

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, March 1, 2023, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, J. Watson, L. Hillier, K. Medenblik, J. Smith

Pages

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST**
- 3. APPLICATIONS TO BE HEARD**

a. MinorVariance D13VAR23.001H– Eden Oak

5

Location: 39 Gamble Street, 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 floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 88.5 sq m.

To accommodate a proposed accessory garage with storage space below.

Owner(s): Eden Oak (Creditview Heights) Inc., c/o Agent, **Agent:** RN Design, David Huie

b. MinorVariance D13VAR23.002H – Wilson

8

Location: 339 Maple Avenue, 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 of an accessory structure from the maximum 20 sq m to permit a floor area of 56.1 sq m.
2. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 4.9 m.

To accommodate a proposed cabana.

Owner(s): Robert Wilson & Margaret Wilson, **Agent:** Rockhaven Homes LTD, Jesse Grin

c. MinorVariance D13VAR23.003H – Mander

11

Location: 25 Maple Avenue, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the front yard setback from the minimum 6 m to permit a front yard setback of 5.99 m.
2. To permit the encroachment into the front yard setback for a porch having a maximum elevation of 6.94 m (from the floor to the underside of rafters), whereas the By-law only permits encroachment into the front yard for a porch having a maximum elevation of 4 m (from the floor to the underside of the rafters).

To accommodate a proposed detached dwelling.

Owner(s): Harjeet Mander, **Agent:** Peter Vozikas

d. MinorVariance D13VAR23.004H – McNutt

15

Location: 86 Poplar Avenue, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To reduce the front yard setback from the minimum 6 m to permit a front yard setback of 4.65 m.
2. To reduce the rear yard setback from the minimum 7.5 m to permit a rear yard setback of 4.62 m.
3. To reduce the side yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1.2 m to permit a side yard setback of 0.35 m.
4. To reduce the rear yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1 m to permit a rear yard setback of 0.32 m.

To accommodate a proposed addition and deck for an accessory dwelling unit.

Owner(s): Wayne McNutt & Julie McNutt, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

e. MinorVariance D13VAR23.005H – Foster

19

Location: 7 Edith 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 side yard setback to the second storey from the minimum 1.8 m to permit a side yard setback to the second storey of 1.4 m.
2. To reduce the side yard setback from the minimum 1 m to permit a side yard setback of 0.61 m (existing cabana)

To accommodate a proposed addition to the dwelling, and an existing cabana.

Owner(s): Kerri Foster, **Agent:** Andrew Miskiv

f. **Minor Variance D13VAR23.006H – Young**

23

Location: 17 Brock Street, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To increase the driveway width from the maximum 7 m to permit a driveway width of 11.04 m.
2. To increase the height of a detached garage from the maximum 4.5 m to permit a height of 6 m.
3. To increase the floor area of a detached garage from the maximum 40 sq m to permit a floor area of 99 sq m.

To accommodate a proposed detached garage, and existing driveway.

Owner(s): Rachel Dudley and Josh Young

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: February 17, 2023

RE: Planning Recommendation for
Application D13VAR23.001H – Eden Oak
Municipally known as 39 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 88.5 sq m.

To accommodate a proposed accessory garage with storage space below.

Proposal

The variance is required in order to construct an 88.5 sq m detached garage with basement to be used for a personal gym and additional storage. The proposed detached garage is to be built on one of the lots created through the Eden Oak Creditview Heights subdivision, which was registered on July 22, 2021, and is currently under construction.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area under the Glen Williams Secondary Plan, which allows 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 64) (HR1(64)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted.

The Zoning By-law (General Provisions) limits the maximum floor area for any individual accessory building to 40 square 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; 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.

The maximum floor area calculation for accessory structures under the Town's Zoning By-law includes the aggregate of all floors whether above or below grade. Therefore, the basement of the proposed garage is included in that calculation. Based on the elevations submitted with the application, Planning staff is of the opinion that there will be no increased visual impact as a result of the additional (basement) floor area. Planning staff is also of the opinion that the garage is clearly subordinate to the principal residential use and therefore has no objections to the proposed minor variance.

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 garage shall be constructed generally in accordance with the Site Plan and Elevations, prepared by RN Design Ltd., date stamped by the Committee of Adjustment on November 30, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills Fire

- Due to the proposed addition of a personal gym in the basement, interconnected smoke alarms and carbon monoxide detectors shall be installed in the event of an emergency within the structure.

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: Ruth Conard, Planner – Development Review

DATE: February 17, 2023

RE: Planning Recommendation for
Application D13VAR23.002H – Wilson
Municipally known as 339 Maple Avenue
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 56.1 sq m.
2. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 4.9 m.

To accommodate a proposed cabana.

Proposal

The variances are required in order to construct a 56.1 square metre cabana in the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town's Official Plan. The main permitted uses in the Low Density Residential Area designation include 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) (LDR1-1(MN)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. The Zoning By-law (General Provisions) limits the maximum floor area for any individual accessory building to 20 square metres and the maximum height for any individual accessory building to 3.5 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; 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 as the proposed cabana is clearly incidental and subordinate to the principal residential use. It does not appear that there will be significant impacts to the surrounding properties.

Therefore, Planning staff have no objection to 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 cabana shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on December 1, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills Development Engineering

- The owner/applicant may require a Site Alteration Permit. Please contact Development Engineering for further details. As part of the Site Alteration Permit application, the owner/applicant may be required to provide a grading plan of the building envelopes showing suitable surface drainage on the property including existing and proposed elevations. The plan must be completed 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.

Halton Region

- A portion of the property is identified as having archaeological potential. Although no studies are required, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism.

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: Josh Salisbury, Planner – Development Review

DATE: February 13, 2023

RE: Planning Recommendation for
Application D13VAR23.003H – Mander
Municipally known as 25 Maple Avenue,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the front yard setback from the minimum of 6 m to permit a front yard setback of 5.99 m.
2. To permit the encroachment into the front yard setback for a porch having a maximum elevation of 6.94 m (from the floor to the underside of the rafters). Whereas the By-law only permits encroachment into the front yard for a porch having a maximum elevation of 4 m (from the floor to the underside of the rafters).

To accommodate a proposed detached dwelling.

Proposal

The Applicant is proposing to construct a new 2 storey single-detached dwelling with an attached garage.

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 (LDR1-2) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2 zone permits single detached dwellings and accessory buildings and structures.

Section 4.25.2 (a) of the Zoning By-law 2010-0050 states that porches and the stairs used to access a porch attached to a single-detached dwelling in any Urban Residential Zone can have a maximum porch elevation of 4.0 metres, and that a porch can be permitted to encroach into the front yard provided that no part of the porch shall be located closer than 1.5 metres from the front 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 front yard setback requirement is to ensure that there is sufficient separation between the structure and the lot line without interfering with potential drainage, sewer, hydro, telecom and to maintain a consistent neighbourhood character. Planning staff is of the opinion that this intent is being maintained.

The intent of the encroachment into the front yard for a porch having a maximum elevation of 4.0 m requirement is to ensure that the porch design will not have a negative impact to consistency of urban design characteristics in the neighbourhood as well as not creating any impact to overhead hydro or telecom infrastructure that could be located in the front yard. Planning staff is also of the opinion that the intent of this requirement is being maintained as the porch should not create any negative impact to the above considerations.

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', is written over a faint, light-colored grid background.

Jeff Markowiak, Director of Development Review

Notes

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.
- The subject property is fully serviced by Regional water and wastewater. Should services need to be relocated as a result of the proposed development:
 - Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
 - No wastewater service laterals or water service connections are to cross existing or proposed property lines.
 - The applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05.

- That prior to final approval, the owner obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.
- 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-Q1/Q2 (moderate risk to quantity) and a Highly Vulnerable Aquifer.
 - The application qualifies as a “residential use” – it is therefore exempt from the S.59 review process under the SPP per policy G-2. The application can proceed from the perspective of Source Water Protection and no S.59 notice will be required.

Halton Hills Hydro

- As this property doesn't have a hydro service, prior to commencement of construction applicant shall submit temporary service request as required. Customer shall request for a Technical Service Layout Request for the permanent service when required. The applicant shall be aware currently transformer lead times are between 30-35 weeks.
- 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.

Credit Valley Conservation (CVC)

CVC staff have previously issued a permit on the subject property (FF 22/133) for the proposed development. Based on the drawing submitted with the subject application showing the location of the top of bank as staked by CVC and the associated 14 m setback, the proposed development as shown would appear to match with that which was previously permitted by CVC.

On this basis, CVC staff would have no concerns and no objection to the approval of the requested variance by the Committee at this time.

However, the proponent should be advised that should any changes be made to the proposed development and site plan drawing and/or for any additional future development proposed on the subject property, CVC staff should be contacted to determine permitting requirements.

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

FROM: Josh Salisbury, Planner – Development Review

DATE: February 17, 2023

RE: Planning Recommendation for
Application D13VAR23.004H – McNutt
Municipally known as 86 Poplar Avenue,
Town of Halton Hills (Acton)

APPLICATION

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

1. To reduce the front yard setback from the minimum 6 m to permit a front yard setback of 4.65 m.
2. To reduce the rear yard setback from the minimum 7.5 m to permit a rear yard setback of 4.62 m.
3. To reduce the side yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1.2 m to permit a side yard setback of 0.35 m.
4. To reduce the rear yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1 m to permit a rear yard setback of 0.32 m.

To accommodate a proposed addition and deck for an accessory dwelling unit.

Proposal

The Applicant is proposing to construct a new one-storey addition to the north side of the existing one-storey dwelling; the addition is intended to accommodate an accessory dwelling unit. The proposal also includes the construction of a front porch and rear deck.

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 accessory buildings and structures.

In an LDR1-2(MN) zone, the Zoning By-law states that front-yard setbacks are to be at a minimum of 6.0 metres. Also, the Zoning By-law states that rear-yard setbacks are to be at a minimum of 7.5 metres.

Section 4.6.1 (b) of the Zoning By-law 2010-0050 states that a deck that has an average floor height of less than 0.6 metres is permitted in the rear and interior side yards, provided that the deck is located no closer than 1.2 metres from the side lot line and 1.0 metre from the rear lot line.

Accessory dwelling units are permitted in any single detached dwelling on full municipal services within an Urban Area in the Town of Halton Hills.

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 front yard setback requirement is to ensure that there is sufficient separation between the structure and the lot line without interfering with potential drainage, sewer, hydro, telecom and to maintain a consistent neighbourhood character. Planning staff is of the opinion that this intent is being maintained.

The intent of the minimum rear yard setback requirement is to ensure that there is sufficient separation between the structure and the lot line for privacy reasons, drainage purposes and landscape maintenance. The proposed addition does not appear to be inhibiting any access of water to the swale on the boundary lot line. Additionally, the proposed addition will be one storey, which is in uniform with the existing dwelling; therefore, it should not affect any privacy matters. As such, Planning staff is of the opinion that the intent of this requirement is being maintained. Therefore, Planning staff has no objection to proposed variances #1 and #2.

Variances #3 and #4 relate to the construction of a proposed deck. The intent and purpose of Section 4.6.1 (b) of the Zoning By-law is to ensure that where a deck is constructed its impacts on adjacent properties are minimized. The proposed deck is to be approximately 0.46 metres (1.5 feet) off the ground and only 0.32 metres (1.0 foot) from the rear property line, which could potentially impact the privacy of the adjacent property to the south (95 Crescent Street). As such, Staff have concerns that the requested zoning relief required to allow the proposed deck does not meet the intent of the Zoning By-law; therefore, Planning Staff do not support variances #3 and #4.

Development Engineering

Development Engineering has reviewed the proposal and has no concerns with the requested variances. As per Part VI of the Town's Site Alteration By-law, the proposed addition will increase the property's impervious area, and the proposed deck is within 60 centimeters (2 feet) from the lot line, which requires a Site Alteration Permit. Should the variances for the deck be approved, the Applicant should contact Development Engineering at the Town of Halton Hills for further details. As part of the Site Alteration Permit application, the Applicant shall provide a grading plan of the building envelope showing suitable surface drainage on the property, including existing and proposed elevations. This topographical survey must be prepared by a qualified professional. 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

Planning staff is of the opinion that variances 1 and 2 satisfy the four tests of a Minor Variance. Staff has no objection to their approval, subject to the following condition:

1. The addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. MV-1, MV-2, MV-3 and MV-4 prepared by Matthews Design & Drafting Services Inc., dated December 16 – 22, 2022, date stamped by the Committee of Adjustment on December 23, 2022, to the satisfaction of the Commissioner of Planning & Development

Planning staff does not support variances 3 and 4 and recommends that they be refused, however, should the Committee wish to consider the merits of the variances, staff suggests that any approval be subject to the following condition:

2. The deck shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. MV-1, MV-2, MV-3 and MV-4 prepared by Matthews Design & Drafting Services Inc., dated December 16 – 22, 2022, date stamped by the Committee of Adjustment on December 23, 2022, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Halton Region

- The ROP contains housing objectives which speak to making more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods, and promoting residential intensification. Section 86(10) of the ROP requires Local Official Plans and Zoning By-laws to permit second residential units within an existing dwelling in residential neighbourhoods as of right, provided that health, safety and other reasonable standards or criteria (e.g. the provision of parking or adequacy of services) are met.
- The subject property is fully serviced by Regional water and wastewater. Should services need to be relocated as a result of the proposed development:
 - Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
 - No wastewater service laterals or water service connections are to cross existing or proposed property lines.
 - The applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05.
 - That prior to final approval, the owner obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.

Halton Hills Hydro

The existing hydro service to this residence is overhead from HHHI's overhead transformer (B03X019) on Poplar Ave.,. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductors and/or the existing meter base. If so, the Customer is to request for hydro to disconnect and remove prior to commencement of construction and submit a temporary service request as required. The Customer shall also request for a Technical Service Layout Request for permanent service when required. The customer should review our Condition of Service prior to submitting applications. Please find links below"

TSLO - <https://haltonhillshydro.com/for-business/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>

Disconnect and Removal Application - <https://haltonhillshydro.com/for-home/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>

COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>

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

FROM: Josh Salisbury, Planner – Development Review

DATE: Feb 17, 2023

RE: Planning Recommendation for
Application D13VAR23.005H – Foster
Municipally known as 7 Edith Street,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the side yard setback to the second storey from the minimum 1.8 m to permit a side yard setback to the second storey of 1.4 m.
2. To reduce the side yard setback from the minimum 1 m to permit a side yard setback of 0.61 m (existing cabana)

To accommodate a proposed addition to the existing dwelling, and an existing cabana.

Proposal

The Applicant is proposing to construct a second storey addition above the current one-story single-detached home. Zoning relief is also required to recognize an existing cabana located in the rear yard.

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. 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. The LDR1-2(MN) zone permits single detached dwellings and accessory buildings and structures.

In an LDR1-2(MN) zone, the Zoning By-law limits the interior side yard setback to 1.2 metres for the first storey, with an additional 0.6 metres for each full storey above the first storey (ie. 1.8 metres for the second storey).

Section 4.1. (Table 4.1) of the Zoning By-law 2010-0050 states that an accessory building or structure must have a minimum setback of 1.0 metre 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 interior side yard setback 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. In addition, these requirements are intended to provide a consistent pattern of dwelling setbacks and area for landscaping to maintain privacy and character of the mature neighbourhood. Given the proposed second storey addition is located directly above the single storey portion of the existing dwelling and is maintaining the same setback from the lot line, the requested variance should have no impact on the above considerations. There are also no windows proposed at the side of the second storey addition that could cause potential privacy/overlook concerns. Therefore, Planning staff is of the opinion that the intent of the side yard setback provision is being maintained.

The intent of the minimum side yard setback requirement for an accessory structure is to ensure that there is sufficient separation between the structure and the lot line for drainage purposes and access for landscape maintenance. Given that the existing cabana does not appear to be inhibiting any access of water to the swale on the boundary lot line or preventing proper access between the structure and lot line, Planning staff is of the opinion that the intent of this requirement is also being maintained.

Therefore, Planning staff has no objections 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, subject to the following condition:

1. The location and construction of the proposed cabana and two-storey addition shall be generally in accordance with drawings A0, A0.2, A3.2, A3.3, A4.0, A4.1, A4.2, A4.3, drafted by AM Design Build, date stamped by the Committee of Adjustment on January 23, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- 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

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.

- The subject property is fully serviced by Regional water and wastewater. Should services need to be relocated as a result of the proposed development:
 - Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
 - No wastewater service laterals or water service connections are to cross existing or proposed property lines.
 - The applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05.
 - That prior to final approval, the owner obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead transformer (C08X160). Given the plans provided in this application, the proposed addition will likely be in conflict with the existing overhead secondary conductors and/ or the existing meter base. If so, the applicant is to request for hydro to disconnect and remove prior to commencement of construction. The applicant shall also request for a Technical Service Layout Request for the new permanent service if required. The customer should review our Condition of Service prior to submitting applications.

TSLO - <https://haltonhillshydro.com/for-business/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>

Disconnect and Removal Application - <https://haltonhillshydro.com/for-home/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>

COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>

- 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: February 17, 2023

RE: Planning Recommendation for
Application D13VAR23.006H - Young
Municipally known as 17 Brock Street
Town of Halton Hills (Acton)

APPLICATION

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

1. To increase the driveway width from the maximum 7 m to permit a driveway width of 11.04 m.
2. To increase the height of a detached garage from the maximum 4.5 m to permit a height of 6 m.
3. To increase the floor area of a detached garage from the maximum 40 sq m to permit a floor area of 99 sq m.

To accommodate a proposed detached garage and existing driveway.

Proposal

The variances are required in order to demolish an existing detached garage and construct a new 99.0 square metre detached garage in the same general location and to recognize an existing driveway that has a width of 11.04 metres in the rear yard.

POLICY CONTEXT

Town of Halton Hills Official Plan

The majority of the subject property and where the dwelling and proposed garage are located is designated Low Density Residential Area under the Town's Official Plan. The main permitted uses in the Low Density Residential Area designation include 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)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted in this zone. The Zoning By-law limits the maximum width of a driveway to 7 metres, the maximum height of a detached garage to 4.5 metres and the maximum floor area of a detached garage to 40 square 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; 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. Based on the floor plans submitted with the application, only the rear half of the garage would contain loft space, which is proposed for storage purposes only. There are no windows proposed adjacent to the loft space except at the rear of the structure, which backs on to open space. The remainder of the garage is open to below and the windows are only intended to provide natural light. As such, staff is of the opinion that the intent for accessory structures is being maintained as the proposed garage is clearly incidental to the principal residential use and it does not appear that there will be significant visual impacts to the surrounding properties.

The driveway variance is required to recognize an existing condition and only applies to the portion of the driveway located at the rear of the house.

Therefore, Planning staff have no objection to the proposed minor variances.

Public Comments

No formal comments have been received from the public as of the date this report was prepared. However, concerns were raised regarding the location of the second storey windows which has been addressed in Planning comments above and through correspondence with the 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 garage shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on January 25, 2023, to the satisfaction of the Commissioner of Planning & Development.
2. The 11.04 m driveway width is restricted to the rear of the dwelling only as illustrated on the Site Plan, date stamped by the Committee of Adjustment on January 25, 2023. No further widening is permitted on the subject property.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills Development Engineering

- The owner/applicant may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.

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.

Halton Region

- A small portion of the property is identified as having archaeological potential. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism.