

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, May 4, 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 D13VAR22.012H – CSPAC Industrial**

3

Location: 52 Futura Drive, 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 a building from the maximum 11 m to permit a height of 14.2 m.
2. To reduce the rear yard setback from the minimum 7.5 m, to permit a rear yard setback of 6.1 m (proposed stairs).

To accommodate a proposed warehouse building.

Owner(s): CSPAC Industrial Futura Dr. GP Inc., Wade Dobbin c/o Adam Lambros, **Agent:** WEBB Planning Consultants, James Webb

b. Minor Variance D13VAR22.013H – Felton

Location: 7078 17 Side Road, Town of Halton Hills (Esquesing), 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 5 m to permit a height of 5.41 m.
2. To increase the floor area for an accessory structure from the maximum 80 sq m to permit a floor area of 94.2 sq m.
3. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 162.4 sq m.

To accommodate a proposed accessory building.

Owner(s): Elise Felton & Axel Noriega, **Agent:** Green Propeller Design, Marina Huissoon

4. ADJOURNMENT

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

FROM: John McMulkin, Planner – Development Review

DATE: April 26, 2022

RE: Planning Recommendation for
Application D13VAR22.012H – CSPAC Industrial
Municipally known as 52 Futura Drive
Town of Halton Hills (Acton)

APPLICATION

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

1. To increase the height for a building from the maximum 11 m to permit a height of 14.2 m.
2. To reduce the rear yard setback from the minimum 7.5 m to permit a rear yard setback of 6.1 m (proposed stairs).

To accommodate a proposed warehouse building.

Proposal

The variances are required to increase the maximum height requirement and reduce the minimum rear yard setback requirement in order to facilitate the construction of a warehouse building. The proposal is currently under staff review through Site Plan Application D11SPA21.012.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “General Employment Area” in the Town’s Official Plan, which permits industrial uses such as warehousing and accessory office uses. The Town’s Official Plan does not specifically identify maximum height and minimum setback requirements.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Employment One (EMP1)” under the Town’s Comprehensive Zoning By-law 2010-0050. The EMP1 zone permits industrial uses such as warehousing and accessory business offices.

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 building height and minimum rear yard setback requirements is to ensure that the building does not create visual impacts to surrounding properties and that it addresses the operational needs of the proposed uses.

The Applicant has noted that the requested building height is due to the interior ceiling heights needed to facilitate the intended warehousing operation and the exterior stairways are necessitated by the lower grade of the site at the rear of the building. In addition, the Applicant has noted that despite a variance being required to accommodate the exterior stairways the minimum rear yard setback of 7.5 metres to the façade of the building is being maintained.

Given the extent of the relief requested, the proximity of the site to surrounding development and that the variances are sought to respond to the operational needs of the proposed uses, staff views the intent of the maximum building height and minimum rear yard setback 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.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro

- The Applicant is to be aware of HHHI Conditions of Service (3.4.2) – in the event that the Customer requires greater than 300kVA of transformation in areas where 4,160V or 8,320V exist, the Customer shall be required to build a private substation supplied from HHHI's 44kV system voltage unless otherwise advised by HHHI's Engineering Department. HHHI primary distribution loop system along Futura Drive in Acton consists of only 2,400/4,160V. The Customer is to be aware that the nearest existing overhead 44kV circuit is approximately 200m south of Futura Drive, on Main St. N. in Acton.
- All required information must be received prior to establishing service details. All electronic drawings should be provided in a HHHI approved file format, including but not limited to: Project Name, Unit servicing detail, Number of Units to be serviced, and Civic Address. A site plan shall be provided in AutoCAD and paper formats, to scale (1:500 or 1:1000), showing the buildings in relation to existing and proposed property lines, other buildings, streets, street entrances, driveways, and the location of other services including, but not limited to: gas, telephone, water, cablevision, waste water (sewage and storm, catch basins), Grading Plan, Site Servicing Plan, Landscaping Plan, Road cross-sections used with the expectation of three or four party trenching [Note: four party trenching is not available for private roads], Proposed construction schedule and phasing of the development (if applicable), Developer details (if applicable), Customer Billing information including name, billing address, telephone number, Requested energization date, Service amperage requested, Preferred Voltage, Preferred service entrance location, and other requirements as requested by HHHI's Engineering Department. Please review Halton Hills Hydro Conditions of Service – 3.4.3. and appendix D for more details.
- When HHHI is required to add new Facilities and Equipment, alter existing HHHI Facilities and Equipment, or increase the capacity of the Distribution System to connect a new Customer (an "Expansion"), HHHI will perform an economic evaluation to determine the Customer's share, if any, of the equipment, labour, material and on-going maintenance costs of the Expansion (the "Expansion Costs"). If the present value of the future revenue is not sufficient to recover the Expansion Costs, the Customer will be required to pay a capital contribution. The capital contribution will not exceed the Customer's share of the difference between the present value of the Expansion Costs and the present value of the projected revenue. Please review Halton Hills Hydro Conditions of Service – 2.1.2. for more details.
- HHHI will only place an order for a transformer once the Customer has paid their connection fees, completed Halton Hills Hydro Inc. Conditions of Service and returned their Offer to Connect signed. Where HHHI places an order for a transformer and the Customer cancels their service layout, HHHI may retain a portion or all of the connection fees paid by the Customer if the transformer order cannot be cancelled. All high voltage distribution services are three-phase, four-wire. The Customer is required to bring out a neutral conductor for connection to the system neutral. If not required for the Customer's use, this neutral shall be terminated to the Customer's station ground system. HHHI will provide interface details and requirements for high voltage supplies to the Customer. Please Note: Hydro requires

payment of all construction charges before any work will be scheduled and any necessary materials ordered. The transformer required for this installation is not stocked by Halton Hills Hydro and therefore must be put on order. Please be aware that due to market changes in the transformer manufacturing industry, a significant general increase in the lead time for transformers can take 20-24 weeks once an order is placed. The above mentioned lead times are subject to change and may extend longer. Instrument transformers will also not be ordered until construction charges have been paid; lead times are typically 10-12 weeks. Any variations to this layout are permitted only with prior Halton Hills Hydro written approval. All costs associated with deviating from this layout will be borne by the Customer.

- For more information on the Technical Service Layout process and Halton Hills Hydro Conditions of Service see below links:
 - TSLO - [Application for Electrical Service Form - Halton Hills Hydro](#)
 - COS - <https://haltonhillshydro.com/for-home/conditions-of-service/>

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

FROM: John McMulkin, Planner – Development Review

DATE: April 26, 2022

RE: Planning Recommendation for
Application D13VAR22.013H – Felton
Municipally known as 7078 17 Side Road
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 5 m to permit a height of 5.41 m.
2. To increase the floor area for an accessory structure from the maximum 80 sq. m to permit a floor area of 94.2 sq. m.
3. To increase the total floor area for all accessory structures from the maximum 120 sq. m to permit a total floor area of 162.4 sq. 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 94.2 m² (~1,014 ft²) detached garage.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Greenbelt Greenlands Area” and “Protected Countryside Area” in the Town’s Official Plan and contains a Natural Heritage System overlay. These designations permit single detached dwellings on existing lots. 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 “Protected Countryside Natural Heritage System One (PC-NHS1)” under the Town’s Comprehensive Zoning By-law 2010-0050 and is subject to a Holding (H2) Provision. The PC-NHS1 zone permits single detached dwellings and accessory buildings and structures. Given the entire detached garage is proposed to be located within 20 metres from the main building on the lot (single detached dwelling), the H2 Provision is not required to be lifted to facilitate the construction of this accessory building.

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 rural 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. A1, prepared by Green Propeller Design, dated February 2022, date stamped by the Committee

of Adjustment on March 25, 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 No. A3, prepared by Green Propeller Design, dated February 2022, date stamped by the Committee of Adjustment on March 25, 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.

Conservation Halton

- Based on Conservation Halton's review of the above noted application, we believe that the proposed location for the accessory structure is the best location within the property limits.
- Conservation Halton recommends that tree protection fencing be installed during construction to protect the significant woodland.

- No excess fill or machinery should be stored or disposed of within the woodland.

Halton Hills Hydro

- HHHI has noted that this property is serviced via an underground low voltage supply (120/240V) from HHHI's main line along 17 Side Road. With respect to this servicing arrangement, and the location of the meterbase on the house, we have concerns that the underground cabling that services this property may be in conflict with the proposed footprint of the new garage / workshop.
- Prior to the issuance of a building permit and/or the commencement of any onsite works or construction HHHI will require the Applicant to procure locates which will identify the location of all underground infrastructure that services this location. HHHI will require the Applicant to demonstrate that a minimum 1.00m horizontal separation clearance between all existing hydro infrastructure and the furthest extent of any excavation associated with the construction of the new garage / workshop at this location can be established and maintained.
- If, upon investigation, it is determined that it is not possible to establish and maintain the requisite 1.00m horizontal separation clearance between the existing hydro infrastructure and the proposed new garage / workshop, HHHI will require the Applicant to apply for a Technical Service Layout (TSLO) and ultimately relocate / replace the electrical servicing infrastructure to a location that does not conflict with the footprint of the proposed construction of the garage / workshop building and/or the existing septic system on the property.