



TOWN OF
HALTON HILLS
COMMITTEE OF ADJUSTMENT

AGENDA

Committee of Adjustment hearing on **Wednesday, July 3, 2019** at 6 p.m., in the Council Chambers, Town Hall, 1 Halton Hills Drive, Halton Hills.

Committee: Gordon Driedger, Jane Watson, Neal Panchuk, Thomas Hill, Wayne Scott

1. **CALL TO ORDER / CHAIR'S OPENING REMARKS.**

2. **DISCLOSURES OF PECUNIARY INTEREST.**

3. **RECEIPT OF PREVIOUS MINUTES.**

4. **APPLICATIONS TO BE HEARD:**

4A. **HEARING #1 Minor Variance D13VAR19.013H - OMD**

Location: 9094 & 9096 Regional Road 25, Town of Halton Hills (Esquesing), Regional Municipality of Halton

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

1. To reduce the distance between group homes (measured in a straight line from lot line to lot line) from the minimum 400 metres to permit a distance less than 400 m.

To accommodate two existing group homes on the same lot.

Owner: The Ontario Mission of the Deaf, **Agents:** The Bob Rumball Canadian Centre of Excellence for the Deaf / Habitat for Humanity / Wellings Planning Consultants

4B. **HEARING #2 Minor Variance D13VAR19.014H - Cash International**

Location: 74 Main Street South, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the number of required parking spaces from the minimum 3 to permit 0 parking spaces.

To accommodate the conversion of the second floor from residential to office.

Owner: Cash International Inc., Brandon Hall

4C. HEARING #3 Minor Variance D13VAR19.015H - Strk

Location: 36 Princess Anne Drive, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the front yard setback from the minimum 6 m to permit a 4.59 m front yard setback (addition).

To accommodate an addition to an existing dwelling.

Owner: Jure Strk

4D. HEARING #4 Minor Variance D13VAR19.016H - Doyle

Location: 11 Berton Boulevard, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the side yard setback from the minimum 1 m to permit a 0.68 m side yard setback (cabana).
2. To reduce the rear yard setback from the minimum 1 m to permit a 0.68 m rear yard setback (cabana).
3. To increase the height for a single accessory building from the maximum 3.5 m to permit a height of 3.79 m (cabana).

To accommodate an existing cabana.

Owners: Ryan Doyle & Jessica Luddington

4E. HEARING #5 D13VAR19.017H - Silvercreek Towers

Location: 60 Park Avenue, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To increase the residential units from the existing 212 to permit 218 residential units.

To accommodate the conversion of units from daycare to residential.

Owner: Silvercreek Towers c/o Realstar Property Management, **Agent:** MHBC Planning

5. ADJOURNMENT.

TO: Niloo Hodjati, Secretary-Treasurer of the Committee of Adjustment

FROM: John McMulkin, Planner – Development Review

DATE: June 27, 2019

RE: Planning Recommendation for
Application D13VAR19.013H – OMD
Municipally known as 9094 & 9096 Regional Road 25
Town of Halton Hills (Esquesing)

APPLICATION

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

1. To reduce the distance between group homes (measured in a straight line from lot line to lot line) from the minimum 400 metres to permit a distance less than 400 m.

To accommodate two existing group homes on the same lot.

Proposal

The applicant is applying to reduce the distance between group homes from the minimum 400 metres (1,312 feet) to permit a distance of approximately 135 metres (443 feet) in order to accommodate two group homes (type 1) on the same lot. A group home type 1 is defined as a single detached dwelling unit occupied by not less than six and not more than ten persons exclusive of staff and receiving family, who live as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care and which is licensed, approved or supervised by the Province of Ontario under any general or special Act.

While these two houses (9094 & 9096 Regional Road 25) have historically operated as group homes, 9094 Regional Road 25 has been occupied by fewer than six residents. As such, this single detached dwelling unit did not meet the definition of a group home type 1 in the Town's zoning by-law and the minimum separation distance between group homes was not applicable. The applicant is proposing a reduction to the minimum distance between the group homes as they are now seeking to construct an addition to the house at 9094 Regional Road 25, which will accommodate an occupancy of ten residents.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Agricultural Area” and located within “Special Policy Area 2” in the Town’s Official Plan. The Agricultural Area designation permits residential care facilities and Special Policy Area 2 permits a commercial driving range, a day use activity centre and a permanent second non-farm residence. The property is also located within the “Future Strategic Employment Area” overlay, which allows for use of the property in accordance with the permitted uses and policies of the existing land use designation.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Agricultural Exception (A-9)” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The A-9 zone permits a driving range, day use activity centre and a total of 2 single detached dwellings/dwelling units in addition to the permitted uses of the “Agricultural (A)” zone (e.g. group home type 1).

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 subject property has site-specific provisions granting two houses on one lot. These two houses have historically operated as group homes. The only change occurring on site is that one of the houses (9094 Regional Road 25) is seeking to increase its occupancy by five residents to a total of ten residents. The increase in occupancy now triggers the minimum separation distance requirement.

Planning staff views the variance to be technical in nature because the separation between the two group homes isn’t changing and no new group home is being introduced to the site. Given the property’s ±26.82 ha (66.28 ac) size and rural context, the site provides ample space to mitigate any concerns with respect to increasing the occupancy at 9094 Regional Road 25.

Therefore, Planning staff has no objection to the proposed 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.

Notes

Zoning

- The minimum gross floor area per resident is 23 square metres and the maximum number of residents for a Group Home Type 1 is 10.
- A group home must be licensed, approved or supervised by the Province of Ontario under any general or special Act.

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.

TO: Niloo Hodjati, Secretary-Treasurer of the Committee of Adjustment

FROM: John McMulkin, Planner – Development Review

DATE: June 25, 2019

RE: Planning Recommendation for
Application D13VAR19.014H – CASH INTERNATIONAL
Municipally known as 74 Main Street South
Town of Halton Hills (Georgetown)

APPLICATION

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

1. To reduce the number of required parking spaces from the minimum 3 to permit 0 parking spaces.

To accommodate the conversion of the second floor from residential to office.

Proposal

The applicant is applying to reduce the number of required parking spaces from the minimum 3 to permit 0 parking spaces in order to accommodate the conversion of the ±117 m² (1,260 ft²) second floor of the existing 2-storey building from a residential apartment to a business office. The building is located in Downtown Georgetown and its first storey is occupied by the Georgetown Thai Cuisine restaurant. The site does not currently have any on-site parking or any off-site parking spaces in the downtown dedicated to it.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Downtown Core Sub-Area” in the Town’s Official Plan. This designation permits restaurants and service commercial uses. The Official Plan does not contain a specific parking standard for the proposed use, instead deferring parking requirements to the implementing zoning by-law.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Downtown Commercial One (DC1)” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The DC1 zone permits restaurants and business offices. Parking for a business office is required at a rate of 1 space per 30 m² of net floor area.

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 parking requirement is to ensure that sufficient parking is provided to accommodate the proposed land use. The site does not however have any on-site parking available to service the existing commercial use and residential apartment unit.

Planning staff has discussed the Minor Variance application with Town Transportation staff, who has indicated no concerns with the extent of the zoning relief requested given the current parking arrangement for the site. Transportation staff recommends that staff and visitors for the business office utilize the Edith Street municipal parking lot located at the corner of Edith Street and Mill Street as this parking lot is not typically being used to full capacity.

Based on the above analysis, Planning staff has no objection to the proposal.

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.

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.

TO: Niloo Hodjati, Secretary-Treasurer of the Committee of Adjustment

FROM: Ruth Conard, Planner – Development Review

DATE: June 27, 2019

RE: Planning Recommendation for
Application D13VAR19.015H - Strk
Municipally known as 36 Princess Anne Drive, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

APPLICATION

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

1. To reduce the front yard setback from the minimum 6 m to permit a 4.59 m front yard setback (addition).

To accommodate an addition to an existing dwelling.

Proposal

The applicant is proposing to reduce the minimum required front yard setback from 6 m to 4.59 m in order to construct a single storey addition to the existing dwelling which is approximately 42.49 sq m in size.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Low Density Residential Area in the Town of Halton Hills Official Plan. This designation permits single detached dwellings.

Town of Halton Hills Zoning By-Law

The subject property is zoned Low Density Residential One – Two – Mature Neighbourhoods (LDR1-2 (MN)) by Zoning By-law 2010-0050, as amended. This zone permits single detached dwellings.

The Zoning By-law defines the front lot line as *the shortest of the lot lines that divides the lot from the public street*. As per the definition, 36 Princess Anne Drive's front lot line abuts Charles Street.

The Zoning By-law requires a setback of 6 m between the dwelling and the front lot line. The applicant is proposing to reduce the front yard setback to 4.59 m in order to construct an addition.

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 front yard setback is to ensure that a consistent character is maintained along the street and that sufficient front yard space is incorporated into the design of mature neighbourhoods. Front yard setbacks also ensure that adequate separation is achieved between buildings and the road.

Based on the orientation of the dwelling, the technical front yard, which abuts Charles Street, effectively functions as an exterior side yard. The minimum setback requirement for an exterior side yard is 4.5 m, which the proposal meets. Additionally, the yard is fully fenced and contains an outdoor amenity area with an abundance of landscaping to provide screening from the street for the addition.

The proposed addition is for a single storey. The scale, massing and height of the addition is compatible with the existing built form in the surrounding neighbourhood. The addition should not compromise the character of the mature neighbourhood given its location on the lot, it complies with the exterior side yard setback requirements and the owners intend to maintain the existing landscape screening.

Based on the above considerations, planning staff have no objections to the proposal.

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(s):

1. The size, location and architectural design of the addition shall be in constructed in accordance with drawings SP, A202, A203 and A204, prepared by Huis Design Studio, date stamped by the Committee of Adjustment on May 29, 2019.

Notes

Halton Region

- The applicant should verify the location of all existing service connections before construction begins.

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 of the Committee of Adjustment

FROM: Ruth Conard, Planner – Development Review

DATE: June 27, 2019

RE: Planning Recommendation for
Application D13VAR19.016H - Doyle
Municipally known as 11 Berton Boulevard, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

APPLICATION

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

1. To reduce the side yard setback from the minimum 1 m to permit 0.68 m side yard setback (cabana).
2. To reduce the rear yard setback from the minimum 1 m to permit 0.68 m rear yard setback (cabana).
3. To increase the height for a single accessory building from the maximum 3.5 m to permit a height of 3.79 m (cabana).

To accommodate an existing cabana.

Proposal

The minor variances are required in order to recognize an existing 18.12 square metre cabana located in the rear yard of the subject property.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject lands are designated Low Density Residential Area in the Town of Halton Hills Official Plan. Single detached dwellings are permitted in this designation. Section G13.6 of the Official Plan entitled Accessory Uses states *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 – Three (LDR1-3) by Zoning By-law 2010-0050, as amended. Single detached dwellings are permitted in this zone.

Section 4 of the Zoning By-law contains general provisions and zone standards specific to accessory buildings.

The general provisions state *where land may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building, accessory structure or accessory use located on the same lot as the primary use to which it is related.*

The zone standards require a minimum setback for accessory buildings of 1 metre from an interior side lot line and 1 metre from a rear lot line, whereas the applicant is proposing 0.68 metre, respectively. The zone standards also allow a maximum height for accessory buildings of 3.5 metres to the highest point of the roof while the applicant is proposing 3.79 metres.

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.

Planning

The Zoning By-law contains general provisions and zone standards for accessory buildings to ensure these structures do not dominate the lot, are clearly accessory to the principal use, and do not create impacts to surrounding properties. Given the extent of relief requested, it does not appear that the proposed variances will have an impact on these considerations. Therefore, planning staff has no objection to the proposal.

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. An eaves trough system equipped with downpipe and splash pad must be installed as part of the building permit to direct rainwater runoff to the property line swale as per property standards.

Notes

Development Engineering

- Any above ground discharge from a downpipe shall be directed to discharge away from the building to the property line swale.

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 of the Committee of Adjustment

FROM: Ruth Conard, Planner – Development Review

DATE: June 27, 2019

RE: Planning Recommendation for
Application D13VAR19.017H – Silvercreek Towers
Municipally known as 60 Park Avenue, Town of Halton Hills (Georgetown),
Regional Municipality of Halton

APPLICATION

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

1. To increase the residential units from the existing 212 to permit 218 residential units.

To accommodate the conversion of units from daycare to residential.

Proposal

The applicant is proposing to increase the number of residential units within the existing apartment buildings from 212 to 218 units.

The subject property currently contains two residential apartment buildings. A daycare centre occupies the ground floor of both buildings. The daycare centre is proposed to be converted into 4 new residential units while 2 other units are proposed to be repurposed back to a residential use.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated Downtown Core Sub-Area, Greenlands and Major Institutional Area in the Town of Halton Hills Official Plan. The Silvercreek Towers are located entirely within the Downtown Core Sub-Area designation. Residential uses are permitted including free-standing residential buildings.

The Town's Official Plan limits the number of residential units located within the property's Downtown Core Sub-Area designation to 100 units per net residential hectare; however, it permits minor variations from these standards of up to 5% provided the intent of the Plan is maintained. As such, the proposal represents a 5% variation as:

- The maximum permitted density on the property would be 105 units per net residential hectare.
- The property is approximately 2.07 ha in size, so the maximum permitted number of residential apartment units is 218.

Town of Halton Hills Zoning By-Law

The subject property is zoned Downtown Commercial One (DC1), Environmental Protection One (EP1) and Institutional (I) by Zoning By-law 2010-0050, as amended. The existing buildings are entirely within the DC1 zone. Apartment dwelling units are permitted.

A previous minor variance (A48/99/H) approved in 1999, increased the maximum permitted number of residential units from 209 to 218 units. However, a provision in the Town of Halton Hills Zoning By-law 2010-0050 repealed all minor variances approved prior to January 1, 2000. As only 212 units have been constructed and the property's Downtown Commercial One (DC1) zone permits only the number of units and related floor area that legally existed on the effective date of the By-law (July 19, 2010), zoning relief is once again required to increase the number of residential apartment units from 212 to 218.

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 purpose of the proposed minor variance is to permit 6 additional units within the existing apartment building. No additional floor area is required in order to accommodate the units and no parking relief is necessary. The proposed minor variance is consistent with the previous minor variance application from 1999 which permitted 218 units. Planning staff have no objections to the proposal.

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.

Notes

Zoning

- The property was the subject of a minor variance application (A48/99), granted on September 28, 1999, to permit the number of dwelling units to be increased from 209 to 218. Building permits 8921 and 9862 were issued in 2000 and 2001 increasing the number of units to 212.
- Section 1.8 of the Zoning By-law recognized minor variances that have been granted since January 1, 2000.

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.

Halton Catholic District School Board

- Education Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit.
- Any building permits that are additional to the maximum approved unit count will be subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

Halton Hills Fire Department

- Fire separation between the existing buildings and proposed new units to comply with current Ontario Building Code requirements.