

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, October 4, 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 D13VAR23.026H – Kuhar** 5

Location: 13192 Steeles Avenue, Town of Halton Hills (Premier Gateway), Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2000-0138,

 1. To reduce the side yard setback from the minimum 4 m to permit a side yard setback of 1.91 m.

To accommodate a proposed addition to an existing single detached dwelling.

Owner(s): Sukhwinder Kuhar, **Agent:** Agha Mirza
 - b. **Minor Variance D13VAR23.027H – Eden Oak** 8

Location: 23 Gamble Street, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

Minor Variance Purpose: Requesting relief from Zoning By-law 2010-0050 (as amended by 2017- 0047, as the deck provision is a site specific in 2017-0047),

 1. To increase the projection of a deck from the rear wall, from the maximum 2 m, to permit a 3m projection beyond the rear wall.

To accommodate a proposed rear yard deck.

Owner(s): Eden Oak Inc., Gerald McGroggan, **Agent:** David Huie

c. Minor Variance D13VAR23.028H – Trafalgar Meadows

Location: 11571, 11583, 11597, 11603 & 11605 Trafalgar Road, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the minimum front yard setback for an end unit to the corner rounding from the minimum 2.5 metres to permit the following:

- a. 2.49 metres for Block 1 unit 1
- b. 2.45 metres for Block 1 unit 5
- c. 2.48 metres for Block 4 unit 28
- d. 2.48 metres for Block 4 unit 32

2. To reduce the minimum side yard setback for an end unit from the minimum 1.5 metres to permit the following:

- a. 1.23 metres for Block 5 unit 33
- b. 1.23 metres for Block 7 unit 52
- c. 1.23 metres for Block 8 unit 53
- d. 1.23 metres for Block 10 unit 70
- e. 1.23 metres for Block 11 unit 71
- f. 1.23 metres for Block 12 unit 84
- g. 1.23 metres for Block 13 unit 85
- h. 0.82 metres for Block 15 unit 98

3. To reduce the minimum side yard setback for an end unit abutting a private road from the minimum 2.5 metres to permit the following:

- a. 1.5 metres for Block 19 unit 123
- b. 1.5 metres for Block 20 unit 124

4. To reduce the minimum rear yard setback from the minimum 6.0 metres to permit a rear yard setback of 5.0 metres for the following Blocks:

- a. Block 5
- b. Block 6
- c. Block 7
- d. Block 8
- e. Block 9
- f. Block 10
- g. Block 11
- h. Block 12
- i. Block 13
- j. Block 14
- k. Block 15
- l. Block 16
- m. Block 17

5. To reduce the distance between buildings from the minimum 3.0

metres to permit the following:

- a. Distance between Block 18 and Block 19 – 2.5 metres
- b. Distance between Block 20 and Block 21 – 2.5 metres

6. To permit balconies to encroach into the required rear yard setback a maximum of 1.3 metres for the following Blocks, whereas the By-law does not permit balconies to encroach:

- a. Block 5
- b. Block 6
- c. Block 7
- d. Block 8
- e. Block 9
- f. Block 10
- g. Block 11
- h. Block 12
- i. Block 13
- j. Block 14
- k. Block 15
- l. Block 16
- m. Block 17

7. To permit a balcony to be located 1.45 metres from an interior side lot line, whereas the minimum required setback is 1.5 metres (Block 21 unit 131)

8. To permit the encroachment of stairs accessing rear yard decks to exceed 1.9 metres where required by grade.

9. To permit air conditioners to be located in the front yard for the following Blocks:

- a. Block 1
- b. Block 2
- c. Block 3
- d. Block 4
- e. Block 18
- f. Block 19
- g. Block 20
- h. Block 21

10. To permit air conditioners to be located less than 1.0 metre from the interior side lot line for the following Blocks:

- a. Block 1 units 2, 3, 6 & 7
- b. Block 2 units 10, 11, 14 & 15
- c. Block 3 units 18, 19, 22 & 23
- d. Block 4 units 26, 27, 30 & 31

To accommodate a proposed subdivision.

Owner(s): 2810007 Ontario Inc., David Nagpal, **Agent:** Robert Russell

d. **Minor Variance D13VAR23.029H – Miedema**

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Location: 52 Langstone Crescent, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

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

1. To increase the floor area of a detached garage from the maximum 40 sq m to permit a floor area of 75 sq m.

To accommodate a proposed addition to an existing detached garage.

Owner(s): Jeffery Miedema

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: September 25, 2023

RE: Planning Recommendation for
Application D13VAR23.026H – Kuhar
Municipally known as 13192 Steeles Avenue
Town of Halton Hills (Premier Gateway)

APPLICATION

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

1. To reduce the side yard setback from the minimum 4 m to permit a side yard setback of 1.91 m.

To accommodate a proposed addition to an existing detached dwelling.

Proposal

The variance is required in order to construct a two-storey addition on the west side of the existing dwelling; approximately 155 sq m in size and 7.52 m high.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is located within the Premier Gateway Employment Area Phase 1A. The majority of the property is designated Prestige Industrial Area with a small portion of the north side of the property designated Greenlands. The Prestige Industrial Area designation permits uses that legally existed at the date of adoption of the Official Plan (2008). Alterations and expansions of legally existing uses must conform to the implementing Zoning By-law for the Premier Gateway Employment Area Phase 1A.

Town of Halton Hills Zoning By-law

The majority of the subject property is zoned Corridor Prestige Industrial (M7) with a small portion of the north side of the property zoned Conservation Special (O3-1). The property is also subject to a Holding (H) Provision under Town of Halton Hills Zoning By-law 57-91, as amended by By-law

00-138. The Applicant will be required to file a Holding (H) Removal By-law application requesting that staff lift the Holding (H) Provision from the subject property.

Detached dwellings are not recognized as a permitted use under the M7 zone; however, uses legally existing at the date of adoption of the by-law, and expansions or alterations thereto, are permitted.

COMMENTS

Internal Department and External Agency Comments

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

Planning:

The intent of the interior side yard setback is to provide separation between the dwelling and the lot line for maintenance of the building's eaves/outside walls and to access the property's rear yard. It appears there will still be adequate room for maintenance of the dwelling. Access to the rear yard is provided on the east side of the property. Planning staff is of the opinion that the intent of the side yard setback provision is being maintained.

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 addition shall be constructed generally in accordance with the Site Plan and Elevations prepared by Archisystem Inc., date stamped by the Committee of Adjustment on August 2, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering:

- A Site Alteration Permit will be required for the proposed works through the Development Engineering Department prior to the issuance of the associated Building Permit.

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:

- The entire property is identified as having archaeological potential. Although no studies are required, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism.
- The subject lands have frontage on Steeles Avenue (Regional Road 8). If there is a need to make any changes to the existing access configuration to the subject property, an Entrance Permit from the Region of Halton will be required in advance of those changes to the road access being undertaken.

Conservation Halton:

- Prior to the initiation of works, a CH Permit shall be obtained from Conservation Halton for the proposed development.

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

FROM: Ruth Conard, Planner – Development Review

DATE: September 25, 2023

RE: Planning Recommendation for
Application D13VAR23.027H – Eden Oak
Municipally known as 23 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the projection of a deck from the rear wall, from the maximum 2 m, to permit a 3 m projection beyond the rear wall.

To accommodate a proposed rear yard deck.

Proposal

The variance is required in order to construct a deck in the rear of the subject property that is approximately 42 m² in size with a height of approximately 1.0 m.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

Town of Halton Hills Zoning By-law

The subject property is zoned Hamlet Residential One (Exception 64) (HR1(64)) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. The HR1(64) zone standards state that decks 0.6 metres or more above grade shall not project more than 2 metres from the rear or side walls of the dwelling. It should be noted that the side yard

projection for the subject property complies with the minimum 2 metre requirement as set out in the HR1(64) zone; therefore, the minor variance applies to the rear yard projection only.

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 minimum rear yard projection for a deck is to mitigate visual and privacy concerns from neighbouring properties.

With respect to visual impacts, the deck does not appear to be visible from grade from the neighbouring properties given it will be located below the property line fences. With respect to privacy impacts, the subject property is located adjacent to the trail/open space lands that are undevelopable. Therefore, there should not be any privacy impacts on the lands adjacent to the rear yard of the subject property.

Given the extent of relief requested, staff views the intent of these requirements to be maintained.

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 deck shall be constructed generally in accordance with the Site Plan, prepared by RN Design Ltd., date stamped by the Committee of Adjustment on August 3, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro:

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the applicant.

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

FROM: John McMulkin, Senior Planner – Development Review

DATE: September 25, 2023

RE: Planning Recommendation for
Application D13VAR23.028H – Trafalgar Meadows
Municipally known as 11571-11605 Trafalgar Road
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the minimum front yard setback for an end unit to the corner rounding from the minimum 2.5 metres to permit the following:
 - a. 2.49 metres for Block 1, Unit 1
 - b. 2.45 metres for Block 1, Unit 5
 - c. 2.48 metres for Block 4, Unit 28
 - d. 2.48 metres for Block 4, Unit 32

2. To reduce the minimum side yard setback for an end unit from the minimum 1.5 metres to permit the following:
 - a. 1.23 metres for Block 5, Unit 33
 - b. 1.23 metres for Block 7, Unit 52
 - c. 1.23 metres for Block 8, Unit 53
 - d. 1.23 metres for Block 10, Unit 70
 - e. 1.23 metres for Block 11, Unit 71
 - f. 1.23 metres for Block 12, Unit 84
 - g. 1.23 metres for Block 13, Unit 85
 - h. 0.82 metres for Block 15, Unit 98

3. To reduce the minimum side yard setback for an end unit abutting a private road from the minimum 2.5 metres to permit the following:
 - a. 1.5 metres for Block 19, Unit 123
 - b. 1.5 metres for Block 20, Unit 124

4. To reduce the minimum rear yard setback from the minimum 6.0 metres to permit a rear yard setback of 5.0 metres for the following Blocks:
 - a. Block 5
 - b. Block 6
 - c. Block 7
 - d. Block 8
 - e. Block 9
 - f. Block 10
 - g. Block 11
 - h. Block 12
 - i. Block 13
 - j. Block 14
 - k. Block 15
 - l. Block 16
 - m. Block 17

5. To reduce the distance between buildings from the minimum 3.0 metres to permit the following:
 - a. Distance between Block 18 and Block 19 – 2.5 metres
 - b. Distance between Block 20 and Block 21 – 2.5 metres

6. To permit balconies to encroach into the required rear yard setback a maximum of 1.3 metres for the following Blocks, whereas the By-law does not permit balconies to encroach:
 - a. Block 5
 - b. Block 6
 - c. Block 7
 - d. Block 8
 - e. Block 9
 - f. Block 10
 - g. Block 11
 - h. Block 12
 - i. Block 13
 - j. Block 14
 - k. Block 15
 - l. Block 16
 - m. Block 17

7. To permit a balcony to be located 1.45 metres from an interior side lot line, whereas the minimum required setback is 1.5 metres (Block 21, Unit 131).

8. To permit the encroachment of stairs accessing rear yard decks to exceed 1.9 metres where required by grade.

9. To permit air conditioners to be located in the front yard for the following Blocks:
 - a. Block 1

- b. Block 2
 - c. Block 3
 - d. Block 4
 - e. Block 18
 - f. Block 19
 - g. Block 20
 - h. Block 21
10. To permit air conditioners to be located less than 1.0 metre from the interior side lot line for the following Blocks:
- a. Block 1, Units 2, 3, 6 & 7
 - b. Block 2, Units 10, 11, 14 & 15
 - c. Block 3, Units 18, 19, 22 & 23
 - d. Block 4, Units 26, 27, 30 & 31

To accommodate a proposed subdivision.

Proposal

The variances are required in order to accommodate 131 townhouse dwelling units on a private condominium road. The proposed development has received Draft Plan of Subdivision and conditional Site Plan approval and is in the process of clearing conditions.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are designated “Trafalgar Road Redevelopment Area” under the Town’s Official Plan and are subject to Residential Special Policy Area 5. Townhouse dwellings are permitted in this designation.

Town of Halton Hills Zoning By-Law

The subject lands are subject to a site-specific “Medium Density Residential Two (MDR2(103))” zone and an “Environmental Protection One (EP1)” zone under the Town’s Comprehensive Zoning By-law 2010-0050, as amended by Zoning By-law 2020-0041. Townhouse dwellings are permitted within the site-specific MDR2 zone. The MDR2(103) zone is also subject to a Holding (H6) Provision for 11603 Trafalgar Road related to the property’s former industrial use. The H6 Provision may be lifted once an MECP-acknowledged Record of Site Condition has been submitted to the Region of Halton demonstrating that the property is safe for residential use.

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 minimum front yard setback for an end unit to the corner rounding and the minimum side yard setback for an end unit abutting a private road is to maintain sightlines for vehicular traffic, provide an area on the private lot for landscaping/snow storage and ensure a consistent pattern of dwelling setbacks. The intent of the minimum side yard setback for an end unit and the minimum distance between buildings is to provide area between the building and the lot line for access/maintenance purposes.

The intent of the minimum rear yard setback requirement and the permitted locations for balconies and stairs is to provide outdoor amenity area while maintaining a level of privacy between neighbouring dwellings. The intent of the permitted locations for air conditioners is to provide area between the building and the lot line for access to the rear yard of the property and to mitigate noise and visual impacts to surrounding properties.

Given the extent of the relief requested, the location of the proposed development and its greenfield context, Planning staff views the variances to be technical in nature and maintain the intent of these requirements.

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 location of the residential townhouse units shall be generally in accordance with the Block Plans, prepared by Kohn Partnership Architects Inc., date stamped by the Committee

of Adjustment on August 18, 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 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.
- Any costs due to changes required of Halton Hills Hydro's distribution system (i.e., extending 3-phase line, moving poles or other equipment to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

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

FROM: John McMulkin, Senior Planner – Development Review

DATE: September 25, 2023

RE: Planning Recommendation for
Application D13VAR23.029H – Miedema
Municipally known as 52 Langstone Crescent
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area of a detached garage from the maximum 40 sq m to permit a floor area of 75 sq m.

To accommodate a proposed addition to an existing detached garage.

Proposal

The variance is required to accommodate a ~29.73m² (320ft²) addition to an existing detached garage.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

Town of Halton Hills Zoning By-Law

The subject property is zoned “Low Density Residential One Mature Neighbourhood ((LDR1-2(MN))” under the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2(MN) zone permits single detached dwellings and accessory buildings and structures.

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., single detached dwelling) and do not create impacts to surrounding properties. Given the location of the proposed addition at the rear of the existing detached garage and the extent of the requested relief, the variance would not impact these considerations. The relief requested through the subject Minor Variance application is also consistent with relief granted for comparable residential properties by the Committee. Therefore, staff views the intent of this requirement to be maintained.

Public Comments

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

RECOMMENDATION

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

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

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

1. The location and construction of the proposed addition to the existing detached garage shall be generally in accordance with the Site Plan, Floor Plan and Elevations, date stamped by the Committee of Adjustment on August 15, 2023, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- 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.