

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, September 4, 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 D13VAR24.022H – 13546 Fourth Line**

2

Location: 13546 Fourth Line, Town of Halton Hills (Bannockburn),
Regional Municipality of Halton

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

1. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 238 sq m.
2. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 307 sq m.
3. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 7.3 m.

To accommodate an existing addition to the accessory structure.

Owner(s): Victoria Green, **Agent:** Robert Russell Planning Consultants
Inc., Rob Russell

4. ADJOURNMENT

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

FROM: Ruth Conard, Planner – Development Review

DATE: August 28, 2024

RE: Planning Recommendation for
Application D13VAR24.022H
Municipally known as 13546 Fourth Line
Town of Halton Hills (Bannockburn)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 60 sq m to permit a floor area of 238 sq m.
2. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 307 sq m.
3. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 7.3 m.

To accommodate an existing addition to an accessory structure.

Proposal

The variances are required in order to recognize an already built addition to an existing accessory structure that is now approximately 238 sq m in size. The addition, which is located at the back of the accessory structure is approximately 7.3 m high.

POLICY CONTEXT

Region of Halton Official Plan

The 2009 Regional Official Plan (ROP), as amended, designates the subject property as Hamlet (referenced as Rural Cluster Area of Bannockburn in the Town's Official Plan). There are corresponding policies in the ROP for Rural Clusters, recognizing the Town's identification. Section 104 of the ROP states that the range of uses permitted in Rural Clusters are to be in accordance

with the Local Official Plan and Zoning By-law, though all development is subject to the policies within the ROP.

Regional staff find no conformity issues with the proposal and the policy direction of the ROP.

Town of Halton Hills Official Plan

The Town of Halton Hills Official Plan, as amended, designates the subject property as Rural Cluster Area. Permitted uses in the Rural Cluster 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 permitted.

Town of Halton Hills Zoning By-law

The subject property is zoned Rural Cluster Residential Two (RCR2) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. The General Provisions section of the Zoning By-law restricts the maximum floor area for any individual accessory building to 60 sq m, the maximum floor area for all accessory buildings to 80 sq m and the maximum height to 4.5 to the highest point of the roof or structure.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. Comments regarding the Minor Variance application are as follows:

Planning:

The intent of the Zoning By-law to regulate the maximum floor area of accessory structures and to regulate accessory structure height is to ensure that accessory buildings do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. the existing single detached dwelling) and do not create impacts to surrounding properties.

Planning staff are concerned with the cumulative impact of the required variances as it results in an accessory structure that is too large with respect to both floor area and height. It is the combined impact of the variances that results in Planning staff not supporting the application. More specifically:

- The 238 sq m accessory structure represents a 296% increase beyond the maximum floor area of 60.0 sq m permitted for any individual accessory structure. The height and size of the structure dominates the lot and is therefore not considered incidental or accessory to the main dwelling, which is only 133 sq metres in size.
- The height of 7.3 m is a 62% increase beyond the maximum 4.5 m height currently permitted under Zoning By-law 2010-0050. This represents a substantial increase for an

accessory structure, particularly when applied to a detached garage with a floor area of 238 sq m.

- Variances seeking zoning relief of this magnitude for both height and floor area cannot be considered minor in nature or in keeping with the intent of the Zoning By-law.

For the reasons above, Planning staff is of the opinion that the variances do not satisfy the tests of a Minor Variance under Section 45(1) of the Planning Act.

Additionally, under the ROP the subject lands contain or are adjacent to:

- Features identified as Key Features, as illustrated on Map 1G of the 2009 ROP and potential unmapped features, including:
 - Candidate Significant Woodlands
 - Provincially Significant Wetlands
- Areas identified as Greenbelt Natural Heritage System (NHS) on Schedule 4 of the provincial Greenbelt Plan (2017).

Neither the subject lands nor any of the adjacent lands are designated as Regional Natural Heritage System in the 2009 ROP, as amended. However, all of the abutting property across the rear lot line, which includes the Key Features noted above, is within the Greenbelt Plan Natural Heritage System (the Greenbelt NHS).

Section 139.3.7(4) of the ROP requires the proponent of any development or site alteration within 120 m of a Key Feature of the Greenbelt NHS to carry out an Environmental Impact Assessment (EIA) that will identify a vegetative protection zone (VPZ) of sufficient width to protect the Key Feature and its functions from the impacts of the proposed change and associated activities. Section 139.3.7(5) further requires that for wetlands and significant woodlands, the VPZ be no less than 30m in width.

Considering the scale and nature of the addition, staff are of the opinion that the development may be eligible to work through the EIA Waiving Tool (Appendix D-1 of the 2020 EIA Guidelines, link below) to determine if the development will result in no negative impacts to the Greenbelt Natural Heritage System and is suitable for waiving of the requirement of an EIA study.

As the adjacent features are Key Features of the Greenbelt Plan NHS, the development does not meet the Primary Criteria to be classified as “No Risk” or “Very Low Risk” per Step 4-A of the EIA Waiving Tool. In this case, the project must proceed through Step 4-B of the Waiving Tool to be considered for waiving of the EIA requirement.

Working through the Waiving Tool does not guarantee that the EIA requirement will be waived, and waiving of EIA requirement may be conditioned on the development incorporating specific provisions to avoid or minimize environmental impacts, such as modifications to the project and/or mitigation measures to demonstrate there will be no negative impacts to the Key Features or their ecological functions. For more information about EIA requirements and the Waiving Assessment Tool, the applicant is encouraged to review the EIA Guidelines, which can be accessed online at <https://www.halton.ca/Repository/Environmental-Impact-Assessment-Guideline-2020>.

Public Comments

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

RECOMMENDATION

Planning staff does not support the approval of the proposed variances as they do not meet the four tests under Section 45(1) of the Planning Act. Therefore, staff is recommending refusal of the application.

However, should the Committee wish to consider the merits of any or all variances, approval shall be subject to the following conditions:

1. That the proposed accessory structure shall be generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on June 6, 2024, to the satisfaction of the Commissioner of Planning & Development.
2. That the Owner completes the Environmental Impact Assessment (EIA) Waiving Tool to assess the impact of the accessory structure on the Greenbelt Natural Heritage System.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town of Halton Hills Fire Department:

- A fire department inspection will be required to ensure that the owner is in compliance with the Ontario Fire Code.

Town of Halton Hills Development Engineering:

- A Site Alteration Permit and Grading Plan will be required as part of the Building Permit process.

Town of Halton Hills Planning:

- The accessory structure is not permitted to be used for human habitation or for an occupation for gain or profit.
- 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.