

## **COMMITTEE OF ADJUSTMENT AGENDA**

**Date:** Wednesday, April 5, 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. Minor Variance D13VAR23.007H – Persaud**

**4**

**Location:** 74 Autumn Circle, 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 of an accessory structure from the maximum 4.5 m to permit a height of 8 m.
2. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 140 sq m.
3. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 240.4 sq m.

**To accommodate a proposed two-storey detached garage.**

**Owner(s):** Len and Sandra Persaud

- b. **Minor Variance D13VAR23.008H – Sprickerhoff** 7
- Location:** 10237 Fourth Line, Town of Halton Hills (Esquesing), 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 80 sq m to permit a floor area of 328.2 sq m.
  2. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 404 sq m.
- To accommodate a proposed storage loft within the existing accessory structure.**
- Owner(s):** Carole Sprickerhoff, **Agent:** Matthew Fratarcangeli
- c. **Minor Variance D13VAR23.009H – Hauver** 11
- Location:** 39 Irwin Crescent, Town of Halton Hills (Georgetown), Regional Municipality of Halton
- Purpose:** Requesting relief from Zoning By-law 2010-0050, as amended,
1. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 6.5 m.
  2. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 83.5 sq m.
- To accommodate a proposed two-storey accessory structure.**
- Owner(s):** Mike Hauver, **Agent:** Ryan Green
- d. **Minor Variance D13VAR23.010H – Yandeau** 14
- Location:** 9 Heather Court, Town of Halton Hills (Georgetown), Regional Municipality of Halton
- Purpose:** Requesting relief from Zoning By-law 2010-0050, as amended,
1. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 5.3 m.
  2. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 65.7 sq m.
- To accommodate a proposed two-storey accessory structure.**
- Owner(s):** Brian Yandeau, **Agent:** Ryan Green

**e. Minor Variance D13VAR23.011H –Sareen**

17

**Location:** 11080 Winston Churchill Boulevard, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To reduce the side yard setback for a dwelling from the minimum 4.5 m to permit a side yard setback of 3 m (north).
2. To increase the driveway width from the maximum 6.1 m, (when a garage door faces an interior side lot line) to permit a driveway width of 11.81 m.
3. To reduce the interior side yard setback for a driveway in the front yard from the minimum 4.5 m to permit a side yard setback of 1.5 m (south)

**To accommodate a proposed dwelling.**

**Owner(s):** Anil, Sunita, and Ankit Sareen, **Agent:** Amritpal Bansal, Khalsa Design Inc.

**f. Minor Variance D13VAR23.012H –Biyong**

22

**Location:** 330 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 side yard setback to the second storey from the minimum 1.8 m to permit a side yard setback of 1.73 m (north-east).
2. To reduce the side yard setback to the second storey from the minimum 1.8 m to permit a side yard setback of 1.76 m (south-west).

**To accommodate a detached dwelling under construction.**

**Owner(s):** Simon Clement Biyong Biyong

**4. ADJOURNMENT**

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

**FROM:** Ruth Conard, Planner – Development Review

**DATE:** March 29, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.007H – Persaud  
Municipally known as 74 Autumn Circle  
Town of Halton Hills (Esquesing)

---

### **APPLICATION**

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

1. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 8 m.
2. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 140 sq m.
3. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 240.4 sq m.

To accommodate a proposed two-storey detached garage.

### **Proposal**

The variances are required in order to construct a 140 sq m detached garage with a second storey mezzanine to be used for personal use.

### **POLICY CONTEXT**

#### **Town of Halton Hills Official Plan**

The subject property is designated Country Residential Area under the Town's Official Plan which permits single detached dwellings. The property is also located within Special Policy Area 1, which limits the number of lots within Autumn Circle to 20 with a minimum lot size of 0.787 ha for each lot. The Official Plan does not specifically identify maximum height or total floor area 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 Exception 62 (CR(62)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits the height of a detached garage to 4.5 m, the maximum floor area for any individual accessory building to 60 sq m and the maximum total floor area for all accessory buildings to 80 sq m.

## **COMMENTS**

### **Internal Department and External Agency Comments**

This application was circulated for review and comment to Town departments and external agencies. No objections were received; relevant comments regarding the Minor Variance application are as follows:

#### **Planning:**

The intent of accessory buildings and structures is to ensure that they do not visually dominate the lot, are clearly accessory to the principal residential use (single detached dwelling) and do not create impacts to surrounding properties. Given the size of the property, the proposed location of the detached garage and the extent of the requested relief, the variances would not impact these considerations. The relief requested through the subject Minor Variance application is also consistent with relief granted for comparable properties on Autumn Circle by the Committee of Adjustment. Therefore, staff views the intent of these requirements to be maintained.

Planning staff have no objection to the proposed minor variances.

### **Public Comments**

As of the date of this report, a letter of support was received which was signed by the following property owners; two that directly about the subject property:

- 85 Autumn Circle
- 80 Autumn Circle
- 45 Autumn Circle
- 68 Autumn Circle

## **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 February 3, 2023, 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. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

Halton Region

- It should be noted that the entirety 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.

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

**FROM:** Greg Macdonald, Senior Planner – Development Review

**DATE:** March 30, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.008H – Sprickerhoff  
Municipally known as 10237 Fourth Line  
Town of Halton Hills (Esquesing)

---

## **APPLICATION**

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

1. To increase the floor area of an accessory structure from the maximum 80 sq m to permit a floor area of 328.2 sq m.
2. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a total floor area of 404 sq m.

To accommodate a proposed detached garage.

## **Proposal**

The variances are required to construct a partial 2<sup>nd</sup> storey addition on top of an existing detached garage which is located within a treed area toward the rear of the large approximately 2.1 ha (5.2 acre) property. The existing garage would also be renovated. The partial addition would be open to the garage below and would also include a 2<sup>nd</sup> storey balcony/deck at the rear of the structure. Another existing detached garage is located toward the front of the property near to the existing single detached dwelling. A portion of the property is also being farmed in conjunction with the property to the rear and the property to the north.

## **POLICY CONTEXT**

### **Town of Halton Hills Official Plan**

The subject property is designated as “Agricultural 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 Agricultural (A) Zone in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits accessory structures to 80 sq m (for each structure) and to a maximum of 120 sq m for all structures combined.

## **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.

With regards to Variances 1 and 2, the well sized (approximately 2.1 ha) subject property contains a single detached dwelling already with two accessory detached garages. One garage is located close to the existing dwelling and appears to be used for personal vehicle use. The other garage (on top of which is the proposed partial 2<sup>nd</sup> storey addition), is located at the rear of the property within a treed area and appears to be used for general storage. The applicant has indicated that the purpose of the addition (the existing garage would also be renovated) is to provide personal storage space as well as hobby woodworking space.

Although the total combined Gross Floor Area (GFA) of the two detached garages is considerable and already exceeds Zoning By-law maximum floor area permissions the proposed addition is only a further approximate 25% increase in additional floor area and must be considered in the context that the property itself is large (2.1 ha / 5.2 acres) and consists of rural residential and agricultural uses. As the addition is of a 2<sup>nd</sup> storey nature, no increase in lot coverage of accessory buildings is proposed. The location of the structure is at the rear of the large property. The balcony (and balcony door) are the only 2<sup>nd</sup> storey window features proposed and would look out towards a large farm property at the rear, not overlooking any nearby residential uses. Therefore, staff are satisfied that the garage addition would not impact any other property and that despite the combined floor area of all existing and proposed accessory buildings, the accessory buildings are still clearly subordinate to the principal residential use of the property.

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 building addition shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on February 3, 2023, 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.

- 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:** March 29, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.009H – Hauver  
Municipally known as 39 Irwin Crescent  
Town of Halton Hills (Georgetown)

---

### **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 6.5 m.
2. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 83.5 sq m.

To accommodate a proposed two-storey accessory structure.

### **Proposal**

The variances are required in order to construct an 83.5 sq m accessory structure with a second storey 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. This designation permits single detached dwellings. Section G13.6 of the Official Plan states that whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental and accessory to that use are also permitted.

## **Town of Halton Hills Zoning By-law**

The subject property is zoned Low Density Residential One (Mature Neighbourhood) (LDR1-2(MN)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits the maximum height for accessory buildings and structures to 3.5 m and the maximum floor area for accessory buildings and structures to 20 sq m.

### **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 height and floor area of accessory structures 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.

Planning staff is concerned that the cumulative impact of the height and floor area variances will result in an accessory structure that is too large. The combined impact of the variances, which are exacerbated by the dormer roof design of the structure, results in Planning staff being unable to support the application. More specifically:

1. The proposed increases in height and floor area are significant and would result in a substantial building in the rear yard of the subject property. The accessory building does not appear to be compatible with the nature and character of the surrounding area and has the potential to adversely impact the amenity areas of the adjacent properties due to its scale.
2. As per Zoning By-law 2010-0050, accessory buildings and structures are intended to be incidental and secondary to the principal dwelling on the same lot. The maximum height and floor area are excessive and not in keeping with the By-law's requirements for accessory structures.

Therefore, minor variances seeking zoning relief for this height and floor area cannot be considered minor in nature or in keeping with the intent of the Zoning By-law and therefore do not satisfy the tests of a minor variance under Section 45(1) of the Planning Act.

#### **Public Comments**

As of the date of this report, four letters of objection have been received from the following property owners; two that have abutting rear yards to the subject property:

- 4 Eden Place
- 6 Eden Place
- 8 Eden Place
- 180 Mountainview Road South

The concerns relate to privacy and overlook, shadow impacts, noise and the potential use of the proposed building. Planning staff have similar concerns as those identified by residents and are therefore recommending refusal of the minor variances.

## **RECOMMENDATION**

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

Should the Committee of Adjustment wish to consider the merits of any or all of the minor variances, staff suggests any approval be subject to the following condition:

1. The proposed accessory building shall not contain any windows on the second floor, (any windows shown on the sketch, related to the second floor, must be removed).

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

### Development Engineering

- Access to the adjacent walkway, if permitted, is subject to an excavation permit and applicable fees.
- The Applicant shall provide satisfactory documentation to the Development Engineering Department that verifies the existing drainage pattern will be maintained.

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

**FROM:** Josh Salisbury, Planner – Development Review

**DATE:** March 29, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.010H – Yandeau  
Municipally known as 9 Heather Court,  
Town of Halton Hills (Georgetown)

---

## **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 5.3 m.
2. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 65.7 sq m.

To accommodate a proposed two-storey accessory structure.

## **Proposal**

The Applicant is proposing construct a two-storey accessory structure to be used exclusively for private storage.

## **POLICY CONTEXT**

### **Town of Halton Hills Official Plan**

The subject property is designated Low Density Residential Area under the Town's Official Plan. This designation permits single detached dwellings. Section G13.6 of the Official Plan states that whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

### **Town of Halton Hills Zoning By-Law**

The subject property is zoned Low Density Residential One Mature Neighbourhood (LDR1-2)(MN) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2 zone permits single detached dwellings and accessory structures. The Zoning By-law limits the height for an accessory building to 3.5 metres to the highest point of the roof and the maximum floor area to 20 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. 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.

### **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 accessory structure shall be generally in accordance with drawings titled, Site Plan, Elevations Left/Right, Elevations Front/Rear, Foundation Plan, Ground Floor, Second Floor, Roof Plan, Sections, Details, General Notes, drafted by Your Green Homes Design Build Inc., date stamped by the Committee of Adjustment on February 14, 2023, 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. 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:** March 29, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.011H – Sareen  
Municipally known as 11080 Winston Churchill Boulevard,  
Town of Halton Hills (Esquesing)

---

## **APPLICATION**

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

1. To reduce the side yard setback for a dwelling from the minimum 4.5 m to permit a side yard setback of 3 m (north).
2. To increase the driveway width from the maximum 6.1 m, (when a garage door faces an interior side lot line) to permit a driveway width of 11.81 m.
3. To reduce the interior side yard setback for a driveway in the front yard from the minimum 4.5 m to permit a side yard setback of 1.5 m (south).

To accommodate a proposed dwelling.

## **Proposal**

The Applicant is proposing construct a two-storey single-detached dwelling with an attached, interior side-yard facing garage and a driveway.

## **POLICY CONTEXT**

### **Town of Halton Hills Official Plan**

The subject property is designated Protected Countryside Area. This designation permits single detached dwellings on existing lots. The main permitted uses in the Protected Countryside Area designation include agricultural operations and single detached dwellings.

### **Town of Halton Hills Zoning By-Law**

The subject property is zoned Protected Countryside (PC) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The PC zone permits single detached dwellings.

In the PC zone, the Zoning By-law requires a minimum interior side yard setback for a single detached dwelling of 4.5 metres, which also applies as the setback for any driveway leading to the dwelling. Also, Section 5.2.14 (d) of the Zoning By-law states that when a garage door opening faces an interior side lot line, the maximum driveway width in the front yard is to be 6.1 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 the side yard setback to the dwelling and driveway is to provide separation between the lot line for drainage purposes, 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. Given the proposed dwelling will still have adequate room for maintenance issues, landscaping and privacy, and the driveway does not appear to inhibit any access of water to the swale on the shared lot line, Planning staff is of the opinion that the intent of the side yard setback provision is being maintained.

The driveway width variance is being requested to allow vehicles to turn around on-site so that they do not have to back out onto Winston Churchill Boulevard, which is a busy collector road.. The intent of a driveway maximum width requirement is to ensure that there is adequate landscaping for a property as well as room for any drainage issues. Given the proposed dwelling will still have adequate room for landscaping and that there have been no noted drainage issues in the front yard, Planning staff is of the opinion that the intent of the driveway width provision is being maintained.

## Public Comments

Town staff received one comment from the abutting land owner at 11070 Winston Churchill Boulevard citing concerns regarding possible drainage and grading impacts in the rear yard as a result of the proposed dwelling at 11080 Winston Churchill. None of the proposed variances have any direct implications to grading or draining at the rear of the property; therefore, these are matters that will be reviewed at the site alteration and building permit issuance phase. Town Development Engineering staff will engage with the resident to address their concerns on the matter.

## **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 and construction of the proposed single-detached dwelling shall be generally in accordance with drawings Site Plan, Front Elevation, Rear Elevation, Left Side Elevation, Right Side Elevation, Basement Plan, Ground Floor Plan and Second Floor Plan, drafted by Khalsa Design Inc., date stamped by the Committee of Adjustment on February 13, 2023, to the satisfaction of the Commissioner of Planning & Development.
2. The length, various widths, design, and location of the driveway shall be generally in accordance with the Site Plan drawing, drafted by Khalsa Design Inc., date stamped by the Committee of Adjustment on February 13, 2023, to the satisfaction of the Commissioner of Planning & Development.
3. 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 Owner/Applicant shall apply for and acquire a Site Alteration Permit under Bylaw 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 the Town requires a sealed grading plan completed by an Ontario Land Surveyor (O.L.S.) or Professional Engineer (P.Eng) 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.

### Halton Region

- It should be noted that 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.
- The subject property is limited in area, which can present challenges with accommodating private services. Regional staff note that although no studies are required, the applicant should take steps to ensure that adequate groundwater of a quality and quantity is available to service the proposed dwelling, to ensure the proposed home can be accommodated.
- Regional staff also recommend that the owner ensure that they are familiar with the maintenance requirements of any proposed septic system in order to ensure long-term functionality of the system.
- Although not required as part of the subject application, Regional staff advise the applicant that any well(s) on the property that are not used or maintained for future use must be decommissioned in accordance with O. Reg. 903 and any existing septic system(s) on the property that are not being used or maintained for future use are to be properly decommissioned by a licensed contractor.
- The existing site conditions include a main central driveway, and a secondary driveway at the north limit of the property that appears to have been recently removed (as of 2021). Regional staff note that only one access point will be permitted to the proposed residential development.

- The new entrance layout and closure (restoration) of the existing driveway(s) must be reviewed through an Entrance Permit application (through Peel Region) with associated detailed drawings.

#### Halton Hills Hydro

- With respect to the construction of the new home on this property HHH wishes to make the Applicant aware of the following considerations outside of the above referenced Minor Variance Application;
  - The Applicant will be aware that prior to removal / demolition of the old home at 11080 Winston Churchill Blvd. the existing hydro service will need to be disconnected. In order to initiate the process to have the existing hydro service disconnected HHHI will require the Applicant to submit a Disconnect and Removal Application Form via HHHI's website at the following link. <https://haltonhillshydro.com/for-home/building-upgrades-or-demolition/building-demolition/>
  - The Applicant will be aware that the electrical servicing arrangement to supply the new home at 11080 Winston Churchill Blvd. will be installed fully underground directly from HHH's main line as per HHH's current Conditions of Service (COS) document.
  - HHHI recommends the Applicant apply for a Technical Service Layout (TSLO) a minimum of 1 year in advance of the anticipated in service date. Please make the application, and pay the requisite TSLO fee (\$351.12 HST incl.) via Halton Hills Hydro's website at the following link. <https://haltonhillshydro.com/for-home/new-service-upgrades/>

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:** March 30, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.012H – Biyong  
Municipally known as 330 Maple Avenue  
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 of 1.73 m (north-east).
2. To reduce the side yard setback to the second storey from the minimum 1.8 m to permit a side yard setback of 1.76 m (south-west).

To accommodate a detached dwelling under construction.

### **Proposal**

The variance is required to reduce the minimum interior side yard setback requirements to recognize the recent construction of a single detached dwelling. The 2<sup>nd</sup> floor of the dwelling was constructed slightly less than the required 1.8 metres.

### **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 (LDR1-2(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 LDR1-2(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 at 330 Maple Avenue is currently the site of the construction of a new single detached dwelling, replacing a previous dwelling. A Building Permit was issued based on drawings indicating compliance with the Zoning By-law. However, after construction occurred, Town Staff were made aware that, according to the Applicant, a construction error occurred that resulted in the 2<sup>nd</sup> storey of the dwelling being built too close to the side lot lines. Instead of being offset sufficiently from the 1<sup>st</sup> storey to achieve a 1.8 m interior side yard setback at the 2<sup>nd</sup> level, the 2<sup>nd</sup> storey was built in line with the 1<sup>st</sup> storey (at 1.73 m and 1.76 m respectively).

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 is 7 centimetres on one side and 4 centimetres on the other, the requested variance would not impact the above considerations. As such, staff views the intent of this requirement to be maintained.

Therefore, while Planning staff do not condone the construction error that has occurred, , staff has no objection to the proposal.

## **Public Comments**

One letter of objection was received from a nearby property owner at 15 Gardiner Drive, raising concerns over precedent; that the lot was large enough to accommodate the house without the variance; and, raising concerns over impacts from bright exterior lights on the new dwelling. Planning staff share the disappointment that the house was not constructed in accordance with the original approved documents. However, the relief requested is only at the 2<sup>nd</sup> storey level and reduces the setback by 4 and 6 cm respectively.

Lighting issues cannot be addressed through the Zoning By-law or Committee of Adjustment and single detached dwellings are not subject to the Site Plan Control. Staff provided the objector with information on how to make an enforcement request pursuant to the Town's Community Standards By-law.

## **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 Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.



**Jeff Markowiak, Director of Development Review**