TOWN OF HALTON HILLS

COMMITTEE OF ADJUSTMENT

MINOR VARIANCE OR PERMISSION (The *Planning Act*, 1990, Section 45)
CONSENT (The *Planning Act,* 1990, Section 53)

MINUTES

Committee of Adjustment hearing on **Wednesday, July 04, 2018** at 7:00 p.m. in the in the Council Chambers, Town Hall, 1 Halton Hills Drive, Halton Hills (Georgetown).

MEMBERS PRESENT: Allan Cook (Chair), Todd Jenney, Blair Roedding, Wayne Scott
STAFF PRESENT: Keith Hamilton, Planner John McMulkin, Planner Jeff Markowiak, Manager of Development Review Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment

1. CHAIR'S OPENING REMARKS.

2. DISCLOSURES OF PECUNIARY INTEREST: None declared.

3. THE MINUTES OF JUNE 13, 2018 WERE ACCEPTED.

4. REQUESTS FOR DEFERRAL (FROM APPLICANTS): None.

5. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION, AND/OR FOR CONSENT, HEARD BY THE COMMITTEE:

5A. HEARING #1

MINOR VARIANCE APPLICATION D13VAR17.027H - MESSIER
REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,
1. TO INCREASE THE NUMBER OF DRIVEWAYS FROM THE MAXIMUM ONE DRIVEWAY PER LOT, TO PERMIT TWO DRIVEWAYS.
TO ACCOMMODATE AN EXISTING TEMPORARY CONSTRUCTION ENTRANCE AS A SECOND DRIVEWAY.

LOCATION: MUNICIPALLY KNOWN AS 17 GLEN CRESCENT DRIVE (GLEN WILLIAMS), REGIONAL MUNICIPALITY OF HALTON

OWNER(S): JASON MESSIER & TARA BOUSKILL

Present:
- Jason Messier, owner

K. Hamilton: Noted no objection to approval.

J. Messier: Stated that the construction access was legal.

W. Scott: Asked if two driveways were always planned.

J. Messier: Stated that the second driveway was built as eventually required.

It was MOVED by Todd Jenney, SECONDED by Blair Roedding, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR17.027H - MESSIER, BE APPROVED."

Reasons for Approval - Minor Variance:

1. The Committee considered the requested variance(s) to be minor in nature.
2. The Committee considered the requested variance(s) to be desirable for the appropriate use of the land, building or structure.
3. The Committee considered the requested variance(s) to meet the intent and purpose of the Official Plan.
4. The Committee considered the requested variance(s) to meet the intent and purpose of the Zoning By-law.

- The associated Planning report is dated June 25, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

5B. HEARING #2

MINOR VARIANCE APPLICATION D13VAR18.025H - MACRI
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 3.17 M FRONT YARD SETBACK (ADDITION).
2. TO REDUCE THE REAR YARD SETBACK FROM THE MINIMUM 7.5 M TO PERMIT A 6.27 M FRONT YARD SETBACK (ADDITION).
TO ACCOMMODATE A PROPOSED ADDITION TO A DWELLING.

LOCATION: MUNICIPALLY KNOWN AS 75 ELMORE DRIVE (ACTON), REGIONAL MUNICIPALITY OF HALTON

OWNER(S): CHRISTINE & GARY MACRI

AGENT: WERNER KRAM, PERMA-WOOD SOLARIUMS

Present:
- Werner Kram, agent

K. Hamilton: Noted no objection to approval.

W. Kram: Stated that the proposed addition requires variances for setbacks.

It was MOVED by Todd Jenney, SECONDED by Wayne Scott, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR18.025H - MACRI, BE APPROVED."

Reasons for Approval - Minor Variance:

1. The Committee considered the requested variance(s) to be minor in nature.
2. The Committee considered the requested variance(s) to be desirable for the appropriate use of the land, building or structure.
3. The Committee considered the requested variance(s) to meet the intent and purpose of the Official Plan.
4. The Committee considered the requested variance(s) to meet the intent and purpose of the Zoning By-law.

- The associated Planning report is dated June 28, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

5C. HEARING #3 - 2 APPLICATIONS

CONSENT & MINOR VARIANCE APPLICATIONS D10CON18.007H - REXTON DEVELOPMENTS & D13VAR18.024H - REXTON DEVELOPMENTS

CONSENT PURPOSE: 3 NEW LOTS. THE PARCELS TO BE SEVERED ARE DESCRIBED AS PART LOTS 13, 14, 15, 16, PL 29, S OF JOHN, N OF RAILWAY, EXCEPT PART LOTS 13 & 14, PL 29 AS IN HR103240 TOWN OF HALTON HILLS AND PT LT 1, PL 29, NE SNT MICHAEL ST; PT LTS 13, 14 & 15, PL 29, S OF JOHN, N OF RAILWAY DES AS PT 8 PL 20R14226; HALTON HILLS, MUNICIPALLY KNOWN AS PARTS OF **38 JOHN STREET**, TOWN OF HALTON HILLS (GEORGETOWN), REGIONAL MUNICIPALITY OF HALTON.

THE PARCELS (± 542-545 SQ M) ARE SHOWN ON THE SKETCH OF SURVEY AS "B, C & D - TO BE SEPARATED", PREPARED BY DOLLIVER SURVEYING INC., ONTARIO LAND SURVEYOR, FILE NO. "1564-4GRID", DATED MAY 4, 2018, REVISED MAY 17, 2018, DATE STAMPED AS RECEIVED BY THE COMMITTEE OF ADJUSTMENT ON MAY 25, 2018.

MINOR VARIANCE PURPOSE: REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,

1. TO REDUCE THE FRONTAGES FROM THE MINIMUM 15 M TO PERMIT A 13.55 M FRONTAGES.

TO ACCOMMODATE 3 PROPOSED NEW LOTS.

OWNER(S): TONY ROMANELLI, REXTON DEVELOPMENTS

AGENT: AL RUGGERO, REXTON DEVELOPMENTS

Present:

- Al Ruggero, agent

K. Hamilton: Noted no objection to approval, subject to conditions.

A. Ruggero: Stated that the 3 new lots are being proposed and variances are required due to the irregular shape.

W. Scott: Asked about the retained parcel.

A. Ruggero: Responded that it is an irregular shaped lot and they are waiting to see if the adjacent road allowance will be opened.

It was MOVED by Wayne Scott, SECONDED by Todd Jenney, AND CARRIED "THAT CONSENT & MINOR VARIANCE APPLICATIONS D10CON18.007H - REXTON DEVELOPMENTS & D13VAR18.024H - REXTON DEVELOPMENTS, BE APPROVED, SUBJECT TO CONDITIONS."

Reasons for Approval - Consent:

- The Town/Committee considered the matters set out under Section 51 (24) of the Planning Act, 1990, as amended.
- The Committee considered the proposal to conform to the Regional Official Plan.
- The Committee considered the proposal to conform to the Local Official Plan.

Reasons for Approval - Minor Variance:

1. The Committee considered the requested variance(s) to be minor in nature.
2. The Committee considered the requested variance(s) to be desirable for the appropriate use of the land, building or structure.
3. The Committee considered the requested variance(s) to meet the intent and purpose of the Official Plan.
4. The Committee considered the requested variance(s) to meet the intent and purpose of the Zoning By-law.

- The associated Planning report is dated June 29, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

5D. HEARING #4

CONSENT APPLICATION D10CON18.002H - FOBERT

PURPOSE: TO CREATE A **NEW LOT**. THE PARCEL TO BE SEVERED IS DESCRIBED AS LOT 5, PLAN 384, HALTON HILLS, MUNICIPALLY KNOWN AS PART OF 111 CHARLES STREET, TOWN OF HALTON HILLS (GEORGETOWN). THE PARCEL (± 474.7 SQ M) IS SHOWN ON THE SKETCH OF SURVEY AS "TO BE SEPARATED", PREPARED BY DOLLIVER SURVEYING INC., ONTARIO LAND SURVEYOR, FILE NO. "962-21GRID", DATED SEPTEMBER 20, 2017, AMENDED FEBRUARY 14, 2018, DATE STAMPED BY THE COMMITTEE OF ADJUSTMENT ON FEBRUARY 26, 2018.

LOCATION: MUNICIPALLY KNOWN AS PART OF 111 CHARLES STREET, TOWN OF HALTON HILLS (GEORGETOWN), REGIONAL MUNICIPALITY OF HALTON

OWNER(S): PATRICK FOBERT, NADINE FOBERT & MARK CACHIA

AGENT: PATRICK FOBERT

Present:

- Herbert Arnold, owners' lawyer
- Mark Cachia and Nadine Fobert, 6 Irwin Crescent, Georgetown, ON L7G 1E8
- Ian Droppo, 7 Churchill Crescent, Georgetown, ON L7G 2M8
- Flemming Mathiasen, 110 Charles Street, Georgetown, ON L7G 2M9
- Anna-Maria Pacula, 7 Churchill Crescent, Georgetown, ON L7G 2M8
- Diane Cope, 16 Charles Street, Georgetown, ON L7G 2Z2
- Penni Ganby, 51 Charles Street, Georgetown, ON L7G 2Z4

J. McMulkin: Explained that the application has been reviewed against the requirements of the Official Plan and Zoning By-law, and meets density, lot creation criteria, and infill development policies, and does not require relief from the Zoning By-law for lot frontage. Noted that the circulated departments and agencies did not have any objections to the application, and that the proposal conforms to the provisions of the Mature Neighbourhood Character policies. Noted no objection to approval, subject to conditions. Addressed the received objections from the public, indicating that staff are recommending Site Plan approval, and will consider waiving the 5 ft road widening in order to move the house closer to the street, increasing the side and rear yards. Explained that Site Plan approval can require that new trees be provided.

H. Arnold: Stated that the proposal complies with the Zoning By-law and the Mature Neighbourhood Character Study. Submitted a handout, and noted that the frontage for the property is actually on Churchill Crescent, not Charles Street, so the existing house directly abuts the rear yard of the property, against 3 and 5 Churchill Crescent. Stated that the Zoning By-law identifies lot lines, and there is no Minor Variance attached to the proposal. Noted that 41 George Street, and 37 and 40 Henry Street are both triangular lots with modest rear yards. Indicated that the Town is being flexible in removing the road widening and the road will not require an actual widening, but that Site Plan has full power to impose road widening and daylight triangle. Noted that the Town does not require Site plan for Consents but has previously required it for rezoning.

M. Cachia & N. Fobert: Stated that they are in favour of the proposal.

I. Droppo: Spoke against the application, submitted a handout, and stated that the property is zoned LDR1-2 (Mature Neighbourhood), and this proposal would set a precedent for future lots. Stated that the rear yard is listed as the side yard, and that side yards should be next to each other. Indicated that it is the side yards that are 1.2 m, and not the rear yards. Noted that people will now see brick walls from their backyards, and that more than 95 per cent of the individuals that were approached to sign the petition objected to the application. Asked that the Committee consider the by-law differently and prevent exploiting of by-laws by developers.

F. Matheson: Spoke against the application noting that a transportation study should have been required, as cars do not stop on George Street, and 2 driveways are too much. Stated that the Town is sending conflicting messages, saying there is a mandatory road widening but it is not required, and that the Town does not see a safety issue by removing the road widening.

A. M. Pacula: Spoke against the application, noting that the Mature Neighbourhood Character Study required that proposed developments be consistent with the character of neighbourhoods. Noted that the subject property backs on to 5 houses, and is infringing on existing lots, and that the configuration of the lots does not fit the by-law, and 2 houses are not appropriate for the area. Submitted a handout, and noted that 40 trees have been cut down and the wall of greenery is gone. Asked about trees being removed, and what happens if the developer demolishes the home during the appeal period, and that trees need to be reestablished to block views of the road and traffic.

J. McMulkin: Responded that the building can be demolished, but that the second house could not be built as they would need permits. Noted that the road widening is still a condition of Consent in order to resolve the matter at the site plan stage, however, the dwelling could be located closer to the street if it is not taken, and that a daylight triangle will still be required.

H. Arnold: Stated that the daylight triangle is not being waived, and that a final surveying of the lots has not taken place. Noted that his client could demolish the existing house, and rebuild it along the Churchill Road frontage through a building permit.

T. Jenney: Asked the Town to confirm that as per the report, they have no issues with the trees being removed.

J. McMulkin: Responded that the statement was correct, as the Town does not have a tree-cutting by-law that would prevent the removal of the trees.

W. Scott: Asked the Town to explain how the rear yard setback is measured.

J. Markowiak: Responded that the measurement is calculated based on the closest point of dwelling to the rear lot (between the rear of the dwelling and the rear lot line).

F. Matheson: Spoke against the application (a second time), noting that he is not satisfied with a transportation study not being required, and that Town staff are responsible for future accidents.

J. Markowiak: Explained that a transportation study is required when there may be a chance for a noticeable increase in the volume of traffic, and Transportation staff have stated that the introduction of 1 new lot would not require a transportation study. Noted that a daylight triangle will remain as a condition to ensure sight lines, but staff can review the need for a road widening against the likelihood of the road actually being widened in the future, to determine if the widening is required.

I. Droppo: Spoke against the application (a second time), questioning the determination of rear yard setbacks.

J. Markowiak: Responded that it is calculated from the the closest point of a dwelling to the rear lot line. The rear lot line for the severed lot is the line shown on the severance sketch submitted by the applicant with the 2.96 dimension illustrated.

I. Droppo: Asked how lot lines are defined.

J. Markowiak: Responded that the Zoning Officer identifies the lot lines based on the definitions in the Zoning By-law, and the applicant has submitted their proposal based on the literal definitions in the Zoning By-law.

D. Cope: Questioned the rear and side yard setbacks of the subject property.

J. Markowiak: Responded that they are irregular lots, and as pointed out by H. Arnold, the rear lot line is the lot line shared with 3 and 5 Churchill Crescent.

P. Gamby: Spoke against the application, noting that conflict (related to new lots being created) will increase, as more houses get built. Stated that large lots will continue to be severed and that the Mature Neighbourhood Character Study fell short.

It was MOVED by Wayne Scott, SECONDED by Todd Jenney, AND CARRIED "THAT CONSENT APPLICATION D10CON18.002H - FOBERT, BE APPROVED, SUBJECT TO CONDITIONS."

Reasons for Approval - Consent:

- The Town/Committee considered the matters set out under Section 51 (24) of the Planning Act, 1990, as amended.
- The Committee considered the proposal to conform to the Regional Official Plan.
- The Committee considered the proposal to conform to the Local Official Plan.

- The associated Planning report is dated June 29, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

6. OTHER MATTERS.

7. ADJOURNMENT (NEXT HEARING: AUGUST 01, 2018 AT 7:00 P.M.)

The hearing adjourned at approximately 8:45 p.m.

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Secretary-Treasurer

C: Halton Hills Clerks, Attention: Council and Committee Services Coordinator