proposed two-storey dwelling on the lot.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

Section H4.3.13 of the Glen Williams Secondary Plan outlines the policy framework for evaluating new housing, replacement housing, additions and alterations within Mature Neighbourhood Areas within Glen Williams. New houses are permitted in Mature Neighbourhoods provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood, and that the Zoning By-law should further detail the appropriate standards within Mature Neighbourhoods. Furthermore, the policy also sets out what should be considered when evaluating the merits of Minor Variances in Mature Neighbourhoods. These criteria are:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Finally, Section H4.3.11 states that the Hamlet Design and Heritage Protection Guidelines shall be applied to the evaluation of all planning applications within the Glen.

Town of Halton Hills Zoning By-Law

The property is zoned Hamlet Residential One, Mature Neighbourhood Two (HR1)(MN2). This Zone permits a single detached dwelling subject to a range of zoning standards, including a maximum lot coverage of 15.0%.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No concerns or objections were identified; relevant comments regarding the Minor Variance application are as follows:

Planning

The Applicant is proposing to increase the maximum permitted lot coverage from 15.0% to 28.5% to construct a new single detached dwelling on the subject lands.

The maximum lot coverage provision was established following the completion of the Glen Williams Mature Neighbourhood Study in 2019, which applied a zoning overlay of Mature Neighbourhood Two (MN2) to the parcel. The intent of the Mature Neighbourhood Areas policies and zone provisions is to ensure that new and replacement dwellings are compatible with the existing character of Glen Williams and to the more localized streetscape context. Lot coverage is only one such way that the Zoning By-law aids in regulating character; setbacks and building height are also considered. The Mature Neighbourhood Areas policy framework also established criteria that should be considered when evaluating minor variances requested to the Mature Neighbourhoods provisions, which are outlined earlier in this report.

Town staff is content that the requested increase in lot coverage satisfies the minor variance evaluation criteria, meets the intent of the Mature Neighbourhood Area policies, and will allow for the construction of a new dwelling that is appropriate for the lot and street, for the following reasons:

- The proposed house footprint is similar in size to the other abutting and nearby dwellings on Gamble Street as well as the future dwellings to be constructed in the adjacent subdivision.
- The intended dwelling has been designed to maintain similar setbacks and orientation to the other houses on the street, which will provide for a consistent streetscape and suitable landscaped open space on the lot.
- The proposed dwelling complies with all other provisions of the Town's Zoning By-law, including the height (maximum 2-storeys and 9.0 metres) and setback provisions established through the Glen Williams Mature Neighbourhood Study.
- None of the other existing abutting homes, or those to be constructed in the new Eden Oak subdivision, comply with the 15% lot coverage requirement themselves. This is due to:
 - The Glen Williams Hamlet Boundary begins halfway along the existing portion of Gamble Street. The 6 other existing houses on the street that are in the Glen were constructed before the lot coverage provisions were adopted in 2019 and clearly would not comply with the 15% maximum.
 - The adjacent Eden Oak subdivision is not subject to the Mature Neighbourhood Area policies. Therefore, the houses currently under construction are not required to comply with the 15% lot coverage requirement.
 - The rest of the original Cachet Homes subdivision falls within Georgetown. While Georgetown has its own Mature Neighbourhood areas and policies, the Cachet Homes subdivision is not considered to be a mature neighbourhood. Therefore, the lots in that subdivision are not subject to any maximum lot coverage restrictions either.

For these reasons, 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 location of the new single detached dwelling shall be constructed, as generally shown on the drawings submitted by RN design, date stamped by the Committee of Adjustment on October 26, 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 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 Owner/Applicant shall apply for and 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.
- The Owner/Applicant shall apply for and acquire an Entrance Permit under By-law 2018-0028 for the proposed entrance 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 "Entrance" for further details prior to making the application.

- 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 (MNRF).
- The temporary easement in favour of the Town of Halton Hills required for the temporary turning circle in front of this lot will not be lifted and the turning circle will remain in place until the Eden Oak Creditview Heights (The Chase) subdivision has been substantially completed to the satisfaction of the Town of Halton Hills.

Halton Hills Hydro

- The existing hydro infrastructure on Gamble Street is underground. The Customer is responsible for obtaining all necessary locates and permits prior to the commencement of construction as the existing underground secondary cable within the public ROW may be in conflict with the proposed plans. The Customer shall request for a Technical Service Layout Request for a temporary construction service and/or permanent underground service when required. The customer should review HHHI's Condition of Service prior to submitting applications. Please find links below:
 - TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>
 - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

Credit Valley Conservation

- A CVC permit is required for the development as proposed. Please contact CVC directly for the next steps related to the CVC permit application process.

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

FROM: Jeff Markowiak, Director of Development Review

DATE: November 24, 2021

RE: Planning Recommendation for
Application D13VAR21.037H – Auciello
Municipally known as 17 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the maximum permitted lot coverage from 15.0% (183.3 m²) to permit a lot coverage of 24.5% (299.4 m²).

To accommodate a proposed new dwelling.

Proposal

The subject lot was created in the late 2000's as part of the Cachet Homes subdivision that resulted in the development of Gamble Street. However, a house was never constructed on this parcel at the same time as the rest of the subdivision as this lot was constrained by the temporary cul-de-sac at the end of Gamble Street.

The abutting 31-lot single-detached subdivision to the north being developed by Eden Oak (referred to as Creditview Heights or The Chase) was registered on July 22, 2021, which resulted in the formal extension of Gamble Street and the future elimination of the temporary cul-de-sac. As such, this lot will no longer be constrained and can accommodate the construction of a new dwelling. Eden Oak recently purchased the vacant lot from Cachet Homes and will seek to develop it along with their adjacent subdivision, which is currently under construction.

The requested variance seeks to increase the maximum permitted lot coverage from 15.0% to 24.5% to allow for the proposed two-storey dwelling on the lot.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

Section H4.3.13 of the Glen Williams Secondary Plan outlines the policy framework for evaluating new housing, replacement housing, additions and alterations within Mature Neighbourhood Areas within Glen Williams. New houses are permitted in Mature Neighbourhoods provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood, and that the Zoning By-law should further detail the appropriate standards within Mature Neighbourhoods. Furthermore, the policy also sets out what should be considered when evaluating the merits of Minor Variances in Mature Neighbourhoods. These criteria are:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Finally, Section H4.3.11 states that the Hamlet Design and Heritage Protection Guidelines shall be applied to the evaluation of all planning applications within the Glen.

Town of Halton Hills Zoning By-Law

The property is zoned Hamlet Residential One, Mature Neighbourhood Two (HR1)(MN2). This Zone permits a single detached dwelling subject to a range of zoning standards, including a maximum lot coverage of 15.0%.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. No concerns or objections were identified; relevant comments regarding the Minor Variance application are as follows:

Planning

The Applicant is proposing to increase the maximum permitted lot coverage from 15.0% to 24.5% to construct a new single detached dwelling on the subject lands.

The maximum lot coverage provision was established following the completion of the Glen Williams Mature Neighbourhood Study in 2019, which applied a zoning overlay of Mature Neighbourhood Two (MN2) to the parcel. The intent of the Mature Neighbourhood Areas policies and zone provisions is to ensure that new and replacement dwellings are compatible with the existing character of Glen Williams and to the more localized streetscape context. Lot coverage is only one such way that the Zoning By-law aids in regulating character; setbacks and building height are also considered. The Mature Neighbourhood Areas policy framework also established criteria that should be considered when evaluating minor variances requested to the Mature Neighbourhoods provisions, which are outlined earlier in this report.

Town staff is content that the requested increase in lot coverage satisfies the minor variance evaluation criteria, meets the intent of the Mature Neighbourhood Area policies, and will allow for the construction of a new dwelling that is appropriate for the lot and street, for the following reasons:

- The proposed house footprint is similar in size to the other abutting and nearby dwellings on Gamble Street as well as the future dwellings to be constructed in the adjacent subdivision.
- The intended dwelling has been designed to maintain similar setbacks and orientation to the other houses on the street, which will provide for a consistent streetscape and suitable landscaped open space on the lot.
- The proposed dwelling complies with all other provisions of the Town's Zoning By-law, including the height (maximum 2-storeys and 9.0 metres) and setback provisions established through the Glen Williams Mature Neighbourhood Study.
- None of the other existing abutting homes, or those to be constructed in the new Eden Oak subdivision, comply with the 15% lot coverage requirement themselves. This is due to:
 - The Glen Williams Hamlet Boundary begins halfway along the existing portion of Gamble Street. The 6 other existing houses on the street that are in the Glen were constructed before the lot coverage provisions were adopted in 2019 and clearly would not comply with the 15% maximum.
 - The adjacent Eden Oak subdivision is not subject to the Mature Neighbourhood Area policies. Therefore, the houses currently under construction are not required to comply with the 15% lot coverage requirement.
 - The rest of the original Cachet Homes subdivision falls within Georgetown. While Georgetown has its own Mature Neighbourhood areas and policies, the Cachet Homes subdivision is not considered to be a mature neighbourhood. Therefore, the lots in that subdivision are not subject to any maximum lot coverage restrictions either.

For these reasons, 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 location of the new single detached dwelling shall be constructed, as generally shown on the drawings submitted by RN design, date stamped by the Committee of Adjustment on October 26, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. 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

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 Owner/Applicant shall apply for and 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.

- The Owner/Applicant shall apply for and acquire an Entrance Permit under By-law 2018-0028 for the proposed entrance 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 "Entrance" for further details prior to making the application.
- 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 (MNRF).
- The temporary easement in favour of the Town of Halton Hills required for the temporary turning circle in front of this lot will not be lifted and the turning circle will remain in place until the Eden Oak Creditview Heights (The Chase) subdivision has been substantially completed to the satisfaction of the Town of Halton Hills.

Halton Hills Hydro

- The existing hydro infrastructure on Gamble Street is underground. The Customer is responsible for obtaining all necessary locates and permits prior to the commencement of construction as the existing underground secondary cable within the public ROW may be in conflict with the proposed plans. The Customer shall request for a Technical Service Layout Request for a temporary construction service and/or permanent underground service when required. The customer should review HHHI's Condition of Service prior to submitting applications. Please find links below:
 - TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>
 - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

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

FROM: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: November 23, 2021

RE: Planning Recommendation for
Application D13VAR21.038H – Shahiraj
Municipally known as 13161 22 Side Road
Town of Halton Hills (Henderson's Corners)

APPLICATION

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

1. To reduce the interior side yard setback from the minimum 4.5 m to permit a 3 m interior side yard setback (north-east).

To accommodate a proposed new dwelling.

Proposal

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

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Rural Cluster Area and Escarpment Rural Area in the Town's Official Plan. The property is also within the Niagara Escarpment Plan Area and Greenbelt Plan Boundary. Single detached dwellings are permitted on existing lots within this designation. The Town's Official Plan does not specifically identify policies related to minimum interior side yard setbacks.

Town of Halton Hills Zoning By-Law

The portion of the property located within Henderson's Corners and is subject to the Town's Zoning By-law is zoned Rural Cluster Residential One (RCR1). The RCR1 zone permits single-detached dwellings. In the RCR1 zone, the by-law limits the interior side yard setback 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, which follows the direction of the Region's Hydrogeological Guidelines, be completed, and found acceptable by Regional staff, to ensure the proposed home and the private services it requires can be appropriately accommodated on the subject property. Depending on the results of this review, the proposed variance could change, and other variances could be identified should the building and 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 occur to ensure all variances are correctly identified.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak", is written over a faint, light-colored circular stamp.

Jeff Markowiak, Director of Development Review