

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

FROM: Tharushe Jayaveer, Planner – Policy/Development Review

DATE: July 28, 2020

RE: Planning Recommendation for
Application D13VAR20.012H – Cole
Municipally known as 210 Main Street North
Town of Halton Hills (Acton)

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 40 sq m to permit a 117.1 sq m accessory building (garage).
2. To increase the height for an accessory building from the maximum 4.5 m to permit a height of 7.1 m (garage).

To accommodate an existing garage.

Proposal

The Applicant is applying to increase the maximum floor area and height to permit an existing garage to remain as constructed.

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). This designation permits single detached dwellings and accessory buildings and structures. The Town's Official Plan does not specifically identify maximum floor area and height requirements for accessory structures on properties located within the Low Density Residential Area designation.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One Mature Neighbourhood (LDR1-2(MN)) in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The LDR1-2(MN) zone permits single detached dwellings and accessory buildings and structures. In an LDR1 zone, the zoning by-law limits individual accessory structures to a maximum floor area of 40.0 sq m and a maximum height of 4.5 m.

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:

Planning

The intent of accessory buildings and structures is to ensure that they do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. detached dwelling) and do not create impacts to surrounding properties. Staff is of the opinion that this intent is being maintained as the existing detached garage is clearly incidental and subordinate to the principal residential use and it does not appear that there will be any significant impacts to the surrounding properties. Additionally, as of the date of this report no objections have been received from any neighbours regarding the existing garage.

Therefore, Planning staff has no objection to the proposed variances.

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

Zoning

- The accessory building is not permitted to be used for human habitation or an occupation for gain or profit.

Halton Region

- The subject property falls within the Protected Countryside Area of the Greenbelt Plan, however Acton is considered a settlement area and Regional staff are of the opinion that there are no conformity issues with the Greenbelt Plan.
- The subject lands are designated in the 2009 Regional Official Plan as being Urban Area. Section 76 of the ROP establishes that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with the applicable Local Official Plans and Zoning By-laws. All development, however. Shall be subject to the Regional Official Plan policies in effect. There are no conformity issues with the subject proposal.
- Regional staff have reviewed the application and the subject property is located within the jurisdiction of the CTC Source Protection Plan (SPP). The CTC SPP can be accessed online at: <https://ctcswp.ca/ctc-source-protection-plan/>. The property is located in a WHPA-E (8.1), Significant Groundwater Recharge Area and Highly Vulnerable Aquifer area. The proposed development qualifies as a residential use and as such, no Section 59 notice is required at the building permit stage.

Halton Hills Hydro

- Halton Hills Hydro must be contacted for an Electrical Service Layout is a new service of upgrade to an existing service is required; or metering changes. Location and method of servicing is at the sole discretion of Halton Hills Hydro.
- Please note that any costs due to the changes required of Halton Hills Hydro's distribution system (i.e. moving poles to accommodate land ways, driveways and parking lots, etc.) will be borne by the applicant.