

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

COMMITTEE OF ADJUSTMENT

MINUTES

**2008-Mar-03
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:

3.1 Application P420804

MCMINN, MARVIN & JANICE
24082 Woodbine Ave.,
Concession 3(NG), Part Lot 9
Roll No. 146-943

Mr. Marvin McMinn, one of the owners of the property addressed the Committee and advised that the proposed application would create one new building lot. He noted that the Conservation Authority has advised that Provincially significant wetland is proposed to be included in both the subject land and the remainder land and their policy does not allow the fragmentation of the wetland in this way. He indicated that a deferral is required in order to stake out the wetland and redesign the proposal in order to accommodate the entire wetland area on one parcel of land. He stated that it would take at least until the end of April to get the biologist out to the property to stake the wetland.

Moved by Karen Whitney

Seconded by Danny Wheeler

**THAT CONSENT APPLICATION P420804 BE DEFERRED PENDING THE
SUBMISSION OF A PLANNING REPORT TO THE SECRETARY-TREASURER.**

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:

Application P410806

KIMEL, WARREN & DEBBIE

40 Land's End

Concession 9(NG), Part Lot 15 & 16

Roll No. 135-113

Mr. Stephen Vipond, the agent on behalf of the Kimels addressed the Committee and explained that a minor variance is required for the 2 garages to accommodate an increase in the height and allow the expansion of a legal non-conforming use as there are currently two dwellings on this property.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0027.
- E-mail from David Jones, On Site Sewage Inspector received February 14, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 27, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received February 14, 2008 and update provided verbally that taxes are paid to date.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received February 21, 2008.
- E-mail from Bill O'Neill, Fire Chief received February 15, 2008.
- E-mail from Pamela Hunt, By-law Secretary received February 15, 2008.

Wayne Morgan of 21 Land's End distributed 4 pages of colour photos, a site plan of the subject land showing a wider driveway and one page containing 3 requested conditions. He noted that his property is directly across the road from the Kimels on the privately owned road known as Lands End.

Mr. Morgan stated that the existing driveway is to be discontinued and a new driveway constructed. He explained that the existing driveway is 6.1 metres wide and large trucks have trouble turning into the property at present. He noted that the proposed driveway at 3 metres in width will be insufficient and trucks will not be able to get into the property. He noted that the Kimels constantly have service vehicles and catering trucks attending the property which will require sufficient

width to turn into the property in addition to emergency vehicles such as fire trucks.

Mr. Morgan stated that he has no objection to the construction of the garages but he wants the Kimels to construct a driveway 7 metres in width. He noted that the Kimels are paying to have the existing hydro pole moved which will allow for a wider driveway. He asked that no building permit be issued until the 7 metre wide driveway has been done. He also requested that all construction staging be restricted to the Kimel property.

Mr. Vipond confirmed that they will increase the driveway width to 7 metres if that is what Mr. Morgan wants and confirmed that they will be moving the hydro pole. He also confirmed that the Kimels will provide a letter confirming that all construction staging will be restricted to their property and no staging will occur on the road allowance.

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410806, TO REQUEST PERMISSION TO EXPAND A LEGAL NON-CONFORMING USE, BEING THE CONSTRUCTION OF TWO DETACHED GARAGES BEING 169 SQUARE METRES IN SIZE EACH AND TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF TWO DETACHED GARAGES WITH BOTH GARAGES HAVING AN INCREASED MAXIMUM HEIGHT FROM GRADE TO PEAK OF 4.9 METRES AND A MAXIMUM HEIGHT FROM GRADE TO EAVES OF 3.0 METRES, AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

THAT THE WIDTH OF THE NEW PROPOSED DRIVEWAY BE 7 METRES OR AN APPROPRIATE WIDTH TO THE SATISFACTION OF THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS IN ORDER TO ACCOMMODATE THE TURNING OF LARGE VEHICLES ONTO THE PROPERTY.

Carried.....

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

4.2 Application P410807

**2097700 ONTARIO IN.
1688971 ONTARIO LIMITED
2106252 ONTARIO LIMITED**
Woodbine & Glenwoods Ave.,
Concession 3(NG), Part Lot 6
Roll Nos. 147-102, 143-466,
146-574 & 143-468

Mr. David McKay of MHBC Planning Ltd., the agent addressed the Committee and advised that the minor variance is requesting relief from the definition of non-residential floor area used to calculate the number of parking spaces in order to allow for additional deductions of non-customer areas. He noted that this approach has been accepted by staff and implemented in a number of zoning by-laws for other sites.

Mr. McKay noted that the variance is in keeping with the intent of the Zoning By-law as 1800 parking spots will be provided which will be more than sufficient for the proposed uses.

Mr. McKay stated that a site plan meeting will be held this Friday to address the urban design issues for Walmart and Home Depot. He stated that the variance is appropriate for the site and no hardship will be imposed on any adjacent property as a result of the variance and the variance is minor in nature.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0030 as corrected.
- E-mail from David Jones, On Site Sewage Inspector received February 14, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 27, 2008.
- E-mails from Cathy Hillier, Senior Tax & Water Collection Clerk received February 14, 2008 and March 3, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received February 21, 2008.
- E-mail from Bill O'Neill, Fire Chief received February 15, 2008.
- E-mail from Pamela Hunt, By-law Secretary received February 15, 2008.

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

Mr. McKay confirmed that he was happy with the report and the suggested taxation condition.

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410807, TO REQUEST RELIEF FROM SECTION 2.82 TO EXCLUDE THE FOLLOWING AREAS FROM THE NON-RESIDENTIAL FLOOR AREA USED TO CALCULATE THE MINIMUM NUMBER OF PARKING SPACES REQUIRED TO A MAXIMUM OF 10% OF THE GROUND FLOOR AREA:

UTILITY AND MECHANICAL ROOMS, STAIRWELLS AND ELEVATORS, JANITORIAL CLOSETS, WASHROOMS, HALLWAYS AND CORRIDORS, STAFF LUNCH ROOMS, BREAK ROOMS, INDOOR LOADING AREA, RECEIVING VESTIBULE, INDOOR GARBAGE STORAGE VESTIBULE, STOCK ROOMS/NON-CUSTOMER STORAGE AREAS AND ACCESSORY OFFICE SPACE;

FOR THE SITE 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 TAX DEPARTMENT THAT THE TAXES ARE PAID UP TO DATE.**
- 2. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE(1) YEAR OF THE DATE OF THE NOTICE OF DECISION.**

Carried.....

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

5. APPLICATIONS FOR CONSENT:

5.1 Application P420803

YOUNG, THOMAS JAMES
1931 Metro Road North
Concession 9(NG), Part Lot 17,
Judges Plan 602, Lot 145
Roll No. 138-514

Mr. Thomas Young of 24 Queen Street, Sutton addressed the Committee and advised that he is proposing to recreate the two lots that previously existed. He said he purchased two separate properties and when he tried to sell one of the properties he was informed that they had legally merged in title. He stated that he was told he had to get a severance before he could sell one of the parcels.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0026.
- E-mail from David Jones, On Site Sewage Inspector received February 15, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 27, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received February 14, 2008 and an e-mail from David Reddon, Manager of Taxation and Revenue received March 3, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received February 21, 2008.
- E-mail from Bill O'Neill, Fire Chief received February 15, 2008.
- E-mail from Pamela Hunt, By-law Secretary received February 15, 2008.
- Letter from Trevor Catherwood of Regional Transportation and Works Department received February 22, 2008.
- Notice of Hearing stamped No Objection from the Lake Simcoe Region Conservation Authority received February 26, 2008.

Mr. Young commented on the Regional Transportation and Works letter advising the Committee that under the Planning Act the Region is only entitled to a road widening across the subject land Lot 145 not the remainder lands.

Mr. Gord Mahoney, of Michael Smith Planning Consultants addressed the Committee on Mr. Young's behalf suggesting that the Committee could allow the Region condition with a save and exception clause eliminating the road widening request across the frontage of the remainder lands.

Mr. Young outlined the financial problems that the merging of the lands has created as he is now holding two properties when he intended to purchase one and sell the other, which is now not possible until he gets an approved severance.

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

Moved by Donald Rae

Seconded by Karen Whitney

THAT CONSENT APPLICATION P420803, TO REQUEST PERMISSION TO SEVER AND CONVEY THE SUBJECT LANDS INDICATED AS 'A' (LOT 145) AND RETAIN THE REMAINDER LANDS INDICATED AS 'B' (LOT 146) 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, IF REQUIRED TO IDENTIFY THE SUBJECT LAND FOR PURPOSES OF REGISTERING THE DEEDS, 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.**
- 3. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE TOWN'S ON-SITE SEWAGE INSPECTOR THAT THE CONCERNS OUTLINED IN THE EMAIL RECEIVED FEBRUARY 15, 2008 AND ATTACHED AS SCHEDULE 2 TO THE DECISION HAVE BEEN RESOLVED.**
- 4. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE TAX DEPARTMENT THAT THE TAXES HAVE BEEN PAID IN FULL WITH RESPECT TO THE SUBJECT LAND 'A' (LOT 145).**
- 3. 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.

5.2 Application P420805

PRYTKOVA, IRINA
9797 Morning Glory Road
Concession 5(G), Part Lot 21
Roll No. 053-105

Ms. Mila Yeung of Gunnell Engineering, the agent was in attendance with the owner of the property and explained the purpose of the application is to sever the subject land into two parcels creating one new building lot. She stated that the property presently contains a bungalow and an old septic system which will be replaced in conjunction with the construction of one new residence and a new septic system to serve the new residence. She noted that the replacement of the

old septic servicing the existing bungalow will meet the Ontario Building Code and will reflect sound environmental practices.

Ms. Yeung noted that the subject land is designated Towns and Villages in the Pefferlaw Secondary Plan encouraging the largest concentration of residences and further that intensification of the settlement areas is permitted. She stated that the Official Plan policies encourage and support the vitality of the village including intensification through modest growth. She also noted that the subject land is zoned Residential in Zoning By-law 500 which permits single family dwellings and the proposed new dwelling will meet all the standards of the zoning by-law for a single family dwelling in a Residential zone.

Ms. Yeung explained that the objections from the neighbours had been addressed in the memorandum from the Department of Engineering and Public Works and she highlighted the content of the memorandum stating that the detailed lot grading and drainage plan required will address the grading and drainage issues. She stated that Engineering has confirmed the width of Morning Glory Road is adequate to service the existing traffic based on the most recent traffic counts. She noted that street lights and speed limits do not impact this application.

Ms. Yeung stated that the owner has confirmed that they will be saving as many trees as possible during construction. She advised that the average frontage in the area is 18.3 metres and the subject land once divided will provide frontages of 17.7 and 18.9 metres which is compatible with the lots in the neighbourhood. She noted that the consent is desirable and appropriate for the development of the land and that the streetscape will be improved with the construction of a new house. She noted that the retained lands will accommodate a new septic system which will be good for the environment.

Ms. Yeung requested that the Committee support the application.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0028 noting the error in Recommendation 1. A. I) requiring a park levy as a condition of consent that had actually been requested as a condition of building permit issuance and therefore should not be included in the consent conditions.
- E-mail from David Jones, On Site Sewage Inspector received February 19, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received February 28, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received

February 14, 2008 and verbal confirmation of March 3, 2008 that the taxes are paid in full.

- Memorandum from Brock McDonald, Manager of Policy & Development Leisure Services Department received February 25, 2008.
- E-mail from Bill O'Neill, Fire Chief received February 15, 2008.
- E-mail from Pamela Hunt, By-law Secretary received February 15, 2008.
- Letter of objection from Gerald Harding of 9850 Morning Glory Road received February 26, 2008.
- Letter of objection from Darrell Dummer of 9777 Morning Glory Road together with 11 pages of a petition received February 26, 2008.
- Notice of Hearing stamped No Objection from the Lake Simcoe Region Conservation Authority received February 26, 2008.

Mr. Darrell Dummer of 9777 Morning Glory Road addressed the Committee and advised he is the adjacent neighbour to the west. He submitted a copy of a petition against the creation of small lots identical to the petition submitted and included in the Committee's agenda package. He explained that the main concern of the residents is flooding within their backyard areas. He stated that he has 4 to 6 inches of water in his rear yard most of the year and ducks are living in the water in this rear yard. He noted that the Conservation Authority has confirmed that there was a watercourse that previously existed that was filled in by the residents of Wasslow which has contributed to the water problem.

Mr. Dummer indicated that he is a C.E.T. with no objection to development but noted that he wants the development to meet the required criteria. He provided a computer slide show which illustrated the rear yards in the area, although covered with snow in the pictures. He noted that Section 6.7.3.3.5 of the Pefferlaw Secondary Plan indicates that drainage has historically been problematic in this area and he stated that Mike Baskerville of the Engineering Department knows the problem exists in this area and asked Mr. Dummer what he would do about it. He noted that the existing ditches do not drain the water away and that an easement should have been obtained in the rear of the properties, as it was further along the road to ensure drainage, however in this location the plan was registered in 1969 prior to the imposition of such easements, therefore the watercourse was not protected at the rear lot lines.

Mr. Dummer stated that some owners have filled their lots, creating flooding issues for others and that the culverts are filled with sediment and water that doesn't drain away. He displayed a picture of an adjacent raised tile bed which illustrated the difficulty in accessing the rear yard area with the steep side slopes

of the raised tile bed. He noted that Council at their meeting today discussed the mosquito population of Pefferlaw and stated that the Town should be trying to eliminate standing water not add water to an already flooded area. He did confirm that the trees at the front of the property are on Town property, but that one large willow tree on the subject land eliminates a lot of water and it will have to be removed to construct the new dwelling.

Mr. Dummer expressed safety concerns respecting children waiting for school buses while vehicles pass at 54 to 60 km/hour in a 40 km/hour zone. He noted there has been increased traffic from Eaglewood and snowmobiles flying down the road to the River. He stated he is not opposed to development in general if done properly and provided it does not affect the neighbours in any way. He stated that an indepth grading analysis should be done of this area to establish a method of getting the water from the back of the lots to the front ditch.

Mary C. Johnson of 9860 Morning Glory Road addressed the Committee and stated that in 20 years they have never been able to drain the water away. She said she did not sign the petition and she would not cause trouble for anyone. She said some of the people complaining about a new house being built have only lived there a year.

Ms. Yeung stated that the lot grading and drainage issues raised will be addressed through the required lot grading and drainage plan required by the Engineering Department. She noted that as many trees as possible will be maintained and that the proposal is a great opportunity for the Town to provide for an infill lot. She concluded by asking the Committee for their support.

Moved by Karen Whitney

Seconded by Donald Rae

THAT CONSENT APPLICATION P420805, TO REQUEST PERMISSION TO SEVER AND CONVEY THE SUBJECT LANDS INDICATED AS 'A' AND RETAIN THE REMAINDER LANDS INDICATED AS 'B' 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.**
- 3. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE TOWN'S ON-SITE SEWAGE INSPECTOR THAT THE CONCERNS OUTLINED IN THE EMAIL RECEIVED FEBRUARY 19, 2008 AND ATTACHED AS SCHEDULE 2 TO THE DECISION HAVE BEEN RESOLVED.**
- 4. 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 27, 2008 AND ATTACHED AS SCHEDULE 3 TO THE DECISION HAVE BEEN RESOLVED.**
- 5. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT A BUILDING PERMIT HAS BEEN OBTAINED WITH RESPECT TO THE CONSTRUCTION OF INTERIOR RENOVATIONS AND AN ATTACHED DECK TO THE REAR OF THE EXISTING SINGLE DETACHED DWELLING ON SUBJECT LAND 'A'**
- 6. 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.

5.3 Application P420806**RUSH, ADRIENNE & STACY
(BENEFICIAL OWNERS)**

Lake Dr., E., & Westwind Circle
Concession 3(NG), Part Lot 13,
Plan 65R-30375, Part 1
Roll No. 137-283

Mr. Gord Mahoney, of Michael Smith Planning Consultants, agent was in attendance and advised the Committee that the previous consent was for a lot addition from the Slan property. He stated that the conditions have been fulfilled but prior to signing the deeds the Slans want a permanent easement over the lot addition area to maintain the existing cedar hedge.

Mr. Mahoney stated that the Greenbelt Plan is not applicable and the property is designated Lakeshore Residential in the Official Plan and zoned Residential. He stated that the proposed easement conforms to the Official Plan policies and noted staff's support of the application. He concluded by requesting approval of the application.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0029.
- E-mail from David Jones, On Site Sewage Inspector received February 14, 2008.
- E-mail from Darlene Folmeg on behalf of Michael Baskerville, Engineering Manager received February 27, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received February 14, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received February 21, 2008.
- E-mail from Bill O'Neill, Fire Chief received February 15, 2008.
- E-mail from Pamela Hunt, By-law Secretary received February 15, 2008.
- Notice of Hearing stamped No Objection from the Lake Simcoe Region Conservation Authority received February 26, 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 P420806, TO REQUEST PERMISSION TO GRANT AN EASEMENT OVER THE EASEMENT AREA INDICATED AS 'E1' IN FAVOUR OF THE LANDS INDICATED AS 'A1' AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION FOR THE PURPOSE OF THE CARE AND MAINTENANCE OF THE EXISTING CEDAR HEDGE LOCATED ALONG THE COMMON LOT LINE, 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, GRANTING THE EASEMENT.**
- 3. 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.

- 6. POWER OF SALE/FORECLOSURE/VALIDATION OF TITLE APPLICATIONS:**
- 7. MINUTES OF PREVIOUS MEETING:**
- 8. COMMUNICATIONS:**
- 9. OTHER BUSINESS:**

10. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT THE MEETING ADJOURN AT THIS TIME (9:05 PM).

Carried.....

STEPHEN PALLETT,
CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER