

## COMMITTEE OF ADJUSTMENT AGENDA

**Date:** Wednesday, August 2, 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. **Consent D10CON23.004H – Panchuk & Minor Variance D13VAR23.020H – Panchuk**

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**Location:** 100 Confederation Street, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

**Consent Purpose:** Proposed **new lot**, and proposed **daylight triangle** (related to the Glen Williams Estates proposed Draft Plan of Subdivision, File No. D12SUB20.001). The parcels are shown on the sketch of the subject lands as **Parcel A ± 0.10 ha, and Parcel C ± 0.01 ha** prepared by Van Harten Surveying Inc., date stamped as received by the Committee of Adjustment on June 28, 2023.

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

1. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 23.3 m (severed lot).
2. To reduce the lot area from the minimum 0.2 ha to permit a lot area of 0.1 ha (severed lot).
3. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 0 m (retained lot).
4. To permit an existing accessory garage and barn on a lot prior to the erection of the main building (retained lot).

**To accommodate a proposed new lot, and improved access to future subdivision (related to Draft Plan of Subdivision, File No. D12SUB20.001).**

**Legal Description:** PT LT 21, CON 9 ESQ, AS IN 607981; HALTON HILLS/ESQUESING

**Owner(s):** Neal & Ivana Panchuk, **Agent:** Wellings Planning Consultants Inc., Glenn Wellings

b. **Minor Variance D13VAR23.021H – Shepherd**

**Location:** 12265 Regional Road 25, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To increase the floor area of an individual accessory structure from the maximum 80 sqm to permit a floor area of 228 sqm.
2. To increase the total floor area of all accessory structures from the maximum 120 sqm to permit a total floor area of 244 sqm.
3. To increase the height of an accessory structure from the maximum 5 m to permit a height of 6.2 m.

**To accommodate a proposed accessory storage building.**

**Owner(s):** Ryan & Callie Shepherd

4. **ADJOURNMENT**

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

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

**DATE:** July 26, 2023

**RE:** Planning Recommendation for  
Applications D10CON23.004H and D13VAR23.020H - Panchuk  
Municipally known as 100 Confederation Street  
Town of Halton Hills (Glen Williams)

## **APPLICATION**

A Consent application has been submitted for the property municipally known as 100 Confederation Street (Glen Williams) seeking to create:

- a new single detached residential lot (2 total lots including the retained lot); and,
- a block for a future daylight triangle ultimately to be dedicated to the Town of Halton Hills, for the purposes of sightline visibility at the location of a proposed new future road.

Access to both residential lots (i.e., the severed and retained parcels) is intended to be from a new public road that is proposed to be constructed as part of a proposed 34-lot single detached residential subdivision on lands to the north (municipally known as 102 Confederation Street). Planning Applications for this subdivision proposal (Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision), known as “Glen Williams Estates”, have been appealed to the Ontario Land Tribunal (OLT). A decision on the applications is expected later in 2023.

The table below outlines the proposed lot sizes and frontages for each lot (once access to the proposed new public road is secured):

<b>Parcel</b>	<b>Intended Purpose</b>	<b>Area</b>	<b>Frontage</b>
A	Severed Lot	0.10 ha (0.25 acres)	23.3 m (76.5 ft)
B	Retained Lot	0.33 ha (0.8 acres)	78.0 m (256 ft)
C	Daylight Triangle	0.01 ha (0.025 acres)	N/A

To implement the proposed Consent application, the Applicant is also requesting relief from Zoning By-law 2010-0050, as amended, through a Minor Variance application:

1. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 23.3 m (severed lot).
2. To reduce the lot area from the minimum 0.2 ha to permit a lot area of 0.1 ha (severed lot).
3. To reduce the lot frontage from the minimum 30 m to permit a lot frontage of 0 m (retained lot).
4. To permit an existing accessory garage and barn on a lot prior to the erection of the main building (retained lot).

## **RECOMMENDATION**

Planning staff recommends that the Committee **defers** its decision to allow for further discussions between the Applicant, Town of Halton Hills and the Region of Halton regarding the following items:

1. Whether it is premature for the Committee of Adjustment to decide on the Consent and Minor Variance applications until a decision on the proposed future adjacent public road and associated municipal infrastructure required to support the intended severed and retained lots is made and are potentially available (i.e. the related Draft Plan of Subdivision application referred to as Glen Williams Estates is currently before the OLT).
2. Should approval of the Consent and Minor Variance applications be considered, what are the appropriate conditions of approval that should be applied to ensure that legal lot creation does not occur until frontage and municipal services are available and to ensure the Town of Halton Hills can obtain the required daylight triangle for proper site-lines at the future intersection of the new public road and Confederation Street should the adjacent Subdivision proposal be approved by the OLT.

Reviewed and Approved by,



**Jeff Markowiak, Director of Development Review**

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

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

**DATE:** July 24, 2023

**RE:** Planning Recommendation for  
Application D13VAR23.021H – Shepherd  
Municipally known as 12265 Regional Road 25  
Town of Halton Hills (Esquesing)

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### **APPLICATION**

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

1. To increase the floor area of an individual accessory structure from a maximum of 80 sqm to permit a floor area of 228 sqm.
2. To increase the total floor area of all accessory structures from a maximum of 120 sqm to permit a total floor area of 244 sqm.
3. To increase the height of an accessory structure from a maximum of 5m to permit a height of 6.2m.

To accommodate a proposed accessory storage building.

### **Proposal**

The variances are required to construct a 228 sqm accessory storage garage located in a grassed area of the property near the northerly interior side yard. The subject lands are approximately 4 ha (10 acres) in size and contain a single detached dwelling, woodlands, grassed area, barn, and fields for horses. The property is also mostly regulated by Conservation Halton (CH) and the Applicants have already received a Letter of Permission from CH for the construction of the accessory storage building.

### **POLICY CONTEXT**

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

The subject property is predominantly designated as “Protected Countryside Area” with a Natural Heritage System (NHS) overlay. A small portion of the front and rear of the subject

lands are designated “Greenbelt Greenlands Area”. However, the portion of the subject lands where the accessory building is proposed is within the “Protected Countryside Area” and is not immediately adjacent to the “Greenbelt Greenlands Area” designation.

The “Protected Countryside Area” designation 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**

Most of the subject property, including the portion of lands where the proposed accessory building would be located, is zoned Protected Countryside Natural Heritage System Two (PC-NHS2) in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. A portion of the front and rear of the subject lands is zoned Protected Countryside Natural Heritage System One – Holding (PC-NHS1(H2)) Zone. The Zoning By-law limits individual accessory structures to 80 sq m 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 4 ha/10 acre) property contains a single detached dwelling (with a pool cabana) and a barn (considered as an agricultural building). There are no other detached accessory storage buildings on the property (although the barn, along with the housing of horses, may contain some storage). The Applicant has indicated that the intent of the garage is to address a lack of on-site storage and the needs of a large rural residential property with agricultural uses (storage of a tractor, lawn maintenance equipment, ATVs, farm and personal related vehicles, and general storage).

Although the size of the proposed structure is considerable, it must be considered in the context that the property itself is large (4 ha / 10 acres) and consists of rural residential and agricultural uses. The structure would not generally be visible from Regional Road 25 due to the presence of woodland features on the lands and while it would be in proximity to the property to the north that also contains a single detached dwelling, the garage would be located close to a surface parking

area, not close to the actual dwelling on the abutting property. The proposed accessory building is clearly accessory to the principal rural residential use.

With regards to Variance 3, the increase in height from the permitted 5.0 m to 6.2 m is to allow an appropriate roof pitch to accommodate the larger vehicles and tractor that would be stored inside and for roof runoff purposes. Staff feel the increase in height is modest and that due to the large size of the property and the location of the structure close to wooded areas, the building would not dominate the lot or be visually obtrusive.

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 storage building shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on June 29, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



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**Jeff Markowiak, Director of Development Review**

## Notes

### Development Engineering

- The Applicant/Owner shall maintain the existing drainage pattern and ensure positive drainage is achieved.
- The Applicant/Owner shall repair any drainage problems caused by the proposed works on their property and/or the adjacent owner's properties.
- All proposed site works (i.e., grading), are to remain 0.6m (2ft.) minimum from all lot lines as per Site Alteration By-Law 2017-0040.

### 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.