



COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, February 5, 2020, 6:00 p.m.
Location: Halton Hills Town Hall, Council Chambers
1 Halton Hills Drive
Members: G. Driedger, Chair, T. Hill, N. Panchuk, W. Scott, J. Watson

Pages

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

- a. **HEARING #1 Minor Variance D13VAR19.030H - Dolan**

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Location: 52 Cleaveholm 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 minimum setback from the right-of-way owned by a federally regulated railway company from the minimum 30 m to permit a 13.5 m setback (second storey addition).
 2. To reduce the minimum side yard setback to the second storey addition from 1.8 m to permit a 1.63 m side yard setback.

To accommodate a proposed second storey addition to an existing dwelling.

Owner: James & Donna Dolan, **Agent:** Studio Intersekt Inc., Frank Vanbetlehem

4. ADJOURNMENT

TO: Niloo Hodjati, Secretary-Treasurer of the Committee of Adjustment

FROM: Ruth Conard, Planner – Development Review

DATE: January 30, 2020

RE: Planning Recommendation for
Application D13VAR19.030H – DOLAN
Municipally known as 52 Cleaveholm Drive
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the minimum setback from the right-of-way owned by a federally regulated railway company from the minimum 30 m to permit a 13.5 m setback (second storey addition).
2. To reduce the minimum interior side yard setback to the second storey addition from 1.8 m to permit a 1.63 m side yard setback.

To accommodate a proposed second storey addition to an existing dwelling.

Proposal

The applicant is applying to construct a 53.9 sq m (580 sq ft) second storey addition at the rear of the existing dwelling in order to accommodate two new bedrooms and an ensuite bathroom.

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). The Study arose from public concerns about the impact of large-scale rebuilds on the character and integrity of mature neighbourhoods. The amendment came into full force and effect on June 29, 2017.

Although the Town's Official Plan does not specifically identify minimum interior side yard setback requirements for properties located within the Low Density Residential Area

designation, the following criteria shall be considered when evaluating relief from the new zone standards that were adopted as a result of the Mature Neighbourhoods Character Study:

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

As a result of the Mature Neighbourhoods Character Study, properties located within the LDR1-2 (MN) zone are subject to the following new zone standards:

- **Minimum Interior Side Yard Setback: 1.8 m for a 2 storey dwelling, 1.2 m for a 1 storey dwelling;**
- Minimum Exterior Side Yard Setback: 4.5 m;
- Maximum Height: 10.0 m (2.5 storeys); and,
- Maximum Lot Coverage: 40% for 1 and 1.5 storeys; 35% for 2 and 2.5 storeys.

As identified above, the required interior side yard setback for a second storey is 1.8 m whereas the applicant is proposing a 1.63 m setback on the west side only. The purpose 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 and outside walls and to access the rear yard of the property. The requirement is also to provide area for landscaping and separation between neighbouring dwellings for maintaining privacy and the mature character of the neighbourhood.

With regards to the setback from the rail corridor, the General Provisions section of Zoning By-law 2010-0050 states, in part, that all buildings and structures containing a dwelling unit shall be located no closer than 30 m from the right-of way owned by a federally regulated railway company. The intent of the provision is to reflect CN Rail and Metrolinx setback requirements to mitigate impacts associated with noise and vibrations from a railway.

COMMENTS

Internal Department and External Agency Comments

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

Planning

Based on the criteria set out in the Official Plan which is to be considered when evaluating relief from the new mature neighbourhood zone standards, Planning staff has no concerns with the proposed minor variances for the following reasons:

- The 13.5 m setback is an existing condition applying to the portion of the dwelling that the second storey addition is proposed to be constructed above;
- CN Rail and Metrolinx have no objection to the proposed 13.5 m minor variance;
- The 13.5 m setback is consistent with other lots on the north side of Cleaveholm Drive;
- The proposed addition encroaches no further to the interior side lot line than the existing dwelling. As such, it should not have any impacts on privacy and light penetration;
- The proposed addition will be located at the rear of the existing dwelling. Because it will not be visible from the street the addition will not have any impact on the scale, massing and building height along Cleaveholm Drive.

Development Engineering

The applicant submitted a Noise Feasibility Study that assessed the noise level generated from the railway and provided recommendations for noise mitigation for the proposed second storey addition. The study recommended brick or masonry equivalent exterior construction material for the addition, upgraded window glazing and central air conditioning systems that comply with provincial noise guidelines. Development Engineering staff supports the recommendations of the Study.

Public Comments

Comments have been received from a neighbouring landowner (50 Cleaveholm Drive) regarding the potential view impacts of the proposed addition to the greenspace located at the rear of the property and the noise generated from the adjacent railway.

Views

With respect to views, the concern is that the second storey addition will obstruct views from the neighbours master bedroom window located at 50 Cleaveholm Drive to the greenspace located to the rear of the subject property.

It is staff's opinion that neither of the minor variances being requested by the proponent have any direct applicability to this concern. The reduced interior side yard setback is proposed to apply to the yard on the opposite side of 50 Cleaveholm Drive. The setback provision from the rail corridor is only applied to reflect CN and Metrolinx requirements, not to preserve or maintain views for abutting properties. Further, the applicant is not proposing to encroach within the minimum 7.5 m rear yard setback requirement or exceed the maximum permitted height of 10.0 m.

Noise

With respect to noise, the concern is that noise will deflect from the proposed second storey addition to the master bedroom window located at 50 Cleaveholm Drive.

As noted, the intent of the minimum railway setback requirement is to mitigate noise, vibration and other impacts to development generated from the railway. The Noise Feasibility Study has not identified any impacts to the proposed addition subject to mitigation measures being implemented through construction. As such, the intent of the minimum railway setback requirement is being maintained and the proposed addition is appropriate.

If the owners of 50 Cleveholm Drive have general concerns regarding noise and other impacts associated with the operations of the railway they may undertake a similar Noise Feasibility Study to assess impacts and recommend potential mitigation measures that may be retrofitted to their existing dwelling.

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.

Notes

CN Rail

CN recommends that the applicant select windows and construction materials that will reflect the provincial noise standards for sensitive spaces.

CN Rail will not be responsible for any noise or vibration complaints that arise from the expansion.

Metrolinx

Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future, including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise or vibration attenuating measures in the design of the development and individual dwelling(s).

Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Development Engineering

Development Engineering staff strongly recommends that the Owner implements the following recommendations that HGC Engineering has provided within Section 5 of the Noise Feasibility Study, dated January 21, 2020, for the proposed addition:

- 1) Central air conditioning systems are required for the proposed second storey addition. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300, as applicable.
- 2) Brick or masonry equivalent exterior construction is required for the proposed second storey addition along the west and the north facades of the bedrooms. Upgraded window glazing requirements are also required for the proposed addition as indicated in Section 5.2.
- 3) Warning clauses should be included in the property and tenancy agreements and offers of purchase or sale to inform future owners/occupants of the noise issues and the presence of the railways, if not already included.

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.