



## COMMITTEE OF ADJUSTMENT MINUTES

Minutes of the Committee of Adjustment hearing held on **February 3, 2021**, at 6 p.m. via Zoom.

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

Staff Present: Jeff Markowiak, Director of Development Review  
Jeff Jelsma, Director of Development Engineering  
Steve Burt, Development Engineering Coordinator  
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 as Bert Arnold is his counsel. The Secretary-Treasurer asked that his video and audio be turned off for the duration of the hearing, and advised that he will not be participating in the discussion or vote.

### 3. APPLICATIONS HEARD

#### a) Minor Variance D13VAR21.001H – Eden Oak (Creditview Heights)

**Location:** 106 Park Street East, Town of Halton Hills (Glen Williams), Regional Municipality of Halton

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

1. To decrease the lot frontage from the minimum 30 m to permit a 20 m lot frontage.
2. To decrease the minimum lot area from the minimum 0.2 ha to permit a lot area of 0.17 ha.

**To allow a remnant parcel that will be created through the registration of the adjacent subdivision, to be considered a buildable lot.**

**Owner(s):** Eden Oak (Creditview Heights) Inc., Romas Kartavicius, **Agent:** Arnold, Foster LLP, Herbert Arnold

The Chair and Secretary-Treasurer provided opening remarks.

Oral Submissions:

- The Director of Development Review, Jeff Markowiak

- Arnold, Foster LLP, Herbert Arnold, Agent
- Jennifer Martinek, 108 Park Street East
- Sherri Thompson, 20 Credit Street
- Jude Jayalath, 25 Oak Ridge Drive
- Don Robinson, Glen Williams Community Association
- Lynn Johansson, 118 Confederation

*Some members of the public spoke throughout the hearing, however, each person's main points are grouped together as one paragraph.*

The Director of Development Review (author of the report) noted no objections to approval, subject to conditions, and referenced received public objections.

The agent, Herbert Arnold noted that there are similar or smaller lots nearby, the lot will be fully serviced and connected to a sanitary system, the grading plan shows acceptable grades, and the dwelling will be built in line with setback of existing dwellings.

Jennifer Martinek, 108 Park Street East: spoke against the application on behalf of herself, owners of 102 Park Street East, and those who had signed the submitted petition. Noted the area history, and issues related to the variances, setbacks, drainage, and septic. Stated that the lot was a driveway, never meant to be built upon, and asked that no decision be made until the Glen Williams Secondary Review is completed.

The agent responded that the setbacks in the Zoning By-law will be complied with, the dwelling will be connected to a sewage system through the Region, and the condition in the report requires compliance with the Mature Neighbourhood policies. The Director of Development Review confirmed that setbacks conform to the Zoning By-law.

Sherri Thompson, 20 Credit Street: initially spoke in favour of the application and questioned why neighbours are surprised a house is going to be built on the lot, however, asked the agent various questions about the previous house, driveway, and the Eden Oak (subdivision) parcel.

The agent clarified that there was a house on the larger property when Eden Oak purchased the lands, and the lot was not included in the subdivision as it had frontage on Park Street East, and was left out and missed during the Zoning By-law Amendment.

Jude Jayalath, 25 Oak Ridge Drive: spoke against the application, asked about setbacks, and noted there is a perception that only developers can connect to the sewage system.

The Director of Development Review responded that the Zoning By-law establishes setbacks, and the minimum setbacks are a result of the Mature Neighbourhood Character Study (MNCS). The Director of Development Engineering noted that the Glen Williams pumping station has the required capacity for the lot.

Don Robinson, Glen Williams Community Association: spoke against the application and noted issues with the variances, grading, water flow, sewage, and size of houses. Stated that the Region has turned down homeowners' requests for sewer connection.

The Director of Development Review responded that nothing prevents existing lots from being redeveloped into larger homes, and the proposed dwelling would have to be consistent with the MNCS. Noted that the 30 m frontage applies to the broader neighbourhood and it is difficult to establish frontage that is accurately reflective of a neighbourhood with such diversity of lots.

Lynn Johansson, 118 Confederation: spoke against the application and noted that existing houses are denied access to the sewage system, and that developers are favoured over existing homeowners.

The Director of Development Engineering responded that sanitary is under the jurisdiction of Halton Region, there is capacity in the Glen Williams pumping station, and existing homeowners can also connect after satisfying Regional requirements.

Committee discussions included deferral, water runoff, septic, grading, and footprint of the dwelling.

In response to Committee questions, the agent noted that there are no issues with connection to the water/sewage pipe, and the Director of Development Engineering noted that the grading plan meets the intent, and more details will be required later in the process.

In response to Committee questions, the Director of Development Review noted that a septic system can be accommodated, the remnant lot was likely excluded from the subdivision as it maintained frontage on a public road, and the property's exclusion from the site-specific Zoning By-law was likely an oversight. Stated that the conditions address building footprint (grading) and conformity to the MNCS.

It was MOVED by Todd Jenney, SECONDED, and CARRIED

THAT the application be approved, subject to the 2 conditions from the report, and a third condition as follows: "The Owner obtains a servicing connection to the Regional sanitary/waste water system."

#### **4. ADJOURNMENT**

Adjourned at approximately 8:15 p.m.