

**COMMITTEE OF ADJUSTMENT
AGENDA**

Date: Wednesday, March 4, 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. **Minor Variance D13VAR20.001H - Klock**

4

Location: 10 Henry 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 size of a site triangle from the required 12 m by 12 m to permit a 9 m by 9 m site triangle (fence).
2. To reduce the minimum interior side yard setback from 1.2 m to permit a 0.65 m interior side yard setback (deck).

To accommodate a proposed fence and deck.

Owner: Davi & Edilaine Klock

b. Minor Variance D13VAR20.002H - HHIDGP

8

Location: 6 Cleve Court, Town of Halton Hills (Premier Gateway),
Regional Municipality of Halton

Purpose: Requesting relief from Zoning By-law 57-91, as amended,

1. To increase the height of the 2 buildings from the maximum 10.6 m to permit a height of 11.8 m.
2. To decrease the minimum lot frontage on an accessible public road from the required 45 m to permit a lot frontage of 38 m.
3. To reduce the minimum parking for the warehouse and accessory office uses from the required 2 spaces plus 1 space per 100 sq m of warehouse use, and 3.3 spaces per 100 sq m of accessory general office, to permit 0.48 parking spaces per 100 sq m of gross floor area.
4. To increase the on-site designated commercial vehicle waiting spaces from the maximum 20% of the provided designated loading spaces to permit 26% of the provided designated loading spaces.

To accommodate proposed warehouse and accessory office uses.

Owner: Halton Hills Industrial Development GP, Stephen Rawlin **Agent:**
Bousfields Inc., Allison Chewter

c. Minor Variance D13VAR20.003H - Bonnett

12

Location: 10 Duncan 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 from the minimum 1 m to permit a 0.25 m interior side yard setback (existing shed).
2. To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.125 m from the side lot line) to permit a roof overhang encroachment of 62% (0.15 m from the side lot line), (existing shed).

To accommodate an existing shed.

Owner: Spencer Bonnett

d. **Minor Variance D13VAR20.004H - Uzoruo**

Location: 10158 Tenth Line, 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 for a single accessory building from the maximum 20 sq m to permit a 50.2 sq m accessory building (existing shed).
2. To increase the height for an accessory building from the maximum 3.5 m to permit a height of 4.7 m (existing shed).
3. To reduce the interior side yard setback from the minimum 1 m to permit a 0.9 m interior side yard setback (existing shed).

To accommodate an existing shed.

Owner: Chukwuyere Uzoruo

4. **ADJOURNMENT**

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

FROM: Ruth Conard, Planner – Development Review

DATE: February 26, 2020

RE: Planning Recommendation for
Application D13VAR20.001H - Klock
Municipally known as 10 Henry Street
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the size of a site triangle from the required 12 m by 12 m to permit a 9 m by 9 m site triangle (fence)
2. To reduce the minimum interior side yard setback from 1.2 m to permit a 0.65 m interior side yard setback (deck)

To accommodate a proposed fence and deck.

Proposal

The applicant is proposing to install a fence in the front yard (as defined by the Zoning By-law) to reduce noise from the intersection of Main Street and Henry Street and to create a private amenity area. In order to accommodate the fence, the applicant is applying to reduce the site triangle from 12 m by 12 m to 9 m by 9 m.

The applicant is also proposing to construct a 1.2 m by 1.8 m deck in the interior side yard. The applicant is applying to reduce the minimum interior side yard setback from 1.2 m to 0.65 m in order to construct the deck.

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. 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 Low Density Residential One – Two (Mature Neighbourhood) (LDR1-2(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted. 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.*

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

The applicant is applying to reduce the site triangle from 12 m by 12 m to 9 m by 9 m. The intent of the site triangle is to maintain proper site lines for vehicles within the intersection of Main Street and Henry Street.

Due to the orientation of the dwelling on the lot, the front yard functions as a side yard. A front yard is defined as *a yard extending across the full width of the lot between the front lot line and the nearest main walls of the main building or structure on the lot.* In this case, the front lot line abuts Main Street.

As mentioned above, the applicant is proposing to install a fence in the front yard in order to reduce noise from the intersection of Main Street and Henry Street and to provide a private amenity area. Transportation and Public Works staff has reviewed the proposal and have no concerns provided no building or structure, fence, wall, vegetative planting or landscaping is erected or placed within the 9 m by 9 m sight triangle.

The applicant is also proposing to reduce the minimum interior side yard setback from 1.2 m to 0.65 m in order to construct a deck. The intent of the minimum interior side yard setback is to ensure that there is sufficient separation to the side lot line in order to provide access for maintenance purposes, access to the rear yard of the property and promote the retention of open space on individual lots. Given the nature and orientation of the existing house on the lot and the extent of relief requested to accommodate the deck, Planning staff is of the opinion that the intent of this requirement 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.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

Development Engineering

- No building or structure, fence, wall, vegetative planting or landscaping is permitted on the sight triangle on a corner lot.

Legal

- It appears that a portion of the subject property is not currently registered to the owner. Part 7 on 20R-3621 remains in the registered title of Homes in the Hills Inc. The owner is advised to consult with their lawyer to correct this error.

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.

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

FROM: John McMulkin, Planner – Development Review

DATE: February 27, 2020

RE: Planning Recommendation for
Application D13VAR20.002H – HHIDGP
Municipally known as 6 Cleve Court
Town of Halton Hills (Premier Gateway)

APPLICATION

Requesting relief from Zoning By-law 57-91, as amended,

1. To increase the height of the 2 buildings from the maximum 10.6 m to permit a height of 11.8 m.
2. To decrease the minimum lot frontage on an accessible public road from the required 45 m to permit a lot frontage of 38 m.
3. To reduce the minimum parking for the warehouse and accessory office uses from the required 2 spaces plus 1 space per 100 sq. m of warehouse use, and 3.3 spaces per 100 sq. m of accessory office, to permit 0.48 parking spaces per 100 sq. m of gross floor area.
4. To increase the on-site designated commercial vehicle waiting spaces from the maximum 20% of the provided designated loading spaces to permit 26% of the provided designated loading spaces.

To accommodate proposed warehouse and accessory office uses.

Proposal and Background

The applicant is applying to increase the maximum building height and commercial vehicle waiting space requirements and reduce the minimum lot frontage and parking requirements for warehouse and accessory office uses in order to facilitate the construction of 2 new industrial warehouse buildings at the rear of the property (Buildings “B1” and “B2”). The property is occupied by an existing warehouse building (Building “A”), which is located at the south end of the property at the intersection of Cleve Court and Steeles Avenue.

The subject Minor Variance application is related to a Site Plan application (Town File No. D11SPA19.009) for the proposed buildings, which is currently under staff review. The proposal includes an extension of Cleve Court and a watercourse bridge crossing that connects the north and south portions of the property.

In 2015, a Minor Variance application (Town File No. D13VAR15.021H) was approved by the Town's Committee of Adjustment for the development of the south end of the property where Building "A" is located. The approved variances increased the maximum building height requirement from 10.6 metres to 13.5 metres; increased the maximum allowable commercial vehicle waiting spaces from 18 to 182; and, reduced the minimum required number of parking spaces for the warehouse and accessory office uses from 647 to 254.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated "Prestige Industrial Area" and "Greenlands" in the Town's Official Plan. The buildings are proposed within the "Prestige Industrial Area" designation, which permits warehouse and accessory office uses. The maximum building height within the Prestige Industrial Area designation shall be no more than 2 storeys. The Town's Official Plan does not specifically identify requirements for the maximum number of commercial vehicle waiting spaces or minimum lot frontage or parking requirements.

Town of Halton Hills Zoning By-Law

The subject property is zoned "401 Corridor Prestige Industrial Holding (M7(H))" and "Conservation Special (O3-1)" in Zoning By-law 57-91, as amended by Zoning By-law 00-138. The buildings are proposed within the "M7(H)" zone, which permits warehouse and accessory office uses.

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

Based on the information provided and engineering best practices, the Transportation section supports the proposed parking reduction to 0.48 spaces per 100 sq. m of gross floor area on the condition that additional Transportation Demand Management (TDM) measures, to the satisfaction of the Town, are implemented through the Site Plan Approval process. TDM measures could include: additional bicycle parking, Smart Commute membership, provision of carpool parking spaces in priority locations, etc.

Planning

The following provides an evaluation of the proposal in relation to the proposed variances:

Maximum Building Height

The intent of the maximum building height requirement is to ensure that the building does not create visual impacts for surrounding properties, exceed the maximum of 2 storeys in height stipulated in the Official Plan, and reflects market demands for the proposed uses.

Minimum Lot Frontage

The need for the variance to the minimum lot frontage requirement results from the north end of the property being separated from the rest of the property through the dedication of the extension of Cleve Court to the Town as a municipal road. Once the extension of Cleve Court is dedicated to the Town, the ownership of the north and south ends of the property will no longer be connected, thereby creating a natural severance of the north site from the rest of the property. The intent of the minimum lot frontage requirement is to ensure that the lot is of sufficient width to accommodate pedestrian and vehicular access, municipal services, utilities, and landscaping.

Maximum Allowable Commercial Vehicle Waiting Spaces

The intent of the maximum allowable commercial vehicle waiting spaces is to ensure that the parking of transport trucks and other commercial vehicles for the proposed uses does not evolve into outdoor storage or transport terminal uses, both of which are prohibited within the Premier Gateway.

Given the extent of the relief requested and the proximity of the site to surrounding development, staff views the intent of the maximum building height, minimum required lot frontage and maximum allowable commercial vehicle waiting spaces to be maintained.

Minimum Parking Requirements

The intent of the minimum parking requirements is to ensure that there is sufficient parking on site for the proposed warehousing and accessory office uses. Town Transportation staff reviewed the Parking Demand Review and Planning Justification Report submitted with the application and has no objections subject to additional TDM measures being implemented through Site Plan Approval.

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. Additional Transportation Demand Management (TDM) measures shall be implemented through the Site Plan Approval process, such as but not limited to, additional bicycle parking, Smart Commute membership, provision of carpool parking spaces in priority locations, etc., to the satisfaction of the Director of Transportation.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes

Fire Department

The following comments shall be addressed through the review of the Site Plan application:

- Fire has concerns with the occupant load based on the design of the building. The Site Plan is showing that the occupant load is 0 Persons – please correct.
- As per the Ontario Building Code (OBC), Division B 3.2.9.1 Table, Occupancy F2, 1-storey building with building area more than 2,000.00 m², a Standpipe is required.
- As per the OBC, Division B 3.2.4.1, Subsection (2)(h), Occupancy F2 (medium hazard industrial occupancy) with more than 75 persons, a Fire Alarm is required.
- Unable to locate hydrants on Site Plan as per the OBC, Division B 3.2.5.7. Hydrants shall be located within 90 m horizontally of any portion of a building perimeter that is required to face a street.

Conservation Halton

- Prior to the initiation of works, a Permit must be obtained from Conservation Halton for the proposed development.

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.

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

FROM: Ruth Conard, Planner – Development Review

DATE: February 26, 2020

RE: Planning Recommendation for
Application D13VAR20.003H - Bonnett
Municipally known as 10 Duncan 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 from the minimum 1 m to permit a 0.25 m interior side yard setback (existing shed).
2. To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.125 m from the side lot line) to permit a roof overhang encroachment of 62% (0.15 m from the side lot line), (existing shed).

To accommodate an existing shed.

Proposal

The minor variances are required in order to recognize an existing 8.91 sq m (96 sq ft) shed located in the interior side yard of the subject property.

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). Semi-detached dwellings are permitted in this designation. 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 Low Density Residential One – Two (Mature Neighbourhood) (LDR1-2(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. Semi-detached dwellings are permitted. 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.*

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

The Zoning By-law requires a 1.2 m interior side yard setback whereas the Applicant is proposing a 0.25 m interior side yard setback.

Further, the Zoning By-law permits encroachments (i.e. roof overhang) into an interior side yard a distance of no more than 50% of the required interior side yard setback. As the Applicant is proposing a 0.25 m interior side yard setback, a 0.125 m encroachment is permitted. The Applicant is proposing a 0.15 m (or 62%) encroachment to the roof overhang of the existing shed.

The variances requested are acceptable as the side yard of the lot (north) abuts a large strip of grass located on an institutional use (St. Francis of Assisi Catholic Elementary School). Staff has some concern about the ability of the property owner to maintain the current fencing. The proposed variances apply to the existing structure only, once it requires replacement or rehabilitation, it should be relocated to provide adequate setback for the purposes of maintenance.

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 location of the accessory building (existing shed) shall be generally in accordance with the Site Plan prepared by Spencer Bonnett, date stamped by the Committee of Adjustment on February 3, 2020, to the satisfaction of the Commissioner of Planning & Development.
2. The Owner shall provide proof of payment of outstanding property taxes, plus any penalty fees, to the satisfaction of the Town.

Reviewed and Approved by,



Jeff Markowiak, Director of Development Review

Notes:

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.

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

FROM: Ruth Conard, Planner – Development Review

DATE: February 27, 2020

RE: Planning Recommendation for
Application D13VAR20.004H - Uzoruo
Municipally known as 10158 Tenth Line
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To increase the floor area for a single accessory building from the maximum 20 sq m to permit a 50.2 sq m accessory building (existing shed).
2. To increase the height for an accessory building from the maximum 3.5 m to permit a height of 4.7 m (existing shed).
3. To reduce the interior side yard setback from the minimum 1 m to permit a 0.9 m interior side yard setback (existing shed).

To accommodate an existing shed.

Proposal

The minor variances are required in order to recognize an existing 50.2 sq m (540 sq ft) shed located in the rear yard of the subject property.

RECOMMENDATION

Planning staff recommends that the Committee *defers* its decision in order to allow for further discussions with the applicant regarding the following items:

1. Reducing the height of the accessory structure to a more appropriate measurement.
2. The submission of a grading plan prepared by a qualified professional that demonstrates the existing drainage patterns are maintained or demonstrates a satisfactory alternative.