

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.