

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, November 6, 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 D13VAR24.023H – 14097 Sixth Line** 3

Location: 14097 Sixth Line, Town of Halton Hills (Esquesing), 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 80 sq m to permit a floor area of 198 sq m.
 2. To increase the total floor area of all accessory structures from the maximum 120 sq m to permit a total floor area of 216 sq m.

To accommodate an existing addition to the accessory structure.

Owner(s): Rui and Natalie Botelho, **Agent:** John Kozen
 - b. **Minor Variance D13VAR24.024H – 216 Guelph Street** 6

Location: 216 Guelph 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 parking spaces from the minimum 32, to permit 23 parking spaces.

To accommodate the proposed drive-thru for a restaurant.

Owner(s): GG Garage LTD., Gino Gaudio, **Agent:** KALP Architect Inc., Laxman Patel

c. **Minor Variance D13VAR24.025H – 9 Ostrander Boulevard**

Location: 9 Ostrander Boulevard, Town of Halton Hills (Georgetown),
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 20 sq m to permit a floor area of 54 sq m.
2. To reduce the interior side yard setback from the minimum 1 m to permit an interior side yard setback of 0.48 m.

To accommodate the conversion of the existing garage into an additional residential unit.

Owner(s): Olivier & Brenda Lorraine Gysel, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: October 29, 2024

RE: Planning Recommendation for
Application D13VAR24.023H
Municipally known as 14097 Sixth Line
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 80 sq m to permit a floor area of 198 sq m.
2. To increase the total floor area of all accessory structures from the maximum 120 sq m to permit a total floor area of 216 sq m.

To accommodate an existing addition to the accessory structure.

Proposal

The variances are required in order to recognize an existing addition constructed to the rear of an existing accessory structure (garage).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Protected Countryside Area under the Town's Official Plan which 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 Protected Countryside – Natural Heritage System Two (PC-NHS2) under the Town's Comprehensive Zoning By-law 2010-0050, as amended. Under Table 4.2 of the Zoning By-law, the maximum floor area of accessory buildings is 80.0 sq m and the maximum total floor area of all accessory buildings is 120.0 sq 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 to regulate the floor area of accessory buildings (both singularly and combined) is to ensure that accessory buildings do not visually dominate the lot; are clearly accessory to the principle residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties.

The garage meets the height requirement (5.0 m) and the interior side yard setback requirement (1.5 m) in the Zoning By-law. The garage does not appear to dominate the lot and appears to be accessory to the main house. Therefore, Planning staff have no concerns with the minor variances.

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, prepared by Kozen Design Associates, date stamped by the Committee of Adjustment on September 18, 2024, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- The Applicant shall acquire a Site Alteration Permit to legalize the site works that have been completed. Please contact Development Engineering for more information.

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

FROM: John McMulkin, Senior Planner – Development Review

DATE: October 29, 2024

RE: Planning Recommendation for
Application D13VAR24.024H
Municipally known as 216 Guelph Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the parking spaces from the minimum 32, to permit 23 parking spaces.

To accommodate the proposed drive-thru for a restaurant.

Proposal

The variance is required to re-establish a drive-through service facility for the building in order to facilitate its conversion from a restaurant (Pizza Pizza) to a restaurant with a drive-through service facility (Burger King).

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Mixed Use Sub-Area under the Town's Official Plan. This designation permits restaurants and other commercial uses. The Official Plan does not contain a specific parking standard for the proposed use, instead deferring parking requirements to the implementing zoning by-law.

Town of Halton Hills Zoning By-Law

The subject property is zoned Georgetown Community Node Three Holding Four (GCN3)(H4) under the Town's Zoning By-law 2010-0050, as amended. The GCN3(H4) zone permits restaurants and drive-through service facilities.

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:

Transportation

Transportation has reviewed the parking justification study submitted in support of the proposed parking reduction and has no concerns with the extent of the requested relief. As a condition of approval, staff requests that the parking study be amended to address the Town's remaining comments. In addition, given the concerns regarding the ability for typical motor vehicles to access the parking space located at the northeast corner of the site, staff requests that the site plan be amended to illustrate that the 23rd parking space will be "Motorcycle Parking Only" through signage and pavement markings.

Planning

It should be noted that prior to Pizza Pizza, the building was occupied by other restaurants (Wendy's prior to Pizza Pizza and A&W prior to Wendy's), both of which had a drive-through service facility. However, the drive-through service facility was removed and the take-out window was filled in when Pizza Pizza began occupying the building in the early 2000s.

The intent of the minimum parking requirement is to ensure that sufficient parking is provided to accommodate the proposed land use. Planning staff has discussed the Minor Variance application with Town Transportation staff, who has indicated no concerns with the extent of the zoning relief requested given the proposed parking configuration and the analysis provided in the parking justification study. Therefore, Planning staff views the intent of the minimum parking 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. Drawing No. SP2, prepared by KALP Architect Inc., date stamped by the Committee of Adjustment on September 26, 2024, shall be amended to illustrate that Parking Space No. 23 will be "Motorcycle Parking Only" through signage and pavement markings, to the satisfaction of the Commissioner of Transportation & Public Works.
2. The Parking Justification Study & On-site Circulation Review, prepared by UrbanTrans Engineering Solutions Inc., dated October 23, 2024, shall be amended in accordance with the comments from the Town's Transportation Planning Technologist in an email dated October 25, 2024, to the satisfaction of the Commissioner of Transportation & Public Works.
3. The proposal shall be constructed generally in accordance with Drawing No. SP2, prepared by KALP Architect Inc., date stamped by the Committee of Adjustment on September 26, 2024, as amended in accordance with Condition No. 1, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Development Engineering

- A site alteration permit may be required in accordance with Site Alteration By-law 2017-0040. The applicant should contact Development Engineering staff to confirm submission requirements in this regard and obtain further information.

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

FROM: Ruth Conard, Planner – Development Review

DATE: October 29, 2024

RE: Planning Recommendation for
Application D13VAR24.025H
Municipally known as 9 Ostrander Boulevard
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 54 sq m.
2. To reduce the interior side yard setback from the minimum 1 m to permit an interior side yard setback of 0.48 m.

To accommodate the conversion of the existing garage into an additional residential unit.

Proposal

The variances are required in order to recognize an existing detached garage which is proposed to be converted to an additional residential unit.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town's Official Plan. The main permitted uses in the Low Density Residential Area designation include single detached dwellings. Accessory dwelling units are also permitted in this designation.

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 Zoning By-law 2010-0050, as amended. The Town's Zoning By-law

currently permits accessory dwelling units within single, semi-detached, and townhouse dwellings units (i.e. basement apartments).

Through Bill 23, Provincial direction has changed, requiring municipalities to permit up to three units on a lot in urban areas wherever single, semi-detached, and townhouse dwellings are permitted. A key change is that additional residential units are now permitted in buildings detached from the main residential dwelling on a lot.

It should be noted that Planning staff are currently undertaking a review of Official Plan policies and Zoning By-law permissions to align with Provincial direction. Staff will be attending Council with a recommendation report seeking approval of the Official Plan and Zoning By-law Amendments at a later date.

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

Variance #1

The intent to regulate the floor area of accessory buildings is to ensure they do not visually dominate the lot; are clearly accessory to the principle residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties.

The structure meets the height requirement in the Zoning By-law (3.5 m) and there are no windows or doors adjacent to the neighbouring property to the north. It does not appear that the structure will impact the above considerations and therefore staff have no concerns with the minor variance.

Variance #2

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. The structure appears to have been constructed in 1995 and it does not appear that there are any concerns with its location for maintenance and/or access purposes. The requested minor variance should have no impact on the above considerations and therefore Planning staff have no concerns.

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, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on September 27, 2024, to the satisfaction of the Commissioner of Planning & Development.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review