



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, September 05, 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:**

Jeff Markowiak, Manager of Development Review  
Tony Boutassis, Senior Planner  
John McMulkin, Planner  
Keith Hamilton, Planner  
Niloo Hodjati, Secretary-Treasurer, Committee of Adjustment

1. CHAIR'S OPENING REMARKS.
2. DISCLOSURES OF PECUNIARY INTEREST: None declared.
3. THE MINUTES OF AUGUST 01, 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 D13VAR18.032H - BEAUMONT**

REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,

1. TO REDUCE THE SIDE YARD SETBACK FROM THE MINIMUM 4.5 M TO PERMIT A 2 M SIDE YARD SETBACK (PORCH).

**TO ACCOMMODATE A PROPOSED PORCH.**

**LOCATION:** 103 JOSEPH STREET (GLEN WILLIAMS)

**OWNER(S):** ROBERT BEAUMONT

**AGENT:** JAYCLIFF CONTRACTING, JASON MESSIER

**Present:**

- Jason Messier, owner's agent

**J. McMulkin:** Noted no objection to approval.

**J. Messier:** Stated that the porch had been removed in the past and is now being rebuilt.

**It was MOVED by Wayne Scott, SECONDED by Todd Jenney, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR18.032H - BEAUMONT, BE APPROVED."**

- Reasons for decision: The Committee considered the variance(s) to be minor in nature, to be desirable for the appropriate use of the land, building or structure, to meet the intent and purpose of the Official Plan, and the Zoning By-law.
- The associated Planning report is dated August 30, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

**5B. HEARING #2**

**MINOR VARIANCE APPLICATION D13VAR18.033H - ROYCE**

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 1.66 M SIDE YARD SETBACK (DWELLING).
2. TO REDUCE THE FRONT YARD SETBACK FROM THE MINIMUM 6 M TO PERMIT A 5.97 M FRONT YARD SETBACK (DWELLING).

**TO ACCOMMODATE AN UNDER-CONSTRUCTION DWELLING.**

**LOCATION:** 4 FAIRVIEW AVENUE (ACTON)

**OWNER(S):** DAVID ROYCE

**Present:**

- David Royce, owner

**J. McMulkin:** Noted no objection to approval.

**D. Royce:** Stated that contractor error is the reason that variances are required.

**It was MOVED by Todd Jenney, SECONDED by Blair Roedding, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR18.033H - ROYCE, BE APPROVED."**

- Reasons for decision: The Committee considered the variance(s) to be minor in nature, to be desirable for the appropriate use of the land, building or structure, to meet the intent and purpose of the Official Plan, and the Zoning By-law.
- The associated Planning report is dated August 30, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

**5C. HEARING #3**

**MINOR VARIANCE APPLICATION D13VAR18.034H - ST. STEPHEN'S**  
REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,  
1. TO REDUCE THE FRONT YARD SETBACK FROM THE MINIMUM 20 M TO  
PERMIT AN 11 M FRONT YARD SETBACK (ADDITION TO ENTRANCE).  
**TO ACCOMMODATE AN ADDITION TO THE ENTRANCE (BARRIER-FREE  
ACCESS).**

**LOCATION:** 14946 STEELES AVENUE (ESQUESING)

**OWNER(S):** ST. STEPHEN'S ANGLICAN CHURCH, MICHAEL CLARKE

**AGENT:** DICKINSON + HICKS ARCHITECT INC., WESLEY GOWING

**Present:**

- Wesley Gowing, owner's agent

**J. McMulkin:** Stated that a condition (connecting the construction to submitted drawings) was omitted from the report, and noted no objection to approval subject to the condition.

**W. Gowing:** Stated that the entrance will be accessible with a barrier-free lift.

**It was MOVED by Todd Jenney, SECONDED by Wayne Scott, AND CARRIED  
"THAT MINOR VARIANCE APPLICATION D13VAR18.034H - ST. STEPHEN'S, BE  
APPROVED, SUBJECT TO CONDITION."**

- Reasons for decision: The Committee considered the variance(s) to be minor in nature, to be desirable for the appropriate use of the land, building or structure, to meet the intent and purpose of the Official Plan, and the Zoning By-law.
- The associated Planning report is dated August 30, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

**5D. HEARING #4**

**MINOR VARIANCE APPLICATION D13VAR18.036H - KNUTSON**  
REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,  
1. TO INCREASE THE FLOOR AREA FOR AN EXISTING DWELLING BY ADDING  
AN ADDITIONAL 55.28 SQ M TO THE FLOOR AREA THAT LEGALLY EXISTED ON  
THE EFFECTIVE DATE OF THIS BY-LAW (ADDITION).  
**TO ACCOMMODATE AN ADDITION TO AN EXISTING DWELLING.**

**LOCATION:** 14 CHURCH STREET (GEORGETOWN)

**OWNER(S):** NICOLE KNUTSON

**Present:**

- Nicole & Aaron Knutson, owners
- Erin Longworth (16 Church Street)
- Janice Ellery (74 Maple Avenue)
- Diane Harley (13113 Fourth Line)

**T. Boutassis:** Recommended refusal of the application, as objections were received

from Heritage Halton Hills and the Heritage Planner. Noted that the proposal would not comply with Parks Canada, would undermine the plain pitched roof character and consistent roof line, would not reflect the character, appearance, or symmetry of the house, and would set a precedent for other alterations to the townhouses.

**N. Knutson:** Stated that they were not asking for a demolition, noting that the property was rezoned to DC1, requiring a Minor Variance to add floor space. Noted that adding the two dormers would make the attic space useable since they do not have closets or a garage. Questioned why Heritage and the Historical Society were involved with the process, and how they reached their conclusion.

**T. Boutassis:** Responded that Heritage was circulated, and even though the property is not designated, the reasons are related to design, historic and contextual value.

**N. Knutson:** Stated that the property is not designated.

**J. Markowiak:** Stated that being listed means that there is an option to designate, and that staff would recommend designation to Council. Noted that so far, there has been no need to protect its significance, and the Town through applicable Official Plan policies can designate a listed property.

**A & N. Knutson:** Noted that they have maintained the property for 10 years, and dormers are not out of character and no precedent would be set. Asked why heritage is so significant. Referenced an FAQ letter from the Town in 2013 that noted there would be no issues with future modification. Stated that Heritage Halton Hills was not supposed to have any meeting dates until after the Committee of Adjustment date, and set up a special meeting, which they were not invited to.

**J. Markowiak:** Stated that the Heritage Planner identified issues and felt a special meeting should be held, and that Heritage comments have been provided in the package sent to the applicant. Noted that the Heritage Planner advises staff in providing recommendations and the dormers will affect the appearance and character, and that other neighbours could add dormers in the future. Also noted that staff and the Heritage Planner met with the applicants and informed them that the proposal would not be supported, prior to the application having been submitted.

**A. Cook:** Asked why the applicants were not informed of the Heritage meeting.

**J. Markowiak:** Responded that he was not sure of the process.

**A. Knutson:** Stated that Heritage Halton Hills minutes are not yet available.

**N. Knutson:** Submitted a handout showing various properties with dormers, noting that various properties, including ones in their neighbourhood have had many changes over the years, and that the proposal meets all the four tests.

*The Committee took a brief recess, and then reconvened.*

**J. Markowiak:** Stated that deferral might be an option to consider in this case.

**N & A. Knutson:** Stated that they do not want a deferral, and that the Heritage Planner is not employed by the Town anymore.

**J. Markowiak:** Responded that the Heritage Planner is now at a different municipality, and noted that the Heritage Committee can still meet without a Heritage Planner.

**J. Ellery:** Spoke in favour of the proposal, noting that they want to improve their home.

**D. Harley:** Spoke in favour of the proposal, as it sounded reasonable to her.

**E. Longworth:** Spoke against the application, noting concerns with structural integrity and risk associated with significant construction on shared walls and roof. Also noted that the increased load is a concern as the roof has been improperly modified in the past, and dormers will cause snow to accumulate more on her roof. Stated that the heritage nature of the shared row house is unique, and any changes will affect the look and character, and that a structural Engineer should do an impact assessment.

**N. Knutson:** Responded that the project is approved by a structural Engineer, and the architect is present.

**W. Scott:** Mentioned that a condition could be added to have an Engineer review issues with the shared wall, loads, and snow.

**N. Knutson:** Stated that any cuts in the roof are within their own property line, and that she already has structural drawings.

**W. Scott:** Responded that the snow load was also an issue as changes in the roof might cause issues since the plywood might have been replaced in the past.

**T. Jenney:** Asked the Town to elaborate on why the proposal does not meet the four tests, wondering if the issue is strictly with heritage.

**T. Boutassis:** Responded yes, that staff are relying on the professional opinion of our Heritage Committee and Heritage Planner recommending refusal.

**T. Jenney:** Asked about the submitted objection (from a neighbouring property owner).

**T. Boutassis:** Replied that he has seen the objection, and it is listed in the report.

**A. Cook:** Stated that if a property is listed, the approval of the owner is needed in order to designate the property.

**J. Markowiak:** Added that his understanding is that designation occurs with consultation, however can also occur without approval or consent of the owner.

*Discussions took place as to a potential condition that addresses snow load issues.*

**It was MOVED by Wayne Scott, SECONDED by Todd Jenney, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR18.036H - KNUTSON, BE APPROVED."**

- Reasons for decision: The Committee considered the variance(s) to be minor in nature, to be desirable for the appropriate use of the land, building or structure, to meet the intent and purpose of the Official Plan, and the Zoning By-law.
- The associated Planning report is dated August 30, 2018.
- The Chairman informed those in attendance of the 20-day appeal period.

## 5E. HEARING #5

### PERMISSION & MINOR VARIANCE APPLICATIONS D13VAR18.035H - 1 ROSETTA

#### OPTION 1 - PERMISSION:

REQUESTING PERMISSION TO ALTER A LEGAL NON-CONFORMING USE FROM AN INDUSTRIAL USE (VARIOUS), TO PERMIT THE OPERATION OF A MARIJUANA PRODUCTION FACILITY FOR A PERIOD OF 3 YEARS.

**TO ACCOMMODATE A MARIJUANA PRODUCTION FACILITY.**

#### OPTION 2 - MINOR VARIANCE:

REQUESTING RELIEF FROM ZONING BY-LAW 2010-0050, AS AMENDED,

1. TO PERMIT A MARIJUANA PRODUCTION FACILITY FOR A PERIOD OF 3 YEARS, WHEREAS THE BY-LAW DOES NOT PERMIT MARIJUANA PRODUCTION FACILITIES.

**TO ACCOMMODATE A MARIJUANA PRODUCTION FACILITY.**

**LOCATION:** 1 ROSETTA STREET (GEORGETOWN)

**OWNER(S):** 1 ROSETTA STREET (HALTON HILLS), GP LIMITED, YANIV GELER

#### Present:

- Thomas Arnold, owner's lawyer
- Pat Morey (10 Rosetta Street)
- Councillor Dave Kentner

**K. Hamilton:** Regarding option 1: stated that the industrial uses that legally existed on the property prior to the passing of the current Zoning By-law are permitted. Noted that there is no legal non-conforming use to alter, and that the referenced section of the *Planning Act* is not applicable. Regarding option 2: stated that the proposal does not meet any of the four test. Recommended that both options be refused.

**T. Arnold:** Stated that the issue is classification of marijuana, and submitted a handout related to medical marijuana production facilities being seen as an industrial use. Noted that the proposal falls under an industrial use, any cultivation is done hydroponically, and while industrial uses are permitted, the proposal is to recognize the existing legal non-conforming uses. Stated that the intent for the property is high density development, and any issues identified in the staff report including fire, zoning, and odours will be addressed. Noted that the proposal meets the 4 tests and is good planning.

**K. Hamilton:** Responded that the existing uses on the property are not legal-non conforming uses, and that the primary activity is growing plants, which is not allowed.

**P. Morey:** Spoke against the application on behalf of the neighbourhood, noting that if no complaint had been made, the neighbourhood would not be informed of the 3 year

extension. Stated that the smell was causing severe headaches, and people were afraid of skunks thinking that is what the smell was. Noted that even though the federal government has allowed the use of marijuana, the longer term health effects are not known, and production licenses can allow a significant amount to be grown. Mentioned that the employees of Applied Wiring have complained about the smell, and if residents are living across from a grow up and crime, then their taxes should be decreased.

**W. Scott:** Asked the applicant to respond.

**T. Arnold:** Responded that his client would be more than happy to meet with the residents and mitigate any problems.

**W. Scott:** Asked how long operation has been going on.

**T. Arnold:** Responded around 1 year, and that they had a license when they began.

**S. Scott:** Asked if anyone reported the odour.

**Councillor D. Kentner:** Responded that they had been contacted by neighbours, and discussions took place at Council.

**A. Cook:** Asked if flowers can be grown.

**K. Hamilton:** Responded no.

**It was MOVED by Todd Jenney, SECONDED by Blair Roedding, AND CARRIED "THAT MINOR VARIANCE APPLICATION D13VAR18.035H - 1 ROSETTA, BE REFUSED."**

- Reasons for decision: The Committee considered the variance(s) to not be minor in nature, to not be desirable for the appropriate use of the land, building or structure, to not meet the intent and purpose of the Official Plan, and the Zoning By-law.
- The associated Planning report is dated August 30, 2018
- Wayne Scott was not in agreement with refusal and has not signed the decision.
- The Chairman informed those in attendance of the 20-day appeal period.

**6. OTHER MATTERS.** No discussions occurred.

**7. ADJOURNMENT** (NEXT HEARING: OCTOBER 03, 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