

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Tuesday, May 9, 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 D13VAR23.013H – Heilman**

4

Location: 11408 22 Side Road, Town of Halton Hills (Limehouse),
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 5.3 m.
2. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 140 sq m.
3. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 183.2 sq m.

To accommodate a proposed accessory structure.

Owner(s): Dennis Heilman

b. Minor Variance D13VAR23.014H – Halton Region Police Station

7

Location: Steeles Avenue/Sixth Line, Town of Halton Hills (Premier Gateway), Regional Municipality of Halton

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

1. To permit 41% of the required parking spaces (56 spaces) to be located in a yard abutting Steeles Avenue, whereas the By-law permits 20% of the required parking spaces (28 spaces) to be located in a yard abutting Steeles Avenue.
2. To reduce the number of loading spaces from the minimum 3, to permit 0 loading spaces.

To accommodate a proposed police station.

Owner(s): Regional Municipality of Halton (Mark Hassen), **Agent:** AECOM Canada, Jeffrey Merkus

c. Minor Variance D13VAR23.015H – Sharmeen

11

Location: 13425 Highway 7, Town of Halton Hills (Henderson's Corners), 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 7.5 m to permit a front yard setback of 7.04 m.
2. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 4.85 m.
3. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 74 sq m.
4. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 74 sq m.

To accommodate a proposed addition to the dwelling and a detached garage.

Owner(s): Sadoon Mohiuddin & Iqra Sharmeen, **Agent:** Imran Khan

d. Minor Variance D13VAR23.016H – Van Dongen

15

Location: 9268 Fifth 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 distance between the farm employee accommodation and the detached dwelling from the maximum 30 m to permit an 84 m distance.

To accommodate a proposed farm employee accommodation building.

Owner(s): Adrian & Agnes Van Dongen **Agent:** Michael Van Dongen

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e. **Minor VarianceD13VAR23.017H – Brar**

Location: 9562 Sixth 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 height of the dwelling from the maximum 11 m to permit a height of 11.44 m.
2. To increase the width of a driveway in the front yard from the maximum 6.1 m (when a garage door used for motor vehicle access faces an interior side lot line), to permit a width in the front yard of 11.61 m.
3. To increase the floor area of an accessory structure from the maximum 80 sq m to permit two cabanas each with a floor area of 84.26 sq m.
4. To increase the total floor area of all accessory structures from the maximum 120 sq m to permit a total floor area of 242.2 sq m.

To accommodate a proposed dwelling, and 3 accessory structures (2 cabanas and 1 gazebo).

Owner(s): Gurjinder Brar, **Agent:** Ian Robertson Design, Michael Grisch

f. **Minor VarianceD13VAR23.018H – Conestoga Cold Storage**

24

Location: 16408 Steeles Avenue, Town of Halton Hills (Premier Gateway), Regional Municipality of Halton

Note: This proposal currently involves multiple addresses (the parcels will be merged).

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

1. To reduce the number of parking spaces from the minimum 367, to permit 110 parking spaces.
2. To permit 100% of the required parking spaces (110 spaces) to be located in a yard abutting Steeles Avenue, whereas the By-law permits 20% of the required parking spaces (22 spaces) to be located in a yard abutting Steeles Avenue.
3. To reduce the landscape strip along Tenth Line from the minimum 3 m to permit a 0 m landscape strip.

To accommodate a proposed warehouse.

Owner(s): 2793524 Ontario Inc., Brian Beech, **Agent:** Wellings Planning Consultants Inc., Glenn Wellings

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.013H – Heilman
Municipally known as 11408 22 Side Road
Town of Halton Hills (Limehouse)

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 5.3 m.
2. To increase the floor area of an accessory structure from the maximum 40 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 60 sq m to permit a total floor area of 183.2 sq m.

To accommodate a proposed accessory structure.

Proposal

The variances are required in order to construct a 140 sq m accessory building on the west side of the subject property, which is to be used for personal use only.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Rural Cluster Area under the Town's Official Plan which 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 Rural Cluster Residential One (RCR1) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits the height of accessory buildings to 4.5 m, the maximum floor area for any individual accessory building to 40 sq m and the maximum total floor area for all accessory buildings to 60 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 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 location of the property adjacent to a large agricultural and undevelopable lot and the proximity of the accessory building to other comparative structures in the surrounding rural area, 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; one being directly west of the subject lands:

- 11378 22 Side Road
- 11343 22 Side Road
- 11427 22 Side Road
- 11435 22 Side Road
- 11463 22 Side Road
- 11347 22 Side Road
- 11369 22 Side Road

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 accessory structure shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on March 6, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills, Building

- Confirmation of the distance of the existing septic bed to the proposed structure will be required through the building permit application.

Town of Halton Hills, Zoning

- Accessory structures shall not be used for 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.

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: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.014H – HRPS
Steeles Avenue/Sixth Line
Town of Halton Hills (Premier Gateway Employment Area)

APPLICATION

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

1. To permit 41% of the required parking spaces (56 spaces) to be located in a yard abutting Steeles Avenue, whereas the By-law permits 20% of the required parking spaces (28 spaces) to be located in a yard abutting Steeles Avenue.
2. To reduce the number of loading spaces from the minimum 3, to permit 0 loading spaces.

To accommodate a proposed public utility building (Halton Regional Police Services police station) and accessory storage.

Proposal

The Applicant is proposing to construct a 2-storey, approximately 2687 sq. m police station for Halton Regional Police Services. The building would be the new home for District 1 of Halton Regional Police Services (being relocated from Milton). The building would accommodate the numerous policing needs for Halton Police including offices, dispatch, collision reporting, prisoner intake and processing, etc. Surface parking is provided around the building for both staff, police vehicle parking and public/visitor parking areas as well as a dedicated tow truck parking area for collision reporting. Vehicular access to the site would be from Steeles Avenue (for police usage) and from a new public road (Hornby Road extension) to the south of the property that will provide public and tow truck access to the site.

The Applicant is seeking Minor Variances to address an increase in the amount of parking permitted in a yard abutting Steeles Avenue and to eliminate the need for dedicated loading spaces.

The review of the proposed development is being undertaken by staff predominantly through Site Plan Control Application D11SPA22.009, which is ongoing. Note that the property the police station will be situated within does not yet exist in the configuration indicated on the site plan drawing submitted with the Minor Variance application. Both the lot configuration and design/construction of the Hornby Road extension are occurring through Consent application D10CON22.003H, which was approved with conditions by the Committee of Adjustment in October 2022. Other changes to lot lines may occur through the powers of municipal consent.

POLICY CONTEXT

Town of Halton Hills Official Plan

Under the Town's Official Plan, the lands are located within Phase 1A of the Premier Gateway Employment Area. The lands proposed for the police station are designated "Prestige Industrial Area" and "Major Parks and Open Space Area". Public uses are permitted as-of-right in all urban land use designations through Policy F.9 of the Official Plan.

Section D3.5.3.2 of the Official Plan which pertains to lands within Phase 1 of the Premier Gateway Employment Area states that a high standard of building design and site planning is required in accordance with the 401 Corridor Urban Design Guidelines. Policy F6.7 of the Official Plan states that as a condition of development adequate off-street loading facilities be provided.

Town of Halton Hills Zoning By-Law

Under Zoning By-law No. 00-138, the subject lands are zoned Corridor Prestige Industrial Zone – Holding (M7)(H). This zone permits a range of employment uses (prestige industrial). Prior to building permit issuance, the (H) Holding Provision must be removed. The parent By-law to Zoning By-law 00-138 (By-law 57-91) permits public uses in all zones. The Zoning By-law only allows 20% of required parking to be in a yard abutting Steeles Avenue. Based on the size of the proposed building, the By-law would require 3 loading spaces.

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 restriction on the maximum number of parking spaces in a yard abutting Steeles Avenue is to ensure that larger areas of surface parking do not dominate the streetscapes of the prestige employment area. Due to the unique needs of a police station, much more parking is needed to satisfy Halton Police needs than what the Zoning By-law would normally require. This, combined with the irregular shape of the subject lands and the need for the police station to have police vehicle parking separated from public visitor parking (and to have different primary access

points) makes it difficult to satisfy this requirement. However, substantial landscaping is provided both within a landscape strip abutting Steeles Avenue and landscape islands throughout the parking lot that serve to break up the visual dominance of the lot. Additionally, more than 50% of the on-site parking is provided in locations other than abutting Steeles Avenue.

Regarding loading spaces, the proposed building still provides overhead door access to the building to allow deliveries into the building and to allow for prisoner drop-off and/or pick-up, vehicle maintenance, etc. Halton Regional Police have advised that this type of police station use has no need for standard industrial style loading bays and exterior loading spaces. The types of deliveries occurring would utilize much smaller trucks than typical industrial loading areas.

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 due to the unique nature of a police station use and the unique operational needs of Halton Regional Police.

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.

Conservation Halton

Should any works be proposed within CH's regulated area, a CH permit is required, prior to the initiation of the works.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.015H – Sharmeen
Municipally known as 13424 Highway 7
Town of Halton Hills (Henderson’s Corners)

APPLICATION

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

1. To reduce the front yard setback from the minimum 7.5 m to permit a front yard setback of 7.04 m.
2. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 4.85 m.
3. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 74 sq m.
4. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 74 sq m.

To accommodate a proposed addition to the dwelling and a detached garage.

Proposal

The variances are required to construct a 2nd storey addition above an existing single storey dwelling (a new front porch and rear balcony are also proposed, but not subject to Minor Variance approval). In addition, a new detached garage is proposed for the purposes of vehicular parking as the dwelling does not have an attached garage.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Rural Cluster Area” on Schedule A13 – Henderson’s Corners in the Town’s Official Plan. A single detached dwelling is permitted within the “Rural Cluster Area” designation. The Town’s Official Plan does not specifically identify policies related to minimum front yard setbacks; however, Policy Objectives E4.1(c) and E4.1(d) speak

to ensuring that Rural Clusters are developed in a logical manner and ensuring that new development contributes to and enhances the character of the rural area. The Official Plan does not specifically identify maximum total floor areas or height 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 Rural Cluster Residential One (RCR1) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law requires a minimum 7.5 m front yard setback and limits accessory structures to 40 sq m and to a maximum of 60 sq m for all structures combined. The maximum height for accessory structures is 4.5 m.

COMMENTS

Internal Department and External Agency Comments

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

Planning

The intent of the Zoning By-law to regulate minimum front yard setbacks is to ensure a generally consistent streetscape character on residential properties and to ensure sufficient space in front of a house is provided for parking. The existing single detached dwelling currently maintains a setback of 7.04 metres; the proposed second storey addition would match this setback and does not bring the house closer to the front lot line. No parking exists or is proposed in the front yard as the proposal also includes construction of a detached garage for car parking at the rear of the property.

The intent of the Zoning By-law to regulate the maximum floor area for accessory structures (both singularly and combined) and height of such 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. In this regard, the accessory structure needs to be larger than permitted to accommodate parking of vehicles as the existing house does not include an attached garage. The location of the garage towards the rear of the property is not immediately adjacent to any sensitive land use or residential dwelling and staff consider the proposed increase in height to be modest. Sufficient rear yard amenity space would still be available and the garage is clearly subordinate to the principal residential use.

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 addition to the single detached dwelling and the accessory building shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on March 23, 2022, to the satisfaction of the Commissioner of Planning & Development.
2. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

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.

Region of Halton

- During development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

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

FROM: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.016H – Van Dongen
Municipally known as 9268 Fifth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the distance between the farm employee accommodation and the detached dwelling from the maximum 30 m to permit an 84 m distance.

To accommodate a proposed accessory farm employee accommodation building.

Proposal

The variance is required to construct an accessory farm employee accommodation building generally within the footprint of an existing 2-storey barn that is to be demolished. The Applicant is proposing to build the structure within the existing footprint of the deteriorating barn to avoid using active farmland as this will preserve the farm cluster.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Agricultural Area under the Town's Official Plan which permits single detached dwellings and accessory residential uses on farm properties subject to Section E1.4.2 of the Official Plan. Section E1.4.2 of the Official Plan states the following:

The establishment of additional dwelling unit(s) on a commercial farm for bona fide farm help is permitted, provided the lands are appropriately zoned. Prior to considering an application for re-zoning, and/or site plan approval in accordance with Section G8 of this Plan, Council shall be satisfied that the second dwelling unit:

- a) is required for farm help as set out in a detailed submission addressing matters such as labour requirements related to the size and nature of the farm operation, and an assessment of the available residential accommodation on the farm;
- b) will be located within the existing farm-building cluster;
- c) can be serviced by appropriate sewage and water services; and,
- d) will be designed and/or located to be compatible or otherwise blend in with the farm operation.

The Official Plan does not specifically identify the distance between the farm employee accommodation and the detached dwelling; 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) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Section 4.2 of the Zoning By-law entitled Accessory Farm Employee Accommodation states where accessory farm employee accommodation is permitted in a zone, the following provisions shall apply:

- a) the accessory farm accommodation is located on a lot that is the site of a commercial farm and a residence that is occupied by the operator of the commercial farm;
- b) any building and associated activity area used for the accessory farm employee accommodation shall be located no further than 30.0 metres from the detached dwelling on the same lot and no closer than 30.0 metres from any lot line.
- c) buildings or structures for accessory farm employee accommodation shall only be located on a lot with a minimum lot area of at least 20.0 hectares;
- d) the driveway accessing the accessory farm employee accommodation shall be shared with the driveway that is utilized for the principal use on the lot; and,
- e) the accessory farm employee accommodation shall be secondary and accessory to the principal use on the same lot.

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 purpose of accessory farm employee accommodation buildings is to ensure sufficient accommodation is provided for full-time labour when the size and nature of operations requires additional employment. The intent of locating the accessory farm employee accommodation no further than 30.0 metres from the detached dwelling is to minimize the area of land used for non-agricultural purposes. Given that the Applicant is proposing to locate the building within the footprint of the existing

2-storey barn, which is already located within the farm cluster, the requested variance preserves the farm cluster and avoids the use of additional active farmland. Therefore, staff views the intent of the requirement to be maintained.

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 accessory farm employee accommodation shall be constructed generally in accordance with the Site Plan and Elevations, prepared by LIMA Architects Inc. date stamped by the Committee of Adjustment on March 28, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Conservation Halton

- CH has issued a permit (No. 8477) as approved by Conservation Halton Board on March 23, 2023. As such, CH has no concerns or objections with the requested variance.

Fire:

- Fire Safety Plan is required eight weeks before occupancy.

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

- Section 58(1.1) of the ROP states that uses are permitted as specified for each land use designation provided that adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region. 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 farm employee accommodation building, to ensure that it can be accommodated.
- 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.
- It should be noted that a large 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.

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

FROM: Ruth Conard, Planner – Development Review

DATE: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.017H – Brar
Municipally known as 9562 Sixth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the height of a dwelling from the maximum 11 m to permit a height of 11.44 m.
2. To increase the width of a driveway in the front yard from the maximum 6.1 m (when the garage door used for motor vehicle access faces an interior side lot line) to permit a width in the front yard of 11.61 m.
3. To increase the floor area of an accessory structure from the maximum 80 sq m to permit two cabanas each with a floor area of 84.26 m.
4. To increase the total floor area of all accessory structures from the maximum 120 sq m to permit a total floor area of 242.2 sq m.

To accommodate a proposed dwelling and 3 accessory structures (2 cabanas and 1 gazebo).

Proposal

The variances are required in order to demolish an existing one-storey dwelling and construct a new two-storey dwelling (1,716 sq m), three accessory structures in the rear yard (two cabanas (84 sq m each) and one gazebo (73 sq m)) and a new driveway on the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Agricultural Area under the Town's Official Plan which 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 Agricultural (A) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Zoning By-law limits the maximum height of a dwelling to 11 m, the maximum floor area of an individual accessory structure to 80 sq m, the maximum floor area of all accessory structures to 120 sq m and the maximum driveway width in the front yard (when a garage door opening used for motor vehicle access faces an interior side lot line) to 6.1 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:

Variance #1 – Dwelling Height

The intent of the Zoning By-law to regulate the maximum height of a dwelling is to ensure that individual properties are not overdeveloped, and that additional massing resultant of construction will not negatively impact the character of the neighbourhood.

Height is defined as the vertical distance measured from the established grade of a building to the highest point of the surface of the roof (flat roof). Due to the proposed walkout basement, the height of the dwelling is measured from average grade resulting in a slightly taller structure than permitted in the Zoning By-law.

Given the rural character of the lot, the distance of other dwellings to the subject property and the extent of relief requested, staff have no concerns with the variance.

Variance #2 – Driveway Width

The intent of the Zoning By-law to regulate driveway width is to ensure that hard surfaced driveways and surface parking areas do not visually dominate the front of properties and that sufficient front yard landscaping is provided.

The Applicant is proposing a landscape feature at one location along the driveway which requires the driveway to meander around the feature. This results in a driveway width being larger than permitted in the Zoning By-law. Given relief is only required at one location along the proposed driveway, staff have no concerns with the variance.

Variances #3 and #4 – Accessory Buildings

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. single detached dwelling) and do not create impacts to surrounding properties.

Given the size of the property and its location in the rural area adjacent to large agricultural lots and the location of the accessory buildings being in the rear yard of the subject property away from any other dwellings, staff have no concerns with the variances.

Therefore, Planning staff have 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 conditions:

1. That the proposal shall be constructed generally in accordance with the Site Plan and Elevations, prepared by Ian Robertson Design, date stamped by the Committee of Adjustment on March 28, 2023, to the satisfaction of the Commissioner of Planning & Development.
2. That a proven well be established on the subject property that is of a quality and quantity that meets Regional standards and that updated hydrogeological information is provided to confirm groundwater direction, to ensure there are no negative impacts expected to neighbouring wells.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills, Zoning

- The property is to be used as a single detached dwelling or for agricultural purposes.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead distribution system on Sixth Line. Given the plans provided in this application, the proposed dwelling will require a new underground primary service. Applicant shall request for a disconnect and removal of the existing service prior to commencement of construction.
- The applicant shall request for a Technical Service Layout for the new service when required. All new services from HHHI's main line will be installed underground according to HHHI specifications, at the expense of the customer. Any exceptions will be at the discretion of HHHI.
- The applicant shall be aware that this proposed dwelling will require hydro transformation. Current lead time on transformation and material alike is currently 36 week lead time. The lead time on transformers continues to vary. Industry wide, lead times for many materials are increasing, and HHH have seen transformer lead times increasing significantly. Manufacturers have identified they are experiencing production capacity issues resulting from labour force shortages, and core metal material lead times increasing thereby causing their product (transformer) lead time increasing.
- No work will proceed or materials ordered until appropriate construction charges, deposits, documentations or contracts have been received. The Electrical Safety Authority (ESA) will govern any electrical service requirements beyond HHHI's demarcation point.
- The applicant should review HHH's 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>

Halton Region

- It should be noted that the majority 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.

Conservation Halton

- That prior to the initiation of works, a CH “Letter of Permission” be obtained from Conservation Halton for the proposed development. CH understands that a previous Letter of Permission was obtained in 2021; however, that permit has now expired and a new one must be issued.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: May 1, 2023

RE: Planning Recommendation for
Application D13VAR23.018H – Conestoga Cold Storage
Municipally known as 16408 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 number of parking spaces from a minimum of 367, to permit 110 parking spaces.
2. To permit 100% of the required parking spaces (110 spaces) to be located in a yard abutting Steeles Avenue, whereas the By-law permits 20% of the required parking spaces (22 spaces) to be located in a yard abutting Steeles Avenue.
3. To reduce the landscape strip along Tenth Line from the minimum 3 m to permit a 0 m landscape strip.

To accommodate a proposed warehouse.

Proposal

The Applicant is proposing to construct an approximately 32,746 sq. m industrial cold storage warehouse with associated truck loading areas, office space and employee parking. The building would be constructed in three phases with additional phases intended in the future (should additional Minor Variances be required beyond Phase 3 they would be identified at that time). Surface parking is provided at the front of property generally in the northeast corner. Access to employee parking and truck ingress and egress would both be from Tenth Line. Improvements to Tenth Line would occur as part of the proposed development to accommodate the truck turning movements.

The Applicant is seeking Minor Variances to increase the amount of parking permitted in a yard abutting Steeles Avenue; to reduce the amount of parking required; and, to eliminate the need for a landscape strip along Tenth Line.

Note that the review of the proposed development is being undertaken by staff predominantly through Site Plan Control Application D11SPA22.005. The review of this application is ongoing.

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 including warehouses.

Section D3.5.3.2 of the Official Plan, which pertains to lands within Phase 1 of the Premier Gateway Employment Area, states that a high standard of building design and site planning is required in accordance with the 401 Corridor Urban Design Guidelines. Policy F6.7 of the Official Plan states that as a condition of development that adequate off-street parking and loading facilities be provided.

Town of Halton Hills Zoning By-Law

Under Zoning By-law No. 00-138, the subject lands are zoned Corridor Prestige Industrial Zone – Holding (M7) (H). This zone permits a range of employment uses (prestige industrial), including warehouses. Prior to building permit issuance, the (H) Holding Provision must be removed.

The Zoning By-law only allows 20% of required parking to be in a yard abutting Steeles Avenue. Based on the size of the proposed building, the Zoning By-law would require 367 parking spaces. The By-law also requires a 3 m landscape strip along Tenth Line.

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

Minor Variance No. 1

Sufficient parking should be provided on-site to generally accommodate anticipated demand. As part of the related Site Plan Control application, a Parking Justification Study was submitted detailing how 110 parking spaces would be sufficient for the use. Much of the justification relates to the unique nature of a cold storage warehouse use. Unlike typical warehouses, a large portion of the proposed cold storage warehouse consists of industrial freezer space. The movement of product in this space is fully automated with no employees (employees work elsewhere in both office and shipping/receiving roles). Therefore, parking demand is considerably less than a similar warehouse not storing frozen goods. The nature of the proposed building, consisting predominantly of frozen storage space in an extremely tall, single

storey building, would not be conducive to other forms of warehousing should the property be sold in the future. Therefore, staff are satisfied that the proposed 110 parking spaces are sufficient to accommodate parking needs through Phase 3.

Minor Variance No. 2

The intent of the restriction on the maximum number of parking spaces in a yard abutting Steeles Avenue is to ensure that larger areas of surface parking do not dominate the streetscape in the prestige employment area.

The proposed development would be constructed in phases. The first three phases are included as part of this Minor Variance application. Up to 7 total phases may ultimately be constructed as demand for cold storage space increases through future years. The configuration of the proposed development is such that land both to the rear of the first 3 phases and to the west of the proposed parking area are needed for future phases of the development; therefore, the parking lot cannot be relocated to the rear of the building. However, as development occurs beyond the 3 phases that form part of this Minor Variance application, should additional parking be required it may be that other parking areas on the property need to be created. It should also be noted that while 100% of the parking is proposed in a yard abutting Steeles Avenue, the parking area only takes up a very small percentage of the Steeles Avenue frontage and therefore does not dominate the streetscape. Substantive buffer plantings in the form of a landscape strip along Steeles Avenue is also being secured through the Site Plan process to improve the streetscape.

Minor Variance No. 3

The intent of requiring a landscape strip along public roads is to improve the streetscape and act as a buffer between the public road and private development (including any parking or loading areas that may be located near the public road). The Applicant has indicated that a landscape strip can be accommodated adjacent to Tenth Line, but it would be located within the municipal right-of-way (i.e., street tree plantings), not within private property as per the by-law. This is because once improvements to Tenth Line are completed, and the road is widened the location of the landscape strip will be in the new municipal right-of-way. Finally, it should be noted that Tenth Line in this area is a local road terminating in a cul-de-sac south of Steeles Avenue. It serves only as local access to the few properties that front onto Tenth Line, all of which are designated and zoned for industrial uses. Given the nature of the roadway, the need for a 3 m landscape strip on private property is considerably lessened and the Minor Variance can be supported.

Public Comments

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

RECOMMENDATION

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

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

Planning staff has no objection to the approval of this application subject to the following conditions:

1. The Owner shall provide proof that the properties located at 7876 Tenth Line South, 16408 Steeles Avenue and 16316 Steeles Avenue have merged on title. This Minor Variance decision will apply to all three noted properties once merged.
2. That variance 1 only applies to Phases 1 to 3 of the proposed cold storage building, as shown on the site plan drawings dated stamped by the Committee of Adjustment on March 29, 2023, and that the combined gross floor area for Phases 1 to 3 is not to exceed 32,800 square metres.

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.