

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

COMMITTEE OF ADJUSTMENT

MINUTES

**2008-Feb-19
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:

None.

4. APPLICATIONS FOR MINOR VARIANCE:

**4.1 Application P410739
(Deferred from October 1, 2007 &
February 4, 2008)**

**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 was in attendance with Mr. Eric Gunnell. Ms. Yeung indicated the existing boathouse is owned by their client and will remain on the lot and a new two storey single family dwelling along with a two storey detached garage will be constructed. Ms. Yeung noted that the minor variance application is requesting relief for the height of the proposed detached garage in order to match the architectural style of the new house as well as provide additional storage and a library in the second floor of the detached garage.

Ms. Yeung pointed out that the property is designated Lakeshore Residential in the Town's Official Plan and zoned Residential. She indicated that the zoning by-

law allows for an accessory structure but Section 5.1(f) restricts the height of the detached garage to 3 metres from grade to eaves and 4.5 metres from grade to peak. Ms. Yeung confirmed that the proposed detached garage will be 3.2 metres from grade to eaves and 9.2 metres from grade to peak. She noted that the new proposed single family dwelling will have an overall height of 9.88 metres.

Ms. Yeung indicated that there is a high cedar hedge along the southerly lot line that will shelter the detached garage from the neighbours' view and therefore would have no impact on the neighbour. Ms. Yeung confirmed that there will be no shower or bath tub in the proposed detached garage.

Ms. Yeung noted that the application meets the four test as set out in the planning act and requested approval of the application.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0011.
- Memorandum from Deborah Buck, Manager of Building and Chief Building Official received September 12, 2007.
- Memorandum from David Jones, On Site Sewage Inspector received September 18, 2007.
- Memorandum from Michael Baskerville, Engineering Manager received September 23, 2007.
- Memorandum from Dave Reddon, Manager of Taxation and Revenue received September 13, 2007.
- Memorandum from Bill O'Neill, Fire Chief received September 17, 2007.
- Memorandum from Pamela Hunt, By-law Secretary received September 18, 2007.

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

Ms. Yeung confirmed that the 4 metre side yard setback is acceptable.

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410739, TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE HAVING A MAXIMUM HEIGHT FROM GRADE TO EAVES OF 3.2

METRES AND A MAXIMUM HEIGHT FROM GRADE TO PEAK OF 9.2 METRES, AS SHOWN ON SCHEDULE '1' ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERMS:

- (I) THAT THE DETACHED GARAGE MAINTAIN MINIMUM INTERIOR SIDE YARD SETBACKS OF 4 METRES.**
- (II) THAT SHOULD THE DETACHED GARAGE CONTAIN A BATHROOM, A SHOWER/BATH TUB IS NOT PERMITTED WITHIN THE SAME.**

Carried.....

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

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

**4.2 Application P410804
(Formerly P410312 and pulled
From the pending list)**

**1611363 ONTARIO INC.
O/A ORCHARD BEACH LAKESIDE
BAR & GRILL
221 Lake Drive North
Plan 65M3208, Block 17
Roll No. 096-064**

Mr. Mike Smith, agent, along with Ken Craine were in attendance. Mr. Smith submitted to the Members a copy of the proposed site plan. He noted that the application was originally submitted in 2003 and then deferred with a portion of the application being approved in May of 2005. He indicated that the rest of the application was deferred until recently when the Committee requested that the application be brought forward and a revised application be submitted and re-circulated to the neighbours.

Mr. Smith indicated that the revised minor variance application is seeking approval to expand a legal non-conforming use being the addition of two decks. He noted that the original lands were zoned for a subdivision making the existing restaurant legal non-conforming.

Mr. Smith confirmed that the existing liquor licence allows for a total of 190 persons including 46 on the deck. He also noted that the liquor licence has 4 conditions attached to the licence which include no music on the deck, the deck must close by 10:00 pm, the doors and windows must remain closed and that the hours of the restaurant be restricted to 11:00 am to 2:00 am Monday to Saturday and 11:00 am to 10:00 pm on Sunday and 11:00 am to 10:00 pm for the use of the deck each day.

Mr. Smith indicated that the planner's report is suggesting maintaining the existing limit of 46 persons for the outdoor patio and his client does not intend to increase the number of people allowed on the deck or within the restaurant. Mr. Smith said that because of the fact that there will be no increase in the number of people allowed in the restaurant and on the deck, there will be no need for additional parking.

Mr. Smith confirmed that the new proposed decks and the existing deck will total approximately 148 square metres. He indicated that the expansion of the decks will give the patrons and the staff more room to walk around tables.

Mr. Smith confirmed that there is currently a parking deficiency and noted that with an expansion to the legal non-conforming use, any deficiency would have to be made up. He asked that the Committee grant relief from this requirement as there is no increase in the maximum number of people allowed in the restaurant and on the deck. Mr. Smith noted that the proposed deck expansion would require 6 spaces per 95 square metres if the proposed general amendment by staff is eventually approved by Council. He said that his client does not want to expand the parking area on the front lawn as it would block the view of the Lake for the patrons that use the deck and that it would not conform to the urban design guidelines of the Keswick Secondary Plan.

Mr. Smith noted that he has reviewed the planning report and the recommendations of the Planner and indicated that he objects to condition 2 and condition 4. He said that condition 2 is recommending that Deck #1, as shown on the site plan, be setback 4 feet from the front wall of the building. Mr. Smith indicated that in his conversation with the Planner, they wanted to eliminate any potential for patrons to jump from that deck over to the ice cream parlour deck. He pointed out that he feels that this request is unreasonable as he does not see any reason for people to jump over to the other deck as there is going to be stairs in the middle of the two proposed decks that lead to the front lawn.

With respect to condition 4, Mr. Smith indicated that he had spoken to the Engineering Manager who had suggested that the parking lot should be upgraded to meet the urban design criteria of the Town. Mr. Smith noted that this request was unreasonable as the maximum number of people permitted in the restaurant will not increase and therefore feels that the parking area has served the restaurant sufficiently in the past and will do so in the future.

Mr. Smith confirmed that the parking lot is mostly paved and that his client has done some upgrades in the past with the placement of parking curbs. Mr. Smith also confirmed that his client will line the parking lot this summer and that he wishes to eventually upgrade the entire parking lot in the future. He also noted that the Engineering Manager had confirmed that no complaints had been received from the public respecting the parking lot.

Mr. Smith stated that the proposal conforms with the intent of the Official Plan and Zoning By-law; is desirable, will have no negative impact on the neighbours and further that the variances requested are minor in nature.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0020.
- E-mail from David Jones, On Site Sewage Inspector received February 11, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received February 4, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 28, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received January 29, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 28, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 29, 2008.
- Letter of objection from Craig Evans of 211 Lake Drive North received February 14, 2008.

Laura Cronk of 291 Clarlyn Drive addressed the Committee and read her letter dated February 7, 2008. She expressed her opposition to the proposal because there is no consideration of parking. She indicated that there is not enough parking at present and that there may be at most 30 available parking spaces with cars parked on the road most of the time. She also noted that some patrons of the tavern have parked in neighbours driveways and further that if 66 parking spaces are required there is at best 30 spaces existing on the property.

Ms. Cronk said that with cars parked on the street and the blind spot in the road the situation is very dangerous and further that on-street parking is very unfair to the residents, leaving no space on the road for visitor parking for the residents.

At the request of Ms. Cronk, the Secretary-Treasurer read the balance of the letter dated February 7, 2008 from Laura Cronk and Brent Milne of 291 Clarlyn Drive received at this meeting.

Mr. Craig Evans of 211 Lake Drive addressed the Committee stating that he agrees with the concerns outlined in the letter from Laura Cronk and Brent Milne. He advised Ms. Cronk to contact the Alcohol and Gaming Commission respecting the drunken state of persons leaving the bar. He also noted that the

Town Engineering Department has continually been requesting that the owner upgrade the parking lot and he stated that Mr. Baskerville is probably as frustrated as the residents with regard to the condition of the parking lot.

Mr. Smith advised the Committee that he understands the concerns of the residents but the applicant is not increasing the number of people that can legally be in the restaurant and on the deck so he feels that no increase in parking should be required. He indicated that if his client has to increase the number of parking spaces and build the noise attenuation fence then the proposed decks will not be built and the Committee will be throwing the baby out with the bath water.

Mr. Smith confirmed his opposition to the imposition of conditions 2 and 4 suggested by the Planner and requested that the Committee not impose those two conditions should they decide to approve the application. He also confirmed that his client would have no issue with constructing a lattice fence to stop patrons from stepping onto the ice cream parlour deck from the licensed deck area. He also advised that the ice cream parlour deck is not licensed and as such the movement between these two decks would not be permitted.

Moved by Karen Whitney

Seconded by Donald Rae

A THAT MINOR VARIANCE APPLICATION P410804 TO REQUEST PERMISSION TO EXPAND A LEGAL NON-CONFORMING USE, BEING THE EXPANSION OF THE EXISTING DECK SERVING THE RESTAURANT FROM THE CURRENT SIZE OF 56.7 SQUARE METRES TO THE PROPOSED 150 SQUARE METRES AND TO REQUEST RELIEF FROM SECTION 5.28(b) TO PERMIT THE EXPANSION THE EXISTING DECK SERVING THE RESTAURANT WITHOUT PROVIDING THE REQUIRED 10 ADDITIONAL PARKING SPACES AND TO REQUEST RELIEF FROM SECTION 5.28(e) TO ALLOW THE EXPANSION OF THE EXISTING DECK SERVING THE RESTAURANT WITHOUT HAVING TO MAKE UP THE EXISTING PARKING DEFICIENCY, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERMS:

- (I) THAT THE MAXIMUM LICENSED OCCUPANCY/CAPACITY FOR THE SUBJECT PROPERTY BE RESTRICTED TO 144 PERSONS INDOORS AND 46 PERSONS OUTDOORS.**
- (II) THAT THE APPLICANT BE REQUIRED TO IMPLEMENT THE FENCING/LANDSCAPE BUFFERING PLAN INDICATED IN CONDITION #2 BELOW.**

B APPROVAL OF THE ABOVE NOTED MINOR VARIANCE SHALL BE SUBJECT TO FULFILLMENT OF THE FOLLOWING CONDITIONS:

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT A WRITTEN SUBMISSION HAS BEEN MADE TO THE DEPUTY REGISTRAR FOR THE ALCOHOL AND GAMING COMMISSION OF ONTARIO REQUESTING THAT ANY APPLICATION FOR AN INCREASE IN OCCUPANCY FOR THE SUBJECT PROPERTY BE ADVERTISED TO THE PUBLIC.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT THE APPLICANT HAS SUBMITTED A FENCING/LANDSCAPE BUFFERING PLAN PREPARED BY A QUALIFIED CONSULTANT, TO BE INCORPORATED INTO THE DECK DESIGN AND LOCATED ALONG THE SOUTH SIDE OF THE PROPOSED DECK, ALL TO THE SATISFACTION OF THE PLANNING DIVISION.**
- 3. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS THAT THE CONCERNS OUTLINED IN THE MEMORANDUM DATED FEBRUARY 1, 2008 AND ATTACHED AS SCHEDULE 2 ATTACHED TO THE DECISION HAVE BEEN RESOLVED.**
- 4. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Stephen Pallett, Chairperson advised those in attendance of the 20 day appeal period.

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

4.3 Application P410805

KAPETANEAS, ELENI
Old Shiloh Road (N/S)
Part Lot 18, Concession 2(G)
Roll No. 022-670

Ms. Regina Kapetaneas, representing her mother addressed the Committee and outlined the extensive history of the property since 1987 at which time she

indicated that the property was a mess and they made many trips to the dump to clean up the property including the removal of many abandoned vehicles.

Ms. Kapetaneas indicated that they cleaned and tested the well and later found that someone trespassing on the property had put a TV and an air conditioner in the well. She explained that they bought a concrete lid to stop people from throwing articles down the well. She stated that they have camped and had many family parties on the property since the early 1990's including lamb and pig roasts and anniversary parties. She also explained that they began leaving the camper on the property when her father got older.

Ms. Kapetaneas explained the problems they had with trespassers including many vehicles stolen, their camper ruined and many items burnt. She read from the deed/transfer wherein the previous owner confirmed that he had declared continuous and undisturbed possession of the property since 1953.

Ms. Kapetaneas explained that they were told by the Planning Department that they had broken all kinds of laws with the placing of the trailer on the property and the construction of the shed. She outlined the number of times they had been to the property since January 2006 and noted only a few weekends during 2007. She stated that the wire fence is still there contrary to the neighbours letter and further that they are willing to move the gate post if need be.

Ms. Kapetaneas requested that the Committee allow the trailer and shed to remain as requested in the application.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0019.
- E-mail from David Jones, On Site Sewage Inspector received February 11, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 1, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 29, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received January 29, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 28, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 29, 2008.

- 2 letters from John & Lynne Fitzpatrick of 9284 Old Shiloh Road received February 4, 2008.

Don Harrison of 9247 Old Shiloh Road addressed the Committee and stated that he understands the applicant's frustration with the building permit process however the applicants should not have done some of the things they did and it is obvious that they regret their actions now. He requested clarification with respect to # 6 in the Planning Report recommendations.

The Secretary-Treasurer explained that # 6 has been included for the benefit of the applicant to ensure that they are aware that should they fail to meet the deadlines of the condition or any of the deadlines for the terms, the variance approval will be null and void and the trailer and shed would both have to be removed from the property immediately.

The Secretary-Treasurer also confirmed for Mr. Harrison that the septic system must be approved by the On-Site Sewage Inspector prior to the building permit being issued for the new house.

Mr. Harrison confirmed that the noise from the generator was loud and annoying when the applicants were camping on their property. He stated that he has no objection to the applicants getting permits to construct a dwelling on their land and confirmed that they are good people. He concluded by stating let us see if they can meet the time lines.

Regina Kapetaneas stated that she objects to the dates suggested by the Planner as they are too quick and she requested more time.

Danny Wheeler, Member advised the Committee that the deadline is September 2008 to obtain a building permit on this property and after that deadline a building permit will no longer be available for this property.

Moved by Karen Whitney

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO ELIMINATE THE ORIGINAL REQUEST FOR RELIEF FROM SECTION 5.1 (b) TO TEMPORARILY PERMIT THE EXISTING ACCESSORY STRUCTURE (SHED) TO REMAIN ON THE SUBJECT LAND AND TO ELIMINATE THE ORIGINAL REQUEST FOR RELIEF FROM SECTION 5.40 TO TEMPORARILY PERMIT THE EXISTING TRAILER TO REMAIN ON THE SUBJECT LAND TO CONTINUE TO BE USED FOR HUMAN HABITATION UNTIL THE NEW DWELLING IS CONSTRUCTED ON THE PROPERTY, AND

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO ADD THE ADDITIONAL RELIEF FROM SECTION 5.1 (a) TO TEMPORARILY PERMIT THE EXISTING ACCESSORY STRUCTURE (SHED) TO REMAIN ON THE SUBJECT LAND PRIOR TO ESTABLISHING THE MAIN USE (DWELLING).

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

- A. THAT MINOR VARIANCE APPLICATION P410805 AS AMENDED, TO REQUEST RELIEF FROM SECTION 5.1 (a) TO TEMPORARILY PERMIT THE EXISTING ACCESSORY STRUCTURE (SHED) TO REMAIN ON THE SUBJECT LAND PRIOR TO ESTABLISHING THE MAIN USE (DWELLING), AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERMS:**
- (I) SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT A FINAL INSPECTION HAS BEEN ISSUED WITH RESPECT TO THE REMEDIATION OF THE ACCESSORY STRUCTURE BY APRIL 30, 2008.**
 - (II) SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BY-LAW ENFORCEMENT DIVISION THAT THE TRAILER HAS BEEN REMOVED FROM THE SUBJECT PROPERTY, AND THE SUBJECT PROPERTY COMPLIES WITH ZONING BY-LAW 500 BY APRIL 30, 2008.**
 - (III) SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT AN APPLICATION FOR A BUILDING PERMIT HAS BEEN SUBMITTED WITH RESPECT TO A SINGLE DETACHED DWELLING ON THE SUBJECT PROPERTY BY JUNE 30, 2008.**
 - (IV) SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT A BUILDING PERMIT HAS BEEN ISSUED FOR THE CONSTRUCTION OF A SINGLE DETACHED DWELLING ON THE SUBJECT PROPERTY BY AUGUST 29, 2008.**

- (V) **SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT AN OCCUPANCY PERMIT HAS BEEN ISSUED WITH RESPECT TO THE SINGLE DETACHED DWELLING ON THE SUBJECT PROPERTY BY AUGUST 31, 2009.**
- (VI) **THAT IN THE EVENT THAT ANY OF THE ABOVE NOTED TERMS HAVE NOT BEEN COMPLIED WITH, THAT SAID APPROVAL IS DEEMED TO LAPSE AND IS NOT IN FORCE AND EFFECT ON THE SUBJECT PROPERTY.**

B. APPROVAL OF THE ABOVE NOTED MINOR VARIANCE SHALL BE SUBJECT TO FULFILLMENT OF THE FOLLOWING CONDITION:

1. **SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT AN APPLICATION FOR A BUILDING PERMIT HAS BEEN SUBMITTED WITH RESPECT TO THE REMEDIATION OF THE ACCESSORY STRUCTURE BY MARCH 11, 2008.**

Carried.....

Stephen Pallett, Chairperson advised those in attendance of the 20 day appeal period.

5. APPLICATIONS FOR CONSENT:

5.1 Application P420802

BONNIE BOATS LTD.,
20 Bonnie Blvd.,
Plan 65R4504, Part 2
Pin 03518-0224(R)
Roll No. 082-193

Mr. Al Atherton, owner of the beneficial land addressed the Committee and advised that he owns 55 Malone Road and wants the approval of a consent to sever part of the water lot owned by Bonnie Boats to attach to his lot in order to rectify an existing encroachment problem. He explained that when he purchased the property there were 3 existing encroachments and he has attempted to resolve each one. He noted that he purchased the property to the east to correct that encroachment and to correct the 8 inch encroachment on Shouldices's property he cut 8 inches off the 2nd floor of his building the full 65 feet of the building and moved the exterior wall in, onto his own property. He explained that the encroachment onto Bonnie Boats lands is the last to be corrected.

Mr. Atherton explained that he had an approved consent to obtain the land from Bonnie Boats but that the one year time frame expired because of Shouldice's appeal of the zoning by-law to the Ontario Municipal Board. He stated that he wants to consolidate the consent and zoning appeals, if Shouldice intends to appeal the consent. He noted that the objection based on obstructing Shouldice's view is invalid as in the Committee of Adjustment minutes, previous Chairman John Hall had cited Ontario Municipal Board decisions in which the decision confirmed that there is no right to a view and should you wish to maintain the view you must buy the property required to maintain the view. He noted that the objection is not valid, just continued harassment. He stated that Shouldice's property is the vacant lot between him and his closest neighbour.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0018.
- E-mail from David Jones, On Site Sewage Inspector received February 11, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 1, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received January 28, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received January 29, 2008.
- E-mail from Bill O'Neill, Fire Chief received January 28, 2008.
- E-mail from Pamela Hunt, By-law Secretary received January 29, 2008.
- Letter of objection from Paul Johnston of Kentridge Johnston Ltd representing Dr. Byrnes Shouldice received February 19, 2008 at 11:45 am.

Mr. Atherton showed the Committee pictures of the encroachments that have been physically removed. He explained that the Ontario Municipal Board hearing has been adjourned because Shouldice wanted to negotiate but since that time it appears that negotiating may not be possible. He confirmed that there has been no date set for the hearing. He explained that it will be cheaper for him to have the Ontario Municipal Board deal with both the zoning and consent appeals at the same time.

Mr. Atherton explained that the entire neighbourhood is behind him and have showed their support including Mendell Green. He noted that Mr. Shouldice is not a resident and is proposing condominiums on his lot. He noted that another

boathouse is proposed by Paul Brady on another of the boathouse lots and Mr. Brady is also supporting him.

Moved by Donald Rae

Seconded by Karen Whitney

THAT CONSENT APPLICATION P420802, 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(3) OR 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 PROPONENTS' SOLICITOR THAT THE TWO PROPERTIES ENCOMPASSING THE BENEFICIARY LANDS MARKED "C" ON SCHEDULE 1 ATTACHED TO THE DECISION, HAVE BEEN MERGED IN TITLE AND CAN NO LONGER BE CONVEYED SEPARATELY WITHOUT AN APPROVAL UNDER THE PLANNING ACT.**
- 5. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT AN AMENDING ZONING BY-LAW HAS BEEN PASSED AND RECEIVED FINAL APPROVAL IN THE FORM OF A CLERK'S DECLARATION OR AN ONTARIO MUNICIPAL BOARD ORDER TO ADDRESS ZONING RELATED ISSUES ASSOCIATED WITH THE SUBJECT LAND MARKED 'A' AND THE BENEFICIARY LAND MARKED 'C' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION.**

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

Carried.....

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

Chairman Pallett moved item 9.1 forward at this time because Mr. Gunnell was in attendance respecting this item.

9. OTHER BUSINESS:

9.1 Update on City Auto severance applications and zoning amendment application.

Mr. Gunnell addressed the Committee and distributed a copy of a letter from the Engineering Department dated January 29, 2008 which outlined the original 10 outstanding matters to be addressed by the applicant and which also provided an update of the progress made to date with respect to the 10 items. Mr. Gunnell did confirm that a number of the specific upgrades to the City Auto Mall are still outstanding.

The Secretary-Treasurer confirmed for the Committee that their previous resolution passed with respect to this matter requires the resubmission of a new application, payment of fees and all to be done immediately following the last day to appeal the proposed zoning by-law and further that the zoning by-law will not be presented to Council until all outstanding Engineering concerns have been resolved.

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE VERBAL UPDATE PROVIDED BY ERIC GUNNELL AND THE LETTER FROM THE ENGINEERING DEPARTMENT DATED JANUARY 29, 2008 BE RECEIVED FOR INFORMATION.

Carried.....

7. MINUTES OF PREVIOUS MEETING:

Minutes of the Meeting of February 4, 2008

Moved by Danny Wheeler

Seconded by Karen Whitney

**THAT THE MINUTES OF THE MEETING OF FEBRUARY 4, 2008 BE
ADOPTED AS PRESENTED.**

Carried.....

8. COMMUNICATIONS:

10. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT THE MEETING ADJOURN AT THIS TIME (9:25 PM).

Carried.....

STEPHEN PALLETT,
CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER