

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

COMMITTEE OF ADJUSTMENT

**MINUTES**

**2008-April-21  
7:30 P.M.**

**1. ROLL CALL:**

The Assistant 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.

**Explained procedure to obtain a copy of any decision**

**4. APPLICATIONS FOR MINOR VARIANCE:**

**4.1 Application P410811  
(Deferred from March 31, 2008)**

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

Ms. Jacqueline Logan, the owner addressed the Committee and indicated that the minor variance application to accommodate the shed had been deferred in order to review the proposed setbacks and determine if changes needed to be made. She advised that she is proposing to move the shed closer to the house and retain the setback to property line as it was in the original application.

The Assistant Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0034 & the e-mail received March 31, 2008 requesting removal of the exterior cladding term.
- 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.
- E-mail from Adam Lucas, Planner received April 1, 2008.
- E-mail from Jackie Logan received April 2, 2008.
- E-mail from Adam Lucas, Planner received April 7, 2008.

Mr. Dan Dufour of 291 Old Homestead Road the adjacent neighbour addressed the Committee and indicated that the proposed 0.41 metres from the side lot line to the shed is satisfactory to him.

Moved by Donald Rae

Seconded by Karen Whitney

**THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO REDUCE THE SETBACK BETWEEN THE ACCESSORY BUILDING AND THE DWELLING FROM 0.53 METRES TO 0.15 METRES.**

Carried.....

Moved by Donald Rae

Seconded by Karen Whitney

**THAT MINOR VARIANCE APPLICATION P410811, AS AMENDED, TO REQUEST RELIEF FROM:**

- **SECTION 5.1(B) TO PERMIT AN ACCESSORY BUILDING THAT PARTIALLY ENCROACHES INTO THE FRONT YARD;**
- **SECTION 5.1(B) TO PERMIT THE ACCESSORY BUILDING WITH A MINIMUM SETBACK 0.15 METRES FROM THE DWELLING; AND**
- **SECTION 5.1(D) TO PERMIT AN ACCESSORY BUILDING WITH A MINIMUM WESTERLY INTERIOR SIDE YARD SETBACK OF 0.41 METRES**

**AS SHOWN ON SCHEDULE '1' ATTACHED TO THE DECISION IS HEREBY APPROVED.**

Carried.....

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

**4.2 Application P410812**

**PATRICK, GARY**  
Pugsley Ave., (W/S)  
Plan 189, Lot 61  
Roll No. 127-512

Mr. Gary Patrick, owner addressed the Committee and explained that three months ago he applied to obtain a building permit information package at which time he was informed of the sunset clause. He explained that all the new houses constructed in the area have been built 1.5 metres off the lot line and he wants to be consistent with the other houses built on the street. He stated that he went around to the neighbours and discussed his proposal and the only negativity he heard was that a bungalow would be preferred over a two storey dwelling.

Mr. Patrick indicated that he applied for a minor variance to allow a reduced sideyard setback to allow his dwelling to be built in accordance with other houses in the area. He explained that the Engineering Department for road development now want \$3,900.00. He stated that this wasn't noted on the building permit information package he received three months ago and that he only received notice of this requirement tonight by fax.

The Assistant Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0044.
- E-mail from the Ryan Rueckwart, Deputy Chief Building Official received April 8, 2008.

- E-mail from David Jones, On Site Sewage Inspector received April 15, 2008.
- Memorandum from Joe Costanza, Civil Technologist received April 11, 2008.
- E-mail from Michael Baskerville, Engineering Manager received April 21, 2008 at 3:31 p.m.
- E-mail from David Reddon, Manager of Taxation and Revenue received April 2, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received April 7, 2008.
- E-mail from Bill O'Neill, Fire Chief received April 3, 2008.
- Memorandum from Pamela Hunt, By-law Secretary received April 4, 2008.

Ms. Margaretha Howard-Gunn of 15865 Dufferin Street, King Township addressed the Committee and advised that she has owned Lots 59 & 60 for a very long time. She stated that she has been wanting to build on the lots all these years but for a long time you needed 2 lots to build one house because of septic requirements but in addition a road extension was required in order to obtain a building permit for the lots. She explained that Lot 61 was between her lots and the other section of the road that was already built up and assumed. She noted that regardless of the road extension, the owner of Lot 61 could not build because they needed 2 lots for a septic system.

Ms. Howard-Gunn stated that since we received the money from the Province to install water and sewers in this area only one lot is now required to build a house as septic systems are no longer required. She indicated that she had to pay for the road extension which went past Lot 61 because they would not pay. She said "Whos the monkey?" and noted that she paid the money and the owner of Lot 61 made out quite nicely, now he has a road in front of his lot and can build because water and sewers only requires one lot to build a house.

Ms. Howard-Gunn said that according to the Town requirements 3 metres should be provided on both sides of the house proposed on Lot 61. If the person on lot 62 doesn't mind the Committee could reduce the setback on their side but she wants the required 3 metre setback provided on her side of the house to be built on Lot 61. She said she hasn't seen any pay back money yet and she has to work pretty hard for her money. She confirmed that she noticed and did hear that Engineering is requesting that the owner of Lot 61 pay his outstanding share of the road extension at this time, but she noted from her experience in dealing with the owners of Lot 61 she doesn't have much faith in them paying what is owed.

She noted that the owner may not build on Lot 62 so he probably wouldn't mind the lesser setback.

Ms. Howard-Gunn stated that she called the building department and asked if they have been giving minor variances to all the new houses recently built on Poplar Street and she was told no minor variances had been issued for the new houses on Poplar Street and the building department also confirmed that they do not intend to change all the other setbacks in the area.

Ms. Howard-Gunn again stated that she does not want the setback changed on the side of the house abutting her lots.

Mr. Patrick, advised the Committee that Poplar Street is zoned residential whereas his lot is zoned Rural and that is the reason for the different setback requirements. He stated that he has owned his lot for eight years and applied for building permit before he moved up here. He confirmed that at the time he applied for the permit, they wanted him to build up the road so he decided not to build. He also noted that he never did receive any notice of money owing to the Town for the road extension, until he received the fax today.

Mr. Danny Wheeler, member confirmed that arrangements were made with Ms. Howard-Gunn that the money owed for Mr. Patrick's lot, would be recouped at the development stage. He also stated that 3 metres is the current side yard requirement for Mr. Patrick's lot and further that the lots on Poplar require a minimum of 2.5 metres on one side.

Mr. Patrick responded stating that he will be build a two storey if he has to build at a 3 metre setback on one side.

Mr. Danny Wheeler pointed out that there is lots of room at the back of the lot to allow for a large bungalow.

Mr. Patrick, the owner requested that the Committee defer his application to the meeting to be held May 5, 2008.

Ms. Howard-Gunn confirmed that she agrees with the deferral date of May 5, 2008.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT MINOR VARIANCE APPLICATION P410812 BE DEFERRED TO THE MEETING TO BE HELD MAY 5, 2008.**

Carried.....

**5. APPLICATIONS FOR CONSENT:****5.1 Application P420807****DRAPER, GERALD**

589 The Queensway South  
Concession 3 (NG), Part Lots 3 & 4,  
RS65R15213, Part 1  
Roll No. 142-800

Stephen & Kimberly Clee, were in attendance. Ms. Clee, the agent advised that they want to lease the subject land for a 35 year period in order to allow them an opportunity to recover their very large cost of developing the property. She also stated that the severance to accommodate the required lot addition has been completed, the rezoning of the property has been completed and the 2<sup>nd</sup> submission for site plan approval has already been made.

Ms. Clee noted that York Region's proposed condition # 1 will be done this week but she objects to condition # 2 because they must have the lease agreement approved prior to the completion of site plan approval in order to facilitate the financing of the property. She emphasized that the approval of this consent to allow the long term lease, is holding up all financing and the entire project at this time.

The Assistant Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0043.
- E-mail from the Ryan Rueckwart, Deputy Chief Building Official received April 8, 2008.
- E-mail from David Jones, On Site Sewage Inspector received April 15, 2008.
- Memorandum from Joe Costanza, Civil Technologist received April 11, 2008.
- E-mail from Michael Baskerville, Engineering Manager received April 21, 2008 at 3:31 p.m.
- E-mail from David Reddon, Manager of Taxation and Revenue received April 2, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received April 7, 2008.
- E-mail from Bill O'Neill, Fire Chief received April 3, 2008.
- Memorandum from Pamela Hunt, By-law Secretary received April 4, 2008.

- Notice of Hearing stamped No Objection from the Lake Simcoe Region Conservation Authority received April 9, 2008.
- Letter from Region of York Transportation Services received April 17, 2008.

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

Ms. Clee said site plan approval must be obtained prior to the building permit being issued but they can not wait for site plan approval to get the lease approval.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT CONSENT APPLICATION P420807, TO REQUEST PERMISSION TO ENTER INTO A LEASE AGREEMENT THAT HAS THE EFFECT OF GRANTING THE USE OF OR RIGHT IN LAND DIRECTLY OR BY ENTITLEMENT TO RENEWAL FOR A PERIOD OF 21 YEARS OR MORE AS REQUIRED UNDER SECTION 50 OF THE PLANNING ACT ON LANDS OUTLINED ON SCHEDULE '1' ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF A FULLY EXECUTED DOCUMENT, GRANTING THE LEASE.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE REGION OF YORK TRANSPORTATION AND WORKS DEPARTMENT THAT ONLY CONDITION #1 IN THE LETTER DATED APRIL 17, 2008 AND ATTACHED AS SCHEDULE '2' TO THE DECISION HAS BEEN RESOLVED.**
- 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:**

7.1 Minutes of the Meeting of March 3, 2008.

Moved by Danny Wheeler

Seconded by Donald Rae

**THAT THE MINUTES OF THE MEETING OF MARCH 3, 2008 BE ADOPTED AS PRESENTED.**

Carried.....

7.2 Minutes of the Meeting of March 31, 2008.

Moved by Danny Wheeler

Seconded by Donald Rae

**THAT THE MINUTES OF THE MEETING OF MARCH 31, 2008 BE ADOPTED AS PRESENTED.**

Carried.....

**8. COMMUNICATIONS:**

**9. OTHER BUSINESS:**

9.1 Review of Notice of Decision for Minor Variance Application P410724 and the revised site plan as submitted by the builder for a building permit.

Moved by Donald Rae

Seconded by Karen Whitney

**THAT THE REVISED SITE PLAN AS SUBMITTED BY THE BUILDER FOR A BUILDING PERMIT SUBSTANTIALLY CONFORMS WITH THE APPLICATION APPROVED FOR MINOR VARIANCE P410724.**

Carried.....

9.2 Review of Notice of Decision for Minor Variance Application P410741 and the revised site plan as submitted by the builder for a building permit.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT THE REVISED SITE PLAN AS SUBMITTED BY THE BUILDER FOR A BUILDING PERMIT SUBSTANTIALLY CONFORMS WITH THE APPLICATION APPROVED FOR MINOR VARIANCE P410741.**

Carried.....

**10. ADJOURNMENT:**

Moved by Karen Whitney

Seconded by Donald Rae

**THAT THE MEETING ADJOURN AT THIS TIME (8:25 PM).**

Carried.....

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STEPHEN PALLETT,  
CHAIRPERSON

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KATHLEEN FOSTER,  
SECRETARY-TREASURER