



**COMMITTEE OF ADJUSTMENT
MINUTES**

Minutes of the Committee of Adjustment hearing held on **August 4, 2021**, at 6 p.m. via Zoom.

Members Present: Todd Jenney (Chair), Jane Watson, Lloyd Hillier, Neal Panchuk, Thomas Hill

Staff Present: John McMulkin, Planner
Ruth Conard, Planner
Jeff Markowiak, Manager of Development Review
Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

1. CALL TO ORDER

2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST

Neal Panchuk declared a pecuniary interest after his lawyer, Bert Arnold spoke for D13VAR21.024H – Eden Oak (Creditview Heights). He did not participate in the discussion or vote.

3. APPLICATIONS HEARD

The order was altered, and D13VAR21.024H – Eden Oak (Creditview Heights) was moved to the end of the agenda.

a) Minor Variance D13VAR21.022H – Daly

Location: 10226 Tenth Line, 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 structure from the maximum 20 sq m to permit a 38.7 sq m accessory structure.
- 2.** To increase the height for an accessory structure from the maximum 3.5 m to permit a height of 4.2 m.

To accommodate a proposed accessory structure.

Owner(s): Kevin Daly

The Town Planner referenced a received objection regarding hydro and use of the structure; stated that the individual was informed that the Committee does not deal with use, and By-law Enforcement staff may be contacted regarding any use issues. Noted no objections to approval, subject to condition. The owner was present to answer questions.

It was MOVED by Todd Jenney, SECONDED, and CARRIED

THAT the application be approved, subject to condition.

b) Minor Variance D13VAR21.023H – Stanic

Location: 1 Ainley Trail, 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 total floor area for all accessory structures from the maximum 20 sq m to permit a total floor area of 38 sq m.

To accommodate a proposed cabana.

Owner(s): Claudia Stanic & Ken Paige, **Agent:** Mike Badovinac, Hinkley Associates

The Town Planner noted no objections to approval, subject to condition. The owners and agent were present to answer questions.

It was MOVED by Lloyd Hillier, SECONDED, and CARRIED

THAT the application be approved, subject to condition.

c) Minor Variance D13VAR21.025H – Oliver

Location: 23 Academy Road, Town of Halton Hills (Georgetown), Regional Municipality of Halton

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

1. To reduce the rear yard setback from the minimum 7.5 m, to permit a 1.33 m rear yard setback.
2. To reduce the exterior side yard setback from the minimum 4.5 m, to permit a 3.63 m exterior side yard setback to the second storey.
3. To permit an accessory structure (existing canopy) to be located closer to the front lot line

(3.95 m) that the main building from the front lot line (7.6 m).

To accommodate a proposed attached garage with storey above, and existing canopy.

Owner(s): Bryan Oliver, **Agent(s):** Matthews Design & Drafting, Doug Matthews/Bethany VanRavens

The Town Planner noted no objections to approval, subject to conditions. The owners and agent were present to answer questions.

It was MOVED by Thomas Hill, SECONDED, and CARRIED

THAT the application be approved, subject to conditions.

e) Minor Variance D13VAR21.026H – Hrynkiw

Location: 13519 Fourth Line, Town of Halton Hills (Esquesing), 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 structure from the maximum 60 sq m to permit a 112 sq m accessory structure (garage).
2. To increase the total floor area for all accessory structures from the maximum 80 sq m to permit a total floor area of 222.5 sq m.
3. To increase the height for an accessory structure from the maximum 4.5 m to permit a height of 6.05 m (garage).
4. To reduce the side yard setback from the minimum 1.5 m, to permit a 0.91 m side yard setback (greenhouse).

To accommodate a proposed garage and existing greenhouse.

Owner(s): Rick & Susan Hrynkiw, **Agent(s):** Matthews Design & Drafting, Doug Matthews/Bethany VanRavens

The Town Planner noted no objections to approval, subject to condition. The agent was present to answer questions.

Committee deliberations included: issues with the setback variance for the greenhouse.

It was MOVED by Neal Panchuk, SECONDED, and CARRIED

THAT the first 3 variances be approved, subject to condition, AND THAT variance 4 regarding the setback for the greenhouse be refused.

f) Minor Variance D13VAR21.027H – Frank Heller and Co. Ltd.

Location: 125 McDonald Boulevard, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To increase the number of model units on a Draft Plan of Subdivision from the maximum 10% (10 units), to permit 16% (17 units) on a Draft Plan of Subdivision.
2. To reduce the required front yard soft landscaping from the minimum 40%, to permit a 29% front yard soft landscaping.

To accommodate a proposed subdivision.

Owner(s): Frank Heller and Co. Limited, Fred Dawkins & Ron Heller **Agent(s):** Wellings Consultants Inc., Glenn Wellings

The Director of Development Review noted no objections to approval, subject to conditions.

The agent discussed the proposal and noted that he agreed with the conditions. In response to questions, explained that Council would not have known about the future need for variances during the Zoning By-law Amendment process, as detailed design was not available at that time. Also, addressed traffic, noting that industrial use was replaced with a use that has less of an impact, as there will be no truck traffic.

The Director of Development Review added that a traffic study was reviewed and neither staff, nor Council expressed any issues.

It was MOVED by Lloyd Hillier, SECONDED, and CARRIED

THAT the application be approved, subject to conditions.

d) Minor Variance D13VAR21.024H – Eden Oak (Creditview Heights)

Location: 0 Gamble Street, 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 height for an accessory structure from the maximum 4.5 m to permit a height of 6.34 m for lots 3, 8 and 28.
2. To increase the floor area for a single accessory structure from the maximum 40 sq m to permit a 44.5 sq m accessory structure for lots 3, 8 and 28.
3. To reduce the side yard setback from the minimum 2.25 m, to permit a 0.87 m side yard setback for lot 9 (driveway).

To accommodate a proposed subdivision.

Owner(s): Eden Oak (Creditview Heights) Inc., Romas Kartavicius, **Agent:** RN Design, David Huie

Notes:

- The Secretary-Treasurer requested a recess at approximately 7:15 p.m. as an individual who wished to speak had disappeared from the virtual platform. Calls were placed and by approximately 7:30 p.m., the individual had rejoined, and the hearing resumed.

Oral Submissions:

- Bert Arnold, Arnold Foster LLP (spoke on behalf of owner/agent)
- Don Robinson, Glen Williams Community Association
- Joan Griffin, 17 Credit Street, Glen Williams

The Director of Development Review explained the proposal, referenced received objections from residents, and mentioned the OMB settlement related to the subject subdivision. Indicated that staff must evaluate the requested variances against the four tests, separately from the planning process that led to the creation of the affected lots. Noted no objections to approval, subject to conditions.

Bert Arnold noted that all the conditions of the OMB settlement have been complied with, and the subdivision has been registered; the garage designs meet architectural design guidelines approved through the subdivision process; the detached garages provide elevation variety; and that if the garages were attached, no variances would be required.

Don Robinson spoke against the application, and noted that there are 7 variances; the variances are not minor; the height and lot coverage rules established for the development should be adhered to; and that he does not agree with the Planning report.

The Director of Development Review addressed visual impact and noted that these garages will be half the height of the rooftop of the house currently under construction that is visible from an adjacent street; and confirmed that if the garages were attached by a breezeway, the variances would not be required.

Joan Griffin spoke against the application, and noted that this development was supposed to fit in with the Hamlet, but now the developers are coming back for variances that go beyond the established criteria.

Bert Arnold responded that if the variances were foreseen, they could have been accommodated for, but that the architectural designs for the development require the garages to be detached.

Committee deliberations included: no variances would be required if the garages were attached; future homeowners could come before the Committee requesting variances; and that each application is reviewed based on its own merits.

It was MOVED by Thomas Hill, SECONDED, and CARRIED

THAT the application be approved, subject to conditions.

4. ADJOURNMENT

Adjourned at approximately 8:10 p.m.