

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, May 5, 2021, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, T. Hill, N. Panchuk, J. Watson, L. Hillier

Pages

- 1. CALL TO ORDER**
- 2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST**
- 3. APPLICATIONS TO BE HEARD**
 - a. Minor Variance D13VAR21.009H – Shaw** **3**

Location: 5 Temple Road, 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 second storey from the minimum 1.8 m to permit a 1.4 m side yard setback.
 2. To reduce the interior side yard setback to the second storey from the minimum 1.8 m to permit a 1.3 m side yard setback.

To accommodate a proposed second storey addition to the dwelling.

Owner(s): Jamie Shaw, **Agent:** Alana Nielsen
 - b. Minor Variance D13VAR21.010H – McDonald** **7**

Location: 13 Charles 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 2.14 m rear yard setback (addition).

To accommodate a proposed addition above the existing attached garage.

Owner(s): Geoff McDonald, **Agent:** Ryan Green

- c. **Minor Variance D13VAR21.011H – MacLean** 11
- Location:** 21 Temple Road, Town of Halton Hills (Georgetown), Regional Municipality of Halton
- Purpose:** Requesting relief from Zoning By-law 2010-0050, as amended,
1. To reduce the setback from the right-of-way owned by a federally regulated railway company from 30 m to permit a setback of 18.75 m.
- To accommodate a proposed addition to the dwelling.**
- Owner(s):** Neil MacLean, **Agent:** Alana Nielsen
- d. **Minor Variance D13VAR21.012H – Martin** 15
- Location:** 8 Blue Mountain Place, Town of Halton Hills (Silvercreek), Regional Municipality of Halton
- Purpose:** Requesting relief from Zoning By-law 2010-0050, as amended,
1. To increase the floor area for a single accessory structure from the maximum 60 sq m to permit a 67 sq m accessory structure.
 2. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 114 sq m.
 3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 5.5 m.
- To accommodate a proposed accessory structure.**
- Owner(s):** Jeff Martin, **Agent:** Mathew Partridge
- e. **Minor Variance D13VAR21.013H – Schruder** 18
- Location:** 6 Meagan Drive, 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 height for an accessory structure from the maximum 4.5 m to permit a height of 5.73 m.
- To accommodate a proposed accessory structure (cabana).**
- Owner(s):** Brad Schruder

4. **ADJOURNMENT**

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

FROM: John McMulkin, Planner – Development Review

DATE: April 29, 2021

RE: Planning Recommendation for
Application D13VAR21.009H – Shaw
Municipally known as 5 Temple Road
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 second storey from the minimum 1.8 m to permit a 1.4 m side yard setback (north side).
2. To reduce the interior side yard setback to the second storey from the minimum 1.8 m to permit a 1.3 m side yard setback (south side).

To accommodate a proposed second storey addition to the dwelling.

Proposal

The variances are required to accommodate a second storey addition above the existing 1½-storey dwelling and an addition consisting of 2 storeys on its south side for the purpose of accommodating additional living space and an attached garage. The development consists of the following:

- First storey addition (39.1 m²), including a 1-car garage and mud/washroom on the south side and a front entrance foyer; and,
- Second storey addition (53.4 m²), including 4 bedrooms and a washroom above the existing dwelling and an ensuite washroom/walk-in closet for the master bedroom on the south side.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan and located within the “Mature Neighbourhood Area” overlay 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, as amended. 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.

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 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. In addition, these requirements are intended to provide a consistent pattern of dwelling setbacks and area for landscaping to maintain privacy and character of the mature neighbourhood.

Variance 2 – Interior Side Yard Setback (South Side)

Based on the criteria set out in the Official Plan to be considered when evaluating relief from the new mature neighbourhood zone standards, Planning staff has concerns with the proposed variance for the following reasons:

- The proposed setback would not maintain the consistent pattern of dwelling setbacks that establish the character of the surrounding mature neighbourhood, wherein narrow setbacks are provided on one side of the dwelling and generous setbacks that are greater than 1.8 metres are provided on the other side.
- Contrary to variance 1, variance 2 would expand the footprint of the dwelling into the interior side yard of the existing dwelling, which currently provides a generous setback greater than 1.8 metres that maintains the character of the surrounding mature neighbourhood.

- The Applicant has not demonstrated any unique site constraints that would justify support for reducing the recently adopted mature neighbourhood setback requirements to accommodate the proposed addition on the south side.

Variance 1 – Interior Side Yard Setback (North Side)

Given the proposed addition on the north side is located above the existing dwelling and is maintaining the existing setback from the lot line, the requested variance would have no impact on the above considerations. Additionally, altering the dwelling to be a full two storeys rather than the current 1½ storeys would not generate a substantial change to the condition of that side yard. Therefore, Planning staff views the intent of the minimum interior side yard setback requirement to be maintained on the north side.

Public Comments

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

RECOMMENDATION

Planning staff does not support variance 2 and recommends that it be refused as it does not meet the four tests under Section 45(1) of the Planning Act. However, should the Committee wish to consider the merits of variance 2, staff suggests that any approval be subject to the following condition:

1. The addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. A104, A105, A106 & A107, prepared by aLITE designs, dated February 26, 2021, date stamped by the Committee of Adjustment on March 5, 2021, to the satisfaction of the Commissioner of Planning & Development.

Planning staff is of the opinion that variance 1 satisfies the four tests of a Minor Variance. Staff has no objection to its approval, subject to the following condition:

1. This variance shall apply only to the north side of the dwelling and the location of the addition shall be generally in accordance with Site Plan Drawing No. A100, prepared by aLITE designs, dated February 26, 2021, date stamped by the Committee of Adjustment on March 5, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- Any adjustments to the 1st story will require grading information to be demonstrated on a grading plan with a benchmark.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead distribution system on Temple Rd., Georgetown. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductors and/or the existing hydro meter base. Customer to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required. Customer shall request for a Technical Service Layout for the permanent service when required. The customer should review our Conditions of Service prior to submitting applications. Please find links below:
 - TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>
 - Disconnect and Removal Application - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>
 - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>
- 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. 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: John McMulkin, Planner – Development Review

DATE: April 28, 2021

RE: Planning Recommendation for
Application D13VAR21.010H – McDonald
Municipally known as 13 Charles 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 2.14 m rear yard setback (addition).

To accommodate a proposed addition above the existing attached garage.

Proposal

The variance is required to accommodate a second storey addition above the existing attached garage for the purpose of accommodating additional living space (master bedroom).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan and located within the “Mature Neighbourhood Area” overlay 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, as amended. Single detached dwellings are permitted subject to the new and amended zone standards implemented as a result of the Mature Neighbourhoods Character Study. The minimum required rear yard setback in the LDR1-2(MN) zone is 7.5 metres, which did not change as a result of the Study.

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 requirement is to provide separation between the dwelling and the rear lot line in order to provide an outdoor amenity area and maintain a level of privacy between neighbouring dwellings. However, given the existing orientation of the house and attached garage, what is defined as the rear yard for this property functions more as a traditional side yard. Given the proposed addition is located above the existing attached garage, is contained within its existing footprint and is maintaining the existing setback from the lot line, the requested variance would have no impact on the above considerations. The proposed second storey addition also complies with the 1.8 m interior side yard setback under the Mature Neighbourhood standards. Therefore, staff views the intent of the minimum rear yard setback requirement to be 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 conditions:

1. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.
2. The proposed addition shall be constructed generally in accordance with the architectural design as shown on Drawing Nos. A11, A12 & A13, prepared by Your Green Homes Design Build Inc., dated November 2020, date stamped by the Committee of Adjustment on March 10, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Town Development Engineering

- It is the Owner's responsibility to maintain the existing drainage pattern. Ensure positive drainage is achieved and repair any drainage problems caused by the proposed works on their property and/or the adjacent owner's property.
- All proposed site works are to remain 0.6 m (2 ft.) minimum from all lot lines as per Site Alteration By-Law 2017-0040.
- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Department prior to the issuance of the associated Building Permit. Please contact the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a grading plan, prepared by an appropriate professional, will be required to support this Site Alteration Permit application.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead transformer (C08X194) on Charles St., Georgetown. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductors and/or the existing meter base. Customer to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required. Customer shall request for a Technical Service Layout for permanent service when required. The customer should review our Conditions of Service prior to submitting applications. Please find links below:
 - TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-service-upgrades/application-electrical-service-form/>
 - Disconnect and Removal Application - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/building-demolition/disconnect-and-removal-application/>
 - COS - <https://storage.googleapis.com/website-245714.appspot.com/1/2019/07/HHHI-Conditions-of-Service-FINAL-2019.pdf>

- 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. 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: Ruth Conard, Planner – Development Review

DATE: April 28, 2021

RE: Planning Recommendation for
Application D13VAR21.011H - MacLean
Municipally known as 21 Temple Road
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the setback from the right-of-way owned by a federally regulated railway company from 30.0 m to permit a setback of 18.75 m.

To accommodate a proposed addition to the dwelling.

Proposal

The variance is required in order to accommodate a 2-storey addition to an existing 1-storey dwelling that is situated in close proximity to the CN rail corridor located to the south of the site. The addition includes a front porch, attached garage and additional living space.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town's Official Plan and is located within the "Mature Neighbourhood Area" which was established through the adoption of Official Plan Amendment No. 22 (Mature Neighbourhoods Character Study). The Low Density Residential Area designation permits single detached dwellings. The Town's Official Plan does not identify minimum railway setbacks from single detached dwellings.

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, as amended which permits single detached dwellings. The General Provisions section of the Zoning By-law states, in part, that all

buildings and structures containing a dwelling unit, shall be located no closer than 30.0 m from the right-of-way owned by a federally regulated railway company.

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 required setback from the railway right-of-way is to ensure that impacts to sensitive land uses (i.e. residential dwellings) from railway operations are mitigated. The proposed dwelling is currently 22.1 m from the railway right-of-way and considered legal non-complying. However, any proposed additions require relief from the 30.0 m setback. Staff do not have any objections to the proposed variance as it should not have any impact to the current function of the dwelling or railway corridor or exacerbate any safety concerns. In addition, there are other dwellings located closer to the railway right-of-way than the subject property (18 and 23 Temple Road).

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 development shall generally be constructed in accordance with the Site Plan, Floor Plans and Elevations date stamped by the Committee of Adjustment on March 30, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- It is the Owner's responsibility to maintain the existing drainage pattern. Ensure positive drainage is achieved and repair any drainage problems caused by the proposed works on their property and/or adjacent properties.
- All proposed site works are to remain 0.6 m (2.0 ft) minimum from all lot lines as per Site Alteration By-law 2017-0040.
- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a Grading Plan, prepared by an appropriate professional, will be required to support the Site Alteration Permit application.

Halton Hills Hydro

- The existing hydro service to this residence is overhead from HHHI's overhead distribution system on Temple Road, Georgetown. Given the plans provided in this application, it is possible the proposed addition may be in conflict with the overhead secondary conductors and/or the existing hydro meter base.
- The customer is to request for hydro disconnection and removal prior to commencement of construction if required and submit temporary service request as required.
- The customer shall request for a Technical Service Layout Request for the permanent service when required. The customer should review the Conditions of Service prior to submitting applications.

Please find links below:

TSLO - <https://www.haltonhillshydro.com/about/building-upgrades-or-demolition/new-serviceupgrades/application-electrical-service-form/>
Disconnect and Removal Application - <https://www.haltonhillshydro.com/about/buildingupgrades-or-demolition/building-demolition/disconnect-and-removal-application/>

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

- 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.

Halton Region

- Regional staff note that should services need to be relocated as a result of the renovation:
 - 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.
 - That prior to final approval, the owner obtain water and wastewater servicing permits 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.

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

FROM: Ruth Conard, Planner – Development Review

DATE: April 28, 2021

RE: Planning Recommendation for
Application D13VAR21.012H – Martin
Municipally known as 8 Blue Mountain Place
Town of Halton Hills (Silvercreek)

APPLICATION

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

1. To increase the floor area for a single accessory structure from the maximum 60.0 sq m to permit a 67.0 sq m accessory structure.
2. To increase the total floor area for all accessory structures from the maximum 80.0 sq m to permit a total floor area of 114.0 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 5.5 m.

To accommodate a proposed accessory structure.

Proposal

The variances are required in order to construct a 67.0 m² (721 sq.ft.) accessory structure in the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Rural Cluster Area in the Town's Official Plan. This designation permits 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 zoned Rural Cluster Residential Two (RCR2) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The RCR2 zone permits single detached dwellings and accessory buildings and structures.

In the RCR2 zone, the By-law limits individual accessory structures to a maximum gross floor area of 60.0 m², the maximum total floor area for all accessory structures to 80.0 m² and the maximum height to 4.5 m.

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 maximum total floor areas and height requirements for accessory buildings is to ensure that the accessory buildings are incidental and subordinate to the principal residential use (i.e. residential dwelling) and do not create impacts to surrounding properties. Given the size of the lot, proposed location of the accessory structure and the existing vegetation providing screening for neighbouring properties, the proposed variances would have no impact on these considerations.

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 accessory structure shall generally be constructed in accordance with the Site Plan, Floor Plans and Elevations date stamped by the Committee of Adjustment on March 31, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Zoning and Building

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

Development Engineering

- It is the Owner's responsibility to maintain the existing drainage pattern. Ensure positive drainage is achieved and repair any drainage problems caused by the proposed works on their property and/or adjacent properties.
- All proposed site works are to remain 0.6 m (2.0 ft) minimum from all lot lines as per Site Alteration By-law 2017-0040.
- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a Grading Plan, prepared by an appropriate professional, will be required to support the Site Alteration Permit application.

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: Ruth Conard, Planner – Development Review

DATE: April 28, 2021

RE: Planning Recommendation for
Application D13VAR21.013H - Schruder
Municipally known as 6 Meagan Drive
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 5.73 m.

To accommodate a proposed accessory structure (cabana).

Proposal

The variance is required in order to install a 28.7 m² (308 sq.ft.) cabana in the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Hamlet Residential Area in the Town's Official Plan. This designation permits 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 zoned Hamlet Residential One (Mature Neighbourhood 2) (HR1(MN2)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The HR1(MN2) zone permits single detached dwellings and accessory buildings and structures.

In the HR1(MN2) zone, the By-law limits accessory structures to a maximum height of 4.5 m.

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 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. detached dwelling) and do not create impacts to surrounding properties. Staff is of the opinion that this intent is being maintained as the proposed cabana would appear to be incidental and subordinate to the principal residential use and it does not appear that there will be any significant impacts to the surrounding properties. It should also be noted that the proposed cabana is 5.75 m high at the front and slopes to a height of 3.4 m at the back, which complies with the maximum height provision.

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 cabana shall generally be constructed in accordance with the Site Plan and Shop Drawings date stamped by the Committee of Adjustment on April 7, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- It is the Owner's responsibility to maintain the existing drainage pattern. Ensure positive drainage is achieved and repair any drainage problems caused by the proposed works on their property and/or adjacent properties.
- All proposed site works are to remain 0.6 m (2.0 ft) minimum from all lot lines as per Site Alteration By-law 2017-0040.
- The Owner/Applicant shall apply for and acquire a Site Alteration Permit under By-law 2017-0040 for the proposed works through the Development Engineering Department or visit the Town's website and search "Site Alteration" for further details prior to making the application. Please note that a Grading Plan, prepared by an appropriate professional, will be required to support the Site Alteration Permit application.

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.

Halton Region

- It should be noted that the entire property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.