



TOWN OF
HALTON HILLS
COMMITTEE OF ADJUSTMENT

AGENDA

Committee of Adjustment hearing on **Wednesday, September 4, 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 D13VAR19.020H - Tavares**

Location: 37 Barraclough Boulevard, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

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

1. To increase the floor area of a detached private garage from 60 sq m to permit a floor area of 85 sq m for a detached private garage.
2. To increase the floor area for all other accessory structures from 20 sq m to permit a total of 61 sq m for all other accessory structures.
3. To increase the height for a private garage from the maximum 4.5 m to permit a height of 5.9 m.

To accommodate a proposed accessory building (covered outdoor living/storage shed) and garage addition.

Owner: Robert Tavares, **Agent:** Patryk Kot

4B. **HEARING #2 Minor Variance D13VAR19.023H - Martinez**

Location: 68 Foxtail Court, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Purpose: 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 0.6 m interior side yard setback (pool equipment).

To accommodate existing pool equipment.

Owner: Nicole & Omario Martinez

4C. HEARING #3 Minor Variance D13VAR19.024H - Gabel

Location: 18 Morris Street, Town of Halton Hills (Georgetown), Regional Municipality of Halton

Purpose: 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 97.5 sq m accessory building.
2. To increase the height for an accessory building from the maximum 4.5 m to permit a height of 6 m.

To accommodate a proposed accessory building.

Owner: Taylor Gabel & Maria D'Orazio

4D. HEARING #4 Minor Variance D13VAR19.025H - Dawson

Location: 12133 Eighth Line, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

Purpose: 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 117.01 sq m accessory building (proposed garage).
2. To increase the total floor area of all accessory structures from the maximum 60 sq m to permit a total floor area of 171 sq m.
3. To increase the height for an accessory building from the maximum 4.5 m to permit a height of 7.48 m (proposed garage).
4. To reduce the rear yard setback from the minimum 1.5 m to permit a 0.95 m rear yard setback (existing shed).
5. To reduce the rear yard setback from the minimum 3 m to permit a 2 m rear yard setback (proposed deck greater than 0.6 m in height).

To accommodate a proposed accessory building, and deck.

Owner: Barry Dawson, **Agent:** Matthews Design & Drafting Services Inc., Doug Matthews

5. ADJOURNMENT.

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

FROM: John McMulkin, Planner – Development Review

DATE: August 28, 2019

RE: Planning Recommendation for
Application D13VAR19.020H – TAVARES (Revised)
Municipally known as 37 Barraclough Boulevard
Town of Halton Hills (Glen Williams)

APPLICATION

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

1. To increase the total floor area of all accessory structures from the maximum 20 sq. m to permit a total floor area of 61 sq. m.
2. To increase the floor area for a private detached garage from the maximum 60 sq. m to permit an 85 sq. m private detached garage.
3. To increase the height for a private detached garage from the maximum 4.5 m to permit a height of 5.91 m.

To accommodate a proposed accessory building (storage shed) and garage addition/covered outdoor living space.

Proposal

This application was presented to the Committee of Adjustment at its meeting held on August 7, 2019. The application was deferred by the Committee to allow the applicant to revise the application to determine whether the variances regarding reduced setbacks and increased roof overhang encroachments for the covered outdoor living structure could be eliminated.

In response, the applicant eliminated the stand-alone outdoor living structure and is now proposing to attach it to the existing detached garage. The size of the covered outdoor living space has also been significantly reduced and an in-ground swimming pool is now contemplated within the rear yard of the property.

These revisions have resulted in the elimination of the variances regarding reduced setbacks, increased maximum height and increased roof overhang encroachments for the covered outdoor living structure (former variances 1, 2, 4 & 7), as well as a reduction to the variance regarding total building floor area (former variance 3).

The original seven (7) variances and their accompanying revisions are shown below:

1. ~~To reduce the interior side yard setback from the minimum 1.5 m to permit a 1 m interior side yard setback (storage shed).~~
2. ~~To reduce the rear yard setback from the minimum 1.5 m to permit a 1 m rear yard setback (covered outdoor living).~~
3. To increase the total floor area of all accessory structures from the maximum 20 sq. m to permit a total floor area of ~~98.3~~ **61** sq. m.
4. ~~To increase the height for a single accessory building from the maximum 4.5 m to permit a height of 5.56 m (storage shed / covered outdoor living).~~
5. To increase the floor area for a private detached garage from the maximum 60 sq. m to permit an 85 sq. m private detached garage.
6. To increase the height for a private detached garage from the maximum 4.5 m to permit a height of 5.91 m.
7. ~~To increase the encroachment of the roof overhang from the maximum 50% of the side yard setback (0.5 m from the side and rear lot lines) to permit a roof overhang encroachment of 70% (0.3 m from the side and rear lot lines), (storage shed / covered outdoor living).~~

RECOMMENDATION

It is the opinion of Planning staff that the revised application for Minor Variance meets the four tests of a Minor Variance as outlined in the Planning Act and would not create additional impacts to surrounding properties. 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 revised application, subject to the following condition:

1. The storage shed, garage addition and covered outdoor living space shall be constructed generally in accordance with the architectural design as shown on the East Elevation, South Elevation, West Elevation and North Elevation, prepared by Fine Lines Design, date stamped by the Committee of Adjustment on August 19, 2019, to the satisfaction of the Commissioner of Planning & Sustainability.

Notes

Development Engineering

- The Owner/Applicant may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.
- Prior to the issuance of a Building Permit the applicant shall provide a Grading Plan of the building envelopes showing suitable surface drainage on the property, including

existing and proposed elevations, to the satisfaction of the Commissioner of Transportation and Public Works.

Zoning

- Accessory buildings or structures shall not be used for human habitation or an occupation for gain or profit.
- The lot was the subject of a previous minor variance (D13VAR07.055H) for the subdivision permitting the height for an accessory garage to be measured from the midpoint of the peak and eaves of a pitched roof.

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: August 28, 2019

RE: Planning Recommendation for
Application D13VAR19.023H – MARTINEZ
Municipally known as 68 Foxtail Court
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 0.6 m interior side yard setback (pool equipment).

To accommodate existing pool equipment.

Proposal

The applicant is applying to reduce the interior side yard setback requirement in order to accommodate existing pool equipment located within the easterly side yard of the property. The applicant has noted that the pool company placed the pool equipment in this location because it is where the electrical and gas equipment are located.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Low Density Residential Area” in the Town’s Official Plan. This designation permits single detached dwellings and accessory buildings and structures. The Town’s Official Plan does not specifically identify minimum setback requirements for pool equipment.

Town of Halton Hills Zoning By-Law

The subject property is zoned “Low Density Residential One (LDR1-4)” in the Town’s Comprehensive Zoning By-law 2010-0050, as amended. The “LDR1-4” zone permits single detached dwellings and accessory buildings and structures.

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 setback requirement for pool equipment is to ensure that there is sufficient separation to the side lot line in order to provide access for maintenance purposes and maintain access to the rear yard of the property. Given the extent of the relief requested and that the rear yard is accessed from the west side of the property, Planning staff is of the opinion that the intent of this requirement is being maintained.

Public Comments

As of the date of this report, one (1) letter of support has been received from the abutting property owners to the east (70 Foxtail 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, subject to the following condition:

1. The Owner shall provide proof of payment of outstanding property taxes in the amount of \$1,725.86, plus any penalty fees, to the satisfaction of the Town.

Notes

Development Engineering

- The owner shall provide Development Engineering an updated drawing for the open Site Alteration Permit.

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: August 28, 2019

RE: Planning Recommendation for
Application D13VAR19.024H – GABEL
Municipally known as 18 Morris Street
Town of Halton Hills (Georgetown)

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 97.5 sq. m accessory building.
2. To increase the height for an accessory building from the maximum 4.5 m to permit a height of 6 m.

To accommodate a proposed accessory building.

Proposal

The applicant is applying to increase the maximum floor area and height requirements for an accessory building in order to accommodate the construction of a detached garage. The elevation drawings show a height of 5.79 m; however, a height of 6 m is requested to provide additional flexibility. The proposal includes the removal of the existing 22.3 sq. m (240 sq. ft.) detached garage.

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 sq. m and a maximum height of 4.5 m.

The subject lands consist of two (2) legally transferrable lots (Lots 35 & 36, Plan 32). Under the proposal the existing dwelling would be located on one lot (Lot 35) while the proposed detached garage would be situated on the other lot (Lot 36). Section 4.1.1 of the Zoning By-law does not allow an accessory structure to be erected on a lot prior to the erection of the principal building (detached dwelling). As such, the passage of a Deeming By-law by Council is required as a condition of Minor Variance approval in order to merge the two lots and address the zoning conflict by ensuring that the garage is located on the same lot as the existing 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 accessory buildings and structures is to ensure that the accessory buildings/structures do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties. Staff is of the opinion that the intent of an accessory building is being maintained for the following reasons:

- Given the size of the property, and that it consists of two (2) whole residential lots, a significant amount of landscaped open space will be maintained on the property. Given the location and orientation of the second lot, it will be difficult to ever establish it as a separate building lot capable of accommodating a single detached dwelling.
- The subject site is located at the end of a dead-end street and has limited visibility from the road and abutting properties. Given the presence of the existing dwelling and that the subject property slopes down from west to east, the detached garage will be barely visible from properties located along Morris Street to the west.
- The detached garage will be almost completely screened from public view on its east side by the Sacré-Coeur Church Hall on the adjacent property; there are no windows located on this side of the church building.
- The detached garage will be significantly screened on its south side by existing wooden fencing and mature trees located along the southerly lot line, as well as other mature trees and accessory buildings located on adjacent properties.
- The detached garage will be significantly screened on its north side by existing wooden fencing and tall cedar trees located along the northerly property line.

In addition, the detached garage is not permitted to be used for human habitation or an occupation for gain or profit.

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. A Deeming By-law shall be passed by Council and registered on title of the subject lands to merge the two (2) lots and ensure that the proposed accessory building (detached garage) is located on the same lot as the existing principal building (detached dwelling).
2. The location of the accessory building (detached garage) shall be generally in accordance with the Site Plan prepared by Taylor Gabel, date stamped by the Committee of Adjustment on August 6, 2019, to the satisfaction of the Commissioner of Planning & Sustainability.
3. The accessory building (detached garage) shall be constructed generally in accordance with the architectural design as shown on the West Elevation, South Elevation, North Elevation and East Elevation, prepared by Taylor Gabel, date stamped by the Committee of Adjustment on August 6, 2019, to the satisfaction of the Commissioner of Planning & Sustainability.

Notes

Development Engineering

- The Owner/Applicant may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.
- Prior to the issuance of a Building Permit the applicant shall provide a Grading Plan showing suitable surface drainage on the property, including existing and proposed elevations, to the satisfaction of the Commissioner of Transportation and Public Works.

Zoning

- Accessory buildings or structures shall not be used for human habitation or an occupation for gain or profit.
- The owner is required to obtain a Deeming By-law to merge the lots.

Halton Region

- Regional staff is of the understanding that the existing single detached dwelling is connected to municipal water and sanitary services. Regional staff recommends that the services are identified and protected prior to the construction of the proposed accessory building.

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: Tony Boutassis, Senior Planner – Development Review

DATE: August 28, 2019

RE: Planning Recommendation for
Application D13VAR19.025H – DAWSON
Municipally known as 12133 Eighth Line
Town of Halton Hills (Glen Williams)

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 117.01 sq. m accessory building (proposed garage).
2. To increase the total floor area of all accessory structures from the maximum 60 sq. m to permit a total floor area of 171 sq. m.
3. To increase the height for an accessory building from the maximum 4.5 m to permit a height of 7.48 m (proposed garage).
4. To reduce the rear yard setback from the minimum 1.5 m to permit a 0.95 m rear yard setback (existing shed).
5. To reduce the rear yard setback from the minimum 3.0 m to permit a 2.0 m rear yard setback (proposed deck greater than 0.6 m in height).

To accommodate a proposed accessory building and deck.

Proposal

The Applicant is seeking Minor Variance approval to accommodate the construction of a new detached garage, new deck (attached to a new above ground pool) and to recognize the deficient rear year setback to an existing shed.

POLICY CONTEXT

Town of Halton Hills Official Plan

The subject property is designated “Hamlet Residential Area” in the Town’s Official Plan. This designation permits single detached dwellings on existing lots and accessory buildings and

structures. The Town's Official Plan does not contain policies related to maximum floor area, height and setbacks for accessory structures and decks.

Town of Halton Hills Zoning By-Law

The subject property is zoned "Hamlet Residential One, Mature Neighbourhood Two (HR1(MN2))" in the Town's Comprehensive Zoning By-law 2010-0050, as amended. The "HR1(MN2)" zone permits single detached dwellings and accessory buildings and structures.

The By-law limits any individual accessory building to a maximum floor area of 40 sq. m, the maximum total floor area for all accessory buildings to 60 sq. m and the height of accessory buildings to 4.5 m. The By-law also limits the minimum rear yard setback for accessory buildings to 1.5 m and the minimum rear yard setback for decks that have a height of 0.6 metres or greater to 3.0 m.

For clarification, Zoning By-law 2010-0050 limits accessory buildings to a use that is subordinate to the principle dwelling and is not permitted to be used for human habitation. Therefore, the use of the proposed accessory building for any accessory dwelling unit or living space is not permitted.

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 the accessory buildings/structures do not visually dominate the lot, are clearly accessory to the principal residential use (i.e. single detached dwelling) and do not create impacts to surrounding properties.

Planning staff notes that the 2nd floor storage loft space is calculated in the total gross floor area for the proposed detached garage. Therefore, while the proposed detached garage is seeking a total gross floor area of 117.01 sq. m, the building footprint is approximately 72.0 sq. m.

The Applicant proposes the maximum height of the detached garage to be 7.48 m from grade to the peak of the roof. Planning staff have deemed the increase in height to be appropriate based on the size of the lot, location of the proposed detached garage, existing vegetation providing screening between the subject property and the neighbouring property, and the ability for the proposed detached garage to generally complement the design of the existing dwelling.

The Applicant proposes reductions in the rear yard setback to accommodate the existing wooden and metal sheds. Planning staff have deemed the reduction in the rear yard setback for the sheds to be appropriate based on the fact that the sheds are an existing condition.

With regard to setbacks for decks, the By-law requires that a minimum rear yard setback of 3.0 m is provided for decks containing a height over 0.6 m. The Applicant previously proposed a rear yard setback 0.09 m but has revised their proposal to 2.0 m. Planning staff have deemed the reduction in the rear yard setback for the deck to be a nominal reduction that provides adequate separation from the future planned residential development to the rear of the subject property.

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. A Building Permit must be obtained to attach the existing 1.5 storey structure to the single family dwelling prior to the construction of the proposed detached garage (see proposed 1.5 storey building to be attached to the dwelling by an enclosed breezeway shown on the Site Plan and Key Plan drawing, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on August 7, 2019).
2. The accessory building (detached garage) shall be constructed generally in accordance with the architectural design as shown on the Garage Elevations drawing, prepared by Matthews Design & Drafting Services Inc., date stamped by the Committee of Adjustment on August 7, 2019, to the satisfaction of the Commissioner of Planning & Sustainability.

Notes

Development Engineering

- The Owner/Applicant may require a Site Alteration Permit. Please contact Development Engineering at the Town of Halton Hills for further details.
- Prior to the issuance of a Building Permit the Applicant shall provide a Grading Plan of the building envelopes showing suitable surface drainage on the property, including existing and proposed elevations, to the satisfaction of the Commissioner of Transportation and Public Works.

Zoning

- No accessory building shall be used for human habitation or an occupation for gain or profit.

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.