

COMMITTEE OF ADJUSTMENT  
AGENDA

**Date:** February 2, 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 D13VAR22.001H – Lotta**

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**Location:** 47 John 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 floor area for an accessory structure from the maximum 20 sq m to permit a floor area of 83.5 sq m.
2. To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 5.5 m.

**To accommodate a proposed accessory structure.**

**Owner(s):** Giuseppe Francesco Vito Lotta

**b. Minor Variance D13VAR22.002H – du Plessis**

**Location:** 61 Bower Street, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To reduce the exterior side yard setback from the minimum 4.5 m to permit a 2.82 m exterior side yard setback to the second storey addition over the existing dwelling.
2. To reduce the exterior side yard setback from the minimum 4.5 m to permit a 3.34 m exterior side yard setback to the existing covered deck.

**To accommodate a proposed second storey addition to dwelling, and existing covered deck.**

**Owner(s):** Marcell du Plessis & Danette Jayne van der Linde, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

**4. ADJOURNMENT**

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

**FROM:** John McMulkin, Planner – Development Review

**DATE:** January 25, 2022

**RE:** Planning Recommendation for  
Application D13VAR22.001H – Lotta  
Municipally known as 47 John 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 floor area for an accessory structure from the maximum 20 sq. m to permit a floor area of 83.5 sq. m.
2. To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 5.5 m.

To accommodate a proposed accessory structure.

## **Proposal**

The variances are required to increase the maximum floor area and height requirements for an accessory building in order to accommodate an 83.5 m<sup>2</sup> (~899 ft<sup>2</sup>) shed.

## **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. 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 “Low Density Residential One Mature Neighbourhood (LDR1-2(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2(MN) zone permits single detached dwellings and accessory buildings and structures.

### **COMMENTS**

#### **Internal Department and External Agency Comments**

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

##### Planning

Staff identified concerns with the exterior design and materiality of the original building elevations submitted by the Applicant and their ability to be complementary to surrounding development in the residential neighbourhood. Given the changes made by the Applicant to include windows that are residential in character on the front (south) and right (east) sides of the building, only concerns related to the materiality of the façades remain. As such, should the Committee approve the application staff recommends that any approval be subject to a condition that revised building elevations be submitted to staff’s satisfaction demonstrating an exterior façade material that is residential in character and complementary to surrounding development in the neighbourhood.

The intent of the maximum floor area and height requirements for accessory buildings is to ensure that the accessory buildings do not visually dominate the lot, are clearly accessory to the principal residential use (single detached dwelling) and do not create impacts to surrounding properties. Given the size and location of the proposed accessory building, the requested variances would not impact these considerations. The relief requested through the subject Minor Variance application is also consistent with relief granted for comparable residential properties by the Committee. Therefore, staff views the intent of these requirements to be maintained.

#### **Public Comments**

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

### **RECOMMENDATION**

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

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

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

1. The location of the shed shall be generally in accordance with the site plan, prepared by Giuseppe Lotta, date stamped by the Committee of Adjustment on December 17, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. The shed shall be constructed generally in accordance with the architectural design as shown on the building elevations, prepared by Giuseppe Lotta, date stamped by the Committee of Adjustment on January 13, 2022, to the satisfaction of the Commissioner of Planning & Development.
3. Revised building elevations shall be submitted demonstrating an exterior façade material that is residential in character and complementary to surrounding development in the neighbourhood 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 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 Applicant may 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.

Town Zoning

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

## 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:** John McMulkin, Planner – Development Review

**DATE:** January 25, 2022

**RE:** Planning Recommendation for  
Application D13VAR22.002H – du Plessis  
Municipally known as 61 Bower Street  
Town of Halton Hills (Acton)

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## **APPLICATION**

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

1. To reduce the exterior side yard setback from the minimum 4.5 m to permit a 2.82 m exterior side yard setback to the second storey addition over the existing dwelling.
2. To reduce the exterior side yard setback from the minimum 4.5 m to permit a 3.34 m exterior side yard setback to the existing covered deck.

To accommodate a proposed second storey addition to the dwelling, and existing covered deck.

## **Proposal**

The variances are required to recognize an existing covered deck and accommodate a second storey addition above the existing 1-storey dwelling for the purpose of providing additional living space.

## **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.

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

The subject property is zoned “Low Density Residential One Mature Neighbourhood (LDR1-2(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted in this zone.

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

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

## **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 exterior side yard setback requirement is to maintain sightlines for vehicular traffic, provide an area on the private lot for landscaping/snow storage and ensure a consistent pattern of dwelling setbacks to maintain mature neighbourhood character. Given the proposed addition is located above the existing dwelling and both the addition and the existing covered deck are maintaining the existing setbacks from the lot line, the requested variances would have no impact on the above considerations. Additionally, altering the dwelling to be a full two storeys rather than the current single storey would not generate a substantial change to the condition of that side yard or negatively impact the character of the neighbourhood. Therefore, Planning staff views the intent of the minimum exterior side yard setback requirement to be maintained.

### **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 addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. MV-2 & MV-3, prepared by Matthews Design & Drafting Services Inc., dated December 2021, date stamped by the Committee of Adjustment on January 3, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



**Jeff Markowiak, Director of Development Review**

## **Notes**

### Town Building

- A building permit is required for the existing covered deck built without a permit.

### 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.