

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, December 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 D13VAR24.026H - 14 Gamble Street** 3
Location: 14 Gamble Street, Town of Halton Hills (Glen Williams),
 Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 2010-0050, as amended,
 1. To increase the lot coverage from the maximum 15% (127.69 sq m) to permit a lot coverage of 29.7% (252.6 sq m).**To accommodate a proposed new dwelling.**

Owner(s): Eden Oak (Creditview Heights) Inc., Romas Kartavicius,
Agent: Arnold Foster LLP, Herbert Arnold
 - b. **Minor Variance D13VAR24.027H – 6 Victoria Street** 9
Location: 6 Victoria 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 front yard setback from the minimum 6 m to permit a 4.26 m front yard setback to the proposed second storey addition.
 2. To reduce the interior side yard setback from the minimum 1.8 m to permit a 1.1 m side yard setback to the proposed second storey addition.**To accommodate a proposed second storey addition over an existing**

one-storey portion of the single detached dwelling.

Owner(s): Dean Dieleman, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

c. Minor Variance D13VAR24.028H – 13619 Highway 7

13

Location: 13619 Highway 7, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To permit a portion of the existing floor area to be used as a Day Nursery use, accessory to the existing Place of Worship.

To accommodate a proposed Day Nursery use, accessory to the existing Place of Worship, (within the existing building).

Owner(s): The Pentecostal Assemblies of Canada, Craig Burton, **Agent:** Georgetown Christian Fellowship, Terry Talbot

4. ADJOURNMENT

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: November 26, 2024

RE: Planning Recommendation for
Application D13VAR24.026H
Municipally known as 14 Gamble Street
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase lot coverage from the maximum 15% (127.69 sq m) to permit a lot coverage of 29.7% (252.6 sq m).

To accommodate a proposed new dwelling.

Proposal

In 2021 a Minor Variance (File D13VAR21.036H) was approved by the Committee of Adjustment for the property at 14 Gamble Street (Glen Williams) to increase the lot coverage for a new dwelling from the maximum 15% (133.1 sq m) to permit a lot coverage of 28.5% (252.6 sq m). Since then, it was determined that the lot area for 14 Gamble Street was calculated/surveyed incorrectly, and the actual lot size of 14 Gamble Street was slightly smaller than previously understood. As a result, the lot coverage is required to slightly increase to 29.7%, even though the size of the dwelling initially proposed in 2021 has not changed (252.6 sq.m).

The staff report from 2021 contained the following background information pertaining to the history of the subject lot:

“The subject lot was created in the late 2000’s as part of the Cachet Homes subdivision that resulted in the development of Gamble Street. However, a house was never constructed on this parcel at the same time as the rest of the subdivision as this lot was constrained by the temporary cul-de-sac at the end of Gamble Street.

The abutting 31-lot single-detached subdivision to the north being developed by Eden Oak (referred to as Creditview Heights or The Chase) was registered on July 22, 2021, which resulted in the

formal extension of Gamble Street and the elimination of the temporary cul-de-sac. As such, this lot will no longer be constrained and can accommodate the construction of a new dwelling. Eden Oak recently purchased the vacant lot from Cachet Homes and will seek to develop it along with their adjacent subdivision, which is currently under construction.”

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area under the Glen Williams Secondary Plan. Single detached dwellings are permitted within this designation.

Section H4.3.11.2 of the Glen Williams Secondary Plan outlines the policy framework for evaluating new housing, replacement housing, additions and alterations within Mature Neighbourhood Areas within Glen Williams. New houses are permitted in Mature Neighbourhoods provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood, and that the Zoning By-law should further detail the appropriate standards within Mature Neighbourhoods. Furthermore, the policy also sets out what should be considered when evaluating the merits of Minor Variances in Mature Neighbourhoods. These criteria are:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Town of Halton Hills Zoning By-Law

The property is zoned Hamlet Residential One, Mature Neighbourhood Two (HR1)(MN2). This Zone permits a single detached dwelling subject to a range of zoning standards, including a maximum lot coverage of 15.0%.

COMMENTS

Internal Department and External Agency Comments

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

Planning

As mentioned above, a minor variance was previously approved in 2021 for the subject lot that increased the lot coverage from the maximum 15% to permit a coverage of 28.5%. The staff report from 2021 contained the following planning analysis of the proposed Minor Variance:

“The maximum lot coverage provision was established following the completion of the Glen Williams Mature Neighbourhood Study in 2019, which applied a zoning overlay of Mature Neighbourhood Two (MN2) to the parcel. The intent of the Mature Neighbourhood Areas policies and zone provisions is to ensure that new and replacement dwellings are compatible with the existing character of Glen Williams and to the more localized streetscape context. Lot coverage is only one such way that the Zoning By-law aids in regulating character; setbacks and building height are also considered. The Mature Neighbourhood Areas policy framework also established criteria that should be considered when evaluating minor variances requested to the Mature Neighbourhoods provisions, which are outlined earlier in this report.

Town staff is content that the requested increase in lot coverage satisfies the minor variance evaluation criteria, meets the intent of the Mature Neighbourhood Area policies, and will allow for the construction of a new dwelling that is appropriate for the lot and street, for the following reasons:

- The proposed house footprint is similar in size to the other abutting and nearby dwellings on Gamble Street as well as the future dwellings to be constructed in the adjacent subdivision.
- The intended dwelling has been designed to maintain similar setbacks and orientation to the other houses on the street, which will provide for a consistent streetscape and suitable landscaped open space on the lot.
- The proposed dwelling complies with all other provisions of the Town’s Zoning By-law, including the height (maximum 2-storeys and 9.0 metres) and setback provisions established through the Glen Williams Mature Neighbourhood Study.
- None of the other existing abutting homes, or those to be constructed in the new Eden Oak subdivision, comply with the 15% lot coverage requirement themselves. This is due to:
 - The Glen Williams Hamlet Boundary begins halfway along the existing portion of Gamble Street. The 6 other existing houses on the street that are in Glen Williams were constructed before the lot coverage provisions were adopted in 2019 and clearly would not comply with the 15% maximum.
 - The adjacent Eden Oak subdivision is not subject to the Mature Neighbourhood Area policies. Therefore, the houses currently under construction are not required to comply with the 15% lot coverage requirement.
 - The rest of the original Cachet Homes subdivision falls within Georgetown. While Georgetown has its own Mature Neighbourhood areas and policies, the Cachet Homes subdivision is not considered to be a mature neighbourhood. Therefore, the lots in that subdivision are not subject to any maximum lot coverage restrictions either.”

What is being evaluated today is whether it is appropriate to consider a further increase in lot coverage because of the error in calculating/surveying lot area for 14 Gamble Street. The concept plan for the proposed development has not changed; the same size house is proposed and all setbacks previously noted on the 2021 concept plan remain the same in 2024. Therefore, as the

proposed development remains unchanged from the 2021 proposal there is not a greater impact on the Mature Neighbourhood character and as such Planning staff have no objection to the proposed Minor Variance. It also should be noted that a Credit Valley Conservation (CVC) permit (FF 22/338) was previously issued for the proposed dwelling.

Public Comments

No objections 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 of the new single detached dwelling shall be constructed, as generally shown on the drawings submitted by RN design, date stamped by the Committee of Adjustment on October 15, 2024, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Town of Halton Hills

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.

Halton Hills Hydro

The existing hydro infrastructure on Gamble Street in Georgetown is underground. Customer is responsible for obtaining all necessary locates and permits prior to the commencement of construction as the existing underground secondary cable within the public ROW may be in conflict with the proposed plans. The customer shall request for a Technical Service Layout for a temporary construction service and/or permanent underground service when required. The customer should review HHHI's Condition of Service prior to submitting applications.

Please find links below:

TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-ordemolition/new-service-upgrades/application-electrical-service-form/>

COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>

It is essential to account for the location of existing and proposed, above and below-grade utilities early in the site design process. This ensures compliance with utility requirements, facilitates maintenance and access, and mitigates visual impacts on public streets. Adequate space should be provided for these utilities. Please refer to the Halton Hills Hydro Clearance Brochures which are available at <https://haltonhillshydro.com/outages-safety/clearance-information/> for overhead and underground clearances.

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.

Region of Halton

The subject property is currently being serviced off the infrastructure along Gamble Street. From a servicing perspective, the owner should verify the location of existing services and determine whether relocation of services will be required. Should services need to be relocated because of the buildings being erected:

- 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. 14 Gamble Street appears to be serviced via a 'Y' joint sanitary service lateral with 12 Gamble Street. Regional staff note that this may become an issue should the homeowner decide to use a new sanitary lateral connection which may complicate the disconnection of the existing.
- 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 shall obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all the service permit requirements including the installation of all water meters.

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

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: November 26, 2024

RE: Planning Recommendation for
Application D13VAR24.027H
Municipally known as 6 Victoria Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the front yard setback from the minimum 6 m to permit a 4.26 m front yard setback to the proposed second storey addition.
2. To reduce the interior side yard setback from the minimum 1.8 m to permit a 1.1 m side yard setback to the proposed second storey addition.

To accommodate a proposed second storey addition over an existing one-storey portion of the single detached dwelling.

Proposal

The variance is required to reduce the interior side yard setback and front yard setback for a proposed 2nd storey addition above the rear portion of the existing single detached dwelling that is currently only 1-storey in height. The variances are triggered as the location of the existing 1-storey portion of the existing single detached dwelling is already located closer to the side and front lot line than permitted by the Zoning By-law (a legal non-conforming situation) and as the proposed 2nd storey addition would be constructed immediately on top of the 1-storey portion of the dwelling, the setbacks to the new addition would similarly not comply with the side yard and front yard provisions of the Zoning By-law.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan via the Georgetown Go Station Secondary Plan and located within a “Mature Neighbourhood Area” established through adoption of Official Plan Amendment No. 22 (Mature

Neighbourhoods Character Study). Single detached dwellings are permitted in this designation.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Low Density Residential One Mature Neighbourhood (LDR1-2(MN))” in the Town’s Comprehensive Zoning By-law 2010-0050. Single detached dwellings are permitted in this zone.

Through the approval of the Mature Neighbourhoods Character Study, the following provisions were established for the construction of single detached dwellings in the LDR1-2(MN) zone:

- **Minimum Interior Side Yard Setback – 1.2 m (3.9 ft.) for the first storey; 1.8 m (5.9 ft.) for any second storey;**
- Minimum Exterior Side Yard Setback – 4.5 m (14.8 ft.);
- Maximum Height – 10.0 m (32.8 ft.) and 2.5 storeys; and,
- Maximum Lot Coverage – 40% for 1- and 1.5-storey dwellings; 35% for 2- and 2.5-storey dwellings.

The By-law requires a 6.0 m minimum front yard setback in the (LDR1-2) regardless of whether it is within a Mature Neighbourhood or not.

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 subject property at 6 Victoria Street currently contains a single detached dwelling. This dwelling is 2-stories in height at the front of building and 1-storey in height at the rear of the building. The proposal is to construct a 2nd storey addition above and in-line with the rear 1-storey portion, which maintains a 1.1 m interior side yard setback.

The intent of the larger minimum interior side yard setback requirement for a 2nd storey in a Mature Neighbourhood is to provide a consistent pattern of dwelling setbacks and to maintain privacy and character of the mature neighbourhood. The applicant has indicated that as the proposed addition is to be built immediately above the existing 1-storey portion of the dwelling, that providing an additional 0.7 m setback just for the 2nd storey would create construction related challenges. In addition, Victoria Street and John Street in this area of the GO Station Secondary Plan contain a diverse range of housing types with varying setbacks including minimal front and side yard setbacks. The existing dwelling is built close to the property to the south which contains a detached garage close to the common interior side yard property line. The dwelling on the property to the south is located at least 15 m from the common side lot line. Therefore, the proposed addition does

not negatively impact neighborhood character and does not create issues of overview and/or loss of privacy.

The intent of the requirement of providing a minimum 6.0 m front yard setback is to allow for a front yard landscaping area; for sufficient room to park a vehicle; for visibility purposes when backing out of a garage; and to maintain neighbourhood character, particularly in established low density residential areas. The proposed rear addition would be located to the rear of the existing portion of the dwelling that is already 2-storeys in height and would hence only be minimally visible when viewed from the front of the property. The existing dwelling currently has no front yard setback. Therefore, as the existing front yard setback is not being affected, neither is streetscape character.

Therefore, Planning staff have no objection to the proposal.

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 of the 2nd storey addition shall be constructed, as generally shown on the drawings submitted by Mathews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on October 28, 2024, to the satisfaction of the Commissioner of Planning & Development.



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro

It is essential to account for the location of existing and proposed, above and below-grade utilities early in the site design process. This ensures compliance with utility requirements, facilitates maintenance and access, and mitigates visual impacts on public streets. Adequate space should be provided for these utilities. Please refer to the Halton Hills Hydro Clearance Brochures which are available at <https://haltonhillshydro.com/outages-safety/clearance-information/> for overhead and underground clearances.

Halton Hills Hydro must be contacted for an Electrical Service Layout if there is a new service or upgrading 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.

Region of Halton

The owner should verify the location of existing services and determine that no relocation of services will be required to facilitate this development. For the applicant's information, should services need to be relocated because of the proposed development, the following will be required as part of a Regional Servicing 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: Greg Macdonald, Senior Planner – Development Review

DATE: November 26, 2024

RE: Planning Recommendation for
Application D13VAR24.028H – 13619 Highway 7
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To permit a portion of the existing floor area to be used as a Day Nursery use, accessory to the existing Place of Worship.

To accommodate a proposed Day Nursery use, accessory to the existing Place of Worship, (within the existing building).

Proposal

The subject lands are currently occupied by a 1-storey (plus basement) place of worship. The proposal would allow existing classroom space within the church (currently utilized for Sunday School and other religious activity space) to be used during weekdays as a Day Nursery (for The Village Montessori) as an accessory use to the existing place of worship. A new outdoor play area for the Day Nursery is also proposed.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are designated “Protected Countryside Area” in the Town of Halton Hills Official Plan (Schedule A1 Land Use Plan). This designation does not permit institutional uses, but as the existing place of worship was legally established, it therefore is considered permitted as a legally established non-complying use. 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. The proposed Day Nursery is proposed as an accessory use to the existing place of worship.

Town of Halton Hills Zoning By-Law

The subject property is zoned Protected Countryside (PC) Zone in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Places of Worship in this zone are only permitted as an existing use (i.e., only uses and related floor area that legally existed on the effective date of the By-law are permitted). Day nurseries are not permitted within the PC zone, either as a stand-alone or accessory 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

In evaluating the proposed minor variance, Planning staff considered the following:

- Prior to the establishment of Zoning By-law No. 2010-0050, the lands and existing place of worship (established in 1975) were subject to the previous Esqueving Zoning By-law No. 74-51 and zoned Rural (RU). The RU Zone permitted existing institutional uses (which included a place of worship). Under By-law 74-51 the definition for an institutional use explicitly allowed for day nurseries as an accessory use to a place of worship. Therefore, had the existing church established a Day Nursery as an accessory use prior to 2010, the Day Nursery use could have continued legally to this day.
- When By-law 2010-0050 was adopted, it eliminated and harmonized a number of definitions from the various Town by-laws it replaced. This resulted in the loss of permission for an accessory day care within the subject place of worship, which was not necessarily the intention (e.g. the previous Institutional definition was modified and replaced with definitions for each individual institutional use, such as a Place of Worship).
- Many existing places of worship located in the urban areas (Georgetown, Acton) or hamlets (Glen Williams, Norval) currently have or previously have had accessory day nursery operations, suggesting that day nurseries are common within and consistent with some of the functions of a place of worship.
- The site currently has sufficient parking to accommodate both the existing church and proposed day nursery.

In light of the above, Planning staff are of the opinion that a Minor Variance process is an appropriate tool to allow the proposed accessory use and have no objections to the proposal.

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.



Jeff Markowiak, Director of Development Review

Notes:

Halton Hills Hydro

The applicant should contact HHHI Engineering Department to discuss any anticipated load changes or any metering change requirements and if necessary request/apply for a technical service layout if a service upgrade is required. 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.