

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

COMMITTEE OF ADJUSTMENT

MINUTES

**2008-Mar-31
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 P410810

**STEPHENS, DANIEL PHILLIP
STEPHENS, SHARON LYNN**
23665 Kennedy Road
Concession 6(NG), Part Lot 6
Roll No. 112-448

Mr. Daniel Stephens, one of the owners was in attendance and advised that the deferral was required as suggested by the Planner.

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 P410810 BE DEFERRED UNTIL
THE SECRETARY-TREASURER HAS RECEIVED A PLANNING REPORT.**

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 P410808

BURDEN, MICHAEL STEPHEN

92 De La Salle Blvd.

Plan 293, Part Lot 1

Roll No. 135-432

Mr. Michael Burden, owner addressed the Committee and explained that he requires a minor variance for the front and side yard setbacks as he intends to build a 2nd storey addition on top of his existing 750 square foot dwelling. He explained that he wishes to go straight up which requires relief from the setbacks as the existing dwelling is too close to the front and side lot lines.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0035.
- E-mail from the Ryan Rueckwart, Deputy Chief Building Official received March 20, 2008.
- E-mail from David Jones, On Site Sewage Inspector received March 17, 2008.
- E-mail from Joe Costanza, Civil Technologist received March 26, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received March 14, 2008.
- E-mail from Bill O'Neill, Fire Chief received March 12, 2008.
- E-mail from Pamela Hunt, By-law Secretary received March 11, 2008.
- Notice of Hearing stamped No Objection from the Lake Simcoe Region Conservation Authority received March 17, 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 P410808, TO REQUEST RELIEF FROM SECTION 6.1(C) TO PERMIT THE CONSTRUCTION OF A SECOND STOREY ADDITION WITH A REDUCED FRONT YARD SETBACK OF 1.89

METRES AND TO REQUEST RELIEF FROM SECTION 6.1(F) TO PERMIT THE CONSTRUCTION OF A SECOND STOREY ADDITION WITH A REDUCED SOUTHERLY INTERIOR SIDE YARD SETBACK OF 0.18 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 BUILDING DIVISION THAT THE CONCERNS OF THE ON-SITE SEWAGE INSPECTOR AS OUTLINED IN THE E-MAIL DATED MARCH 17, 2008 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 NOTICE OF THE DECISION.**

Carried.....

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

4.2 Application P410809

ROSS, EDWINA REBECCA
ROSS, KEITH WAYNE
976 Lake Drive East
Plan 99, Lot 4
Roll No. 081-72904

Mr. & Mrs. Ross were in attendance and advised the Committee that they are requesting approval to operate a 2 guest bedroom bed and breakfast residence out of their existing home.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0033.
- E-mail from the Ryan Rueckwart, Deputy Chief Building Official received March 20, 2008.
- E-mail from David Jones, On Site Sewage Inspector received March 17, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received March 20, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received March 14, 2008.
- E-mail from Bill O'Neill, Fire Chief received March 12, 2008.

- E-mail from Pamela Hunt, By-law Secretary received March 11, 2008.
- Letter of objection from Susan and Stephen Tippin of 1 Thompson Drive, received March 17, 2008.
- Letter of support from Barbara Sibbald, received March 17, 2008.
- Letter of support from Carolyn Wilson of 971 Lake Drive East, received March 19, 2008.

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

Mr. Ross confirmed that the garage at the rear of the property, off of Hoffman Drive, does have room for 2 cars to park inside plus 4 additional spaces in front of the garage for parking. He also confirmed that the pool drains onto their own property.

Moved by Karen Whitney

Seconded by Donald Rae

A. THAT MINOR VARIANCE APPLICATION P410809, TO REQUEST RELIEF FROM SECTION 9.2 TO ADD A PERMITTED NON-RESIDENTIAL USE, BEING A BED AND BREAKFAST WITHIN THE EXISTING RESIDENCE, AS SHOWN ON SCHEDULE 1 ATTACHED TO THE DECISION IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

A MAXIMUM OF 3 GUEST BEDROOMS SHALL BE PERMITTED WITHIN THE BED AND BREAKFAST RESIDENCE.

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 DEPARTMENT OF ENGINEERING AND PUBLIC WORKS THAT THE CONCERNS OUTLINED IN THE MEMORANDUM DATED MARCH 20, 2008 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 NOTICE OF THE DECISION.**

Carried.....

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

4.3 Application P410811

LOGAN, JACQUELINE MICHELLE
289 Old Homestead Road
Plan 328, Lot 10
Roll No. 095-962

Ms. Jacqueline Logan, owner, indicated that she requires a minor variance for a shed built in the front yard. She noted that she has lived at 289 Old Homestead Road for 13 years. Ms Logan indicated that her focus is improving the property value of her home as well as the neighbouring properties and that she has taken into consideration the views of her neighbours.

Ms. Logan noted that the shed is required for additional storage as her house is small. She advised the Members that the location of the shed in the front yard is also to aid her with respect to mobility as she has limited physical capabilities due to several accidents. She said that she needs the storage for items such as garbage containers, bikes, garden hoses, salt and car accessories. Ms. Logan indicated that she has had 2 bikes stolen in the past off of her front lawn and would like to store her bikes in a shed but can not carry them to the rear.

Ms. Logan noted that she plans on matching the existing siding on the house and that the neighbour's view from the window is not blocked as the shed is set further back. Ms. Logan said that the shed will not be an eye sore and asked the Committee for approval.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0034 and the e-mail received at 4:27 pm on March 31, 2008.
- E-mail from the Ryan Rueckwart, Deputy Chief Building Official received March 20, 2008.
- E-mail from David Jones, On Site Sewage Inspector received March 17, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received March 19, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received March 14, 2008.
- E-mail from Bill O'Neill, Fire Chief received March 12, 2008.
- E-mail from Pamela Hunt, By-law Secretary received March 11, 2008.

Mr. Dan Dufour of 291 Old Homestead Road, indicated that he is the adjacent neighbour to the west and he pointed out that there seems to be some discrepancies with respect to the survey attached to the Notice of Hearing and the location of the shed. He noted that the survey attached to the Notice of Hearing shows that the fence is located entirely on his property. Mr. Dufour submitted colour photos of the shed and the fence dividing the two properties and the wood retaining wall. He indicated that the shed appears to be almost touching the wood retaining wall which is entirely on his property.

Ms. Logan confirmed that the survey attached to Notice was the survey she obtained when she bought the property. Ms. Logan indicated that two owners previous to Mr. Dufour had actually moved the fence onto the dividing property line.

Mr. Dufour noted that he was unaware that the fence had been relocated onto the property line and he said that he is now confused as to the actual location of the property line and the distance that the shed is from the property line.

Ms. Logan asked Mr. Dufour if he was in agreement with the location of the shed.

Mr. Dufour indicated that he dislikes how close the shed is located to his side walkway and that he has concerns with regard to any fire hazard the shed may pose. He also noted that if the shed is to remain in its present location then it would appear that it is within two to three inches from the property line and not the 0.41 metres requested in the Notice.

Stephen Pallett, Chairperson, explained to Ms. Logan that the setback measurements need to be very accurate so that in the future if she sells or has a survey done and the shed setback is less than approved then she would have to reapply for a new minor variance and submit the \$500.00 fee, beginning the entire process over again.

The Secretary-Treasurer confirmed that the application is requesting a reduced side yard setback of 0.41 metres and if the shed is located on the lot line then a nil setback would be required.

Ms. Logan confirmed that they had measured the side yard setback to the shed from the wood retaining wall.

Mr. Dufour advised the Members that the wood retaining wall is located on his property. Mr. Dufour indicated that the structure is not fixed to the ground and asked if it could be moved closer to her house and away from the property line.

Ms. Logan stated that she knows that the shed is more than a foot away from the property line. Ms. Logan then went on to say that it was the Town that put the

fence in it's currently location on the lot line when they installed the catch basin at the back of the property.

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT MINOR VARIANCE APPLICATION P410811 BE DEFERED TO THE APRIL 21, 2008 HEARING SO THAT THE APPLICANT CAN CONFIRM THE SETBACKS AND THAT THE ADJACENT PROPERTY OWNER PROVIDE A COPY OF HIS SURVEY TO HELP IN DETERMINING THE SETBACKS.

Carried.....

Stephen Pallett, Chairperson, moved to 'Other Business' in order to deal with Item 9.4, newly added to the agenda.

9.4 Request for fee reductions from Oz Kemal of MHBC planning.

Mr. Oz Kemal of MHBC Planning Consultants, was in attendance on behalf of his client Craft Development Inc., and in conjunction with his e-mail received March 28, 2008 advised the Committee that they are requesting a fee reduction for Committee of Adjustment applications being submitted in the near future.

Mr. Kemal explained that they will be submitting 5 new severance applications to allow each retail store to be on their own lands along with approximately 17 easement applications for the purpose of servicing and access and 2 or more lease agreement applications. Mr. Kemal advised the Members that the estimated fee would be approximately \$18, 500.00 and asked that the Committee consider a 50% fee reduction.

The Members discussed the past practices with the Secretary-Treasurer with respect to fee reductions.

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE COMMITTEE OF ADJUSTMENT ALLOW A 50% FEE REDUCTION IN THE TOTAL AMOUNT PAYABLE FOR THE NUMEROUS APPLICATIONS TO BE SUBMITTED, BY CRAFT DEVELOPMENT INC.

Carried.....

5. APPLICATIONS FOR CONSENT:

None.

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

None.

7. MINUTES OF PREVIOUS MEETING:

7.1 Minutes of the Meeting of February 19, 2008.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE MINUTES OF THE MEETING OF FEBRUARY 19, 2008, BE APPROVED AS PRESENTED.

Carried.....

7.2 Minutes of the Meeting of March 3, 2008.

The Secretary-Treasurer requested that the Minutes of the Meeting of March 3, 2008 be removed from the agenda for further review.

8. COMMUNICATIONS:

8.1 Status of Pending Applications

The Assistant Secretary-Treasurer updated the Members with the most recent information with respect to the pending list.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE STATUS OF PENDING APPLICATIONS BE RECEIVED FOR INFORMATION.

Carried.....

9. OTHER BUSINESS:

9.1 Discussion on Consent Application P420707 and the Notice of Decision.

The Secretary-Treasurer explained to the Members the error recorded in the Notice of Decision dated November 20, 2007. The Members reviewed the deposited reference plan to identify the correct part numbers for the easement.

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE COMMITTEE OF ADJUSTMENT HEREBY CONFIRMS THAT THE EASEMENT NOTED IN THE NOTICE OF DECISION DATED NOVEMBER 20, 2007 FOR CONSENT APPLICATION P420707 IS ONLY IN FAVOUR OF PARTS 2 & 3 ON PLAN 65R-30506, NOT PARTS 12 & 13 AS INDICATED IN ERROR.

Carried.....

9.2 Review of preliminary R-Plan for conformity to the Notice of Decision for Consent Application P420801.

The Members reviewed the preliminary R-Plan submitted and compared it to the Notice of Decision.

Moved by Danny Wheeler

Seconded by Donald Rae

THAT THE PRELIMINARY R-PLAN SUBMITTED FOR CONSENT APPLICATION P420801 CONFORMS SUBSTANTIALLY WITH THE APPLICATION SUBMITTED AND APPROVED.

Carried.....

9.3 OACA 2008 Conference.

The Members discussed the upcoming OACA Annual conference.

10. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE MEETING ADJOURN AT THIS TIME (8:45 PM).

Carried.....

STEPHEN PALLETT,
CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER