

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, July 3, 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. **Minor Variance D13VAR24.014H – 35 Bowman Street** 3
Location: 35 Bowman 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 rear yard setback from the minimum 7.5 m to permit a rear yard setback of 5.84 m.**To accommodate a one-storey addition.**

Owner(s): Ralph Rozema, **Agent:** Mathew Partridge
 - b. **Minor Variance D13VAR24.015H – 110 Branigan Crescent** 6
Location: 110 Branigan Crescent (Georgetown), Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,
 1. To reduce the front yard soft landscaping from the minimum 40% (22.3 sq m) of the front yard area to permit 38.5% (21.5 sq m) of the front yard area.**To accommodate additional parking for a proposed accessory dwelling unit.**

Owner(s): Mihir Patel
 - c. **Minor Variance D13VAR24.016H – 28 Rosset Valley Court** 9

Location: 28 Rosset Valley Court (Georgetown), Regional Municipality of Halton

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

1. To reduce the front yard landscaping from the minimum 40% (24.8 sq m) of the front yard area to permit 25% (15.5 sq m) of the front yard area.

To accommodate additional parking for a proposed accessory dwelling unit.

Owner(s): Marvin Phagwa, **Agent:** Tanvir Rai, Noble Prime Solutions

d. **Minor Variance D13VAR24.017H – 65 Main Street North**

13

Location: 65 Main Street North (Acton), Regional Municipality of Halton

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

1. To permit the ground floor space (284 sq m) previously occupied by a former animal clinic to be converted to a business office, whereas the By-law only permits business office uses that legally existed when the By-law was passed (July 2010).

To accommodate the conversion of the ground floor area to a business office.

Owner(s): 65 Main Street Inc., Lawrence Herman **Agent:** Clare Riepma

4. **ADJOURNMENT**

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

FROM: Josh Salisbury, Planner – Development Review

DATE: June 26, 2024

RE: Planning Recommendation for
Application D13VAR24.014H – 35 Bowman Street
Municipally known as 35 Bowman Street,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the rear yard setback from the minimum 7.5 m to permit a rear yard setback of 5.84m.

To accommodate a one-storey addition.

Proposal

The Applicant is proposing to construct a new one-storey addition to the rear of the existing one-storey dwelling; the addition is intended to accommodate a sun room. The existing deck and patio space are proposed to be removed.

POLICY CONTEXT

Town of Halton Hills Official Plan

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

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One – Two (LDR1-2) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2 zone permits single detached dwellings.

Section 6.3 (Table 6.2) of the Zoning By-law requires a minimum of 7.5 m for a rear yard setback for single detached dwellings in the LDR1-2 zone.

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 setback requirements is to ensure that there is sufficient separation between the structure and the lot line for privacy reasons, drainage purposes and to provide sufficient amenity space for the property. The proposed addition does not appear to inhibit any access of water to the swale on the boundary lot line. The addition will also only be one-storey and in the middle of the rear facade, which should mitigate any privacy concerns. Sufficient rear yard amenity space also still appears to be provided. Therefore, Planning staff has no objection to the proposed variances.

Public Comments

Comments have been received from the residents of 33 Robinson Road and 32 Robinson Road. Both of the residents are opposed to the proposed minor variance citing privacy concerns with the proposed sun room, as well as general limitations on what should be considered for a minor variance.

The proposed minor variance is seeking a 1.66 metre (5.4 foot) reduction to the rear yard setback permissions. While the intent is to construct a sun room that contains a number of large windows, the addition is only one storey in height. Staff also completed a site visit and noted the existing 1.8 metre tall board on board fence that surrounds the back yard. Additionally, the Applicant has indicated their intention to plant a number of trees and other landscaping that should provide screening for the addition. Staff are satisfied that the combination of location of the sun room on the lot, it only being limited to one storey, the existing opaque fence and proposed landscaping should help mitigate any perceived privacy concerns.

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, A2, and A3, prepared by Canopy Design, dated May 5 2024, date stamped by the Committee of Adjustment on May 15, 2024, to the satisfaction of the Commissioner of Planning & Development

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak". The signature is written in a cursive style with a large initial "J".

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.

Please contact Natasha for further information at Ext. 216

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

FROM: Josh Salisbury, Planner – Development Review

DATE: June 26, 2024

RE: Planning Recommendation for
Application D13VAR24.015H – 110 Branigan Crescent
Municipally known as 110 Branigan Crescent
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the front yard soft landscaping from the minimum 40% (22.3 sq m) of the front yard area to permit 38.5% (21.5 sq m) of the front yard area.

To accommodate additional parking for a proposed accessory dwelling unit.

Proposal

The variance is required in order to accommodate an additional on-site parking space for an accessory dwelling unit to be constructed within the existing house on the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town's Official Plan. This designation permits single detached dwellings as well as accessory dwelling units.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One - Four (LDR1-4) (Exception 63) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-4 zone permits single detached dwellings.

Section 5.2.14 (b) of the Zoning By-law requires that for ground oriented residential dwelling units, the maximum driveway width is 7.0 metres provided a minimum of 40% of the front or exterior side yard in which the driveway is located is the site of soft landscaping. Accessory dwelling units are

required to provide one parking space on-site, in addition to the two parking spaces required for the principal dwelling.

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 minimum soft landscaping requirement is to ensure that there is adequate landscaping in the front yard and to also address drainage/stormwater management requirements. Given the proposed dwelling will still have adequate room for landscaping and that there have been no noted drainage issues in the front yard, Planning staff is of the opinion that the intent of the landscaping 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 front yard and parking area shall be in accordance with the site plan drawing A-1, drafted by Manpreet Kohli, date stamped by the Committee of Adjustment on May 23, 2024, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- A site alteration permit may be required from Development Engineering during the building permit stage.
- As part of the site alteration permit, 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 the 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.
 - Provide a grading plan showing existing vs proposed grades, prepared by a qualified professional.

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.

Applicant is to obtain locates and if secondary services will fall under the proposed driveway to contact Halton Hills Hydro. A Technical Service Layout may be required to relocate the service or make changes to the underground installation. Please note, if service changes are required due to increasing the driveway dimensions all costs will be borne by the applicant

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.

Please contact Natasha for further information at Ext. 216.

Halton Region

It should be noted that the entirety of the property is identified as having archaeological potential. Although no studies are required, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism

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

FROM: Josh Salisbury, Planner – Development Review

DATE: June 26, 2024

RE: Planning Recommendation for
Application D13VAR24.016H – 28 Rosset Valley Court
Municipally known as 28 Rosset Valley Court
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the front yard soft landscaping from the minimum 40% (24.8 sq m) of the front yard area to permit 25% (15.5 sq m) of the front yard area.

To accommodate additional parking for a proposed accessory dwelling unit.

Proposal

The variance is required in order to accommodate an additional on-site parking space for an accessory dwelling unit to be constructed within the existing house on the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Georgetown GO Station Secondary Plan Area. This designation permits single detached dwellings as well as accessory dwelling units.

Town of Halton Hills Zoning By-Law

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

Section 5.2.14 (b) of the Zoning By-law requires that for ground oriented residential dwelling units, the maximum driveway width is 7.0 metres provided a minimum of 40% of the front or exterior side

yard in which the driveway is located is the site of soft landscaping. Accessory dwelling units are required to provide one parking space on-site, in addition to the two parking spaces required for the principal dwelling.

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 minimum soft landscaping requirement is to ensure that there is adequate landscaping in the front yard and to also address drainage/stormwater management requirements. The variance is mostly to reflect an existing situation due to the pie-shaped configuration of the lot as the Applicant is proposing a very modest expansion to the existing driveway width to accommodate the additional parking space. Given the amount of landscaping in the front yard is not changing much and that there have been no noted drainage issues in the front yard, Planning staff is of the opinion that the intent of the landscaping provision is being maintained.

Development Engineering

The proposed works will require a site alteration permit and grading plan as the impervious area on the property is increased as per Site Alteration by-law 2017-0040. Development Engineering staff will not be in support of an entrance widening on the Town's road allowance. The driveway apron currently flairs inward, and if there is a desire to modify the apron, the maximum staff will accept is perpendicular, or 90 degrees, to the curb, to ensure the Town's tree on the boulevard is not compromised.

Public Comments

Town staff received comments from the owner of the abutting property at 26 Rossett Valley Court citing concerns over the possibility of 6 vehicles being parked on the property, snow removal location and home value.

The proposed variance would allow for a total of three, 2.75 m x 5.5 m parking spaces on the property (2 in the driveway and 1 in the garage). There is no sufficient room on the lot to accommodate any additional parking spaces; therefore, any concerns about parking within the municipal right-of-way or on the road should be discussed with Municipal Enforcement. Staff is satisfied that sufficient landscaped area remains to accommodate snow storage for the driveway.

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 front yard and parking area shall be in accordance with the site plan drawing A-1, drafted by Noble Prime Solutions Ltd., date stamped by the Committee of Adjustment on May 27, 2024, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- A site alteration permit is required from Development Engineering during the building permit stage.
- As part of the site alteration permit, 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 the 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.
 - Provide a grading plan showing existing vs proposed grades, prepared by a qualified professional.

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.

Applicant is to obtain locates and if secondary services will fall under the proposed driveway to contact Halton Hills Hydro. A Technical Service Layout may be required to relocate the service or make changes to the underground installation. Please note, if service changes are required due to increasing the driveway dimensions all costs will be borne by the applicant

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.

Please contact Natasha for further information at Ext. 216.

Halton Region

It should be noted that the entirety of the property is identified as having archaeological potential. Although no studies are required, should deeply buried archaeological remains/resources be found on the property during construction activities, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites, and the Ministry of Citizenship and Multiculturalism.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: June 24, 2024

RE: Planning Recommendation for
Application D13VAR24.017H – 65 Main Street North (Acton)
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To permit the ground floor space (284 sq m) previously occupied by a former animal clinic to be converted to a business office, whereas the By-law only permits business office uses that legally existed when the By-law was passed (July 2010).

To accommodate the conversion of the ground floor area to a business office.

Proposal

The subject lands are currently occupied by a two-storey building. The ground floor of the building consists of a former (i.e., now closed) veterinary clinic and a dwelling unit (prior to the establishment of this dwelling unit, the former veterinary clinic occupied the entire ground floor). The upper storey of the building contains 3 dwelling units. The proposal is to convert the combined floor area of the former veterinary clinic as well as the dwelling unit on the ground floor to a business office.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are identified as being within the “Downtown Area” on Schedule A6 (Acton Urban Area Land Use Plan) and are designated “Downtown Core Sub-Area” on Schedule A7 (Acton Downtown Area Land Use Plan) on the Town of Halton Hills Official Plan. This designation permits a range of commercial uses including business offices. It is noted that pursuant to Policy D2.5.1.4.1 of the Official Plan, the vision for the Downtown Core Sub-Area is to accommodate a diverse mix of commercial, residential, cultural and social uses and opportunities. It should be noted that this land use designation in the Official Plan applies on all lands in Downtown Acton that front onto both Main Street and Mill Street and the designation was applied to the subject lands because of a planning study completed early in

2012 (Acton Downtown Area Land Use Policy Review) that resulted in the block of land bordered by Main Street North, River Street, Willow Street and St. Alban's Drive being redesignated as "Downtown Core Sub-Area" from "Downtown Complementary Sub-Area". This change was made because of the above-mentioned study's conclusion that Downtown Acton needed more land dedicated predominantly to commercial and mixed-uses.

Town of Halton Hills Zoning By-Law

The subject property is zoned Downtown Commercial Two (DC2) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. This zone permits a variety of commercial uses, including business offices, but are limited to only "uses and related floor area that legally existed on the effective date of this By-law" (ie. before 2010). It should be noted that at the time of the introduction of the Zoning By-law 2010-0050, a vet clinic did exist in the entirety of the main floor. While vet clinics are not permitted in the DC2 Zone, the former vet clinic would have maintained a grandfathered permission (i.e., would have been a legally established non-conforming use). As a business office did not legally exist in 2010 when the Zoning By-law was introduced, the proposed zoning relief is necessary to recognize the change.

However, it should also be noted that all the lands in Downtown Acton that maintained a "Downtown Core Sub-Area" designation in the Town's Official Plan prior to the implementation of the Acton Downtown Area Land Use Policy Review in 2012 were zoned Downtown Commercial One (DC1) Zone, which permits business offices without any restrictions. However, when the subject property itself was redesignated to "Downtown Core Sub-Area" as part of the 2012 study, the Zoning By-law was not updated to reflect this change and apply the DC1 zoning to the site as well.

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 DC2 Zone to only allow commercial uses that legally existed in 2010 was reflective of its former "Downtown Complementary Sub-Area" designation in the Official Plan, which was predominantly a residential designation, not a commercial / mixed-use land use designation. It is noted that both the former vet clinic and the proposed business office are permitted in the "Downtown Core Sub-Area" Official Plan designation, and both are also permitted within the DC1 Zone, which is the zone that is meant to apply to lands within the "Downtown Core Sub-Area" designation. The floor area proposed to be occupied by the business office is the same floor area that the vet clinic once occupied at the time Zoning By-law 2010-0050 was introduced. Therefore, staff is of the opinion that the proposed minor variance does not constitute granting permission for a more intensive land use but rather is seen to implement the intent of the "Downtown Core Sub-

Area” designation. Staff also believe the intent of the Official Plan and Zoning By-law are met as the proposal does not seek to redevelop the site, simply to allow a business office to operate within a space in an existing building that previously was occupied by a similar type of use.

Staff have also confirmed that the site, as currently configured, maintains sufficient parking to accommodate the proposed business office use and the other existing uses on the second floor of the building.

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. That the Applicant/Owner apply for a Building Permit to allow for the conversion of a portion of the ground floor to be converted from a residential unit to a business office, to the satisfaction of the Building Division.



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.