

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, June 1, 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 D13VAR22.014H – Klutt**

4

Location: 23 Norton Crescent, 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 a detached garage from the maximum 40 sq m to permit a floor area of 78.3 sq m.
2. To increase the height for a detached garage from the maximum 4.5 m to permit a height of 5.15 m.
3. To reduce the side yard setback from the minimum 1 m, to permit a side yard setback of 0.91 m (detached garage).

To accommodate a proposed detached garage.

Owner(s): Andrew Klutt, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

b. Minor Variance D13VAR22.015H – Bhullar

7

Location: 244 Main Street South, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To permit the construction of a new detached dwelling, whereas the By-law only permits existing buildings, structures, and additions to existing single detached dwellings.

To accommodate a proposed new detached dwelling.

Owner(s): Abhai Singh Bhullar, **Agent:** Stonecrest Engineering, Bram Van den Heuvel

c. Minor Variance D13VAR22.016H – Otel Enterprises Inc.

10

Location: 222 Mountainview Road North, Town of Halton Hills (Georgetown), 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 16 m.

To accommodate a proposed addition to the existing building.

Owner(s): Otel Enterprises Inc., Christoph Summer, **Agent:** Wellings Planning Consultants Inc., Glenn Wellings

d. Minor Variance D13VAR22.017H – Pozderka

13

Location: 10 Blue Mountain Place, Town of Halton Hills (Silvercreek), 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 4.5 m to permit a height of 5.7 m.
2. To increase the floor area for an accessory structure from the maximum 60 sq m to permit a floor area of 96.7 sq m.
3. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 120.5 sq m.

To accommodate a proposed accessory structure.

Owner(s): Laszlo Pozderka, **Agent:** Hull Drafting & Development, Lonny Gibson

e. Minor Variance D13VAR22.018H – Pena

Location: 30 Spruce Boulevard, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To reduce the required rear yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 3 m to permit 0 m.
2. To reduce the required side yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 0.6 m on one side to permit 0 m (east).
3. To reduce the required side yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 1 m on one side to permit 0 m (west).

To accommodate an existing deck around the pool.

Owner(s): Jason Pena & Joanna Waugh

4. ADJOURNMENT

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

FROM: Ruth Conard, Planner – Development Review

DATE: May 25, 2022

RE: Planning Recommendation for
Application D13VAR22.014H – Klutt
Municipally known as 23 Norton Crescent
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area for a detached garage from the maximum 40 sq m to permit a floor area of 78.3 sq m.
2. To increase the height for a detached garage from the maximum 4.5 m to permit a height of 5.15 m.
3. To reduce the side yard setback from the minimum 1.0 m to permit a side yard setback of 0.91 m (detached garage).

To accommodate a proposed detached garage.

Proposal

The variances are required in order to demolish an existing 23.46 sq m detached garage and construct a new 78.22 sq m detached garage in the same general location.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are 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). 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 Low Density Residential One Mature Neighbourhood (LDR1-2(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Under the Zoning By-law, accessory buildings and structures are required to be a maximum of 40 sq m in size, 4.5 m in height and maintain a 1.0 m setback to an interior side lot line.

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 and #2 – Floor Area and Height

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 garage appears to be incidental and subordinate to the principal residential use. Therefore, staff has no objections to the proposed minor variances.

Variance #3 – Side Yard Setback

The intent of the minimum interior side yard setback requirement is to provide separation between the building 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 0.61 m from the interior side lot line and construct a new detached garage that is 0.91 m from the interior side lot line. Given the extent of the zoning relief and that the proposed garage will be setback further from the side lot line than the existing garage, staff is of the opinion that the intent of the setback requirement is being maintained and has no objection to the proposed minor variance.

Public Comments

As of the date of this report, two letters of support have been submitted from neighbouring landowners, one of which is from the owner of 25 Norton Crescent, which abuts the subject property to the east, adjacent to where the new garage is proposed to be constructed.

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 detached garage shall be constructed generally in accordance with Site Plan and Elevation prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on April 25, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Planning

- Accessory buildings or structures shall not be used for human habitation or an occupation for gain or profit.

Town Development Engineering

- The Owner may need to 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 Development Engineering or visit the Town's website and search "Site Alteration" for further details prior to making the application.

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. 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: May 25, 2022

RE: Planning Recommendation for
Application D13VAR22.015H – Bhullar
Municipally known as 244 Main Street South
Town of Halton Hills (Acton)

APPLICATION

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

1. To permit the construction of a new detached dwelling, whereas the By-law only permits existing buildings, structures, and additions to existing single detached dwellings.

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.

POLICY CONTEXT

Town of Halton Hills Official Plan

The property is subject to two designations under the Town's Official Plan - Low Density Residential Area (LDRA) and Greenlands. The proposed dwelling would straddle the two designations; single detached dwellings are permitted under the LDRA designation and the Greenlands designation is subject to policies under the Halton Region Official Plan (see Halton Region comments below).

Town of Halton Hills Zoning By-Law

The portion of the lands adjacent to Main Street South is dual zoned – Development (D) and Environmental Protection Two (EP2). The proposed dwelling would straddle the two zones. The EP2 zone permits single detached dwellings on lots that existed on the effective date of the By-law; the D zone only permits uses, buildings and structures that existed on the effective date of the By-

law (ie. 2010). Given a portion of the proposed house appears to be located within a portion of the lot zoned Development, zoning approval is required.

COMMENTS

Internal Department and External Agency Comments

Region of Halton

In accordance with Sections 118(3) and (3.1) of the ROP, the proposed new dwelling and associated works, including the septic system, would trigger the Environmental Impact Assessment (EIA) requirements of the Halton Region Plan. Once the requested information is provided, the Region will determine whether an EIA is required to support the construction of the proposed new dwelling.

The property also falls within the Urban Area designation in the ROP. Section 89(3) of the ROP requires that approvals for all new development be on the basis of connection to Halton's municipal water and wastewater systems unless otherwise exempt by other policies of the ROP. The Region has identified that a watermain is adjacent to the property along Main Street South; however, there are no sanitary wastewater mains adjacent to the property. Though Section 89(3) requires the landowner to extend to municipal sanitary services, Section 89(4) and the Region's Urban Services Guidelines outlines criteria for when private services can be used within an Urban Area. In order to follow the direction of the ROP and the associated Urban Services Guidelines, the Region is requiring the Applicant to demonstrate that the extension of municipal sanitary services to the property is not available or is available but at an extreme expense. Should private septic services be supported as opposed to municipal sanitary services, the Region will require further information on the proposed location and type of proposed septic system to determine if any hydrogeological work will be required.

As such it is requested that the Committee of Adjustment defer its decision on the application.

Credit Valley Conservation

The Credit Valley Conservation Authority is requiring additional information regarding the location of the proposed dwelling and its proximity to natural and hazardous features on site and to resolve other outstanding regulatory concerns with CVC.

Depending on the results of this review, the proposed variance could change or additional variances may be required should the building location 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 the Applicant to submit the required information to the Region and Credit Valley Conservation and for a further review of any updated site plan drawing to occur.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive, flowing style.

Jeff Markowiak, Director of Development Review

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

FROM: Ruth Conard, Planner – Development Review

DATE: May 26, 2022

RE: Planning Recommendation for
Application D13VAR22.016H – Otel Enterprises Inc.
Municipally known as 222 Mountainview Road North
Town of Halton Hills (Georgetown)

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 16 m.

To accommodate a proposed addition to an existing building.

Proposal

The variance is required to permit a proposed addition to the south side of the existing 4-storey building located on the Mountainview Residence retirement facility site. The proposed addition would be constructed above the one-storey portion of the existing 4-storey building and is intended to match the height and design of the rest of the building.

The Minor Variance application is related to a Site Plan application (File No. D11SPA07.015.RV2) for the proposed addition, which is currently under review.

POLICY CONTEXT

Town of Halton Hills Official Plan

Under the Town's Official Plan, the subject property is designated Low Density Residential Area. Long term care facilities and retirement homes are permitted as a complimentary use in the Low Density Residential Area designation.

Town of Halton Hills Zoning By-Law

Under the Town's Zoning By-law 2010-0050, as amended, the subject property is zoned Institutional (I). Uses permitted under the I zone include long term care facilities and retirement homes; the maximum permitted building height is 11.0 m.

In 1999 former Georgetown Zoning By-law 57-91 was amended by Zoning By-law 99-066, which granted site-specific permissions for the subject property to facilitate the construction of the existing retirement residence buildings at 222 Mountainview Road North. In accordance with By-law 99-066 the following site-specific height provisions were implemented:

Use	Height
Advanced Care Retirement Home	10.0 m
Nursing Home	10.0 m
Seniors Assisted Living Apartment Complex	18.0 m

In 2010 when the Town's new Comprehensive Zoning By-law (2010-0050) came into force and effect the site-specific provisions in By-law 99-066, including the above height permissions, were not carried forward. As a result, the maximum height for the above uses under Comprehensive Zoning By-law 2010-0050 is the standard 11.0 m permitted for any Institutional (I) 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:

As mentioned above, in 1999 the Town approved a site-specific Zoning By-law for 222 Mountainview Road North under the former Georgetown 57-91 By-law that permitted a maximum height of 18.0 metres to facilitate the construction of the now existing 4-storey retirement building. For some unknown reason, when the Town's current comprehensive Zoning By-law 2010-0050 was approved in 2010 (thereby repealing 57-91) the site-specific permissions for this property adopted under By-law 57-91 were not carried forward. As a result, the site is now subject to the standard zoning permissions for the Institutional (I) zone, which limits height to 11.0 metres.

The Mountainview Residence retirement facility is now seeking to construct an addition to the south side of the existing 4-storey retirement building. Had the previous site-specific provisions approved through By-law 99-066 been carried forward to the current By-law no zoning approvals would have been required to facilitate the construction of the proposed addition. However, given that did not occur, a minor variance is required to increase the permitted height from 11.0 metres to

16.0 metres to facilitate the addition (note: the requested 16.0 metres is less than the 18.0 metres previously approved for the site and subject building).

The proposed addition does not expand the footprint of the current building and will accommodate six additional advanced care retirement apartment units. The addition has been designed to match the existing height and design of the current building and is of a size and scale that should not result in a material change to the current condition of the site in relationship to neighbouring properties. Given this, along with the previous height permissions that used to apply to the site, staff do not object to the proposed minor variance, subject to a condition that the requested 16.0 metre height be tied to the proposed addition only.

Public Comments

As of the date of this report, one letter of objection has been received from a landowner in the adjacent residential subdivision. The objection relates to privacy concerns for residents within the subdivision.

The variance is required in order for the proposed addition to match the existing building height. No additional building footprint is being added and the size and scale of the addition should not create any further privacy concerns for neighbouring residents.

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 addition shall be constructed generally in accordance with Site Plan and Elevations prepared by Robert J Dyck Architect & Engineering Inc. date stamped by the Committee of Adjustment on April 27, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

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

FROM: Ruth Conard, Planner – Development Review

DATE: May 25, 2022

RE: Planning Recommendation for
Application D13VAR22.017H – Pozderka
Municipally known as 10 Blue Mountain Place
Town of Halton Hills (Silvercreek)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 5.7 m.
2. To increase the floor area for an accessory structure from the maximum 60 sq m to permit a floor area of 96.7 sq m.
3. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 120.5 sq m.

To accommodate a proposed accessory building.

Proposal

The variances are required in order to construct a 96.7 sq m detached garage in the rear yard of the subject property.

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 property is zoned Rural Cluster Residential Two (RCR2) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The RCR2 zone permits single detached dwellings and accessory buildings and structures.

In the RCR2 zone the By-law limits individual accessory structures to a maximum height to 4.5 m, a maximum floor area of 60.0 sq m and the maximum total floor area for all accessory structures to 80.0 sq m.

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 given the size of the lot, proposed location of the accessory structure and the existing vegetation providing screening for neighbouring properties.

Based on the above, staff have no objections with the proposed minor 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 proposed accessory building shall be constructed generally in accordance with Site Plan and Elevations prepared by Hull Drafting & Development Inc., date stamped by the Committee of Adjustment on April 27, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Planning

- Accessory buildings or structures shall not 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. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

Halton Region

- It should be noted that 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.

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

FROM: John McMulkin, Planner – Development Review

DATE: May 26, 2022

RE: Planning Recommendation for
Application D13VAR22.018H – Pena
Municipally known as 30 Spruce Boulevard
Town of Halton Hills (Acton)

APPLICATION

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

1. To reduce the required rear yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 3 m to permit 0 m.
2. To reduce the required side yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 0.6 m on one side to permit 0 m (east).
3. To reduce the required side yard setback for a deck with a height of 0.6 m or greater above grade from the minimum 1 m on one side to permit 0 m (west).

To accommodate an existing deck around the pool.

Proposal

The variances are required to reduce the minimum rear and side yard setbacks in order to recognize an existing deck built around the swimming pool.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential 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 “Low Density Residential One (LDR1-3)” under the Town’s Comprehensive Zoning By-law 2010-0050.

As per Section 4.6 of the Zoning By-law, decks are required to maintain the same side yard setback as the dwelling on the lot (for the subject property, the setbacks are 0.6 m (~2 ft.) on the east side of the dwelling and 1.0 m (~3.28 ft.) on the west side). Decks that have a height of 0.6 m or greater are required to be located no closer than 3.0 m (~10 ft.) to the rear lot line.

The swimming pool and surrounding concrete pad are not considered structures subject to minimum setback requirements under the Zoning By-law.

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:

Development Engineering

Development Engineering staff has no concerns with the requested variances but requests that the following condition be added:

- The Applicant shall provide satisfactory documentation to the Development Engineering Department at the Town that verifies that the existing grading surrounding the pool is consistent with Site Alteration Permit SA-18060, which was issued when the pool was originally installed between August 2018 and September 2019.

Planning

The Applicant noted in the Minor Variance application that the outdoor swimming pool was originally intended to be fully in-ground, but the contractor needed to install the pool partially above ground (approximately 0.68 m/2.25 ft.) due to the presence of bedrock beneath the soil’s surface. The deck was then constructed around the concrete pad surrounding the swimming pool as a safety measure to prevent individuals from falling in between the concrete pad and property line fences given the setbacks for the concrete pad range from ±1.2 m (4 ft.) at the northeast corner of the property to as little as ±0.6 m (2 ft.) along the western property line.

The intent of the minimum interior side yard and rear yard setback requirements for a deck is to ensure that there is sufficient separation between the structure and the lot line for drainage purposes and access for maintenance of any landscaping. To a lesser extent, the requirements are also present to mitigate visual and privacy concerns from neighbouring properties. Potential visual and privacy impacts must be evaluated only in the context of the requested setback relief for the

deck given it complies with the maximum height requirement and the swimming pool and surrounding concrete pad are not subject to minimum setback requirements.

As noted, Town Development Engineering staff reviewed the proposal and identified no concerns from a drainage perspective but requests that the Applicant provides documentation verifying that the existing grading surrounding the pool is consistent with the previously issued Site Alteration Permit. In addition, no access for landscaping maintenance is required given there is no area between the deck and the property line fences.

With respect to visual impacts, the deck is not visible at grade from neighbouring properties given it is located below the property line fences. With respect to privacy, the proximity of the raised concrete pad surrounding the swimming pool to the property line fences has the potential to allow users to overlook the rear yards of surrounding properties. Staff is of the opinion that any additional views afforded by the deck located between the concrete pad and the fences are negligible; however, the raised portion of the deck (platform) located in the northeast corner of the deck would exacerbate these concerns. As such, it is recommended that any approval be conditional upon the platform being lowered to be level with the surrounding deck and concrete pad.

Given the context and extent of the relief requested together with the above conditions of Minor Variance approval, staff views the intent of these requirements to be maintained.

Public Comments

One (1) letter of objection was received from a property owner to the north (152 Acton Boulevard) as of the date this report was prepared. The resident indicated concerns regarding noise and privacy impacts associated with users of the deck overlooking the other yards and into her yard. Planning staff conducted a second site visit and followed up with the resident to obtain further details and information regarding the identified concerns.

With respect to noise, the resident clarified that her concerns were in relation to the television located in the canopy structure attached to the dwelling. Staff indicated that the canopy structure complies with the Town's Zoning By-law, is not part of the subject Minor Variance application and that any complaint regarding noise may be filed with Town By-law Enforcement for an investigation in accordance with the Town's Noise By-law. Staff also identified that a building permit will be required to recognize this structure in addition to the deck.

With respect to privacy concerns, staff explained the context of the relief requested and indicated that the Applicant has agreed to lower the platform located in the northeast corner of the property to be level with the surrounding deck and concrete pad as a condition of Minor Variance approval.

The resident indicated that she was satisfied with the response provided by staff regarding noise and that the above condition would satisfy her concerns regarding privacy.

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 Applicant shall provide satisfactory documentation to the Development Engineering Department at the Town that verifies that the existing grading surrounding the pool is consistent with Site Alteration Permit SA-18060, which was issued when the pool was originally installed between August 2018 and September 2019.
2. The raised portion of the deck (platform) located in the northeast corner of the deck shall be lowered to be level with the surrounding deck and concrete pad.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Building

- Building permits are required for the deck and the canopy structure attached to the dwelling.

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., moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.