

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, May 7, 2025, 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 D13VAR25.009H - 78 Prince Charles Drive** 4

Location: 78 Prince Charles Drive, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

 1. To reduce the interior side yard setback to the first floor from the minimum 1.2 m to permit an interior side yard setback of 0.94 m.
 2. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 3.58 m.

To accommodate a proposed one-storey addition and relocation of an accessory structure (shed).

Owner(s): William & Jessica Lomker, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens
 - b. **Minor Variance D13VAR25.010H – 8 Elgin Street** 9

Location: 8 Elgin 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 interior side yard setback to the first storey from the minimum 1.2 m to permit an interior side yard setback of 0.9 m (south).

2. To reduce the interior side yard setback to the second storey from the minimum 1.8 m to permit an interior side yard setback of 0.9 m (south).

To accommodate a proposed attached garage and second storey addition.

Owner(s): Alexander Fry & Jessica Beckett, **Agent:** Netta Design Inc., Jonathan Netta

c. Minor Variance D13VAR25.011H – 10 Ann Street

12

Location: 10 Ann 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 4.48 m.
2. To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.6 m from the side lot line) to permit a roof overhang encroachment of 75% (0.3 m from the north side lot line).
3. To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.6 m from the side lot line) to permit a roof overhang encroachment of 69% (0.37 m from the west side lot line).

To accommodate a proposed two-storey dwelling and attached garage on the existing foundations.

Owner(s): Alejandro Mora, **Agent:** Alana + Kelly Design, Alana Nielsen

d. Minor Variance D13VAR25.012H – 12 Mill Pond Drive

14

Location: 12 Mill Pond Drive, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To increase the number of driveways from the maximum one per lot to permit two driveways.
2. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 45.3 sq m.
3. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 4.84 m.
4. To permit an accessory structure (garage) to be built closer to the front lot line (1 m) than the main building (dwelling) from the front lot line (42.44 m).
5. To reduce the interior side yard setback from the minimum 1.5 m to permit an interior side yard setback of 1.2 m.

To accommodate a proposed detached garage.

Owner(s): John Babic

e. **Minor Variance D13VAR25.013H – 13409 Highway 7**

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Location: 13409 Highway 7, Town of Halton Hills (Henderson's Corners),
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 40 sq m to permit a floor area of 209 sq m.
2. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 218.6 sq m.

To accommodate an existing two-storey addition and mezzanine to the accessory structure (garage).

Owner(s): Muhammed Naz & Ghazala Naz, Agent: Elen Abunahla

4. **ADJOURNMENT**

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

FROM: Jessica Rahim, Senior Planner – Development Review

DATE: April 30, 2025

RE: Planning Recommendation for
Application D13VAR25.009H
Municipally known as 78 Prince Charles Drive,
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the interior side yard setback to the first floor from the minimum 1.2 m to permit an interior side yard setback of 0.94m.
2. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 3.58 m.

To accommodate a proposed one-storey addition and relocation of an accessory structure (shed).

Proposal

The Applicant is proposing to construct an attached garage and rear yard two storey addition to the existing dwelling. In addition, the Applicant is proposing to relocate the current shed on the subject property.

The Applicant initially requested relief for a reduced parking stall width within the proposed garage addition. Development Engineering expressed concerns, noting that the reduced garage parking width would not provide a functional parking space within an enclosed garage. The Applicants wish to proceed with their original design; however, they propose to use the garage addition for storage purposes only. Staff have reviewed the revised drawings (revised April 28, 2025) and confirmed that the required parking for a single detached dwelling is met through the existing driveway spaces provided on the subject property. The garage will no longer be considered a parking space; therefore, relief from the parking space width requirement is no longer necessary.

POLICY CONTEXT

Town of Halton Hills Official Plan

Under the Official Plan the subject property is designated Low Density Residential Area and is located within the “Mature Neighbourhood Area” overlay established through the adoption of Official Plan Amendment No. 22 (Mature Neighbourhood Character Study). Single detached dwellings are permitted in this designation.

Section D1.4.2 of the Official Plan outlines the policy framework for evaluating new housing, replacement housing, additions, and alterations within Mature Neighbourhood Areas 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 Low Density Residential One, Mature Neighbourhood (LDR1-2(MN)) in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2(MN) zone permits single detached dwellings and accessory structures.

Through the approval of the Mature Neighbourhood 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 Zoning By-law also limits the height of an accessory structure to 3.5 metres.

COMMENTS

Internal Department and External Agency Comments

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

Planning

Variance #1 – interior side yard setback

The intent of the interior side yard setback is to provide adequate separation between the dwelling and the lot line, allowing for building maintenance, including access to the eaves and exterior walls, while ensuring unobstructed access to the rear yard. Additionally, these requirements help maintain a consistent pattern of setbacks and mitigate land use conflicts by preserving privacy and reinforcing the established character of the mature neighbourhood.

The Applicant is proposing a modest garage addition that is one storey in height and no windows are proposed on the west side, eliminating potential privacy or overlook concerns. Therefore, Planning staff is satisfied that the intent of the side yard setback provision is being maintained and staff has no objection to the proposed variance.

Variance #2 – accessory building height

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 (single detached dwelling) and do not create impacts to surrounding properties. Given the size of the property, the proposed location of the shed maintaining minimum setbacks requirements, and the extent of the requested relief, it does not appear that the proposed structure will impact these considerations. The Applicant is relocating the existing shed due to the proposed addition to a more appropriate location on the property that will meet the setback requirements where the current location does not meet the interior side yard setback requirements. Therefore, staff believe the new location is better suited for the shed and have no concerns and consider the intent of these requirements to be maintained.

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 proposed additions and shed shall be constructed generally in accordance with the drawings MV-1 and MV-2, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on April 30, 2025, to the satisfaction of the Commissioner of Planning & Development.

2. The proposed additions shall be constructed generally in accordance with the drawings MV-3, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on March 17, 2025, to the satisfaction of the Commissioner of Planning & Development.
3. The proposed Shed shall be constructed generally in accordance with the drawings MV-4, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on March 17, 2025, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- A grading plan prepared by a qualified professional showing proposed vs. existing grades demonstrating how the drainage pattern will work on this property to ensure that the proposed works are not adversely affecting the adjacent properties is required.
- A site alteration permit will also be required at the building permit stage; the required grading plan can be utilized for the applicants building and site alteration permit.

Halton Hills Hydro

- Halton Hills Hydro Inc. (HHHI) is to be contacted for any electrical changes and service layouts. Presently the address at 78 Prince Charles Drive has an existing 120/240V overhead secondary service. The applicant should be aware that they will need to contact HHHI and request disconnect and removal or relocation of their electrical service prior to any demolition or other additional proposed of any existing residence/structures, if required.
- Existing Overhead secondary cable path may have conflict with the customer proposed plans. Customer is responsible for obtaining all necessary permits prior to the commencement of construction of the proposed plans. 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.

- 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 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

- Regional staff have no objection to the proposed minor variance.
- The property is currently serviced by Regional water and sanitary sewer services along Prince Charles Drive. The owner should verify the location of existing services and determine that no relocation of services will be required. Should services need to be relocated as a result of the proposed development, the following would apply:
 - i. Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the Owner.
 - ii. No wastewater service laterals or water service connections are to cross existing or proposed property lines.
 - iii. The Owner 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.
 - iv. The owner will be required to obtain water and wastewater servicing permit from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.
- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed online at: <http://www.ctcswp.ca/ctc-source-protection-plan/>. It is also located within WHPA-Q1/Q2 (VS=Moderate) and a Highly Vulnerable aquifer (VS=6). Based on the information provided by the applicant, this application is not subject to either Section 57 (Prohibition) or Section 58 (Risk Management Plan) under the Clean Water Act, 2006. Therefore, this application can proceed from a Source Water Protection perspective and no Section 59 notice will be required.

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

FROM: Ruth Conard, Planner – Development Review

DATE: April 30, 2025

RE: Planning Recommendation for
Application D13VAR25.010H
Municipally known as 8 Elgin Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the interior side yard setback to the first storey from the minimum 1.2 m to permit an interior side yard setback of 0.9 m (south).
2. To reduce the interior side yard setback to the second storey from the minimum 1.8 m to permit an interior side yard setback of 0.9 m (south).

To accommodate a proposed attached garage and second storey addition.

Proposal

The variances are required in order to construct a 29.85 sq m attached garage on the south side of the dwelling and a 87.89 sq m full second storey addition.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is included in the boundaries of the Georgetown GO Station Secondary Plan, situated within the South Precinct and designated Low Density Residential Area. This designation permits single detached dwellings.

Town of Halton Hills Zoning By-Law

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

Table 6.2 of the Zoning By-law requires that the minimum interior side yard setback in the LDR1-2(MN) zone be 1.2 m for the first storey, plus an additional 0.6 m for each full storey above the first storey.

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 interior side yard setback requirement 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. Requiring a larger minimum interior side yard setback requirement for a second 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 is proposing an attached garage on the south side of the existing dwelling. The Applicant has indicated that in order to meet the Zoning By-law requirement for the width of a parking space in a garage (minimum 2.9 m) and provide proper functionality in the garage, the required side yard setback cannot be maintained. The Applicant is also proposing a full second storey addition immediately above and in line with the existing one-storey dwelling and proposed garage. The requested variances should not impact the above considerations. The south side of the proposed addition and garage will not have any windows, reducing potential privacy/overlook concerns. 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 proposal shall be constructed generally in accordance with Drawing Nos. A0.1 - Site Plan, A2.1, A2.2 and A2.3 - Elevations, date stamped by the Committee of Adjustment on March 26, 2025, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Applicant will require a Site Alteration Permit at the Building Permit stage. A Grading Plan will also be required to demonstrate that grading and drainage will not be impacted. Please contact Development Engineering for more information.

Halton Hills Hydro

- Please refer to comments from Halton Hills Hydro regarding electrical charges and service layouts, utilities and costs.

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

FROM: Ruth Conard, Planner – Development Review

DATE: April 30, 2025

RE: Planning Recommendation for
Application D13VAR25.011H
Municipally known as 10 Ann 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 4.48 m.
2. To increase the encroachment of the roof overhang from the minimum 50% of the side yard setback (0.6 m from the side lot line) to permit a roof overhang encroachment of 75% (0.3 m from the north side lot line).
3. To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.6 m from the side lot line) to permit a roof overhang encroachment of 69% (0.37 m from the west side lot line).

To accommodate a proposed two-storey dwelling and attached garage on the existing foundations.

Proposal

The variances are required in order to construct a 362.32 sq m dwelling with attached garage on the subject property.

RECOMMENDATION

Planning staff recommends the Committee *defers* its decision in order to allow for further discussions between the Applicant and Town staff to address the following:

1. The requirement for a scoped Hydrogeological Study to determine any adverse impacts of the proposed development on downgradient receivers (e.g. Natural Heritage System, watercourses, existing water supply, wells, etc.) and provide mitigation measures to minimize anticipated impacts.

In addition to the requirement for a scoped Hydrogeological Study, Planning staff have concerns with the minor variances and recommend that the proposal be revised to reduce impacts on the adjacent lands. Email communication has been exchanged with the Applicant.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak", written over a thin horizontal line.

Jeff Markowiak, Director of Development Review

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

FROM: Ruth Conard, Planner – Development Review

DATE: April 30, 2025

RE: Planning Recommendation for
Application D13VAR25.012H
Municipally known as 12 Mill Pond Drive
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the number of driveways from the maximum one per lot to permit two driveways.
2. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 45.3 sq m.
3. To increase the height of an accessory structure from the maximum 4.5 m to permit a height of 4.84 m.
4. To permit an accessory structure (garage) to be built closer to the front lot line (1 m) than the main building (dwelling) from the front lot line (42.44 m).
5. To reduce the interior side yard setback from the minimum 1.5 m to permit an interior side yard setback of 1.2 m.

To accommodate a proposed detached garage.

Proposal

The variances are required in order to construct a 45.3 sq m detached garage on the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area and Greenlands under the Town's Official Plan. The proposed garage is within the Greenlands designation which implements the Regional Natural Heritage System. Section 117.1 of the Regional Official Plan

lists single detached dwellings and accessory buildings and structures as permitted uses within the Natural Heritage System.

Town of Halton Hills Zoning By-Law

The subject property is zoned Hamlet Residential One (HR1) under the Town's Zoning By-law. This zone permits single detached dwellings. Accessory buildings and structures are also permitted in the HR1 zone subject to Table 4.2 of the Zoning By-law which outlines the following:

- Maximum floor area
 - o 40 sq m
- Maximum height
 - o 4.5 m to top of peaked roof
- Permitted locations:
 - o interior and rear yards only
- Setback from front lot line:
 - o not permitted any closer to the front lot line than the main building from the front lot line
- Minimum interior side yard setback:
 - o 1.5 m

Part 5.2.13 of the Zoning By-law entitled General Parking Provisions for Ground Oriented Residential Dwelling Units states that only one driveway is permitted per lot.

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

Driveway

The intent of limiting the number of driveways is to limit the impacts of driveways and hardscaping on the streetscape. The Applicant is proposing a second driveway on the south side of the lot, a considerable distance from the existing driveway on the north side of the lot. As a result of this separation, there should be no impact on the streetscape. Therefore, staff have no objections to the minor variance.

Floor Area and Height

The intent to regulate the floor area and height of accessory buildings is to ensure 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 extent of the minor

variances, it appears that the proposed garage meets the intent of the Zoning By-law and will be subordinate to the main dwelling. Staff have no concerns with the two minor variances associated with floor area and height.

Accessory Structure Location

The intent to regulate the location of accessory structures to not be closer to the street line than the primary building is to ensure they appear accessory to the principal residential building and that the dwelling is what dominates the streetscape, not the accessory building. In the case of a corner lot, the Zoning By-law defines the front lot line as the shortest of the lot lines that divides the lot from the public street. As the subject property abuts a public street (Mill Pond Drive) and a private street, the lot line abutting the public street is considered the front lot line despite it functioning as a rear lot line. Based on the technical nature of the minor variance, staff have no concerns.

Side Yard Setback

The intent of the minimum interior side yard setback requirement to an accessory building is to ensure there is sufficient separation between the structure and the lot line for drainage purposes and access for maintenance. Development Engineering staff reviewed the proposal and identified no concerns from a drainage perspective, and it appears that there is sufficient space for maintenance purposes. Therefore, staff have no objections to the minor variance.

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 proposal shall be constructed generally in accordance with the Site Plan and Elevations, date stamped by the Committee of Adjustment on March 27 2025, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- Provide a Stopping Sight Distance analysis for review, prepared by a qualified professional, to confirm that the entrance complies with current TAC-ATC guidelines.
- Ensure the entrance design complies with all requirements under the Town's Subdivision Manual, dated July 23, 1999 and By-law 2018-0028.
- A Site Alteration Permit and grading plan will be required at the Building Permit stage for the proposed garage.

Credit Valley Conservation (CVC)

- A CVC permit is required for the proposed development. It must be demonstrated that the proposed garage is located a minimum of 6 m from the toe of slope.

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: Jessica Rahim, Senior Planner – Development Review

DATE: April 28, 2025

RE: Planning Recommendation for
Application D13VAR25.013H
Municipally known as 13409 Highway 7,
Town of Halton Hills (Henderson’s Corners)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 209 sq m.
2. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 218.6 sq m.

To accommodate an existing two-storey addition and mezzanine to the accessory structure (garage).

Proposal

The Applicant is seeking zoning relief to permit an existing two-storey addition to the existing one-storey accessory structure located at the rear of the property, which is currently being used for storage.

The Applicant previously applied for a minor variance in 2024 (D13VAR24.021H), requesting relief for an increased building height of 6.9 meters and an increased floor area for the accessory structure. However, due to errors in the submitted drawings, issues arose during the building permit application process. As a result, the applicant is appearing before the Committee again to correct the relief being sought for the building size. The increased height of 6.9 meters was approved as part of the 2024 application and continues to apply to the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Rural Cluster Area. This designation permits existing 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 predominantly zoned Rural Cluster Residential One (RCR1) with a small portion of the rear and easterly side yard zoned as Rural Commercial Cluster (RCC) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. The RCR1 zone permits single detached dwellings and accessory structures.

The Zoning By-law limits the height of an accessory structure to 4.5 metres and the total maximum floor area for an individual accessory structure to 40 square metres. The By-law also limits the total maximum floor area for all accessory structures on a property to 60 square metres.

COMMENTS

Internal Department and External Agency Comments

This application was circulated for review and comment to Town departments and external agencies. 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 size of the property, the proposed location of the detached garage maintaining minimum setbacks requirements, and the extent of the requested relief, it does not appear that the proposed structure will impact these considerations. Therefore, staff have no concerns and consider the intent of these requirements to be maintained.

It should be noted that the accessory building is not to be used for commercial purposes.

Development Engineering

Development Engineering has no concerns with the application. A site alteration permit application has been submitted by the Applicant; should any changes occur due to the Minor Variance, the Applicant will be required to amend the site alteration permit.

Public Comments

Town staff received comments from a neighbouring property at 13389 Highway 7 expressing concerns about the structure being built without a permit and that there appears to be a business operating on the property causing noise and traffic concerns.

Regarding the structure already existing, the process requires the property owner to obtain approvals in order to permit the structure to remain. It is staffs understanding that construction of the building has been paused until the necessary approvals from the Town are in place, specifically the minor variance and building permit. If these approvals are not obtained by the owner, then they would be required to remove the building.

By-law Enforcement staff have been informed of the complaints about a business operating out of the structure and a Property Standards investigation file has been opened; Zoning and Site Alteration violations have also been flagged.

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 accessory structure addition shall be generally in accordance with Drawing A0-01, A0-04, A1-04, A1-05, A2-01, A2-02, A3-01 prepared by Antara Design, date stamped by the Committee of Adjustment on April 2, 2025, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Region

- Regional staff have no objections to the proposed minor variance.
- The subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed online at: <http://www.ctcswp.ca/ctc-source-protection-plan/>. The property is within a WHPA-D (VS = 4), WHPA-Q1/Q2 (Moderate Risk to Quantity), Issue Contributing Area (Chloride), and Highly Vulnerable Aquifer (VS=6).
- Based on the information provided by the applicant, this application is not subject to either Section 57 (Prohibition) or Section 58 (Risk Management Plan) under the Clean Water Act, 2006. A Section 59 (2)(a) notice (attached) has been issued which will allow the application to proceed from the perspective of Source Water Protection.

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.