

REPORT

REPORT TO: Mayor Bonnette and Members of Council

REPORT FROM: Keith Hamilton, Planner – Policy/Development Review

DATE: September 18, 2018

REPORT NO.: PLS-2018-0077

RE: Recommendation Report for Removal of Holding (H2) Provision for 13066 Dublin Line (Esquesing)

RECOMMENDATION:

THAT Report No. PLS-2018-0077, dated September 18, 2018, with respect to “Recommendation Report for Removal of Holding (H2) Provision for 13066 Dublin Line (Esquesing)”, be received;

AND FURTHER THAT the request to remove the Holding (H2) Provision from Zoning By-law 2010-0050, as amended, for the lands described as PT LT 26, CON 1 ESQ, AS IN 713656 EXCEPT PT 3 & 4 20R9935; PT LT 26, CON 1 ESQ, PART 2, 20R9935, Town of Halton Hills, Regional Municipality of Halton, municipally known as 13066 Dublin Line (Esquesing), be approved;

AND FURTHER THAT the necessary By-law be enacted to authorize the removal of the Holding (H2) Provision as generally shown in SCHEDULE 3 of this report.

BACKGROUND:

In July 2018 the Owner of 13066 Dublin Line filed a Minor Variance application to increase the allowable floor area for an accessory building from 80.0 m² (861 sq.ft) to 110.0 m² (1,184 sq.ft.); and to increase the maximum height for an accessory building from 5.0 m (16.4 ft.) to 6.7m (22.0 ft.); see **SCHEDULE 1 – LOCATION MAP** and **SCHEDULE 2 – MINOR VARIANCE PROPOSAL**. The application was approved by the Committee of Adjustment on August 1, 2018, with no appeals being received in the subsequent 20 day appeal period.

In addition to a Minor Variance to permit the floor area and height of the proposed accessory building, a Development Permit from the Grand River Conservation Authority was required. The GRCA issued the permit on June 20, 2017.

As per Zoning By-law 2010-0050 the property is zoned Protected Countryside Natural Heritage System One (PC-NHS1) and is subject to a Holding (H2) provision. As

outlined in Table 14.1 of the Town's Zoning By-law, the H2 Provision applies to the "construction of accessory buildings, if any part of the accessory building is located more than 20 metres from the main building on the lot", and may be lifted once the applicable policies in Section E2.5.3.3 of the Town's Official Plan have been met. The location of the approved accessory building falls within 20 metres of the existing dwelling on the lot. As such, the Holding (H2) Provision must be lifted before construction of the accessory building can commence.

The Owner is seeking to construct the approved accessory building this fall. Therefore, the Owner has requested that the Town commence the process to remove the Holding (H2) Provision.

COMMENTS:

The Holding (H2) Provision may be lifted once the applicable policies in Section E2.5.3.3 of the Town's Official Plan have been met.

Section E.2.5.3.3 pertains to the protection of Key Natural Heritage Features. Section d) specifically requires the submission of an Environmental Impact Study (EIS) for any new development within 120 metres of a Key Natural Heritage Feature. The approved accessory building is considered to be development and lies within 120 metres of a Key Natural Heritage Feature (a swamp wetland).

However, through consultation with the Town's Building Department and the Region of Halton, staff has determined that an EIS is not required for the approved accessory building given that:

- the accessory building would be built on an existing concrete slab, meaning disturbance to the earth would be minimal;
- the proposed location of the accessory building would be outside the Key Feature and wetland areas existing on the property; and
- the Grand River Conservation Authority (GRCA) has already issued a Development Permit for the accessory building confirming that they do not anticipate the structure to have any impact on the wetland areas on-site.

Based on the above, Town staff is satisfied that the policies of Section E.2.5.3.3 have been met and is recommending that Council lift the Holding (H2) Provision from the portion of the lands occupied by the accessory building.

RELATIONSHIP TO STRATEGIC PLAN:

The lifting of the Holding (H2) Provision is consistent with the Town's strategy to protect the Natural Heritage System.

FINANCIAL IMPACT:

The removal of the Holding (H2) Provision is an administrative matter and has no financial impact.

CONSULTATION:

Planning staff has consulted with the appropriate Town departments and the Region of Halton in preparation of this report.

PUBLIC ENGAGEMENT:

Public consultation is not required prior to the removal of this Holding (H2) Provision.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendations outlined in this report are not applicable to the Strategy's implementation.

COMMUNICATIONS:

Notice of the Town's intention to pass the Holding Removal By-law was completed in accordance with the requirements of the Planning Act.

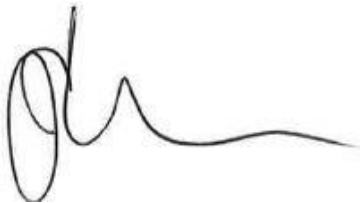
CONCLUSION:

On the basis of the foregoing, Planning staff recommends that Council lift the Holding (H2) Provision from the portion of the subject lands to be occupied by the proposed accessory building by enacting the attached By-law, as generally shown in **SCHEDULE 3 – PROPOSED HOLDING REMOVAL BY-LAW**.

Reviewed and Approved by,

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

Jeff Markowiak, Manager of Development Review

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is written in a cursive style with a large initial "J".

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is written in a cursive style with a large initial "B".

Brent Marshall, CAO