

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, November 2, 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 D13VAR22.038H – Figueira

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Location: 68 Curry Crescent, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

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

1. To permit a door providing access to the interior of a dwelling to be located in a wall that is 1 m from a lot line, whereas the by-law requires the wall to be located a minimum of 1.2 m from a lot line.

To accommodate a proposed side door.

Owner(s): Stephan Figueira & Kate Celan

b. Minor Variance D13VAR22.039H – Enbridge Gas Inc.

Location: 16824 Steeles Avenue, Town of Halton Hills (Premier Gateway), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 00-138, as amended,

1. To reduce the lot coverage from the minimum 25% of the lot area (9,550 sq m) to permit a lot coverage of 9.9% of the lot area (3,812 sq m).
2. To increase the lot coverage of all accessory structures from the maximum 55 sq m to permit a total of 536 sq m.
3. To increase the height of an accessory structure from the maximum 6 m to permit a height of 6.6 m.

To accommodate a proposed public utility building and accessory storage.

Owner(s): Enbridge Gas Inc., Amr Ali, **Agent:** Wellings Planning Consultants Inc., Glenn Wellings

4. ADJOURNMENT

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

FROM: Josh Salisbury, Planner – Development Review

DATE: October 25, 2022

RE: Planning Recommendation for
Application D13VAR22.038H – Figueira
Municipally known as 68 Curry Crescent,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To permit a door providing access to the interior of a dwelling to be located in a wall that is 1m from a lot line, whereas the by-law requires the wall to be located a minimum of 1.2 m from a lot line.

To accommodate a proposed side door.

Proposal

The Applicant is proposing to construct a new door on the south side of the current detached dwelling.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town Official Plan. Section D1.3.1.1 of the Official Plan states that the main permitted uses in this designation are single detached dwellings, semi-detached dwellings and duplex dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One – Four (LDR1-4) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-4 zone permits single detached dwellings and accessory buildings and structures.

Section 4.21 of Zoning By-law 2010-0050 states that a door that provides access to the interior of a main building is not permitted in any portion of a wall facing the interior side lot line that is located less than 1.2m from the interior side yard 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

The intent of the minimum interior side yard setback for an opening of a door requirement is to ensure that the potential of increased foot traffic on a driveway or path leading to the proposed door will not have a negative impact to the neighbouring property adjacent to the interior side yard lot line. Given that the path to the proposed door does not appear to encourage any trespassing or destruction onto the neighbouring property, and that the location of the proposed door should not effect any privacy matters, Planning staff is of the opinion that the intent of this requirement is being maintained.

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

Development Engineering

Development Engineering has no objection to the proposed variances. The Owner/Applicant may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details. As part of the Site Alteration Permit application, the applicant may provide a Grading Plan of the building envelopes showing suitable surface drainage on the property, including existing and proposed elevations, this topographical survey must be completed and stamped by a Professional Engineer or an Ontario Land Surveyor. These works are to be completed to the satisfaction of the Commissioner of Transportation and Public Works.

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". The signature is written in a cursive, flowing 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. 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: October 25, 2022

RE: Planning Recommendation for
Application D13VAR22.039H – Enbridge Gas Inc.
Municipally known as 16824 Steeles Avenue
Town of Halton Hills (Premier Gateway Employment Area)

APPLICATION

Requesting relief from Zoning By-law 00-138, as amended:

1. To reduce the lot coverage from the minimum 25% of the lot area (9,550 sq m) to permit a lot coverage of 9.9% of the lot area (3,812 sq m).
2. To increase the lot coverage of all accessory structures from the maximum 55 sq m to permit a total of 536 sq m.
3. To increase the height of an accessory structure from the maximum 6 m to permit a height of 6.6 m.

To accommodate a proposed public utility building and accessory storage.

Proposal

The Applicant is proposing to construct a 2-storey, approximately 5,692 sq. m operations centre for Enbridge Gas Inc. The building would house office space, equipment storage and maintenance space. Surface parking is provided for staff employed within the building, for operations staff (i.e., employees that would leave the facility in maintenance vehicles), and for maintenance vehicle parking. Outdoor storage and storage within accessory buildings is also proposed. The Applicant is seeking Minor Variances to address a reduction in the minimum required lot coverage and to increase the lot coverage permission for all accessory structures as well as a small increase in permitted height applicable to an accessory structure.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Prestige Industrial” in the Town’s Official Plan, which permits a range of industrial uses. Policy F9 of the Official Plan states that public and quasi-public uses, including those pertaining to gas infrastructure (such as Enbridge Gas Inc.) are permitted as-of-right in all urban land use designations.

The Official Plan does not specifically identify maximum permitted lot coverage or accessory building height. However, Policy 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. Policy D3.5.3.2 states that a high standard of building design and site planning will be required for development, in accordance with the 401 Corridor Urban Design Guidelines.

Town of Halton Hills Zoning By-Law

The subject property is zoned 401 Corridor Gateway (G) Zone, Holding under Zoning By-law 00-138. The parent By-law to Zoning By-law 00-138 (By-law 57-91) permits public uses, including utility infrastructure uses, in all zones.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. Relevant comments regarding the Minor Variance application are as follows:

Planning

The intent of the minimum lot coverage requirement is to maximize the building coverage within “Prestige Industrial” areas to:

- maximize employment opportunity potential;
- minimize the emphasis of parking and loading areas; and,
- ensure as much lot frontage as possible is dominated by the front of buildings to improve streetscape and urban design.

While the proposed development will provide roughly 10% lot coverage instead of the required 25%, the scale of the variance is largely due to the two-storey design. A one-storey building (which is what has traditionally been developed in the Premier Gateway) would result in a higher lot coverage percentage but provide a similar amount of gross floor area. Even though the two-storey building has a lower lot coverage, it is located on the street edge, provides a strong urban design streetscape, and is situated with all parking and storage areas to the rear. Therefore, staff is satisfied that the intent of the lot coverage provision is being maintained.

The intent of the Zoning By-law to regulate the maximum lot coverage of accessory structures and to regulate accessory structure height is to ensure that accessory buildings do not visually dominate the property and are clearly accessory to the principal use and do not create impacts to surrounding properties. Given that a gas infrastructure utility would have need for a greater amount of accessory storage buildings than a typical commercial retail use in a “Gateway” area, the requested amount of accessory storage building lot coverage is not excessive. In addition, as the property is quite large (almost 4 ha in size) the total lot coverage for accessory buildings on the property is only approximately 1%. Therefore, the accessory structures are clearly subordinate to the principle building and use of the lands. The proposed increase in height is also minor and would not impact any other properties.

It should be noted that the review of the proposed development is being undertaken by Planning Department staff predominantly through Site Plan Control application D11SPA22.003; the review of this application is currently ongoing. To address technical matters pertaining to hydrogeology, engineering (drainage and storm water management) and transportation (access driveway locations and design), the final location of the building as well as parking configuration may change. Therefore, the Applicant has been made aware that changes required through the Site Plan application that result in zoning conflicts may result in the need to apply for additional minor variances.

Region of Halton

The Region of Halton has provided comments pertaining to the hydrogeological assessment review that is being undertaken through the Site Plan application process. As the hydrogeology review is still ongoing and the technical report has not yet demonstrated to the Region’s satisfaction that the temporary private servicing arrangement is acceptable, it is the Region’s position that approval of the minor variances is premature, and the application should be deferred. The Region also notes that a similar ongoing wetland evaluation is occurring, with cooperation of Credit Valley Conservation.

Response to Region of Halton Comments

As noted earlier in this report, Planning staff have advised the Applicant that finalizing a decision on the Minor Variances now, in the absence of the related Site Plan Control Application being further along in its review process, does carry some risk that additional minor variances could be required. However, as it relates to the three minor variances currently being considered, Planning staff do not agree that approval of them would be premature as they are unrelated to the hydrogeological matters associated with the site. Additionally, final approval of the Site Plan application cannot be granted until matters such as hydrogeology and wetland protection are resolved. Therefore, approval of the Minor Variance application would not prejudice the orderly review of technical matters pertaining to the development. Further, Town of Halton Hills Development Engineering staff does not have any objections to the minor variances being approved at this time.

Public Comments

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

RECOMMENDATION

It is the opinion of Planning staff that the application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act. The application:

- 1) meets the intent and purpose of the Town of Halton Hills Official Plan;
- 2) meets the intent and purpose of the Town of Halton Hills Zoning By-law;
- 3) is considered to be desirable for the appropriate development or use of the property; and,
- 4) is considered to be minor in nature.

Planning staff has no objection to the approval of this application.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro

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.