

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, October 5, 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 D13VAR22.035H – Pancevski

Location: 48 Confederation Street, Town of Halton Hills (Glen Williams),
Regional Municipality of Halton

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

1. To reduce the interior side yard setback from the minimum 2.25 m to permit an interior side yard setback of 0.91 m (south).
2. To reduce the interior side yard setback from the minimum 2.25 m to permit an interior side yard setback of 1.94 m (north).

To accommodate a proposed attached garage and rear addition to the dwelling.

Owner(s): Toni & Kristina Pancevski, **Agent:** Matthews Design & Drafting,
Doug Matthews / Bethany VanRavens

b. Minor Variance D13VAR22.036H – Sood 3

Location: 10 Elizabeth 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 width of one of the parking spaces from the minimum 2.75 m to permit a width of 2.7 m.

To accommodate a proposed width reduction for one parking space for a proposed accessory dwelling unit in an existing detached dwelling.

Owner(s): Varun Sood & Somya Kalra, **Agent:** Muhammad Afzal

c. Minor Variance D13VAR22.037H – Morris 7

Location: 105 Acton Boulevard, 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 of an accessory structure from the maximum 3.5 m to permit a height of 5.13 m.

To accommodate the existing backyard structure.

Owner(s): Jill Morris, **Agent:** Kelvin Hollenbeck

d. Minor Variance D13VAR22.033H – Madduluri 10

Location: 98 Autumn Circle, Town of Halton Hills (Esquesing), 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 exterior side lot line (10.97 m) than the main building from the exterior side lot line (26.19 m).
2. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 318.74 sq m.
3. To increase the total floor area of all accessory structures from the maximum 80 sq m to permit a total floor area of 318.74 sq m.
4. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 8.84 m.

To accommodate a proposed detached garage / cabana with loft.

Owner(s): Swamy & Rukmini Madduluri, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

4. ADJOURNMENT

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

FROM: Josh Salisbury, Planner – Development Review

DATE: September 26, 2022

RE: Planning Recommendation for
Application D13VAR22.036H – Sood
Municipally known as 10 Elizabeth Street,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the width for one parking space from the minimum 2.75 m to a width of 2.70m.

To accommodate an additional parking space for a proposed accessory unit within the current dwelling.

Proposal

The Applicant is proposing a reduction in width for a parking space in order to accommodate the one additional parking space required as part of a proposed accessory unit within the detached dwelling. The two parking spaces required for the principal dwelling are intended to maintain the standard parking space dimensions.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area and 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.

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 one secondary accessory unit to be provided within the building, subject to certain criteria. The general provisions of the by-law require a minimum of two

parking spaces per single detached dwelling, as well as one additional parking space for any accessory dwelling unit, be provided on-site. As per the by-law, parking spaces provided on a driveway shall not have a width of less than 2.75 metres and length less than 5.5 metres.

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, but Development Engineering staff's support is contingent upon a condition being applied to any approval for the parking space width reduction. Relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of the parking space width requirement is to safeguard the access for automobiles between the road and dwelling without interfering with potential drainage, sewer, hydro, telecom and neighbourhood character and also provide sufficient room for people to safely enter/exit their vehicles. Planning staff is of the opinion that this intent is being maintained as there have been no concerns raised regarding drainage, sewer or utilities over the proposed parking space width reduction, and that the proposed reduction in parking space width would not significantly affect the neighbourhood character or ability for an individual to enter or exit a vehicle.

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

Engineering

Engineering staff do not object to the reduction in the width of the parking space from 2.75 m to 2.70 m, but for only the portion of the parking space that is between the existing house and property line, as shown on the sketch provided with this application. The remainder of the subject parking space and the other two spaces can and should continue to meet the required 2.75 m width. This is to ensure consistency with other parking spaces in the community, as well as to safeguard any potential damage to drainage, sewers, hydro and telecoms.

Therefore, Engineering staff recommend that any approval be conditional upon the reduction in width of the affected parking spot apply only to the approximately 0.33 metre portion of the space that would be located between the front corner of the dwelling and the side property line.

Public Comments

No public comments were received for this application.

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 parking space width reduction from 2.75 metres to 2.70 metres shall only apply to the approximately 0.33 metre length portion of Parking Space 1, located between the front (southwest) corner of the dwelling and side property line, as shown on Drawing A-01 "Site Plan", date stamped by the Committee of Adjustment on August 29, 2022, for the purposes of accommodating a portion of a vehicle on the driveway adjacent to the detached dwelling.

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 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-Q with a moderate risk level, WHPA-E (VS = 9), and an Issue Contributing Area (Chloride).
 - The application qualifies as a “residential use” – it is therefore exempt from the S.59 review process under the SPP per policy GEN-1. 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: Ruth Conard, Planner – Development Review

DATE: September 26, 2022

RE: Planning Recommendation for
Application D13VAR22.037H - Morris
Municipally known as 105 Acton Boulevard
Town of Halton Hills (Acton)

APPLICATION

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

1. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 5.13 m.

To accommodate the existing backyard structure.

Proposal

The variance is required in order to recognize an existing 17.6 sq m (~ 189 sq ft) backyard structure located within the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town's Official Plan and located within the Mature Neighbourhood Area overlay established through adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). Single detached dwellings are permitted in this designation. Section G13.6 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 (LDR1-1(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. In the LDR1-1 zone the By-law limits the height for an accessory structure to 3.5 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.

Planning staff have no objections to the minor variance.

Public Comments

As of the date of this report, one (1) letter of support has been received from a resident located just north of the subject property (36 Norman Avenue).

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

- 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.

Building

- The Applicant shall apply for and obtain a Building Permit for the platform/deck that includes the enclosed portion above the said platform/deck in accordance with the Building Code Act and Ontario Building Code upon approval by the Committee of Adjustment.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: September 27, 2022

RE: Planning Recommendation for
Application D13VAR22.033H – Madduluri
Municipally known as 98 Autumn Circle
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To permit an accessory structure to be built closer to the exterior side lot line (10.97 m) than the main building from the exterior side lot line (26.19 m)
2. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 318.74 sq m.
3. To increase the total floor area of all accessory structures from the maximum 80 sq m to permit a total floor area of 318.74 sq m.
4. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 8.84 m.

To accommodate a proposed detached garage / cabana with loft.

Proposal

The variances are required to construct a new detached garage with a partial 2nd storey loft. The proposed garage would be connected to an existing pool cabana by a covered breezeway. The 318.74 sq m. floor area of the garage is inclusive of:

- the ground floor of the new garage that could accommodate at least 4 vehicles (2 single garage doors and one double garage door are provided) and a seasonal 3-piece bathroom (159.25 sq m. combined);
- a 2nd storey partial loft above the garage (89.96 sq m.);
- a covered breezeway to connect to an existing pool cabana (19.59 sq. m); and,
- an existing 49.94 sq. m pool cabana.

It should be noted that currently the access driveway to the property is from the exterior side lot line (i.e., the portion of Autumn Circle that is closest to Sixth Line). The applicant has indicated this is a temporary access that will be closed, and a new access driveway will be constructed from the front lot line. That new driveway would run from the front lot line, beside the existing dwelling on the side of the exterior side lot line and would terminate at the new garage which is oriented to face toward the front lot line (though the garage is only 10.97 m from the side lot line).

Note that the proposed Minor Variances were before the Committee of Adjustment on September 7, 2022. At the request of the applicant the application was deferred to the meeting of the Committee of Adjustment of October 5, 2022. The purpose of the deferral was to allow the applicants the ability to revise the proposal. In this regard the following changes were made:

- The garage is now proposed 10.97 m from the exterior side lot line instead of 9.45 m.
- The size of the garage has been reduced to 318.74 sq. m from 346.61 sq. m.
- The 'rear' elevation of the proposed garage has been revised to include improved architectural styling.
- Additional tree plantings are proposed.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Country Residential Area under the Town of Halton Hills Official Plan which permits single detached dwellings. The property is also located within Special Policy Area 1 which caps the number of lots within the Autumn Circle area to 20 with a minimum lot size of 0.787 ha for each lot. 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 Country Residential Two (CR) (62) Zone in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits accessory structures to 60 sq m (for each structure) and to a maximum of 80 sq m for all structures combined. Accessory structure height is limited to 4.5 m, and they are not permitted to be closer to an exterior side lot line than the main building from the exterior side lot line.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. 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) and to regulate accessory structure height 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 to regulate the location of accessory structures to not be closer to the street line than the primary building is also to ensure they appear accessory to the principal residential building and that the house is what dominates the streetscape, not an accessory building.

In this regard, Planning staff are concerned that the cumulative impact of the four required variances results in an accessory structure that is too large (with respect to both floor area and height) and too close to the exterior side lot line. It is the combined impact of the variances that results in Planning staff not supporting the application. More specifically:

- 98 Autumn Circle is a corner lot that is one of two lots closest to the single entrance to the subdivision (Black Creek Estates) off Sixth Line. Should the garage be built as proposed it would become the dominant visual feature for anyone entering Autumn Circle from Sixth Line as the garage would be substantively closer to Autumn Circle than the primary dwelling. The impact on the streetscape is even greater due to the proposed garage being almost twice as tall and more than four times larger than permitted, which would mean the structure could appear as a second primary building on the property.
- As per Zoning By-law 2010-0050, accessory structures are intended to be incidental or secondary to the principal building on the same lot. The combined height and size of the proposed detached garage is consistent with a small home and the structure appears to have a footprint that is approximately almost two thirds of the ground floor of the existing dwelling on the lot. While the property is not within the urban boundary, rural estate (i.e., Country Residential Areas) are still predominantly residential in character and a detached garage of this size cannot be considered an appropriate secondary structure.

Therefore, variances seeking zoning relief of this magnitude for both height, floor area, and location of the structure on the lot cannot be considered minor or in keeping with the intent of the Zoning By-law and do not satisfy the tests of a Minor Variance under Section 45(1) of the Planning Act.

Finally, it should be noted that the applicants have indicated that the garage cannot comply with all zoning requirements because:

- The number of vehicles and lawn/garden maintenance equipment storage needs;
- The access driveway leading to the proposed garage (and the garage itself) must be on the side of the house closest to the exterior side lot line due to the location of the septic system and the location of the pool and existing pool cabana in the rear yard;
- The extent of the variance is exasperated by the proposed open breezeway connection to the existing pool cabana and without this connection, the total floor area of the garage would have been reduced by at least 70 sq m (to 276 sq m.);
- A desire of match architectural features and roof pitch of the primary dwelling to that of the proposed garage.

In this regard, Planning staff do understand that the site constraints arising from the location of the driveway may make some relief from the exterior side lot line unavoidable. Due to the large (almost 1 ha) size of the lot this does lend itself to the storage of more vehicles and lawn equipment and that some size increases could be appropriate on such large sized lots. It is also agreed that the attachment of the garage to the pool cabana does somewhat artificially increase the floor size of the total combined structure. Never-the-less it is the opinion of Planning staff that the variances cannot be supported as proposed for the reasons noted above.

As noted above, the applicants have made revisions to the proposal in an attempt to address these planning comments. The garage has been moved approximately 1.5 m further from the exterior side lot line and the size of the garage (both ground floor and loft) have been slightly reduced from approximately 346 sq. m to 318 sq. m (about a 8% reduction). While not applicable to the variances being sought, the rear elevation of the garage has been updated with enhanced architectural styling and additional tree plantings are proposed along Autumn Circle. It is staffs opinion that the minor changes do not address or adequately mitigate the concerns noted above and there the planning position is not changed. It is also noted that while tree plantings and improved garage architecture are welcome, accessory buildings to single detached dwellings are not subject to Site Plan Control so there is no mechanism to enforce their implementation.

Public Comments

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

RECOMMENDATION

Planning staff does not support the approval of the proposed variances as they do not meet the four tests under Section 45(1) of the Planning Act. Therefore, staff are recommending refusal of the application.

However, should the Committee wish to consider the merits of any or all the variances that any approval be subject to the following condition:

1. The detached garage shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on September 14, 2022, to the satisfaction of the Commissioner of Planning & Development.
2. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Town requires a grading plan completed 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 will need to acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Department prior to the issuance of the associated Building Permit. Please contact the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a grading plan, prepared by an appropriate professional, will be required to support this Site Alteration Permit application.

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.

Halton Hills Fire Department

- Due to the loft located within the garage and the possibility of persons sleeping within the structure, a smoke alarm and carbon monoxide detector shall be installed on each floor level.

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.