

COMMITTEE OF ADJUSTMENT AGENDA

Date: Wednesday, May 1, 2024, 6:00 p.m.
Location: VIA ZOOM
Members: T. Jenney, Chair, J. Watson, L. Hillier, K. Medenblik, J. Smith

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST
3. APPLICATIONS TO BE HEARD
 - a. **Consent D10CON24.002H – 33 Normandy Boulevard & Minor Variance D13VAR24.009H – 33 Normandy Boulevard** 3

Location: 33 Normandy Boulevard, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Consent Purpose: Proposed new lot (Parcel B, ± 437 sq m). The parcel is shown on the sketch of the subject lands prepared by Fiddes Clipsham Inc., date stamped as received by the Committee of Adjustment on March 21, 2024.

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

 1. To permit a half storey to have a floor area of 60% of the floor area of the floor below, whereas the By-law requires the half storey not exceed 50% of the floor area of the floor below (proposed dwelling).
 2. To reduce the minimum lot frontage from the required 15 m to permit a lot frontage of 12.3 m (retained lot).

To accommodate a proposed new lot and a new single detached dwelling.

Legal Description: LT 17, PL 383; HALTON HILLS

Owner(s): Matthew & Jennifer Edwards, **Agent:** Urban in Mind, Dorothy Yeung
 - b. **Minor Variance D13VAR24.010H – 46 Meadowlark Drive** 12

Location: 46 Meadowlark Drive, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

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

1. To reduce the required minimum front yard landscaping from 40% (23.54 sq m) of the front yard area to permit 37.7% (22.23 sq m) of the front yard area.

To accommodate additional parking for a proposed accessory dwelling unit.

Owner(s): Amit Nagpal, **Agent:** Shivang Tarika

4. ADJOURNMENT

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

FROM: Josh Salisbury, Planner – Development Review

DATE: April 24, 2024

RE: Planning Recommendation for
Application D10CON24.002H and D13VAR24.009H – 33 Normandy Boulevard
Municipally known as 33 Normandy Boulevard
Town of Halton Hills (Georgetown)

APPLICATION

A Consent application has been submitted for the subject lands municipally known as 33 Normandy Boulevard (Georgetown) to create a new single detached residential lot (2 total lots including the retained lot). A new 1.5 storey single-family detached home is proposed to be built on the severed lot; the existing 1.5 storey single-family detached home and detached shed are intended to remain on the retained lot. Access to the severed lot would be from Edward Street, and access to the retained lot would continue to be from Normandy Boulevard.

The table below outlines the approximate lot sizes and frontages for each lot:

Parcel	Parcel Description	Area	Frontage
A	Retained Lot	494.5 sq m (5322.8 sq ft)	12.3 m (40.4 ft)
B	Severed Lot	437.6 sq m (4710.3 sq ft)	17.5 m (57.4 ft)

To implement the proposed Consent and construction of a new home on the severed lot, the Applicant is also requesting relief from Zoning By-law 2010-0050, as amended:

1. To permit a half storey to have a floor area of 60% of the floor area of the floor below, whereas the By-law requires the half storey not exceed 50% of the floor area of the floor below (proposed dwelling).
2. To reduce the minimum lot frontage from the required 15 m to permit a lot frontage of 12.3 m (retained lot).

To accommodate a proposed new lot and a new single detached dwelling.

POLICY CONTEXT

Planning Act

Section 51(24) of the *Planning Act* sets out criteria to consider when reviewing an application to subdivide land. These criteria include whether the proposal conforms to the municipality's Official Plan, the suitability of the land for the purposes for which it is to be subdivided, the dimensions and shapes of the proposed lots, whether the proposal is premature, adequacy of utilities and municipal services, and the adequacy of highways (i.e., roadways).

Section 53(1) states that a Consent may be granted provided the approval authority is satisfied that a plan of subdivision of the land is not necessary for the orderly development of the municipality. The proposal must also have regard to the matters of provincial interest under Section 2, specifically Subsection (h), the orderly development of safe and healthy communities, and Subsection (p), the appropriate location of growth and development.

Provincial Policy Statement (PPS), 2020

The 2020 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range of housing types that make efficient use of infrastructure and public services facilities, thus supporting the development of healthy communities. Specifically, Section 1.1.3 of the PPS identifies Settlement Areas as the focus of growth and development. Section 1.1.3.3 states that planning authorities shall promote opportunities for intensification and redevelopment where this can be accommodated; and, Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan (2019) contains policies that speak to the provision of a diverse range and mix of housing options to accommodate people at all stages of life and creating an urban form that will optimize infrastructure to support the achievement of complete communities through a more compact built form. As per Section 3 of the *Planning Act*, the proposal shall conform and not conflict with the Growth Plan.

The subject lands form part of a larger designated urban area in Georgetown. Section 2.2.1.2 of the Growth Plan states that the vast majority of growth will be directed to settlement areas that: have a delineated built boundary; have existing or planned municipal water and wastewater systems; and, can support the achievement of complete communities.

Region of Halton Official Plan

The 2009 Regional Official Plan (ROP) designates the subject lands as Urban Area (Georgetown). Section 76 of the ROP states that the range of permitted uses and the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws. Section 89 of the ROP requires all development within the Urban Area to be on full municipal services.

Town of Halton Hills Official Plan

The subject lands are designated Low Density Residential Area in the Town's Official Plan. The Low Density Residential Area designation permits single detached dwellings subject to a maximum density of 20 units per net residential hectare in the Georgetown Urban Area.

As per Section F1.2.1 of the Official Plan, prior to approval for the creation of a new lot for any purpose, the lot to be retained and the lot to be severed must meet the following criteria:

- a) front on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) will not cause a traffic hazard;
- c) has adequate size and frontage for the proposed use in accordance with the implementing Zoning By-law and is compatible with adjacent uses;
- d) can be serviced with an appropriate water supply and means of sewage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan; and,
- g) will not have a negative impact on natural heritage features and related ecological functions in the area.

The proposal is also subject to Section D1.4.3 of the Official Plan, which states that infill development, in accordance with the applicable land use designation in the Plan, shall be encouraged provided:

- a) the proposed development, including building form and density, is compatible with the character of the existing neighbourhood;
- b) new buildings are designed in a manner that is sensitive to the location, massing and height of adjacent buildings;
- c) a suitable transition in lot sizes, densities, building forms and heights is provided from adjacent development;
- d) existing trees and vegetation will be retained and enhanced where possible and additional landscaping will be provided to integrate the proposed development with the existing neighbourhood;
- e) the proposed development will not create a traffic hazard or an unacceptable increase in traffic on local roads; and,
- f) significant views and vistas which help define a residential neighbourhood are preserved.

Further, Section H4.3.13 states that new housing within Mature Neighbourhood Areas shall be permitted provided it is compatible, context sensitive, and respectful of the existing character of the neighbourhood and that minor variances associated with new housing shall consider, where applicable:

- a) compatibility with existing building orientation and building setbacks;
- b) that the scale, massing, building height, and built form features are compatible with the existing character of the neighbourhood;
- c) the preservation of landscaped open space areas and the protection of existing trees; and,
- d) that impacts on adjacent properties are minimized.

Town of Halton Hills Zoning By-Law

The subject lands are zoned Low Density Residential One -Two (LDR1-2) with a Mature Neighbourhood (MN) overlay. This zone permits single detached dwellings on lots that have a minimum lot frontage of 15 m.

COMMENTS

Internal Department and External Agency Comments

The Consent and Minor Variance applications were circulated for review and comment to Town departments and external agencies. No specific comments relating to the Minor Variances were received; however, relevant comments regarding the Consent application are as follows:

Development Engineering

Town Development Engineering staff have no objection to the Consent and Minor Variance applications subject to the following conditions:

- The owner agrees to submit a grading plan that generally meets Town Standards to the satisfaction of Director of Development Engineering.
- That the required grading will need to be amended to consider external drainage from the adjacent properties to ensure there are appropriate flow outlets and that no drainages issues are created from the proposed grading design for the severed lot.
- That the owner agrees to enter into a consent agreement for the construction of any proposed Town owned infrastructure. The agreement will include Town fees, securities, and construction requirements.

Parks & Recreation

Town Parks & Recreation staff have no objection to the Consent application subject to the following condition:

- **Cash-in-lieu of Parkland:** Pursuant to Section 51.1 of the Planning Act, prior to final consent approval the Owner shall provide cash-in-lieu of parkland. The cash-in-lieu of parkland amount is 5% of the appraised value of the new lots. The Recreation and Parks Department has requested an appraisal for the property to determine the requisite value required.

Halton Region

Regional staff have no objection to the Consent application subject to the following requirements:

- The proposed new lot (Parcel B on the severance sketch) will need to be serviced off water and wastewater infrastructure along Edward Street.
- Servicing allocation is required for the proposed new lot. The applicant will need to obtain 1 SDE of servicing allocation from the Town of Halton Hills and this requirement is captured as a condition of the consent application below.
- The future servicing of the proposed new lot will require a Services Permit through the Region of Halton, which has been included with the notes below with additional servicing comments.

Public Comments

No comments have been received from the public as of the date this report was prepared.

Planning Comments

Consent Application

The two proposed lots represent a density of 16 units per residential hectare, which is lower than the maximum density of 20 units per net residential hectare permitted for lands designated Low Density Residential Area under the Town's Official Plan.

Staff also believe that the severance satisfies the criteria to be considered when evaluating Consent applications seeking to create new lots (Section F1.2.1):

- Both the retained and severed lots front onto and access a public road;
- The creation of one new lot is not anticipated to create a traffic hazard and Town Transportation staff have not identified any objection to the severance. Development engineering staff are also satisfied that the driveway access proposed for the severed lot, and the existing driveway access for the retained lot, comply with Town standards;
- The proposed lot frontage for the severed lot satisfies the minimum requirements under the Town's Zoning By-law and the Applicant has identified that the lot size can accommodate a building envelope that conforms to the Mature Neighbourhood Character provisions for lot coverage, height and setbacks;
- Both lots can be serviced by municipal water and waste water services;
- If approved, Town Development Engineering Staff will require that grading plans be submitted through a Site Alteration Permit process to ensure that there will be no negative impacts on drainage patterns in the area;
- The severance will not restrict any development of adjacent properties; and,
- There are no natural heritage features located on the subject property or adjacent lands.

The proposal also does not conflict with the infill developments policies found in Section D1.4.1 as the housing type intended to occupy the lots are single detached homes, which is consistent with the established character of the neighbourhood. The Applicant has identified that the proposed site configurations for both the retained and severed lots each require one minor variance for zoning relief. Town Staff do not have any objections to the proposed variances, and as such, believe that the minor variances will not affect either lot from remaining consistent with the Mature Neighbourhood built form. Additionally, the Town's Official Plan and Zoning By-law do not identify minimum lot sizes for the Low Density Residential Area; however, the proposed lots are similar in size to some of the existing properties in the neighbourhood.

Additionally, the proposed severance conforms to the Planning Act criteria required to be considered when reviewing a Consent Application (Section 51(24)).

Therefore, staff do not have any objections to the proposed severance.

Minor Variance Application

Variance 1 - The intent of the By-law requiring a half storey to not exceed 50% of the floor area of the floor below is to ensure that consistency with the definition of a storey within the By-law, which will ensure the appearance of a one and a half storey dwelling. The design drawings provided by the Applicant suggest that increasing the floor area of the upper storey to 60% maintains the intent of the by-law provision and will still provide the appearance of a one and a half storey dwelling from the exterior.

Variance 2 - The variance to allow a lot frontage of 12.5 metres is intended to recognize an existing condition. The current lot maintains a frontage of 12.5 metres on Normandy Boulevard; however, the proposed severance requires a variance to acknowledge the existing condition for the retained lot due to the severance altering the current non-conforming property. The proposed severed lot would have a frontage of 17.5 metres on Edward Street, which exceeds the minimum 15.0 metre lot frontage for the applicable LDR1-2 Zone.

Therefore, staff have no objections to the minor variances being proposed.

RECOMMENDATION

Planning staff has no objection to the Consent application, subject to the Conditions outlined in Schedule 1.

Additionally, 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 the Minor Variance application, subject to the following condition:

1. The single-detached dwelling shall be constructed generally in accordance with the design as shown on Drawing No. SK-1, dated October 16, 2023, prepared by Fiddes Clipsham Inc.; Drawing Concept Site Plan, dated October 17, 2023, prepared by Urban in Mind; Drawing Nos. A1 – A6, dated March 2024, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on March 21, 2024, to the satisfaction of the Commissioner of Planning & Development.

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

SCHEDULE 1

CONDITIONS OF CONSENT APPROVAL

Prior to the issuance of the final Consent Certificate by the Town of Halton Hills, the Owner shall address the following conditions:

Town of Halton Hills Conditions

1. The Owner shall provide a draft reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official for review and approval prior to being deposited at the Land Registry Office (LRO).
2. The Owner shall submit a digital copy (via e-mail) and one hard copy of the deposited reference plan to the Secretary-Treasurer, Committee of Adjustment & Consent Official.
3. The Owner shall provide cash-in-lieu of parkland to the Town for the Parcel B (Severed Lot). The cash-in-lieu of parkland amount is 5% of the appraised value of the lot.
4. The Owner shall enter into a Consent Agreement. Such conditions include but are not limited to:
 - a) Provision of security for the works and any required cash payments (i.e., any applicable administration fee and cash-in-lieu of parkland dedication prior to the Town signing the Consent Agreement).
 - b) Provision for commercial general insurance with liability coverage prior to the Town signing the Consent Agreement.
 - c) The Consent Agreement will be registered as first person on title (i.e., the Owner must be prepared to provide postponement of any existing charge prior to registration of the agreement).
5. The Owner shall pay the required certificate fee in the amount current at the time of the issuance of the certificate.
6. That approval by Halton Region for municipal water and wastewater servicing be granted.
7. That the Owner shall apply for and acquire an entrance permit from the Town, which includes fees and securities, for a new driveway for the severed parcel.
8. That the Owner agrees, prior to submitting a building permit, they shall apply for and acquire a Site Alteration Permit from the Town (one permit for the new lot) that clearly

demonstrates the proposed grading and drainage pattern in accordance with Town standards and is to the Town's satisfaction.

Region of Halton Conditions

9. The owner shall obtain one (1) SDE of servicing allocation from the Town of Halton Hills.

Notes

Planning

- The two Minor Variances would only be in force and effect at such time that the related Consent Application is final approved (all conditions cleared and the certificate issued) and the retained lot has been established as its own lot.

Halton Region

- Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
- No wastewater service laterals or water service connections are to cross existing or proposed property lines.
- To service the proposed new lot, the owner shall obtain water and wastewater servicing permits from Halton Region, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton's Development Project Manager.
- The Owner shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By-Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05

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.
- Please note that 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.

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

FROM: Ruth Conard, Planner – Development Review

DATE: April 23, 2024

RE: Planning Recommendation for
Application D13VAR24.010H
Municipally known as 46 Meadowlark Drive
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the required minimum front landscaping from 40% (23.54 sq m) of the front yard area to permit 37.7% (22.23 sq m) of the front yard area.

To accommodate additional parking for a proposed accessory dwelling unit.

Proposal

The variance is required in order to accommodate an additional on-site parking space for an accessory dwelling unit to be constructed within the existing house on the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area under the Town of Halton Hills Official Plan. The main permitted uses in the Low Density Residential Area designation include single detached dwellings. Accessory dwelling units are also permitted in this designation.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One – Four (LDR1-4) under the Town of Halton Hills Comprehensive Zoning By-law 2010-0050, as amended.

Part 5 of the Zoning By-law entitled Parking and Loading Standards states that the maximum driveway width is 7.0 metres provided a minimum of 40% of the front or exterior side yard in which the driveway is located is the site of soft landscaping. Accessory dwelling units are required to provide one parking space on-site, in addition to the two parking spaces required for the principal dwelling.

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 regulating the landscape requirements in the Zoning By-law is to separate the amount of hard surface between buildings, ensure there is an appropriate area for planting and landscaping and to also address stormwater management requirements. Based on the extent of the minor variance requested, it appears that the Applicant has made best efforts to ensure that only a minimal amount of soft landscaping has been reduced on the subject property and there should not be any stormwater management impacts. It is staff's opinion that the above considerations are maintained and there are no concerns with the minor variance.

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 conditions:

1. The parking area shall be in accordance with the site plan, date stamped by the Committee of Adjustment on March 27, 2024, 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,



Jeff Markowiak, Director of Development Review

Notes

Halton Region

- The owner should verify the location of existing services and determine that no relocation of services will be required to facilitate this development. For the applicant's information, should services need to be relocated as a result of the proposed development, the following will be required as part of a Regional Servicing Permit:
 - Any existing water or wastewater services that will not be re-used must be disconnected at the mains at the expense of the owner.
 - No wastewater service laterals or water service connections are to cross existing or proposed property lines.
 - The applicant shall comply with the Region's current construction and design standards as stated in the Region's Development Engineering Review Manual, Region of Halton Design Criteria, Contract Specifications and Standard Drawings, Sewer Discharge By- Law 02-03, Multi-unit Servicing Policy as set out in Report PPW01-96 and the By-Law Respecting the Prevention of Backflow Into the Water System as set out in By-Law 157-05.

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.
- Please note that 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.