

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, July 6, 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 D13VAR22.019H - Cervini**

4

Location: 43 Barraclough Boulevard, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

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

1. To increase the total floor area for all accessory structures from the maximum 20 sq m to permit a total floor area of 35 sq m.

To accommodate a proposed accessory structure.

Owner(s): Rocco & Miranda Cervini, **Agent:** Sean Hannan, Unique Hardscapes

- b. **Minor Variance D13VAR22.020H – Millington** 7
- Location:** 12889 15 Side Road, 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 40 sq m to permit a floor area of 62.5 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 75 sq m.
 3. To increase the driveway width from the maximum 7 m to permit a driveway width of 8.54 m.
- To accommodate a proposed detached garage.**
- Owner(s):** Daniel Millington & Matthew George
- c. **Minor Variance D13VAR22.021H – Watch Tower** 11
- Location:** 13893 Highway 7, 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 4.5 m to permit a height of 7.4 m.
 2. To increase the floor area for an accessory structure from the maximum 50 sq m to permit a floor area of 161 sq m.
 3. To increase the number of accessory structures from the maximum 2, to permit 8 existing and 1 proposed accessory structure(s).
- To accommodate a proposed accessory structure.**
- Owner(s):** Watch Tower Bible and Tract Society of Canada, Justin Noseworthy, **Agent(s):** Korsiak Urban Planning, Alison Bucking
- d. **Minor Variance D13VAR22.022H – Mold-Masters** 14
- Location:** 221 Guelph Street, Town of Halton Hills (Georgetown),
Regional Municipality of Halton
- Purpose:** Requesting relief from Zoning By-law 2010-0050, as amended,
1. To permit an accessory structure to be built closer to the front lot line (4.3 m) than the main building from the front lot line (30.28 m).
- To accommodate a proposed shelter for the skate park.**
- Owner(s):** Town of Halton Hills, Mark Taylor

- e. **Minor Variance D13VAR22.023H – Canadian Property Holdings** 17
Location: 315 Guelph 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 required parking spaces from the minimum 586 to
permit 439 parking spaces.
To accommodate an expansion to the existing retail use.
Owner(s): Canadian Property Holdings (Ontario) Inc., Evan Williams,
Agent: IBI Group, Tracy Tucker
- f. **Minor Variance D13VAR22.024H – Fourth Dimension** 20
Location: 66 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 permit a 2.75 m x 5.5 m standalone space, whereas the by-
law permits parking on a driveway providing direct access to a
private garage or carport.
To accommodate a proposed parking space for the existing dwelling.
Owner(s): Fourth Dimension Contracting Inc., Ahmed Abdeljalil, **Agent:**
Professional Floor Plans Inc., Raed Al-Rawi
- g. **Minor Variance D13VAR22.025H – Jarmoszka** 24
Location: 140 Rexway Drive, 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 for a second storey, from the
minimum 1.8 m to permit a side yard setback of 1.67 m (west).
To accommodate the as-built dwelling under construction.
Owner(s): Slawomir Jarmoszka

4. ADJOURNMENT

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

FROM: John McMulkin, Senior Planner – Development Review

DATE: June 27, 2022

RE: Planning Recommendation for
Application D13VAR22.019H – Cervini
Municipally known as 43 Barraclough Boulevard
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the total floor area for all accessory structures from the maximum 20 sq. m to permit a total floor area of 35 sq. m.

To accommodate a proposed accessory structure.

Proposal

The variance is required to increase the maximum total accessory building floor area for all accessory structures in order to accommodate a 35 m² (~377 ft²) pavilion.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Hamlet 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 “Hamlet Residential One Exception (HR1(16))” in the Town’s Comprehensive Zoning By-law 2010-0050. The HR1(16) zone permits single detached dwellings and accessory buildings and structures. The maximum total floor area permitted for accessory buildings and structures is 20 m² (excluding the floor area of a detached private garage, which permits the lesser of 60 m² maximum floor area or 5% maximum lot coverage).

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 pavilion and the extent of the requested relief, the requested variance 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 this 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 conditions:

1. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.
2. The location of the pavilion shall be generally in accordance with the Site Plan, date stamped by the Committee of Adjustment on May 24, 2022, to the satisfaction of the Commissioner of Planning & Development.
3. The pavilion shall be constructed generally in accordance with the architectural design as shown on the Elevations, date stamped by the Committee of Adjustment on May 24, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Zoning

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

Credit Valley Conservation (CVC)

- Given the proposed accessory structure is located within a CVC Regulated Area, a CVC permit will be required for the works as proposed. Please follow up directly with CVC to commence the CVC permit process.

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: Greg Macdonald, Senior Planner – Development Review

DATE: June 24, 2022

RE: Planning Recommendation for
Application D13VAR22.020H – Millington
Municipally known as 12889 15 Side Road
Town of Halton Hills (Stewarttown)

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 62.5 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 75 sq m.
3. To increase the driveway width from the maximum 7 m to permit a driveway width of 8.54 m.

To accommodate a proposed detached garage.

Proposal

The variances are required to construct a new detached garage on the subject lands for the purposes of vehicular parking; the existing single detached dwelling does not have an existing attached or detached garage. Due to the width of the proposed double car garage the access driveway immediately in front of the garage doors is wider than permitted (the rest of the driveway would conform with the 7 metre maximum driveway width).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town of Halton Hills Official Plan which permits single detached dwellings. The Official Plan does not specifically identify maximum total floor areas for accessory buildings; however, 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 Hamlet Residential One (HR1) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits accessory structures to 40 sq m (for each structure) and to a maximum of 60 sq m for all structures combined. The Zoning By-law also limits the maximum driveway width to 7 m for ground oriented residential dwelling units, provided a minimum of 40% of the front yard is landscaped.

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 Zoning By-law to regulate the maximum floor area of accessory structures (both singularly and combined) is to ensure that accessory buildings do not visually dominate the lot; are clearly accessory to the principal residential use (i.e. the existing single detached dwelling) and do not create impacts to surrounding properties. The intent of the Zoning By-law to regulate driveway width is to ensure that hard surfaced driveways and surface parking areas do not visually dominate the front of properties and that sufficient front yard landscaping is provided.

With regards to Variances 1 and 2, the well sized (approximately 0.25 ha) subject property contains a single detached dwelling with no attached or detached garage. At least 2/3rds of the property is landscaped with only a small accessory shed. The purpose of the detached garage is to provide secure parking area for two cars. The garage would be located close to the primary dwelling and while larger than permitted by the By-law it is designed to only hold two cars. Even considering the combined floor area of the two accessory buildings, the lot is still predominantly landscaped; maintains ample amenity area; the new garage is not located close to the abutting lot to the rear; and the garage is clearly subordinate to the principal residential use.

With regards to Variance 3, the proposed increase in access driveway width is only necessary due to the width of the garage and the location of the two garage doors. The remainder of the driveway would still be 7 m wide, in accordance with the Zoning By-law. It should be noted that the Town of Halton Hills has already issued an access permit for the new driveway to 15 Side Road. The former driveway, closer to the dwelling, has already been closed and the new access driveway has been constructed.

Therefore, Planning staff has no objection to the proposal.

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 accessory buildings shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on May 26, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Zoning

- Accessory buildings/ 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. extending 3-phase line, moving poles or other equipment to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

Region of Halton

- 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: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: June 24, 2022

RE: Planning Recommendation for
Application D13VAR22.021H – Watch Tower
Municipally known as 13893 Highway 7,
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 4.5 m to permit a height of 7.4 m.
2. To increase the floor area for an accessory structure from the maximum 50 sq m to permit a floor area of 161 sq m.
3. To increase the number of accessory structures from the maximum 2, to permit 8 existing and 1 proposed accessory structure(s).

To accommodate a proposed accessory structure.

Proposal

The Applicant is proposing to construct a tent structure over two aggregate bins.

POLICY CONTEXT

Town of Halton Hills Official Plan

The portion of the property where the proposed accessory structure is intended to be constructed is designated Major Institutional Area under the Town's Official Plan. 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 portion of the property where the proposed accessory structure is intended to be constructed is zoned Institutional Exception 45 (I)(45), which permits accessory buildings and structures.

In an Institutional (I) zone, the Zoning By-law limits accessory structures to a maximum floor area of 50 square metres, a maximum height of 3.5 metres, and applies a maximum of two accessory structures per site.

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 use and do not create impacts to surrounding properties. Staff is of the opinion that this intent is being maintained as the proposed accessory structure is clearly incidental and subordinate to the principal structures. Given the size of the subject property and its secluded nature, the proposed additional structure should not have any impact to surrounding properties.

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.

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

Halton Hills Hydro

- HHH has noted that the proposed building that will contain the generator is in proximity / nearby the existing customer owned and maintained substation compound that is supplied from Halton Hills Hydro's (HHH's) 44kV sub-transmission circuit. Prior to, and during construction, The Applicant shall be aware of this existing infrastructure including, but not limited to, the associated overhead conductors. With respect to this infrastructure HHH reminds that The Applicant that a minimum horizontal separation clearance of 10ft. (3.00m) must be established and maintained between all high voltage electrical infrastructure & all men and equipment at this location at all times. Please note this separation clearance requirement is based upon ESA, CSA, E&USA, IHSA & OHSA standards.
- Please note that 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: Ruth Conard, Planner – Development Review

DATE: June 27, 2022

RE: Planning Recommendation for
Application D13VAR22.022H – Mold-Masters
Municipally known as 221 Guelph Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To permit an accessory structure to be built closer to the front lot line (4.3 m) than the main building from the front lot line (30.28 m).

To accommodate a proposed shelter at the skate park.

Proposal

The variance is required in order to construct a 4.5 m x 6.7 m shelter at Mold-Masters skate park which is located along the frontage of Guelph Street.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are designated Major Parks and Open Space Area under the Town's Official Plan and located within a Community Node Area. This designation permits active and passive recreational uses and accessory uses.

Town of Halton Hills Zoning By-Law

The subject property is zoned Open Space One (OS1) under Zoning By-law 2010-0050, as amended. In accordance with Table 4.2 of the General Provisions, accessory buildings and structures are not permitted closer to the front lot line than the main building to the front lot line. The main building is 30.28 m from the front lot line whereas the proposed shelter is 4.3 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 the Zoning By-law to keep accessory structures out of the front yard is to provide an area on the lot for landscaping and to ensure a consistent pattern of setbacks. Given the location of the lot (corner lot) as well as the existing landscape in place on the property, which was approved through the site plan process, it does not appear that the proposed variance will have an impact on these considerations. Therefore, Planning staff has no objection to the proposal.

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 shelter shall be constructed generally in accordance with the Site Plan prepared by the Town of Halton Hills, date stamped by the Committee of Adjustment on May 26, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes: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: June 27, 2022

RE: Planning Recommendation for
Application D13VAR22.023H – Canadian Property Holdings
Municipally known as 315 Guelph Street,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the required parking spaces from the minimum 586 to permit 439 parking spaces.

To accommodate an expansion to the existing retail use.

Proposal

The Applicant is proposing to construct a 2,469 sq m addition to the existing Canadian Tire, which requires parking to be provided at 1 space per 20 square metres of net floor area for retail, warehouse and office uses. This results in a need for an additional 116 parking spaces beyond the 470 spaces currently on the site. The existing buildings and uses under the previous By-law required 470 parking spaces, based on the site plan drawing issued in 2005. The Applicant is proposing to reduce the number of required parking spaces from the minimum 586 to permit 439 parking spaces due to the garden centre addition which eliminated 31 parking spaces.

POLICY CONTEXT

Town of Halton Hills Official Plan

The property is designated Corridor Commercial Area under the Town's Official Plan. The Commercial Corridor designation permits retail and service commercial uses. An objective of the Corridor Commercial Area designation is to encourage consolidation, intensification, and expansion of commercial uses in this area.

Town of Halton Hills Zoning By-Law

The subject property is zoned Corridor Commercial (CC) which permits various commercial uses, including but not limited, to retail stores and gas bars. Under Part 5 of the Zoning By-law 2010-0050, Section 5.1 states that if an addition has the effect of increasing the amount of required parking spaces, additional parking shall be provided as required by the provisions of this By-law. Parking for commercial uses is required at a rate of 1 space per 20 square metres of net floor area for retail, warehouse and office uses

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 minimum parking requirements is to ensure that there is sufficient parking on site for the retail store use. Town Transportation staff reviewed the Parking Demand Study submitted with the application and have no objections to its findings and are satisfied that sufficient parking will be provided on-site for the expanded Canadian Tire store.

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.

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

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. 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: Greg Macdonald, Senior Planner – Development Review

DATE: June 28, 2022

RE: Planning Recommendation for
Application D13VAR22.024H – Fourth Dimension
Municipally known as 66 Main Street North
Town of Halton Hills (Acton)

APPLICATION

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

1. To permit a 2.75 m x 5.5 m standalone space, whereas the by-law permits parking on a driveway providing direct access to a private garage or carport.

To accommodate a proposed parking space for the existing dwelling.

Proposal

The variance is required to allow for a proposed front yard parking space for a street townhouse dwelling unit that does not currently have any off-street parking or attached garage. As the parking space does not provide direct access to a private garage or carport (none exists) a Minor Variance is required.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Downtown Core Sub Area under the Town of Halton Hills Official Plan. Residential uses are permitted, however commercial uses are generally required at grade on Main Street North. As the townhouse already exists however, it would be considered as a legal non-complying use and permitted. Policy F6.7 of the Official Plan promotes the provision of off-street parking for all developments or redevelopments.

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. A street townhouse is not a permitted use in this zone; however, as the use already exists it would be considered as a legally established non-conforming use. Section 5.2.13(b) of the By-law requires driveways associated with a ground oriented residential dwelling to provide direct access to a private garage or carport.

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:

Engineering

There are concerns that the new driveway's proposed 2.75 m width, while in conformity with the Zoning By-law, does not meet general Town standards for a front yard parking pad. A 2.75 m width can make entering and exiting a vehicle difficult without utilizing non parking space areas of the front yard (soft landscaped area). It is recommended that the parking space width be increased to 3 m (this does not require any additional zoning relief to achieve). To accommodate this increase, it is suggested that the 0.25 m additional driveway width be added to the south side of the proposed driveway location and that the step to the new front porch be relocated to the front of the porch instead of the northerly side of the porch. The driveway cannot be widened to the north without an additional Minor Variance to allow for a driveway closer than the required 1.2 m setback to the side lot line.

Therefore, subject to the below noted conditions pertaining to receipt of an Entrance Permit and revision of the driveway width to 3 m, Engineering staff has no objection to the proposal.

Planning

The intent of the Zoning By-law to regulate the location and design of access driveways for ground oriented residential dwellings is to ensure that the parking of private vehicles does not dominate the streetscape. It is also the intent of the Zoning By-law and the Official Plan that adequate off-street parking be provided. The subject property does not contain any off-street parking and also does not contain or have sufficient lot area to construct a garage or carport (attached or detached). Therefore, the inclusion of a parking space as proposed for the unit would aid in meeting the objective of providing off-street parking. The minimum required 40% landscaping of the front yard would still be maintained.

Therefore, Planning staff has no objection to the proposal.

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. That the applicant/owner apply for and receive approval of an Entrance Permit to the satisfaction of the Commissioner of Transportation and Public Works.
2. That the “Proposed Site Plan” drawing be revised to provide for a 3 m driveway width, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

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.

Region of Halton

- 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, Senior Planner – Development Review

DATE: June 27, 2022

RE: Planning Recommendation for
Application D13VAR22.025H – Jarmoszka
Municipally known as 140 Rexway Drive
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the side yard setback for a second storey from the minimum 1.8 m to permit a side yard setback of 1.67 m (west).

To accommodate the as-built dwelling under construction.

Proposal

The variance is required to reduce the minimum interior side yard setback requirement in order to recognize the recent construction of a single detached dwelling.

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 a “Mature Neighbourhood Area” 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 (LDR1-1(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050. 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 LDR1-1(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 subject property (140 Rexway Drive) was severed from the larger property at 142 Rexway Drive through a Consent application in 2021 (File No. D10CON21.003H). The former dwelling at 142 Rexway Drive was then demolished to accommodate a total of 2 residential building lots.

As part of the Consent application the Applicant demonstrated that both the severed and retained lots would be able to accommodate building envelopes for single detached dwellings that would meet all zoning requirements, including the mature neighbourhood provisions. The Applicant has noted that the need for the variance at 140 Rexway Drive is due to the surveyor using incorrect (preliminary) drawings to pin the proposed location of the dwelling's footings and foundation.

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. This requirement is also intended to provide a consistent pattern of dwelling setbacks and area for landscaping to maintain privacy and character of the mature neighbourhood. Given the extent of the requested relief (13 cm), the requested variance would not impact the above considerations. Therefore, staff views the intent of this 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 conditions:

1. The location of the single detached dwelling shall be generally in accordance with the Surveyor's Real Property Report, dated May 13, 2022, date stamped by the Committee of Adjustment on May 31, 2022, to the satisfaction of the Commissioner of Planning & Development.
2. The single detached dwelling shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. A2.0, A2.1, A2.2 & A2.3, dated May 27, 2022, date stamped by the Committee of Adjustment on May 31, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Credit Valley Conservation (CVC)

- Given the proposed dwelling, future dwelling and associated grading as shown on the provided site plan is located within a CVC Regulated Area, a CVC permit will be required for the works as proposed. Please follow up directly with CVC in this regard. It is noted that a previous CVC permit (FF 21/398) has been issued for this 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., extending 3-phase line, moving poles or other equipment to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.