

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, March 6, 2024, 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. **D13VAR24.004H – 22 Heather Court** 3
Location: 22 Heather Court, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,
 1. To increase the floor area of an accessory dwelling unit from the maximum 110 sq m to permit a floor area of 148 sq m.**To accommodate a proposed accessory dwelling unit (in an addition to the existing dwelling).**

Owner(s): Monica Mastalerz, **Agent:** Alana + Kelly Design, Alana Nielsen
 - b. **D13VAR24.005H – 9 Mountain Street** 6
Location: 9 Mountain Street, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,
 1. To reduce the exterior side yard setback to an addition from the minimum 4.5 m to permit an exterior side yard setback of 2.55 m.
 2. To reduce the exterior side yard setback to a covered deck from the minimum 4.5 m to permit an exterior side yard setback of 2.37 m.**To accommodate a proposed addition to the existing dwelling and a**

proposed deck.

Owner(s): Philip & Patricia Chiasson, **Agent:** Accurate Designs, Brett Lyver

c. D13VAR24.006H – 77 McNally Street

9

Location: 77 McNally Street, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

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

1. To reduce the exterior side yard setback to the stairs accessing the basement from the minimum 3 m to permit an exterior side yard setback of 2.55 m.

To accommodate proposed new exterior stairs accessing the basement.

Owner(s): Vincenzo Lomanto, **Agent:** Kruti Shah

4. ADJOURNMENT

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

FROM: Josh Salisbury, Planner – Development Review

DATE: February 27, 2024

RE: Planning Recommendation for
Application D13VAR24.004H – 22 Heather Court
Municipally known as 22 Heather Court
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area of an accessory dwelling unit from the maximum 110 sq m to permit a floor area of 148 sq m.

To accommodate a proposed accessory dwelling unit (in an addition to the existing dwelling).

Proposal

The Applicant is proposing construct a one-storey addition to the rear of the existing dwelling which is intended to accommodate an accessory dwelling unit.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area 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 single detached dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential Area – Two Mature Neighbourhood (LDR1-2) (MN)) under the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The LDRI-2 (MN) zone permits single detached dwellings and accessory dwellings. The Zoning By-law limits the total maximum floor area for an accessory dwelling unit on a property to 110 square metres.

COMMENTS

Internal Department and External Agency Comments

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

Planning

The intent of a limit to the floor area for an accessory dwelling unit 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 an accessory structure is being maintained as it does not appear that there will be significant visual impacts to the surrounding properties. Therefore, Planning staff have no objections to the proposed application.

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 shall be generally in accordance with drawings 0.02 Site Plan and 3.00 Elevations & Sections, drafted by Alana + Kelly Design Co., date stamped by the Committee of Adjustment on January 10, 2024, 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.

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. 216.

Halton Region

The owner should verify the location of existing services and determine if relocation of services will be required. In the event that services need to be relocated as a result of the proposed development, the following will be required as part of a Regional Services Permit:

- 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.

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

FROM: Josh Salisbury, Planner – Development Review

DATE: February 27, 2024

RE: Planning Recommendation for
Application D13VAR24.005H – 9 Mountain Street
Municipally known as 9 Mountain Street,
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To reduce the exterior side yard setback to an addition from the minimum 4.5 m to permit an exterior side yard setback of 2.55 m.
2. To reduce the exterior side yard setback to a covered deck from the minimum 4.5 m to permit an exterior side yard setback of 2.37 m.

To accommodate a proposed addition to the existing dwelling and a proposed deck.

Proposal

The Applicant is proposing to construct a one-storey addition to the south-west corner of the existing one-storey dwelling. The proposal also includes the construction of a rear covered deck.

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. 34 (Mature Neighbourhoods Character Study). This designation permits single detached dwellings. Section H4.2 (l) 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) under 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 states that exterior side yard setbacks are to be at a minimum of 4.5 metres. Section 4.6.2 (c) of the Zoning By-law 2010-0050 states that a deck that has an average floor height of greater than 0.6 metres is permitted in the exterior side yard, provided that the deck is located no closer to the exterior side lot line than the exterior side yard requirement for the main building.

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 exterior side yard setback requirements is to ensure that there is sufficient separation between the structure and the lot line for privacy reasons, drainage purposes and landscape maintenance. The proposed addition and covered deck do not appear to inhibit any access of water to the swale on the boundary lot line. Additionally, the proposed addition and covered deck will be one storey, which is in uniform with the existing dwelling, and facing directly onto Confederation Street; therefore, they should not affect any privacy matters. As such, Planning staff is of the opinion that the intent of this requirement is being maintained. Therefore, Planning staff has no objection to the proposed variances.

Public Comments

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

RECOMMENDATION

Planning staff is of the opinion that the proposed variances satisfy the four tests of a Minor Variance. 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. A1, A14, and A15, prepared by Accurate Designs, dated January 2023, date stamped by the Committee of Adjustment on January 30, 2024, 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.

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. 216.

Halton Region

The owner should verify the location of existing services and determine if relocation of services will be required. In the event that services need to be relocated as a result of the proposed development, the following will be required as part of a Regional Services Permit:

- 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.

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

FROM: Josh Salisbury, Planner – Development Review

DATE: February 27, 2024

RE: Planning Recommendation for
Application D13VAR24.006H – 77 McNally Street
Municipally known as 77 McNally Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the exterior side yard setback to the stairs accessing the basement from the minimum 3 m to permit an exterior side yard setback of 2.55 m.

To accommodate proposed new exterior stairs accessing the basement.

Proposal

The Applicant is proposing to construct a side door entrance which would be below grade and allow for access to the existing single detached dwelling.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town's Official Plan which permits single detached dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One - Four (LDR1-4) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-4 zone permits single detached dwellings.

Section 4.8 e) of the Zoning By-law does not permit stairs accessing a basement to encroach into an exterior side yard.

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 prohibition of the encroachment into an exterior side yard of stairs accessing a basement is to provide separation between the lot line for drainage purposes, maintenance of the building's eaves/outside walls and to access the property's rear yard. In addition, these requirements are intended to provide an area for landscaping to maintain privacy. Given the dwelling will still have adequate room for maintenance purposes, landscaping and privacy, and the staircase does not appear to inhibit any access of water to the swale on the shared lot line, Planning staff is of the opinion that the intent of encroachment provision is being maintained.

Public Comments

Town staff have not received any comments from the public at the time of writing this report.

RECOMMENDATION

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

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

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

1. The location and construction of the proposed staircase shall be generally in accordance with drawings A1 – Site Plan, dated January 22, 2024 and A5 – Right Side Elevations, dated January 10, 2024, drafted by RJ Cad Solutions, date stamped by the Committee of Adjustment on February 1, 2024, 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.

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. 216.

Halton Region

The owner should verify the location of existing services and determine if relocation of services will be required. In the event that services need to be relocated as a result of the proposed development, the following will be required as part of a Regional Services Permit:

- 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.