

## **COMMITTEE OF ADJUSTMENT AGENDA**

**Date:** January 12, 2022, 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 D13VAR21.039H – Gallant**

**2**

**Location:** 6692 Highway 7, Town of Halton Hills (Esquesing), 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 (west) interior side yard setback of 0.6 m.
2. To increase the driveway width from the maximum 7 m to permit a driveway width of 11.79 m.

**To accommodate a proposed attached garage.**

**Owner(s):** Bradley & Kim Gallant, **Agent:** Matthews Design & Drafting, Doug Matthews/Bethany VanRavens

- 4. ADJOURNMENT**

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

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

**DATE:** December 7, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.039H – Gallant  
Municipally known as 6692 Highway 7  
Town of Halton Hills (Esquesing)

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### **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 (west) interior side yard setback of 0.6 m
2. To increase the driveway width from the maximum 7.0 m to permit a driveway width of 11.79 m.

To accommodate a proposed attached garage.

### **Proposal**

The variances are required in order to demolish an existing 23.11 m<sup>2</sup> (248.74 ft<sup>2</sup>) detached garage and construct a 51.56 m<sup>2</sup> (555 ft<sup>2</sup>) attached garage and to recognize an existing 11.79 m (38.68 ft) wide driveway (at the turnaround only).

### **POLICY CONTEXT**

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

The subject property is designated Protected Countryside Area in the Town's Official Plan. This designation permits single detached dwellings on existing lots. Section G13.6 states that whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

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

The subject property is zoned Protected Countryside (PC) in the Town's Zoning By-law 2010-0050, as amended; however, the By-law states that single detached dwellings are subject to the Country Residential (CR) zone standards, which requires a 4.5 m interior side yard setback. Further, Section 5.2.14 of the By-law states that the maximum driveway width shall be 7.0 metres.

### **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

###### *Variance #1 – Interior side yard setback*

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. The Applicant is proposing to demolish an existing detached garage that is 0.74 m from the interior side lot line and construct a new attached garage that is 0.6 m from the interior side lot line. Given the Applicant intends for the proposed attached garage to maintain a similar setback that exists for the current detached garage, staff is of the opinion that impacts on the above considerations will be similar to the current site condition. In addition, the proposed garage will be constructed further from the dwelling on the adjacent lot which should reduce possible impacts to the abutting property.

###### *Variance #2 – Driveway width*

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. The requested variance would only apply to the portion of the driveway that currently serves as a hammerhead to allow vehicles to maneuver on-site so that they can safely exit on to Highway 7 in a forward manner. Given the nature of Highway 7 and that the driveway width, as currently configured, should not have any impact on the above considerations, Staff is of the opinion that the requested variance is appropriate in order for the Applicant to safely access/exit the property.

Given the above, Planning staff has no objections to the two requested variances.

## Public Comments

As of the date of this report, one (1) letter of support has been submitted from the adjacent landowner to the west.

## **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, and driveway width maintained generally in accordance with Site Plan and Key Plan drawing MV-1, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on November 17, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



**Jeff Markowiak, Director of Development Review**

### **Notes:**

#### **Town Development Engineering**

- Staff requires grading information and the location of the downspouts.
- The grading information must capture the existing grades and demonstrate how drainage will be maintained post construction.
- A Site Alteration Permit will be required prior to construction of the garage.

#### **Halton Region**

- The entirety of the property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or [archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction, the proponent should immediately contact the

appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed online at: <http://www.ctcswp.ca/ctc-source-protection-plan/>. The property is located in a Significant Groundwater Recharge Area and Highly Vulnerable Aquifer. The application is not subject to Section 59 under the Clean Water Act and as such, no Section 59 notice is required at the building permit stage.

#### Halton Hills Hydro Inc.

- The existing hydro service is underground from HHHI's overhead transformer on Highway 7. It is unclear the exact underground path; however, given the plans provided, it is possible the proposed garage may be in conflict with the existing underground secondary service cables and/or the existing meter base. The Applicant shall request for locates prior to commencement of construction. If required, the Applicant is to request for Hydro disconnection and removal prior to commencement of construction and submit a temporary service request as required. The Applicant shall request for a Technical Service Layout Request for permanent service when required. The Applicant should review the Condition of Service prior to submitting applications. Please find link below:
  - TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>
  - Disconnect and Removal Application - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>
  - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>
- 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.