



## **COMMITTEE OF ADJUSTMENT MINUTES**

Minutes of the Committee of Adjustment hearing held on **March 1, 2023**, at 6 p.m. via Zoom.

Members Present: Todd Jenney (Chair), Jane Watson, Lloyd Hillier, Keith Medenblik, Jason Smith

Staff Present: Ruth Conard, Planner  
Josh Salisbury, Planner  
Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment & Consent Official

### **1. CALL TO ORDER**

It was MOVED by Lloyd Hillier, SECONDED, and CARRIED

THAT (as per By-Law No. 2023-0006), Todd Jenney be elected as Chair of the Town of Halton Hills Committee of Adjustment for the term of Council.

### **2. DISCLOSURE OF PECUNIARY/CONFLICT OF INTEREST**

None.

### **3. APPLICATIONS HEARD**

The Chair's comments about the procedure were as follows:

- Town staff would speak.
- Owner or agent would be given an opportunity to speak.
- Any members of the public would be given an opportunity to speak (owner or agent would have an opportunity to respond, if needed).
- The Committee would then deliberate, ask any questions, and make a decision.
- A decision would be subject to a 20-day appeal period.

#### **a) Minor Variance D13VAR23.001H – Eden Oak**

**Location:** 39 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 floor area of an accessory structure from the maximum 40 sq m to permit a floor area of 88.5 sq m.

**To accommodate a proposed accessory garage with storage space below.**

**Owner(s):** Eden Oak (Creditview Heights) Inc., c/o Agent, **Agent:** RN Design, David Huie

The Town Planner referenced public objections received from 36 Jason Crescent, 20 Credit Street and the Glen Williams Community Association noting issues that included: visual impact; potential rental unit or Air BNB; notification not capturing the broader community; developer applying; and impact to the environment. The Town Planner responded that the increase in floor area for the basement will not lead to increased visual impact; provincial legislation allows secondary units in accessory buildings; Air BNB would be prohibited; notification radius is prescribed by the Planning Act; developer can submit applications; and that each application is reviewed by relevant agencies to determine any impact. The Town Planner noted no staff objections to approval, subject to condition. The agent was present to speak to the application.

It was MOVED by Todd Jenney, SECONDED, and CARRIED

THAT the application be approved, subject to condition.

The Committee considered the requested variance(s) to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.
4. Be minor in nature.

**b) Minor Variance D13VAR23.002H – Wilson**

**Location:** 339 Maple 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 floor area of an accessory structure from the maximum 20 sq m to permit a floor area of 56.1 sq m.
2. To increase the height of an accessory structure from the maximum 3.5 m to permit a height of 4.9 m.

**To accommodate a proposed cabana.**

**Owner(s):** Robert Wilson & Margaret Wilson, **Agent:** Rockhaven Homes LTD, Jesse Grin

The Town Planner noted no staff objections to approval, subject to condition. The agent (Albert Grin) was present to speak to the application.

It was MOVED by Jane Watson, SECONDED, and CARRIED

THAT the application be approved, subject to condition.

The Committee considered the requested variance(s) to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.
4. Be minor in nature.

**c) Minor Variance D13VAR23.003H – Mander**

**Location:** 25 Maple Avenue, 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 front yard setback of 5.99 m.
2. To permit the encroachment into the front yard setback for a porch having a maximum elevation of 6.94 m (from the floor to the underside of rafters), whereas the By-law only permits encroachment into the front yard for a porch having a maximum elevation of 4 m (from the floor to the underside of the rafters).

**To accommodate a proposed detached dwelling.**

**Owner(s):** Harjeet Mander, **Agent:** Peter Vozikas

The Town Planner referenced public objections received from 19 Edwin Lane, 24 Maple Avenue, 28 Maple Avenue, and 32 Maple Avenue, noting issues that included the building size, location, and wildlife. The Town Planner responded that the size of the house does not require a variance, the house could proceed with a Building Permit, and that Credit Valley Conservation has no concerns. The Town Planner noted no staff objections to approval. The owner and agent were present to speak to the application. The agent noted that the relevant agencies had signed off on the application.

It was MOVED by Keith Medenblik, SECONDED, and CARRIED

THAT the application be approved.

The Committee considered the requested variance(s) to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.
4. Be minor in nature.

**d) Minor Variance D13VAR23.004H – McNutt**

**Location:** 86 Poplar Avenue, Town of Halton Hills (Acton), 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 front yard setback of 4.65 m.
2. To reduce the rear yard setback from the minimum 7.5 m to permit a rear yard setback of 4.62 m.
3. To reduce the side yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1.2 m to permit a side yard setback of 0.35 m.
4. To reduce the rear yard setback (for a deck with a height of less than 0.6 m above grade) from the minimum 1 m to permit a rear yard setback of 0.32 m.

**To accommodate a proposed addition and deck for an accessory dwelling unit.**

**Owner(s):** Wayne McNutt & Julie McNutt, **Agent:** Matthews Design & Drafting, Doug Matthews / Bethany VanRavens

The Town Planner noted no objections to approval of variances 1 and 2, subject to conditions, and noted objections to approval of variances 3 & 4. The agent was present to speak to the application, discussed the proposal, and noted neighbour support. The Secretary-Treasurer responded that no letters of support had been received.

Committee deliberations included intent of the Zoning By-law as it relates to the deck variances, landscape and fence maintenance, and impact on neighbours.

It was MOVED by Keith Medenblik, SECONDED, and CARRIED

THAT the application be approved and refused as follows: variances 1, 2 and 3 be approved, subject to conditions, and variance 4 be refused.

The Committee considered the variances that were approved to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.

4. Be minor in nature.

The Committee considered the variance that was refused to:

1. Not meet the intent and purpose of the Official Plan,
2. Not meet the intent and purpose of the Zoning By-law,
3. Not be desirable for the appropriate use of the land, building or structure, and
4. Not be minor in nature.

**e) Minor Variance D13VAR23.005H – Foster**

**Location:** 7 Edith Street, 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 to the second storey from the minimum 1.8 m to permit a side yard setback to the second storey of 1.4 m.
2. To reduce the side yard setback from the minimum 1 m to permit a side yard setback of 0.61 m (existing cabana)

**To accommodate a proposed addition to the dwelling, and an existing cabana.**

**Owner(s):** Kerri Foster, **Agent:** Andrew Miskiv

The Town Planner referenced public support received from 4 Edith Street, and noted no staff objections to approval, subject to condition. The owner and agent were present to speak to the application.

It was MOVED by Todd Jenney, SECONDED, and CARRIED

THAT the application be approved, subject to condition.

The Committee considered the requested variance(s) to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.
4. Be minor in nature.

**f) Minor Variance D13VAR23.006H – Young**

**Location:** 17 Brock Street, Town of Halton Hills (Acton), Regional Municipality of Halton

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

1. To increase the driveway width from the maximum 7 m to permit a driveway width of 11.04 m.
2. To increase the height of a detached garage from the maximum 4.5 m to permit a height of 6 m.
3. To increase the floor area of a detached garage from the maximum 40 sq m to permit a floor area of 99 sq m.

**To accommodate a proposed detached garage, and existing driveway.**

**Owner(s):** Rachel Dudley and Josh Young

The Town Planner referenced public objections received from 22 Brock Street, 23 Brock Street, and 27 Brock Street, noting issues that included: size and use of the garage as Air BNB, privacy, property values, and windows. The Town Planner responded that the proposal is consistent with previous approvals; Air BNB would be prohibited; structure will not be visible from street; property values cannot be considered; and suggested frosted windows. The Town Planner noted no staff objections to approval, subject to conditions. The owner was present to speak to the application, discussed the proposal, and noted he would be fine with removing windows facing east and south.

Taylor LeBlanc (27 Brock Street) and Linda MacLean (23 Brock Street) spoke against the application (spoke throughout the hearing, however, as they had already submitted objections, their concerns are captured in the summary provided by the Planner).

Committee deliberations included: the second storey windows (discussed possible opaque windows, elimination of some or all windows), the intent of accessory buildings, and whether the proposed structure is incidental to the principal use.

It was MOVED by Jason Smith, SECONDED, and CARRIED

THAT the application be approved, subject to conditions (an additional condition was added at the hearing to ensure that the proposed garage would not contain any windows on the second floor).

The Committee considered the requested variance(s) to:

1. Meet the intent and purpose of the Official Plan.
2. Meet the intent and purpose of the Zoning By-law.
3. Be desirable for the appropriate use of the land, building or structure.
4. Be minor in nature.

#### **4. ADJOURNMENT**

Adjourned at approximately 7:35 p.m.