

COMMITTEE OF ADJUSTMENT AGENDA

Date: March 7, 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 D13VAR22.003H – Chawla

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Location: 13315 Fourth Line, Town of Halton Hills (Bannockburn),
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 40 sq m to permit a floor area of 69 sq m.
2. To increase the total floor area for all accessory structures from the maximum 60 sq m to permit a total floor area of 69 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.7 m.

To accommodate a proposed detached garage.

Owner(s): Lovneet Chawla, **Agent:** Pamir Rafiq

b. Minor Variance D13VAR22.005H – Duguay

Location: 56 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 increase the height for an accessory structure from the maximum 3.5 m to permit a height of 4.7 m.
2. To increase the floor area for an accessory structure from the maximum 20 sq m to permit a floor area of 34 sq m.
3. To reduce the rear yard setback from the minimum 1 m, to permit a rear yard setback of 0.1 m (shed).
4. To reduce the side yard setback from the minimum 1 m, to permit a side yard setback of 0 m (driveway).
5. To reduce the side yard setback from the minimum 1.2 m, to permit a side yard setback of 0.47 m (deck with a height of less than 0.6 m).

To accommodate the conversion of an existing garage to an accessory structure (personal use sound studio); existing shed, driveway, and deck.

Owner(s): Robby Duguay, **Agent:** Renny Cannon, Studio Cannon Architecture

c. Minor Variance D13VAR22.006H – Jeffery

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Location: 27 George Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the side yard setback from the minimum 1.8 m, to permit a side yard setback of 1.08 m (existing garage - south).
2. To increase the height for an accessory structure from the maximum 3.5 m, to permit a height of 3.85 m (cabana).
3. To increase the number of accessory structures from the maximum 2, to permit 3 accessory structures.

To accommodate a proposed two-storey addition (connecting the existing detached garage and dwelling), and an additional accessory structure (cabana).

Owner(s): Justin & Lisa Jeffery, **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: February 22, 2022

RE: Planning Recommendation for
Application D13VAR22.003H – Chawla
Municipally known as 13315 Fourth Line
Town of Halton Hills (Bannockburn)

APPLICATION

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

1. To increase the floor area for an accessory structure from the maximum 40 sq. m to permit a floor area of 69 sq. m.
2. To increase the total floor area for all accessory structures from the maximum 60 sq. m to permit a total floor area of 69 sq. m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.7 m.

To accommodate a proposed detached garage.

Proposal

The variances are required to increase the maximum floor area and height requirements for an accessory building and the maximum total accessory building floor area for all accessory structures in order to accommodate a ~69 m² (~743 ft²) detached garage.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Rural Cluster 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 “Rural Cluster Residential One (RCR1)” in the Town’s Comprehensive Zoning By-law 2010-0050. The RCR1 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

The intent of accessory buildings and structures is to ensure that they 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 of the property, the proposed location of the detached garage and the extent of the requested relief, 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 conditions:

1. The location of the detached garage shall be generally in accordance with Drawing No. SP, prepared by Lucid Homes, dated March 1, 2021, date stamped by the Committee of Adjustment on January 13, 2022, to the satisfaction of the Commissioner of Planning & Development.

2. The detached garage shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. A401, A402, A403 & A404, prepared by Lucid Homes, dated March 1, 2021, date stamped by the Committee of Adjustment on January 13, 2022, 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 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 Section prior to the issuance of the associated Building Permit. Please contact the Development Engineering Section 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: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: February 28, 2022

RE: Planning Recommendation for
Application D13VAR22.005H – Duguay
Municipally known as 56 Main Street North,
Town of Halton Hills (Acton)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 4.7 m.
2. To increase the floor area for an accessory structure from the maximum 20 sq m to permit a floor area of 34 sq m.
3. To reduce the rear yard setback from the minimum 1 m, to permit a rear yard setback of 0.1 m (shed).
4. To reduce the side yard setback from the minimum 1 m, to permit a side yard setback of 0 m (driveway).
5. To reduce the side yard setback from the minimum 1.2 m, to permit a side yard setback of 0.47 m (deck with a height of less than 0.6 m).

To accommodate the conversion of an existing garage to an accessory structure (personal use sound studio); existing shed, driveway, and deck.

Proposal

The Applicant is proposing to convert an existing detached garage to an accessory structure intended to be used as a personal sound studio. Variances are required to facilitate the conversion as the maximum height and floor area permissions under the Town's Zoning By-law are less for accessory structure than a detached garage. Variances are also being requested to recognize deficient setbacks for an existing shed, existing deck and existing driveway.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Downtown Area” and “Downtown Core Sub-Area” under the Town’s Official Plan and is located within the “Mature Neighbourhood Area” overlay established through the adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). This designation permits existing 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 Mature Neighbourhood (LDR1-2(MN)) under 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.

In an LDR1-2(MN) zone, the Zoning By-law limits accessory structures to a maximum height of 3.5 m, maximum floor area of 20.0 sq m, and setback from the rear lot line to a minimum of 1.0 m if there are no windows or doors facing the lot line. The By-law also limits the interior side yard setback to a minimum of 1.2 m for a deck with a height less than 0.6 m in the LDR1-2(MN) zone.

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 accessory buildings and structures is to ensure that they 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. Staff is of the opinion that this intent is being maintained as the existing detached garage is clearly incidental and subordinate to the principal residential use and it does not appear that any exterior modifications will result in significant impacts to the surrounding properties. The conversion of the existing garage to an accessory structure intended to be used for a personal sound studio should have no effect to these considerations. It should be noted that the accessory structure is not permitted to be used for human habitation, or an occupation for gain or profit.

The intent of the minimum interior side yard and rear yard setback requirements is to ensure that there is sufficient separation between the structures and the lot line for drainage purposes and access to the property’s rear and side yard and for maintenance. The requirements are also to

mitigate visual concerns from neighbouring properties. Given that the requested variances are intended to accommodate an existing accessory structure, deck and driveway that do not appear to be impacting these considerations or resulting in complaints from neighbours, Planning staff is of the opinion that the intent of these requirements is being maintained.

Therefore, Planning staff has no objection to the proposed variances.

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 location of the existing accessory structure, shed, driveway, and deck shall be generally in accordance with the Site Plan – Proposed, Site Plan – Existing/Demolition, Elevation – Proposed Exterior – North/South, and Elevations – Proposed Exterior – West drawings prepared by Studio Cannon Architecture & Design date stamped by the Committee of Adjustment on January 31, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'Jeff Markowiak', is written over a light blue circular stamp.

Jeff Markowiak, Director of Development Review

Notes

Fire Department

- Install two interconnected dual smoke alarm carbon monoxide alarms within the proposed garage / mix room.
 - One in the machine room
 - One in the mix room
- Sleeping may not occur within the structure, thus not a requirement under the Ontario Fire Code but is required for approval for the safety of the occupants with the provided soundproof areas.

Zoning

- The accessory structure is not permitted to be used for human habitation or an occupation for gain or profit.

Halton Region

- Source Water Protection
 - 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 WHPA-E (VS-8.1), a Significant Groundwater Recharge Area and a Highly Vulnerable Aquifer.
 - The application qualifies as a “residential use” – it is therefore exempt from the S.59 review process under the SPP per policy G-2. The application can proceed from the perspective of Source Water Protection and no S.59 notice will be required.

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.
- Please note that 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: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: February 28, 2022

RE: Planning Recommendation for
Application D13VAR22.005H – Jeffery
Municipally known as 27 George Street,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the side yard setback from the minimum 1.8 m, to permit a side yard setback of 1.08 m (existing garage - south).
2. To increase the height for an accessory structure from the maximum 3.5 m, to permit a height of 3.85 m (cabana).
3. To increase the number of accessory structures from the maximum 2, to permit 3 accessory structures.

To accommodate a proposed two-storey addition (connecting the existing detached garage and dwelling), and an additional accessory structure (cabana).

Proposal

The Applicant is proposing to connect the existing detached garage to the existing dwelling via a new two storey-addition to the house, which triggers the need to acknowledge an existing deficient side yard setback for the garage. The Applicant is also seeking to construct a new cabana in the rear yard.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area and is within the Built Boundary and Urban Area in the Town's Official Plan. It is also located within the "Mature Neighbourhood Area" overlay established through the adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). This designation permits existing 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 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.

In an LDR1-2(MN) zone, the Zoning By-law limits side yard setbacks to a dwelling or attached garage to a minimum of 1.8 m. In regards to accessory structures, the By-law establishes a maximum height of 3.5 m, and limits the number of structures on a lot to a maximum of 2.

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 accessory buildings and structures is to ensure that they 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. Staff is of the opinion that this intent is being maintained as the proposed cabana and two existing sheds are clearly incidental and subordinate to the principal residential use. It does not appear that there will be any significant impacts to the surrounding properties.

The intent of the minimum side yard setback requirement is to ensure that there is sufficient separation between the structure and the lot line for drainage purposes, access to the rear of the property and for landscape maintenance. Given the setback variance reflects an existing condition that the rear yard can be accessed from the east side of the property, Planning staff is of the opinion that the intent of this requirement is being maintained.

Therefore, Planning staff has no objection to the proposed variances.

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 location and construction of the proposed cabana and two-storey addition shall be generally in accordance with the Site Plan and Key Plan, Main Floor Plan and Front Elevation, and Pool Cabana Plan and Elevation drawings prepared by Matthews Design & Drafting Services Inc. date stamped by the Committee of Adjustment on January 31, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'Jeff Markowiak', written in a cursive style.

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 Bylaw 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.

Halton Region

- It should be noted that 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). 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.
- Source Water Protection
 - 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 WHPA-B (VS-6), WHPA-E (VS-9), WHPA-Q1/Q2 (Moderate risk), an Issue Contributing Area for Chloride and a Significant Groundwater Recharge Area.
 - The application qualifies as a "residential use" – it is therefore exempt from the S.59 review process under the SPP per policy G-2. The application can proceed from the perspective of Source Water Protection and no S.59 notice will be required.

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.
- Please note that 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.