

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

**FROM:** John McMulkin, Planner – Development Review

**DATE:** August 24, 2020

**RE:** Planning Recommendation for  
Application D13VAR20.014H – Beyerlein  
Municipally known as 14 Gower Court  
Town of Halton Hills (Georgetown)

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### **APPLICATION**

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

1. To reduce the minimum interior side yard setback from the minimum 1 m to permit a 0 m interior side yard setback (play structure).
2. To reduce the minimum rear yard setback from 1.2 m to permit a 0.7 m rear yard setback (play structure).

To accommodate an existing accessory structure (play structure).

### **Proposal**

The variances are required in order to recognize an existing 7.54 sq. m (~81 sq. ft.) children's play structure located within the rear and interior side yards 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). 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 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 objections were received; relevant comments regarding the Minor Variance application are as follows:

##### Planning

The intent of the minimum interior side yard and rear yard setback requirements for an accessory structure is to ensure that there is sufficient separation between the structure and the lot line for drainage purposes and access for landscape maintenance. To a lesser extent, the requirements are also present to mitigate visual concerns from neighbouring properties.

Town Development Engineering staff reviewed the proposal and identified no concerns from a drainage perspective. Planning staff notes that no access for landscaping maintenance is needed within the interior side yard as the structure is located directly adjacent to the shared wooden privacy fence between 14 and 16 Gower Court (i.e. 0 m setback). Within the rear yard a 0.70 m (~2.3 ft.) setback is requested, which is sufficient to maintain or replace the existing cedar trees located within this yard. The combination of the wooden privacy fence along the interior side lot line and a dense row of cedar trees within the rear yard provides significant screening of the structure from neighbours on both sides.

Based on the above analysis, Planning staff views the intent of the minimum interior side yard and rear yard setback requirements to be maintained.

#### **Public Comments**

As of the date of this report, two (2) letters of support have been received from residents residing at the abutting property to the east (12 Gower Court).

### **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:**

Town Development Engineering

- Should the Town receive any complaints regarding drainage that occurs as a result of the structure, the homeowner will be wholly responsible to complete works required to remediate any issues. A Site Alteration Permit may be required to permit any changes to grade in order to resolve grading and drainage concerns.

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.