

COMMITTEE OF ADJUSTMENT  
AGENDA

**Date:** June 2, 2021, 6:00 p.m.  
**Location:** VIA ZOOM  
**Members:** T. Jenney, Chair, T. Hill, L. Hillier, N. Panchuk, J. Watson

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. APPLICATIONS TO BE HEARD

a. D13VAR21.014H –Younis

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**Location:** 12121 Eighth Line, 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 maximum permitted lot coverage from 15%  
(198.5 sq m) to permit a lot coverage of 19.6% (259 sq m).

**To accommodate a proposed dwelling.**

**Owner(s):** Muhammad Younis, **Agent:** Steve Hamelin Design Studio,  
Laura Page

**b. D13VAR21.004H – Faber(Revised)**

**Location:** 12425 Kirkpatrick Lane, Town of Halton Hills (Limehouse),  
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 15.75 m.
2. To reduce the interior side yard setback from the minimum 4.5 m, to permit a 2.06 m side yard setback.
3. To reduce the front yard setback from the minimum 7.5 m, to permit a 5.5 m front yard setback.
4. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 136 sq m for all accessory structures.

**To accommodate a proposed addition to the dwelling, and a new canopy structure.**

**Owner(s):** Alex and Carla Faber

**4. ADJOURNMENT**

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

**FROM:** Greg Macdonald, Senior Planner – Development Review

**DATE:** May 26, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.014H – Younis  
Municipally known as 12121 8<sup>th</sup> Line  
Town of Halton Hills (Glen Williams)

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## **APPLICATION**

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

1. To increase the maximum permitted lot coverage from 15% (198.5 sq m) to permit a lot coverage of 19.6% (259 sq m).

To accommodate a proposed dwelling.

## **Proposal**

The Applicant is proposing to construct a new two-storey, 396 sq. m. (4,262 sq.ft.) single detached dwelling, replacing an existing single detached dwelling on the property. The Applicant is applying to increase the maximum permitted lot coverage from 15% (198.5 sq. m) to 19.6% (259 sq. m).

## **POLICY CONTEXT**

### **Town of Halton Hills Official Plan**

The subject property is designated “Hamlet Residential Area” on Schedule H4-1 – Glen Williams Land Use Plan in the Town’s Official Plan. Single detached dwellings are permitted within this designation. The policy framework for evaluating new development (including replacement housing) within Mature Neighbourhoods in Glen Williams is contained in Policy H4.3.13. The policy also sets out what should be considered when evaluating the merits of Minor Variances in Mature Neighbourhoods in Glen Williams.

## **Town of Halton Hills Zoning By-Law**

The subject property is zoned Hamlet Residential One, Mature Neighbourhoods Two HR1 (MN2). This Zone permits a single detached dwelling subject to a range of zoning standards including a maximum lot coverage of 15%.

### **COMMENTS**

#### **Internal Department and External Agency Comments**

This application was circulated for review and comment to Town departments and external agencies. The Town of Halton Hills Building Department and the Region of Halton have requested additional information to determine whether the proposed dwelling can be suitably serviced by a septic system. This is important to understand, because depending on the results of this review, the proposed variance to increase lot coverage could change and other variances could be identified should the building footprint move on the property and/or the driveway design be altered. As such it is requested that the Committee of Adjustment defer its decision on the application.

### **RECOMMENDATION**

Planning staff recommends that the Committee defers its decision to allow for the Applicant to submit the necessary septic system design information and for a further review of any updated site plan drawing to ensure all variances are correctly identified.

Reviewed and Approved by,

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

**Jeff Markowiak, Director of Development Review**

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

**FROM:** John McMulkin, Planner – Development Review

**DATE:** May 26, 2021

**RE:** Planning Recommendation for  
Application D13VAR21.004H – Faber (Revised)  
Municipally known as 12425 Kirkpatrick Lane  
Town of Halton Hills (Limehouse)

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## **APPLICATION**

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

1. To reduce the setback from the land owned by a federally owned railway company from 30 m to permit a setback of 15.75 m.
2. To reduce the interior side yard setback from the minimum 4.5 m to permit a 2.06 m side yard setback.
3. To reduce the front yard setback from the minimum 7.5 m to permit a 5.5 m front yard setback.
4. To increase the total floor area of all accessory structures from the maximum 60 sq. m to permit a total floor area of 136 sq. m for all accessory structures.

To accommodate a proposed addition to the dwelling, an existing garden shed and a new canopy structure.

## **Proposal**

The first three variances are required in order to accommodate a 2-storey addition to the north side of the existing dwelling. The proposed addition is 129.34 sq. m (~1,392 sq. ft.) in total floor area, which includes an attached garage and additional living space. The fourth variance is required to recognize an existing 9.75 sq. m (~105 sq. ft.) garden shed and permit a new 11.31 sq. m (~122 sq. ft.) canopy structure.

The need for the fourth variance was determined by Planning staff following a site visit to the property, wherein accessory structures not indicated on the submitted site plan were discovered surrounding the existing detached garage. Given the existing detached garage already exceeds the maximum permitted total floor area for all accessory structures, a variance must be obtained to recognize the existing garden shed and permit the new canopy structure. Based on the foregoing and at the Applicant's request, the Committee of Adjustment deferred its decision on the subject

Minor Variance application at its meeting held on March 3, 2021, to allow the application and submitted site plan to be revised to reflect the additional requested relief.

## **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. The Town’s Official Plan does not identify minimum yard and railway setbacks for 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 One (RCR1)” in the Town’s Comprehensive Zoning By-law 2010-0050, which permits single detached dwellings. Within the RCR1 zone the minimum front yard setback is 7.5 metres and the minimum interior side yard setback is 4.5 metres. Zoning By-law 2010-0050 also establishes a minimum setback from a railway corridor of 30.0 metres.

Section 4.1.1 of the Zoning By-law states where the By-law provides that land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory buildings, structures or accessory uses located on the same lot as the primary use to which they are related. The RCR1 zone limits the total floor area for all accessory structures to a maximum of 60.0 square metres.

## **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:

#### **Development Engineering**

The Development Engineering Section has no objection to the proposed variances, but requests that the reduced front yard setback of 5.5 m apply only to the portion of the lot where the addition and driveway are proposed to be located, as shown on the Site Plan prepared by Van Harten Surveying Inc. This reduced setback has not been considered or evaluated for any other location on the property.

## Fire Department

Acknowledging the fire separation concerns raised by residents in the neighbourhood, the Fire Department requests that the side of the proposed addition facing the interior side lot line not contain any windows or other openings, as shown on the Side (Northwest) Elevation, and encourages the exterior cladding to be made of non-combustible material.

## Planning

The intent of the minimum front yard setback requirement is to provide an area on the private lot for parking, permitted projections (e.g. porches, balconies, canopies and decks) and snow storage. 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 neighbourhood character.

The proposed addition would be located no closer to the front lot line than the existing dwelling (which has a setback of approximately 4.87 m), no closer to the interior side lot line than the setback maintained for the neighbouring dwelling (12429 Kirkpatrick Lane) and is consistent with setbacks in the neighbourhood. Given the extent of the relief requested, the location of the proposed addition and its context within the neighbourhood, Planning staff views the intent of the front yard and interior side yard setbacks to be maintained.

The intent of the minimum required setback from the railway right-of-way is to ensure that impacts to sensitive land uses (e.g. dwelling units) from railway operations are mitigated. Given the proposed addition would be located on the north side of the dwelling facing away from the railway, Planning staff views the intent of the setback from the railway right-of-way to be maintained.

The intent of accessory buildings and structures is to ensure that the accessory buildings/structures 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 and location of the existing garden shed and proposed canopy structure, Planning staff views the intent of the maximum total floor area for all accessory buildings/structures to be maintained.

## **Public Comments**

Three (3) objection letters have been received from the public (12428 Kirkpatrick Lane, 12438 Kirkpatrick Lane and 12439 Kirkpatrick Lane) as of the date this report was prepared.

The concerns identified by the residents through their correspondence can generally be characterized as relating to:

- Size of the proposed addition;
- Architectural style of the proposed addition;
- Impact to property values;
- Impact to neighbouring wells;

- Fire separation;
- Parking impacts due to reduced front yard setback;
- Railway impacts; and,
- Potential businesses operating from the existing accessory building.

The following summarizes the responses provided by Planning staff to the residents:

- The size of the proposed addition is not something that Planning staff can restrict based on the zoning by-law as there is no maximum lot coverage requirement in the RCR1 zone;
- The Town's Senior Heritage Planner has reviewed the application and noted no objections from a heritage/character perspective;
- Planning staff cannot consider impact to property values when evaluating the merits of the Minor Variance application as this is not something that the Local Planning Appeal Tribunal will add to the list of issues when considering an appeal of an application;
- Halton Region's Public Health Department has reviewed the application and noted no objections from a public health (private servicing) perspective;
- The Town's Fire Department and Building Section have reviewed the application and noted no objections from a fire separation perspective. As noted, it is requested that the side of the proposed addition not contain any windows or other openings (as shown) and non-combustible material is encouraged to be used for the exterior cladding;
- Despite the reduced front yard setback, the submitted site plan demonstrates that the property exceeds the minimum parking requirement of 2 parking spaces for the single detached dwelling. The proposed addition includes an attached garage that can accommodate 1 parking space and the existing driveway to the addition can accommodate 2 parking spaces. Furthermore, the existing driveway to the existing detached garage can accommodate additional parking;
- Metrolinx (i.e. the railway authority) was circulated on the Minor Variance application and noted no objections, subject to their Environmental Easement for operational emissions being registered on title of the property in favour of Metrolinx. While not a requirement, Metrolinx has also suggested that the Applicant may wish to have a Noise and Vibration Assessment prepared to assess the potential noise and vibration impacts from the railway operations and incorporate any recommended mitigation measures into the design of the addition; and,
- Any business for gain or profit is not permitted to be operated from a residential accessory building and a formal complaint may be filed with the Town's By-law Enforcement Section for further investigation. Staff or the Committee of Adjustment is not able to take concerns about a business in a separate on-site structure into consideration when evaluating the merits of the requested variances for the proposed dwelling expansion and other accessory structures as the Planning Act only grants municipalities the authority to evaluate the merits of the requested zoning relief based on their suitability for the site.

## **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(s):

1. The location of the addition and its accompanying driveway leading to the attached garage shall be generally in accordance with the Site Plan, prepared Van Harten Surveying Inc., date stamped by the Committee of Adjustment on April 22, 2021, to the satisfaction of the Commissioner of Planning & Development.
2. The addition shall be constructed generally in accordance with the architectural design as shown on the Front (Southwest) and Side (Northwest) Elevations, date stamped by the Committee of Adjustment on February 1, 2021, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



**Jeff Markowiak, Director of Development Review**

## **Notes**

### **Development Engineering**

- 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 Section prior to the issuance of the associated Building Permit. Please contact the Development Engineering Section 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.
- The Owner/Applicant shall apply for and acquire an Entrance Permit under Bylaw 2018-0028 for the proposed entrance through the Development Engineering Section prior to the issuance of the associated Building Permit. Please contact the Development

Engineering Section or visit the Town's website and search "Entrance" for further details prior to making the application.

### Fire Department

- The Fire Department requests that the side of the proposed addition facing the interior side lot line not contain any windows or other openings, as shown on the Side (Northwest) Elevation, and encourages the exterior cladding to be made of non-combustible material.

### Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout if a new service or upgrade to an existing service is required or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Any costs due to changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate lane ways, driveways and parking lots, etc.) will be borne by the Applicant.

### Metrolinx

- While not a requirement from Metrolinx, it is recommended that the Applicant obtains a Noise and Vibration Assessment, prepared by a qualified professional, to determine any potential impacts on the building as a result of the neighbouring rail corridor. The assessment may recommend measures to mitigate potential noise and vibration impacts. Should the Applicant choose to undergo the assessment, they may obtain the most up to date GO Transit rail data forecast by submitting a request to [raildatarequests@metrolinx.com](mailto:raildatarequests@metrolinx.com).
- Metrolinx requests that an Environmental Easement for operational emissions be registered on title of the subject lands in favour of Metrolinx by August 31, 2021. The Owners have provided a Letter of Undertaking to Metrolinx confirming that Metrolinx's Environmental Easement for operational emissions will be registered on title of the subject lands, in favour of Metrolinx, by August 31, 2021.