

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, is 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,

A handwritten signature in black ink, appearing to read "Jeff Markowiak", written in a cursive style.

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.