

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, September 6, 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 D10CON23.005H –Olson & Minor Variance D13VAR23.022H – Olson**

4

Location: 34 Church Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Consent Purpose: Proposed new lot (Parcel A, ± 0.024 ha) together with a maintenance easement (over Parcel B, ± 0.0025 ha). The parcels are shown on the sketch of the subject lands prepared by Fiddes Clipsham Inc., date stamped as received by the Committee of Adjustment on July 10, 2023.

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

1. To reduce the lot frontage for an existing semi from the minimum 7 m to permit a lot frontage of 6.5 m.
2. To reduce the setback to the proposed attached garage from the minimum 5.5 m to permit a setback of 0.7 m.

To accommodate the proposed severance of an existing semi-detached dwelling.

Legal Description: PT LT 100, PL 27, AS IN 830510 TOWN OF HALTON HILLS

Owner(s): Barry Olson & Sonya Burns, **Agent:** Herbert Arnold, Arnold Foster LLP

b. Minor Variance D13VAR23.023H – Sahota

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Location: 8420 Ninth Line, 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 height of an accessory structure from the maximum 5 m to permit a height of 7.95 m.
2. To increase the floor area of an individual accessory structure from the maximum 80 sq m to permit a floor area of 126 sq m.
3. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a floor area of 133 sq m.

To accommodate a proposed detached garage.

Owner(s): Saranjit Sahota, **Agent:** Peter Vozikas

c. Minor Variance D13VAR23.024H – Polish Parishes Credit Union

16

Location: 12005 Steeles Avenue, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To reduce the front yard setback from the minimum 9.5 m to permit a front yard setback of 5.07 m (Steeles Avenue).
2. To reduce the exterior side yard setback from the minimum 9.5 m to permit an exterior side yard setback of 4.44 m (Sixth Line).
3. To permit the construction of an addition to the existing building within a 12 m site triangle.
4. To permit an expansion of 19.8 sq m to a business office, whereas the By-law does not permit expansions to any buildings or structures for any use.

To accommodate an addition to a business office, for an elevator and vestibule.

Owner(s): St. Stanislaus - St. Casimir's Polish Parishes Credit Union, Tomasz Cudzich, **Agent:** Our Cool Blue Architects Inc. - Tom Kolbasenko

d. **Minor Variance D13VAR23.025H – Klassen**

Location: 3 Tweedle Street, Town of Halton Hills (Glen Williams),
Regional Municipality of Halton

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

1. To reduce the side yard setback to the first storey of an addition from the minimum 2.25 m to permit a side yard setback of 0.91 m.
2. To reduce the side yard setback to the second storey of an addition from the minimum 3.45 m to permit a side yard setback of 0.91 m.

To accommodate a proposed addition to a garage, and a proposed accessory dwelling unit.

Owner(s): Matthew & Kajsia Klassen, **Agent:** Matthews Design & Drafting,
Doug Matthews / Bethany VanRavens

4. **ADJOURNMENT**

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: August 30, 2023

RE: Planning Recommendation for
Application D10CON23.005H and D13VAR23.022H - Olson
Municipally known as 34 Church Street
Town of Halton Hills (Georgetown)

APPLICATIONS

A Consent application has been submitted for the property municipally known as 34 Church Street (Georgetown) to subdivide an existing semi-detached dwelling along the existing party wall to create a situation whereby each half of the existing semi-detached dwelling would be on its own property. The severed lands (Parcel A), which would be the corner lot, would have a lot frontage of 6.5 metres and an area of 0.024 hectares. The retained lands (Parcels B and C) would have a lot frontage of 8.1 metres and a combined lot area of 0.0295 hectares. Parcel B is proposed to be subject to a maintenance easement in favour of Parcel A to allow the future owner of the severed lands (Parcel A) to be able to maintain the exterior of their existing side wall. While the semi-detached dwelling already exists, to ensure adequate off-street parking for each separate lot is provided, a portion of the existing building on Parcel A is proposed to be reconverted from living space back into an attached garage (this existing living space was once a garage in the past).

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

1. To reduce the lot frontage for an existing semi from the minimum 7 m to permit a lot frontage of 6.5 m.
2. To reduce the setback to the proposed attached garage from the minimum 5.5 m to permit a setback of 0.7 m.

POLICY CONTEXT

Planning Act

Section 51(24) of the Planning Act sets out the criteria to consider when reviewing an application to subdivide land. These criteria include whether the proposal conforms to the municipal Official

Plan, the suitability of the land for the purposes for which it is to be subdivided, and the dimensions and shapes of the proposed lots.

Section 53(1) states that a Consent may be granted provided the approval authority is satisfied that a plan of subdivision of the land is not necessary for the orderly development of the municipality. The proposal must also have regard to the matters of provincial interest under Section 2, specifically Subsection (h), the orderly development of safe and healthy communities, and Subsection (p), the appropriate location of growth and development.

Provincial Policy Statement (PPS), 2020

The 2020 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range of housing types that make efficient use of infrastructure and public services facilities, thus supporting the development of healthy communities. Specifically, Section 1.1.3 of the PPS identifies Settlement Areas as the focus of growth and development.

Growth Plan for the Greater Golden Horseshoe

The 2019 Growth Plan policies indicate that most of the growth will be directed to settlement areas that have a delineated built boundary, existing or planned municipal water and wastewater servicing and can support the achievement of complete communities. Section 2.2.1.2 of the Growth Plan directs the majority of growth to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities.

Region of Halton Official Plan

The 2009 Regional Official Plan (ROP), as amended, designates the subject lands as Urban Area. The range of permitted uses and the creation of new lots within the Urban Area are to be in accordance with local Official Plans and Zoning By-laws. All development, however, shall be subject to the ROP policies as per Section 76 of the ROP.

Town of Halton Hills Official Plan

The subject lands (both severed and retained) are designated Low Density Residential Area on Schedule A3 – Georgetown Urban Area Land Use Plan of the Town of Halton Hills Official Plan. Semi-detached dwellings are permitted within this designation at a maximum density of 20 units per net residential area. Combined, the two lots would have an approximate density of 18 units per net residential hectare.

In addition, as per Section F1.2.1 of the Official Plan, prior to approval for the creation of a new lot for any purpose, the lot to be retained and the lot to be severed must meet the following criteria:

- a) front on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) will not cause a traffic hazard;

- c) has adequate size and frontage for the proposed use in accordance with the implementing Zoning By-law and is compatible with adjacent uses;
- d) can be serviced with an appropriate water supply and means of sewage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan; and,
- g) will not have a negative impact on natural heritage features and related ecological functions in the area.

Town of Halton Hills Zoning By-Law

The subject lands are zoned Low Density Residential Area One (LDR1-2) with a Mature Neighbourhood (MN) overlay. This zone permits existing semi-detached dwellings with a minimum lot frontage of 7 m per lot. Attached garages must maintain a minimum 5.5 m setback.

COMMENTS

Internal Department and External Agency Comments

The applications were circulated for review and comment to Town departments and external agencies. No comments or concerns were received other than comments advising of required conditions of approval for the Consent Application.

Public Comments

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

Planning Comments

Consent Application

The proposed Consent Application would subdivide an existing semi-detached dwelling along the existing party wall to create a situation whereby each half of the existing semi-detached dwelling would be on its own property. To ensure adequate off-street parking for each separate lot is provided, a portion of the existing building on Parcel A is proposed to be reconverted back to an attached garage from living space (this existing living space was once a garage in the past).

Town Planning staff reviewed the proposed severance against the applicable policy framework in the Town of Halton Hills Official Plan and Zoning By-law. After thorough review, Planning staff has no objection to the proposed severance based on the following:

Other than the above noted alteration to a portion of the existing building to reintroduce an attached garage, a semi-detached dwelling already exists on the subject lands (i.e., there are currently two units and two units would remain in the future should the application be

approved). While the proposed lot creation would not actually establish any additional residential units, staff have never-the-less reviewed the proposal against the criteria to be considered when evaluating Consent applications seeking to create new lots (Section F1.2.1):

- The severed and retained lands will continue to have frontage onto Church Street (although the severed lot / Parcel A would have vehicular access to the reinstated garage via Charles Street).
- No traffic hazard would exist as the driveway for the retained lot already exists and the reintroduction of the garage on the severed lot would improve traffic safety and the safety of pedestrians.
- Both lots have adequate size and frontage (the reduction in lot frontage for the severed lot from 7 m to 6.5 m is minor and represents an existing situation).
- The lots can adequately be serviced (a new separate sanitary connection is proposed for the severed lot) and the Region has provided a condition to that effect.
- No substantive lot grading is proposed/required to implement the severance.
- The Consent will not restrict any development of the retained lands as it already contains half of an existing semi-detached dwelling and as the building already exists, adjacent properties are not impacted.
- There are no natural heritage features on the subject lands and no trees are proposed to be impacted.

In addition, the proposed severance:

- Has regard for the *Planning Act* criteria required to be considered when reviewing a Consent application, does not require a plan of subdivision for the orderly development of the property, and has regard to the matters of provincial interest;
- Is consistent with the PPS by directing growth to a settlement area (i.e., Georgetown), where intensification, redevelopment and compact form is promoted;
- Conforms to the Region of Halton Official Plan policies regarding severances in the Urban Area.

Minor Variance Application

With regards to Variance 1, the intent of the Zoning By-law to regulate minimum lot frontages is to ensure both that general neighbourhood lotting character is preserved and to ensure an adequate lot width is provided to allow for parking and/or an attached garage, for a building entrance and a front yard landscaped area. The retained lot exceeds the minimum lot frontage requirement of 7 metres, but the severed lot would not as only 6.5 metres is proposed. However, this reflects an existing situation due to the existing party wall separating the two units. In addition, parking for the severed lot would be off the exterior side yard (Charles Street) instead of the front yard (Church Street). Front yard landscaping is not impacted.

With regards to Variance 2, the intent of a requirement for attached garages to be setback 5.5 m is to ensure that vehicles exiting a garage have sight lines for pedestrian safety; to allow sufficient

space to park an additional vehicle between the garage and the property line; and so that setbacks generally consistent with the principal building are provided to maintain streetscape character. In this regard, the proposal seeks to reinstate a garage that already previously existed in the same location and therefore reflects an existing situation. There is also sufficient space in the driveway so that a vehicle exiting the garage can stop in the driveway to ensure safety for vehicles driving on Charles Street or pedestrians who may walking on the street (there is no current municipal sidewalk on the east side of Charles Street).

RECOMMENDATION

Planning staff has no objection to the approval of the Minor Variance or the Consent applications, subject to the Conditions for the Consent application, outlined in Schedule 1.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak", written in a cursive style.

Jeff Markowiak, Director of Development Review

SCHEDULE 1 – CONDITIONS OF CONSENT APPROVAL

Prior to the issuance of the final Consent Certificate by the Town of Halton Hills, the Owner shall address the following conditions:

Town of Halton Hills Conditions

1. The Owner shall provide a draft reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official for review and approval prior to being deposited at the Land Registry Office (LRO).
2. The Owner shall submit a digital copy (via e-mail) and one hard copy of the deposited reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official.
3. The Owner shall pay the required certificate fee in the amount current at the time of the issuance of the certificate.
4. The owner/applicant shall apply and acquire an Excavation Permit / Building Permit from the Town to remove the existing board fence, hedge, deck and asphalt parking area on the Town's rights-of-way to the satisfaction of Development Engineering and to the satisfaction of Building Services.
5. The owner/applicant shall demonstrate on the final reference plan the type of measures in place to allow the property owner of Parcel A to access Parcel B as the severance sketch currently shows access being impeded by a fence.
6. The owner/applicant shall apply for and acquire an Entrance Permit application from the Town for the entrance alteration.
7. The owner/applicant shall obtain a building permit to convert the rear portion of the dwelling at #36 Church Street back to a garage with a minimum 2.9 metre x 6.0 metre internal parking space size. Completion of the construction is to the satisfaction of Building Services.
8. The owner/applicant shall obtain a permit for the fire separation to be constructed from footing to underside of roof deck, between the two dwellings. Completion of the construction is to the satisfaction of Building Services.

Region of Halton Conditions

9. Prior to final approval, the owner shall obtain water and wastewater servicing permits from Halton Region, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.

Notes

Development Engineering

The proposed driveway is not a legal parking spot.

It is the owner's responsibility to:

- maintain the existing drainage pattern.
- Ensure positive drainage is achieved.
- Repair any drainage problems caused by the proposed works on their property and/or the adjacent owner's properties.

Halton Region

- Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
- No wastewater service laterals, or water service connections are to cross existing or proposed property lines.
- The applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow into the Water System as set out in By-Law 157-05.
- The Owner will be required to pay all applicable Regional Development Charges (DCs) in accordance with the Region of Halton Development Charges By-law(s), as amended. If a subdivision (or other form of development) agreement is required, a portion of the Regional DCs for residential units may be payable upon execution of the agreement or in accordance with the terms and conditions set out in the agreement. In addition, commencing January 1, 2017, every owner of land located in Halton Region intended for residential development will be subject to the Front-ending Recovery Payment. Residential developments on lands located in Halton Region that prior to January 1, 2017 are part of a Regional allocation program, or have an executed Regional/Local Subdivision or consent agreement, or have an executed site plan agreement with the Local Municipality, or received a notice in writing from the Local Municipality that all requirements under the Planning Act have been met, or obtained a building permit are not subject to the Front-ending Recovery Payment.

The above note is for information purposes only. All residential development applicants and every owner of land located in Halton Region assume all the responsibilities and risks related to the use of the information provided herein.

Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recover-Payment> to obtain the most current information, which is subject to change.

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: August 30, 2023

RE: Planning Recommendation for
Application D13VAR23.023H – Sahota
Municipally known as 8420 Ninth Line,
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 5 m to permit a height of 7.95 m.
2. To increase the floor area of an individual accessory structure from the maximum 80 sq m to permit a floor area of 126 sq m.
3. To increase the total floor area for all accessory structures from the maximum 120 sq m to permit a floor area of 133 sq m.

To accommodate a proposed detached garage.

Proposal

The Applicant is proposing to construct a new one and a half-storey detached garage to the west of the existing two-storey dwelling; the detached garage is intended to accommodate multiple automobiles. The proposal also includes a circular driveway.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Agricultural Area. This designation permits single detached dwellings and accessory structures.

Town of Halton Hills Zoning By-Law

The subject property is zoned Agricultural (A) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The Agricultural (A) zone permits single detached dwellings and accessory buildings and structures.

In an Agricultural (A) zone, the Zoning By-law states that the height of an accessory building is to be a maximum of 5.0 metres. The By-law also states that the floor area of an individual accessory structure can be a maximum of 80.0 sq m, and that the maximum total floor area for all accessory structures is 120.0 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 (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.

Development Engineering

Development Engineering has no objection to the approval of the Minor Variance as presented.

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 their approval, subject to the following condition:

1. The addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. G02, G01, prepared by MV-3 and MV-4 prepared by Empire Design Company, dated Aug. 2022 and Drawing 20-2502-S.DWG prepared by Van Lankveld Surveying Limited, dated May 11, 2021. All drawings date stamped by the Committee of Adjustment on July 10, 2023, 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

Halton Region

It should be noted that Halton Region staff have identified a possible future road widening being required on Ninth Line, adjacent to the subject lands, which could potentially effect the property, depending on how much clearance the Region may require for road widening construction. While the Region does not object to the proposed variances, they have indicated that the possible road widening could have implications for the placement of septic and well on the property, which could in turn influence the location for the construction of the proposed detached garage.

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.

If it is an application for a subdivision, the applicant is required to complete the necessary

requirements to obtain a Registered Subdivision Agreement with Halton Hills Hydro. Please contact Mitchell for further information at Ext. 240.

Conservation Halton

Prior to the initiation of works, a Conservation Halton permit be obtained from Conservation Halton for the proposed development.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: August 25, 2023

RE: Planning Recommendation for
Application D13VAR23.042H – Polish Parishes Credit Union
12005 Steeles Avenue
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To reduce the front yard setback from the minimum 9.5 m to permit a front yard setback of 5.07 m (Steeles Avenue).
2. To reduce the exterior side yard setback from the minimum 9.5 m to permit an exterior side yard setback of 4.44 m (Sixth Line).
3. To permit the construction of an addition to the existing building within a 12 m site triangle.
4. To permit an expansion of 19.8 sq m to a business office, whereas the By-law does not permit expansion to any buildings or structures for any use.

To accommodate an addition to a business office, for an elevator and vestibule.

Proposal

The Applicant is proposing to construct an approximately 20 sq. m addition to an existing 2-storey building currently being used as a bank. The addition would contain a new entranceway vestibule and elevator. The Applicant has indicated the purpose of the addition is to improve accessibility to the building for employees and customers.

POLICY CONTEXT

Town of Halton Hills Official Plan

Under the Town's Official Plan, the lands are designated "Protected Countryside Area". Uses in this designation are generally limited to agriculture and agriculturally related uses including a single detached dwelling. Commercial uses are not permitted.

Section G5 of the Halton Hills Official Plan contains policies to address uses that do not conform to the designation and policies of the Official Plan. It is the intent of the Plan that such uses should gradually be phased out so that the lands use may change to a use in conformity with the Plan. However, Section G5 also contains policy direction that would allow for additions and alterations to Legal Non-Conforming Uses without an Official Plan Amendment in cases where Council is not considering acquiring the property or where relocation of the use to another site is not practical. In this regard, the Town is not considering purchase of the lands, and the immediate relocation of an existing in-operation financial institution in an existing building that was clearly originally constructed for commercially related uses is not readily practical.

The following policies are the evaluation criteria used to evaluate such a request:

- a) the size of the extension or enlargement of the established use is in proportion to the size of the use as it existed at the date of the enactment of the implementing Zoning By-law;
- b) the proposed extension is compatible with the character of the surrounding area in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation;
- c) the proposed extension will not prejudice the long-term intent of or the orderly development contemplated by the provisions and designations contained in this Plan;
- d) site planning and design will minimize the impact of the proposed extension on neighbouring conforming uses and includes, where appropriate, measures such as fencing, landscaping, and setbacks using Site Plan Control; and,
- e) adequate water and wastewater servicing is available.

Town of Halton Hills Zoning By-Law

Under Zoning By-law No. 2010-0050, the subject lands are zoned Protected Countryside Natural Heritage System Two (PC-NHS2). This zone permits a range of agriculture and agriculturally related employment uses including a single detached dwelling. Existing business offices are permitted; however, the Zoning By-law does not allow new buildings and/or the expansion of any building or structure for a business office. Never-the-less, the PC-NHS2 Zone contains setback requirements for all buildings. A 9.5 m setback for both a required front yard and required exterior side yard is required. The Zoning By-law also does not permit structures within a 12 m x 12 m site triangle.

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 following provides an evaluation of the proposal in relation to the requested variance to permit the construction of a 20 sq. m addition to an existing building for the purpose of an entrance

vestibule and elevator, whereas the PC-NHS2 Zone does not allow expansions of a business office (Variance No. 4).

Fundamentally, the evaluation of the Minor Variance is a product of the requirement that the PC-NHS2 Zone only allows for existing business offices. The intent of not allowing new or expanded business offices is that the Protected Countryside area (consistent with the Protected Countryside Area designation in the Official Plan) is predominantly a rural agricultural zone and that rural agricultural character should be maintained in addition to protecting any existing natural heritage features. It is not the intent of the Zoning By-law, nor the Official Plan, to allow existing uses not in conformity with the Official Plan to have major extensions that would further entrench the use and lessen the likelihood that the use of the property would eventually change to what may be a more compatible land use.

However, the Official Plan recognizes that these non-conforming uses may be permitted within the Zoning By-law and that they may be “appropriate and practical to allow the replacement, extension or enlargement of non-conforming uses in order to avoid unnecessary hardship”. Evaluation criteria are contained within Section G5 of the Official Plan to evaluate such extensions.

- With regard to Criteria (a), staff is satisfied that the size of the extension is proportionate to the size of the existing building. The vestibule addition represents only a 6% increase in floor area and is only to allow an accessible entranceway to the existing commercial building.
- With regard to Criteria (b), staff is satisfied the vestibule addition would not result in nuisance impacts on surrounding lands. It is located on the opposite side of the building from the nearby residential uses.
- With regard to Criteria (c), as the extension is of minimal size and only serves to improve accessibility, staff is satisfied that the proposal does not prejudice the long-term intent that the subject lands convert to a use permitted under the Official Plan.
- With regard to Criteria (d), based on the location of the silo on the opposite side of the building from any adjacent residential uses, and based on the type of addition (a glass vestibule), no other changes to the site with regard to fencing and landscaping are necessary.
- With regard to Criteria (e), a vestibule entranceway for an elevator does not generate additional demand for water and wastewater servicing.

Therefore, it is staff's opinion that the above noted evaluation criteria have been met. Based on the extremely small scale of the extension, it is also staff's opinion that a Minor Variance application can be deemed an appropriate planning tool to consider the extension. It also should be noted that based on information provided by the Region of Halton, there are no significant natural heritage features on the property that would be impacted. Finally, the existing character of the surrounding area is predominantly rural residential properties on the north side of Steeles Avenue and industrial uses on the south side of Steeles Avenue. No active agricultural properties are near to the subject lands. Therefore, it is staff's opinion that the addition would not impact or change the existing character of the surrounding area.

With regards to the variances for a reduction to the side yard setbacks to the front and exterior yards, it should be noted that the existing building is already located as close as 2.18m from the

front yard whereas the proposed addition would be located 5.07 m from the front lot line. The proposed glassed vestibule addition is only located on a small portion of the existing building's façade and would not result in a substantial visual change to massing and setbacks. Therefore, staff have no concerns with the proposed minor variances for setback reductions.

Finally, regarding the proposed variance to allow an addition within a 12 m site triangle, the intent of this zoning requirement is to ensure clear site lines for vehicles maneuvering through and turning at the intersection of Steeles Avenue and Sixth Line. In this regard, as Steeles Avenue is a regional road, Region of Halton transportation staff have reviewed the proposal and note no concerns with visibility at the intersection due to the addition. It should be noted that a 5m x 5m daylight triangle already exists at the intersection in the form of a formal land dedication. Including this existing dedication, expanding this to consider a 12m x 12m site visibility triangle, only a small portion of the proposed glass vestibule would be located within the 12 m site triangle. Therefore, staff have no concerns with the proposed variance.

Public Comments

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

RECOMMENDATION

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

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

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

1. The entranceway vestibule addition shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on July 31, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Development Engineering

It is the owner's responsibility to:

- maintain the existing drainage pattern.
- Ensure positive drainage is achieved.
- Repair any drainage problems caused by the proposed works on their property and/or the adjacent owner's properties.

All proposed site works are to remain 0.6m (2ft.) minimum from all lot lines as per Site Alteration By-Law 2017-0040.

Region of Halton

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). If human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism.

Halton Hills Hydro

The existing hydro service to this property is overhead from HHHI overhead transformer (F06X298) on Sixth Line. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductor and/ or the existing meter base. Applicant to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required. If the secondary service and/ or meter base shall be relocated, the applicant shall submit a technical service layout when required. The applicant should review our Condition of Service prior to submitting applications. Please find links below:

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

Conditions of Service: <https://haltonhillshydro.com/wp-content/uploads/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>

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

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

FROM: Josh Salisbury, Planner – Development Review

DATE: Aug 30, 2023

RE: Planning Recommendation for
Application D13VAR23.025H – Klassen
Municipally known as 3 Tweedle Street,
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To reduce the side yard setback to the first storey of an addition from the minimum 2.25 m to permit a side yard setback of 0.91 m.
2. To reduce the side yard setback to the second storey of an addition from the minimum 3.45 m to permit a side yard setback of 0.91 m.

To accommodate a proposed addition to a garage, and a proposed accessory dwelling unit.

Proposal

The Applicant is proposing to construct a two-storey addition intended to accommodate an attached garage and accessory dwelling unit on the second storey. The addition would be connected to the existing dwelling via a covered breezeway. The new two-storey addition is intended to be placed in a similar location to the existing one-storey detached garage.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area under the Glen Williams Secondary Plan and is also located within the “Mature Neighbourhood Area” overlay established through the adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). This designation permits existing single detached dwellings. Section H4.2 (I) of the Secondary Plan states that an objective of the Plan is to maintain and enhance the character of Mature Neighbourhood Areas by ensuring that new housing, replacement housing, additions, alterations and new or enlarged accessory buildings, are compatible, context sensitive, and respectful of the existing character of the neighbourhood.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Residential One Mature Neighbourhood One (HR1(MN1)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The HR1(MN1) zone permits single detached dwellings and accessory buildings and structures.

In an HR1(MN1) zone, the Zoning By-law limits the interior side yard setback to 2.25 metres for the first storey, with an additional 1.2 metres for each full storey above the first storey (ie. 3.45 metres for the second storey).

COMMENTS

Internal Department and External Agency Comments

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

Planning

The intent of the interior side yard setback under the Mature Neighbourhood policies and provisions is to provide separation between the dwelling and the lot line to provide for a consistent pattern of dwelling setbacks to maintain the character of the Glen and address privacy and overlook concerns. In addition, the setback requirements are intended to provide sufficient area for maintenance of the building's eaves/outside walls and to access the property's rear yard. Planning staff is of the opinion that the two proposed variances seeking a 0.91 side yard setback does not meet the intent of the side yard setback provisions. The proposed setbacks represent a significant departure from the minimum required 2.25 and 3.45 metre setbacks established through the Mature Neighbourhood policies and provisions. While the addition maintains a similar setback to the existing one-storey detached garage, the addition is much larger and taller and would now contain living space on a second storey abutting a shared lot line. Staff feels that this does not keep with a consistent neighbourhood character within the Glen as the size and location of the proposed addition is not sensitive to the neighboring residence and could result in an imposing structure placed directly adjacent to that property's rear yard. The setbacks also limit the amount of space available for water drainage and maintenance. Therefore, this proposal does not meet the intent of the Official Plan or the Zoning By-law, and Planning staff do not support variances #1 and #2.

Halton Region

Section 145(5) of the Regional Official Plan requires that any development proposal that has the potential to release or discharge contaminants to affect the quality of groundwater be subject to a review by the Region to assess the risk of such uses to the groundwater and as such, the

proponent may be required to carry out hydrogeological work to the satisfaction of the Region. Hydrogeological information would need to be provided to demonstrate that the additional septic system proposed on the subject property would not pose any risk to the groundwater or any neighbouring properties that may still rely on wells for their drinking water. Regional staff are aware of a number of properties with the Glen Williams Hamlet that remain on private wells for their potable water supply. Regional staff could assist the applicant in determining an appropriate scope of work for the required hydrogeological analysis. Until this work has been undertaken, reviewed and found to be satisfactory to Regional staff, a position cannot be provided by Regional staff on the proposed application.

Public Comments

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

RECOMMENDATION

Planning staff does not support variances 1 and 2 and recommends that they be refused, however, should the Committee wish to consider the merits of the variances, staff suggests that any approval be subject to the following condition:

1. The addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. MV-1, MV-2, MV-3, MV-4, MV-5 and MV-6 prepared by Matthews Design & Drafting Services Inc., dated July 6, 2023, date stamped by the Committee of Adjustment on July 31, 2023, to the satisfaction of the Commissioner of Planning & Development

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'Jeff Markowiak', is written over a light blue circular stamp.

Jeff Markowiak, Director of Development Review

Notes

Development Engineering

Please note that to see if we can support the proposed works during the Building Permit stage we would require the following:

- A sealed grading plan completed by a Professional Engineer (P.Eng) that demonstrates how grading and drainage shall function for the applicant's proposal to the satisfaction of the Director of Engineering, Public Works and Building Services. Sufficient existing topographic detail shall be shown on the subject property and abutting properties to clearly show existing vs proposed drainage patterns and shall confirm that no additional flows will be directed to neighboring properties. The grading plan shall be set to a metric scale and clearly denote existing vs proposed topographical data.
- 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 grading plan required in the previous comment can be utilized for this application.

Halton Region

From a servicing perspective, the owner should verify the location of existing services and determine if relocation of services will be required to facilitate this development. For the applicant's information, should services need to be relocated as a result of the proposed development:

- any existing water services that will not be re-used must be disconnected at the mains, at the expense of the owner;
- no water service connections are to cross existing or proposed lot lines;
- the applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05; and
- the owner shall obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters as required.

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.

If it is an application for a subdivision, the applicant is required to complete the necessary requirements to obtain a Registered Subdivision Agreement with Halton Hills Hydro. Please contact Codi for further information at Ext. 414.

Credit Valley Conservation

Please note that the property is partially regulated by CVC and a CVC permit may be required for the proposed development. As part of CVC permitting review and to confirm that the proposed works are located outside of the floodplain, please submit to CVC the topographic survey signed and sealed by an OLS or P.Eng as referenced on the provided Site Plan.