

THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK

COMMITTEE OF ADJUSTMENT

MINUTES

**2008-Feb-04
7:30 P.M.**

1. ROLL CALL:

The Secretary-Treasurer gave the roll call and the following Members were present:

Stephen Pallett, Chairperson Danny Wheeler, Member
Karen Whitney, Member Donald Rae, Member

2. DECLARATION OF PECUNIARY INTEREST:

None.

3. REQUESTS FOR DEFERRAL OR WITHDRAWAL:

**4.1 Application P410739
(Deferred from October 1, 2007)**

**FAHEY, WILLIAM RONALD
WALKER, MARGARET RUTH**
10 Road to May's Wharf
Concession 2 (NG), Pt. Lts. 23 & 24
RS65R19559, Parts 7-11 & 30
Roll No. 123-013

Ms. Mila Yeung of Gunnell Engineering, the agent requested that the Committee defer this application to the next available hearing.

There were no other persons in attendance with an interest in this application.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410739 BE DEFERRED TO THE MEETING TO BE HELD TUESDAY FEBRUARY 19, 2008 AND THAT THE AGENT BE REQUESTED TO ENSURE THAT THE GATE IS OPEN TO PROVIDE ACCESS TO THE PROPERTY FROM 12:00 NOON TO 4:00 PM ON SUNDAY FEBRUARY 17, 2008.

Carried.....

Stephen Pallett, Chairperson explained to the public in attendance, the procedure to obtain a copy of any decision made by the Committee tonight.

4. APPLICATIONS FOR MINOR VARIANCE:

4.2 Application P410801

**PALLETT, SANDRA
SMITH, MICHAEL**
94 Farley Circle
Plan 137, Lot 123
Roll No. 134-288

Sandra Pallett and Michael Smith, the owners were in attendance and Ms. Pallett explained that the minor variance application has been submitted to request a reduced rear yard setback of 6 metres and also to legalize the shed setbacks.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0014 and the e-mail received February 1, 2008.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received January 17, 2008.
- E-mail from David Jones, On Site Sewage Inspector received January 23, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received January 30, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 17, 2008.
- E-mail from Brock MacDonald, Manager of Policy and Development, Leisure Services Department received January 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 18, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 22, 2008.

There were no other persons in attendance with an interest in this application.

Moved by Karen Whitney

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO INCLUDE AN ADDITIONAL REQUEST FOR RELIEF FROM SECTION 6.1 (f) TO ALLOW A REDUCED NORTHERLY INTERIOR SIDE YARD SETBACK OF 2 METRES FOR THE PROPOSED ADDITION.

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410801, AS AMENDED, TO REQUEST RELIEF FROM:

- **SECTION 6.1(e) TO PERMIT THE CONSTRUCTION OF A TWO STOREY ADDITION TO THE EXISTING DWELLING WITH A REDUCED REAR YARD SETBACK OF 6 METRES;**
- **SECTION 6.1(f) TO ALLOW A REDUCED NORTHERLY INTERIOR SIDE YARD SETBACK OF 2 METRES FOR THE PROPOSED ADDITION; AND**
- **SECTION 5.1(d) TO LEGALIZE THE EXISTING SHED WITH A REDUCED REAR YARD SETBACK OF 0.152 METRES AND A REDUCED SOUTHERLY INTERIOR SIDE YARD SETBACK OF 0.508 METRES,**

AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

- (1) REMOVAL OF THE TEMPORARY STRUCTURE LOCATED WITHIN THE FRONT YARD AREA PRIOR TO JULY 30, 2008.**

Carried.....

Stephen Pallett, Chairperson advised the owners of the 20 day appeal period.

**4.3 Application P410802
(Advisement: application revised
Jan. 17/08)**

**RINOR LTD. TONER LTD.
CHARTER CONSTRUCTION LTD.
Fairwood Drive (S/S)
Plan 65M3270, Block 114
Plan 19TG-2005-001, Lot 22
Part of Roll No. 147-076**

Mr. Gord Mahoney, of Michael Smith Planning Consultants, the agent addressed the Committee and explained that he is acting for Rinor Limited, Tonor Limited and Charter Construction Limited, the owners of the property and he also

represents the developer of the subdivision Raymac Corporation who is also the beneficial owner of most of the lots within the plan of subdivision.

Mr. Mahoney explained that relief is only requested for Lot 22 within Plan of Subdivision identified as 19TG-2005-001, which will have a frontage of 15 metres and an area of 477 square metres. He noted that the property is designated Neighbourhood Residential in the Keswick Secondary Plan and is zoned Low Density Urban Residential (R1-113) in accordance with Zoning By-law 500.

Mr. Mahoney explained that relief has been requested to permit a minimum exterior side yard setback of 4.25 metres, whereas the by-law requires a minimum of 5 metres. He explained that the requested variance meets the four tests set out in the Planning Act, as it meets the general intent of the Official Plan and Zoning By-law 500. He stated that the variance is desirable for the appropriate development of the land and will not adversely affect the use of the proposed dwelling and further will not adversely affect the streetscape.

Mr. Mahoney indicated that no objections had been received from internal or external agencies and requested approval of the variance.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0013.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received January 17, 2008.
- E-mail from David Jones, On Site Sewage Inspector received January 23, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received January 30, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 17, 2008.
- E-mail from Brock MacDonald, Manager of Policy and Development, Leisure Services Department received January 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 18, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 22, 2008.

There were no other persons in attendance with an interest in this application.

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410802, TO REQUEST RELIEF FROM SECTION 6.1(d) TO PERMIT THE CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH A MINIMUM EXTERIOR SIDE YARD SETBACK OF 4.25 METRES, AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT THE CONCERNS OUTLINED IN THE LETTER DATED JANUARY 29, 2008, FROM ENBRIDGE GAS DISTRIBUTION INC. AND ATTACHED AS SCHEDULE 2 TO THE DECISION HAVE BEEN RESOLVED.**
- 2. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Stephen Pallett, Chairperson advised the agent of the 20 day appeal period.

4.4 Application P410803

MARKWAY HOMES LTD.
1027 Lake Drive North
Concession 3(NG), Part Lot 29
Plan 124, Part Lot 10
Part of Roll No. 123-278

Ms. Mila Yeung of Gunnell Engineering, the agent explained that their client wants to construct a two storey garage with a 2nd floor storage area. She noted that the property is zoned Residential which allows detached accessory structures.

Ms. Yeung explained that the variance requested is to allow an increased maximum height from grade to eaves of 5.7 metres and from grade to peak of 7.5 metres, whereas the by-law restricts the height to 3 metres from grade to eaves and 4.5 metres from grade to peak. She stated that the garage will be constructed architecturally in keeping with the dwelling to be constructed. She also noted that the property is designated Lakeshore Residential in the Official Plan.

Ms. Yeung stated that the purpose and intent of the Official Plan and the Zoning By-law would be maintained and that the use is desirable and the variance

requested is minor. She indicated that they are seeking the support of the Committee of Adjustment.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0012.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received January 17, 2008.
- E-mail from David Jones, On Site Sewage Inspector received January 23, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received January 30, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 17, 2008.
- E-mail from Brock MacDonald, Manager of Policy and Development, Leisure Services Department received January 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 18, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 22, 2008.
- Letter of objection from John W. Teolis received January 31, 2008.

There were no other persons in attendance with an interest in this application.

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410803, TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE WITH AN INCREASED MAXIMUM HEIGHT FROM GRADE TO PEAK OF 7.5 METRES AND AN INCREASED MAXIMUM HEIGHT FROM GRADE TO EAVES OF 5.7 METRES, AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

- (1) THAT A SHOWER/BATH TUB IS NOT PERMITTED WITHIN THE DETACHED GARAGE.**

Carried.....

Stephen Pallett, Chairperson advised the agent of the 20 day appeal period.

5. APPLICATIONS FOR CONSENT:

5.1 Application P420735

EISENBERG, ELLEN

27 Tikvah Circle
Plan 300, Part Lots 9 & 10
Roll No. 120-258

Mr. Gord Mahoney, of Michael Smith Planning Consultants, the agent addressed the Committee and explained that the purpose of the consent application is to provide for a lot addition. He indicated that Lot 9 and 10 are owned by Ellen Eisenberg and Lot 11 is owned by her husband and the application would allow for the severance of a parcel of Ellen Eisenberg's land to be added to her husband's lot, in order to accommodate a larger cottage on his property as he intends to rebuild.

Mr. Mahoney indicated that the property is designated Lakeshore Residential in the Official Plan and a single family dwelling is a permitted use within that designation. He stated that the consent policies of the Official Plan permit lot boundary adjustments as proposed and further that the consent application complies with the Green Belt and Regional Official Plans.

Mr. Mahoney confirmed that his clients agree to demolish the portion of the dwelling as requested as a term by the Planning Division. He noted there have been no objections received from internal and external agencies and the proposal represents good planning. He also confirmed that a setback of 1.5 metres would be provided to the dividing lot line once the portion of the dwelling has been demolished as suggested by the Planner.

The Assistant Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0009.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received January 17, 2008.
- E-mail from David Jones, On Site Sewage Inspector received January 23, 2008.
- Note of No Objection from Michael Baskerville, Engineering Manager received January 2, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 17, 2008.

- E-mail from Brock MacDonald, Manager of Policy and Development, Leisure Services Department received January 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 18, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 22, 2008.
- Letter from the Lake Simcoe Region Conservation Authority received January 31, 2008.

There were no other persons in attendance with an interest in this application.

Moved by Donald Rae

Seconded by Karen Whitney

THAT CONSENT APPLICATION P420735, TO REQUEST PERMISSION TO SEVER AND CONVEY THE SUBJECT LANDS INDICATED AS 'A' FROM THE REMAINDER LANDS INDICATED AS 'B' TO BE MERGED IN TITLE WITH THE LANDS INDICATED AS 'C' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF SIX (6) WHITE PRINTS OF A DEPOSITED REFERENCE PLAN OF SURVEY TO CONFORM SUBSTANTIALLY WITH THE APPLICATION AS SUBMITTED.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF A FULLY EXECUTED DEED, IN DUPLICATE, CONVEYING THE SUBJECT LANDS INDICATED AS 'A' TO THE OWNER OF THE ABUTTING LANDS INDICATED AS 'C' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION.**
- 3. THAT SUBSECTION 50(5) OF THE PLANNING ACT SHALL APPLY TO ANY FUTURE CONVEYANCE OF THE SUBJECT LANDS.**
- 4. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT A DEEMING BY-LAW HAS BEEN REGISTERED WITH RESPECT TO LOT 11, PLAN 300.**
- 5. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT THE PORTION OF THE SINGLE DETACHED DWELLING LABELLED '1 STOREY ADDITION TO BE DEMOLISHED', AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION, HAS BEEN REMOVED.**

6. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.

Carried.....

Stephen Pallett, Chairperson advised the agent of the 20 day appeal period.

5.2 Application P420801

RANKINE, HELGA
22 Robert Street
Plan 454, Lot 78
Roll No. 142-216

Mr. Ted Rankine and Ms. Helga Rankine, the owner were in attendance. Mr. Rankine explained that they are proposing to change the lot line between the two properties that they own. He explained that moving the lot line will increase the side yard from 2 feet to 8 feet.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0010.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received January 17, 2008.
- E-mail from David Jones, On Site Sewage Inspector received January 23, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received January 30, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 17, 2008.
- E-mail from Brock MacDonald, Manager of Policy and Development, Leisure Services Department received January 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 18, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 22, 2008.
- Letter from the Lake Simcoe Region Conservation Authority received January 24, 2008.

There were no other persons in attendance with an interest in this application.

Moved by Karen Whitney

Seconded by Donald Rae

THAT CONSENT APPLICATION P420801, TO REQUEST PERMISSION TO SEVER AND CONVEY THE SUBJECT LANDS INDICATED AS 'A' FROM THE REMAINDER LANDS INDICATED AS 'B' TO BE MERGED IN TITLE WITH THE LANDS INDICATED AS 'C' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF SIX (6) WHITE PRINTS OF A DEPOSITED REFERENCE PLAN OF SURVEY TO CONFORM SUBSTANTIALLY WITH THE APPLICATION AS SUBMITTED.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF A FULLY EXECUTED DEED, IN DUPLICATE, CONVEYING THE SUBJECT LANDS INDICATED AS 'A' TO THE OWNER OF THE ABUTTING LANDS INDICATED AS 'C' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION.**
- 3. THAT SUBSECTION 50(5) OF THE PLANNING ACT SHALL APPLY TO ANY FUTURE CONVEYANCE OF THE SUBJECT LANDS.**
- 4. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Stephen Pallett, Chairperson advised the agent of the 20 day appeal period.

6. POWER OF SALE/FORECLOSURE/VALIDATION OF TITLE APPLICATIONS:

7. MINUTES OF PREVIOUS MEETING:

Minutes of the Meeting of January 7, 2008.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE MINUTES OF THE MEETING HELD JANUARY 7, 2008 BE ADOPTED AS PRESENTED.

Carried.....

8. COMMUNICATIONS:

None.

9. OTHER BUSINESS:

9.1 Update on electronic circulation of Notices.

The Assistant Secretary-Treasurer explained that a training session had been held with the staff members from all internal Town Departments that are involved in providing comments to the Committee of Adjustment. He explained that ideas were exchanged and a number of suggestions resulted from the training session that have now been implemented in the electronic circulation of Notices resulting in all internal Department comments being received with respect to the applications within the agenda for tonight's meeting.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE UPDATE PROVIDED BY STAFF ON THE ELECTRONIC CIRCULATION OF NOTICES BE RECEIVED.

Carried.....

9.2 Change of hearing date from Monday, August 25, 2008 to Tuesday, September 2, 2008.

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE CHANGE OF THE HEARING DATE FROM MONDAY AUGUST 25TH, 2008 TO TUESDAY SEPTEMBER 2ND, 2008 BE APPROVED.

Carried.....

10. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE MEETING ADJOURN AT THIS TIME (8:10 pm).

Carried.....

STEPHEN PALLETT,
CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER