

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

**MINUTES**

**2008-May-20  
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. EXPLANATION OF HEARING PROCEDURE:**

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

**4. REQUESTS FOR DEFERRAL OR WITHDRAWAL:**

None.

**5. APPLICATIONS FOR MINOR VARIANCE:**

**5.1 Application P410814**

**PRAGER, MORTON  
PRAGER, JOANNA**  
34 Tikvah Circle  
Plan 300, Lot 14  
Roll No. 120-270

Mr. Ross Gordon, agent representing the Prager's, indicated that he constructed the home too close to the lot line in error and requested relief from the By-law.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0051.
- E-mail from David Jones, On Site Sewage Inspector received May 1, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received May 6, 2008

- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 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 P410814, TO REQUEST RELIEF FROM SECTION 6.1(f) TO LEGALIZE AN EXISTING SOUTHERLY INTERIOR SIDE YARD SETBACK OF 1.12 METRES FOR THE NEWLY CONSTRUCTED SINGLE FAMILY DWELLING, 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.

**5.2 Application P410815  
Application P410816  
(To be heard in conjunction  
With Consent Appl. P420830)**

**COMEAU, TREVOR  
DAVIS, TRACY**  
238 Parkway Ave.,  
Plan 231, Lots 257 & 258  
Roll No. 143-739

**6.1 Application P420830  
(To be heard in conjunction  
With MV P410815 & P410816)**

**COMEAU, TREVOR  
DAVIS, TRACY**  
238 Parkway Ave.,  
Plan 231, Lot 258  
Roll No. 143-739

Mr. Trevor Comeau and Tracy Davis were in attendance. Mr. Comeau indicated that their existing house encroaches over the existing lot line. He noted that they have two lots on a plan and are requesting a lot line adjustment. Mr. Comeau indicated that he has submitted two minor variance applications and that he will be removing 6 feet off of the existing house in order to comply with the applications.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0052.
- E-mail from the Planner requesting an additional condition, received May 16, 2008.
- Verbal confirmation from the Senior Planner that an additional condition should be included in both variance approvals requiring that the conditions of the consent are fulfilled and the deeds stamped.
- E-mail from David Jones, On Site Sewage Inspector received May 1, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received May 8, 2008
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 2008.
- Notice of Hearing stamped 'no objection' by the Lake Simcoe Region Conservation Authority, received May 9, 2008.
- E-mail from Trevor Catherwood, Development Review Technologist with the Region of York Transportation Department, received May 12, 2008.

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

Karen Whitney, Member, inquired about a structural engineer with respect to removing a portion of the existing house. Mr. Comeau confirmed that he will be obtaining the services of a structural engineer.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT CONSENT APPLICATION P420830, 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 ON TITLE WITH RESPECT TO LOT 257, PLAN 231.**
- 5. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS THAT THE CONCERNS OUTLINED IN THE MEMORANDUM DATED MAY 8, 2008 AND ATTACHED TO THE DECISION AS SCHEDULE '2' HAVE BEEN RESOLVED.**
- 6. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT A SURVEY PREPARED BY AN ONTARIO LAND SURVEYOR HAS BEEN PROVIDED CONFIRMING THAT THE EXISTING FRAME DWELLING ON LOT 257, PLAN 231, HAS BEEN ALTERED TO PROVIDE A WESTERLY INTERIOR SIDE YARD SETBACK OF 1.2 METRES FROM THE PROPOSED SEVERANCE LINE AS SHOWN ON SCHEDULE '1' ATTACHED TO THE DECISION.**
- 7. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT THE BOAT HAS EITHER BEEN REMOVED FROM THE PROPERTY OR MOVED TO A LOCATION IN COMPLIANCE WITH ZONING BY-LAW 500.**
- 8. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

- A. THAT MINOR VARIANCE APPLICATION P410815, TO REQUEST RELIEF FROM SECTION 6.1(f) TO PERMIT A REDUCED EASTERLY INTERIOR**

**SIDE YARD SETBACK OF 1.2 METRES FOR THE PROPOSED 2-STOREY SINGLE FAMILY DWELLING WITH AN ATTACHED GARAGE, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:**

- (I) THAT THE SINGLE FAMILY DWELLING ON LOT 258 CONTAIN AN ATTACHED GARAGE HAVING A MINIMUM SIZE OF 2.5 METRES BY 5.5 METRES.**

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

- 1. CONFIRMATION FROM THE SECRETARY-TREASURER THAT THE DEEDS TO CONVEY THE SUBJECT LAND OF CONSENT P420830 HAVE BEEN STAMPED AND ALL CONDITIONS IMPOSED HAVE BEEN FULFILLED.**
- 2. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

**A. THAT MINOR VARIANCE APPLICATION P410816, TO REQUEST RELIEF FROM SECTION 6.1(f) TO PERMIT A REDUCED WESTERLY INTERIOR SIDE YARD SETBACK OF 1.2 METRES FOR THE EXISTING 2-STOREY SINGLE FAMILY DWELLING WITH AN ATTACHED GARAGE, AS SHOWN ON SCHEDULE '1' ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:**

- (I) THAT THE SINGLE FAMILY DWELLING ON LOT 257 CONTAIN AN ATTACHED GARAGE HAVING A MINIMUM SIZE EQUAL TO A STANDARD PARKING SPACE, BEING 3.0 METRES BY 5.7 METRES.**

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

- 1. CONFIRMATION FROM THE SECRETARY-TREASURER THAT THE DEEDS TO CONVEY THE SUBJECT LAND OF CONSENT P420830 HAVE BEEN STAMPED AND ALL CONDITIONS IMPOSED HAVE BEEN FULFILLED.**
- 2. 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 for all three applications approved.

**5.3 Application P410817  
(To be heard in conjunction  
With Consent Appl. P420834)**

**GOODWIN, DUNCAN**  
97 Polva Promenade  
Plan 588, Lot 15  
Roll No. 026-204

**6.5 Application P420834  
(To be heard in conjunction  
With Minor Variance P410817)**

**KOVA, LEMBIT**  
Ravenshoe Road (N/S)  
Concession 1(G), Part Lot 21  
Roll No. 020-520

Mr. Duncan Goodwin indicated that he is here acting as the owner of 97 Polva Promenade and as the agent for Lemit Kova.

Mr. Goodwin indicated that he requires a minor variance in order to have frontage on an access street and in order to provide that access he requires an easement over Mr. Kova's land.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0054.
- E-mail from David Jones, On Site Sewage Inspector received May 1, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received May 9, 2008
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 2008.
- Notice of Hearing stamped 'no objection' by the Lake Simcoe Region Conservation Authority, received May 9, 2008.
- E-mail from Trevor Catherwood, Development Review Technologist with the Region of York Transportation Department, received May 12, 2008.
- 2 letters of support from Dave Shearer, received May 14, 2008.

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

Mr. Goodwin confirmed that he agrees to the comments from the Engineering Department and noted that he understands that the road may be impassable at times and that only a seasonal dwelling is permitted on his lot.

Moved by Donald Rae

Seconded by Karen Whintey

**THAT CONSENT APPLICATION P420834, TO REQUEST PERMISSION TO GRANT AN EASEMENT FOR ACCESS PURPOSES OVER THE EASEMENT AREA INDICATED AS 'E1' IN FAVOUR OF THE LANDS INDICATED AS PARCEL 'A' 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, GRANTING THE EASEMENT.**
- 3. ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Moved by Donald Rae

Seconded by Karen Whintey

**THAT MINOR VARIANCE APPLICATION P410817, TO REQUEST RELIEF FROM SECTION 5.13 AND SECTION 10.5.1 TO PERMIT THE CONSTRUCTION OF A SEASONAL DWELLING, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. CONFIRMATION FROM THE SECRETARY-TREASURER THAT CONSENT APPLICATION P420834 HAS RECEIVED FINAL APPROVAL AND THE DEEDS HAVE BEEN STAMPED.**
- 2. 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 for both applications approved.

**5.4 Application P410818**

**LANCASTER, DAVID KEVIN  
HORNE, DONNA LORRAINE**  
62 Lakeshore Road  
Plan 318, Lot 21  
Roll No. 042-600

Mr. Brendan Charters of Eurodale Developments, agent, noted that the owners have applied for a reduced rear yard setback of 10.4 metres and a reduced westerly side yard setback of 1.9 metres. He indicated that the owners wish to construct a new 2 storey home that is roughly 2200 square feet and the lot is relatively tight.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0053.
- E-mail from David Jones, On Site Sewage Inspector received May 12, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received May 8, 2008
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 2008.
- Letter of objection from Darlene E. Preece, received May 12, 2008.
- 6 letters of support from neighbouring homeowners at 70, 100, 68, 58 & 59 Lakeshore Road and 57 Sumach Drive, all of the same format, received May 12, 2008.

Mr. Gord Maxwell of 64 Lakeshore Road indicated that he is the neighbour to the east and noted that he has lived there for 31 years. Mr. Maxwell noted that if the house is allowed to be closer to the Lake it will cut off his view of Lake Simcoe. He said that there are by-laws in Georgina and they should be upheld. He noted that if the owners want to build a new house that is perfectly fine, but build a house that fits the lot.

Mr. Eric Gunnell, Engineering Consultant, provided the Members with a reply to Mr. David Jones' comments. He noted that the grading plan needed to be revised and that he is working with Mr. Jones on those revisions.

Ms. Darlene Preece noted that she doesn't understand how the support letters submitted can be signed before the Notice of Minor Variance was issued. Ms. Peerce made comment to Mr. Charters' remark that the owners are building a large house on a tight lot. She confirmed that the construction of a new home is perfectly fine but build it into compliance with the Town's by-law. Ms. Preece said that by allowing a large 2 storey home on a small lot green space will be taken up and the Committee should not approve the application.

Mr. Jim Hill, indicated that he is a real-estate agent and lives in the area and that he knows the home owners and in support of the application. He notified the Committee that to the west of the property there are 3 other two storey homes and they are all approximately of the same size.

Mr. David Lancaster, owner, submitted to the Members pictures of his neighbours' homes. He indicated to the Committee that his design will incorporate the lake side balconies into the foot print of the house as opposed to protruding out beyond the structure. He noted that the home will be new and energy star efficient.

Ms. Peerce asked the Members what efficiency has to do with the Minor Variance. She reconfirmed that a new home is fine but should be built in compliance to the Town's By-law so that there is more green space.

Mr. Charters commented on the objections, saying that the majority of the Town's By-laws are being complied with and that they are requesting a reduction in the side yard setback and that the reduced rear yard setback is as a result of the requirements for the new septic system.

Mr. Maxwell, asked the Committee how high this new building will be. Stephen Pallett confirmed that they are within the required height restrictions. Mr. Maxwell said that this plan should of never been approved by the Town and should of never got to the point where the neighbours get involved.

Danny Wheeler, Member, inquired as to the original requests in the application. Mr. Charters, reconfirmed the relief requested in the application. He noted that some pillars were originally on the design of the house but were later removed in order to comply with the side yard setback.

Danny Wheeler, Member, asked if the proposed house would project closer to the Lake than the neighbouring homes. Mr. Charters, did note that he did not measure the difference in the setback of the homes to the Lake but did confirm that it will be approximately 6 feet closer to the Lake. Mr. Charters then reviewed elevation drawings with the Members.

Danny Wheeler, Member, asked if the decks on the rear yard are enclosed. Mr. Charters confirmed that the decks are open and not covered.

Mr. Charters confirmed that the height of the building will be approximately 28 feet which does comply with the Town By-law.

Mr. Charters confirmed that the septic design has been re-submitted to David Jones and most of the design is acceptable. He noted that the swales were one of the major issues. Mr. Charters noted that the setbacks of the septic system are at the bare minimum.

Danny Wheeler, Member, noted that he has concerns with respect to the comments provided to the Committee by the On-Site Sewage Inspector and would feel more comfortable deferring the application until more favourable comments are provided. Mr. Wheeler asked that the design be re-evaluated to consider eliminating the projection toward the Lake beyond the existing dwellings on either side.

Moved by Danny Wheeler

Seconded by Karen Whitney

**THAT MINOR VARIANCE APPLICATION P410818 BE DEFERRED UNTIL JUNE 16, 2008 IN ORDER TO PROVIDE THE AGENT WITH AN OPPORTUNITY TO:**

- 1. OBTAIN FAVOURABLE COMMENTS FROM THE ON-SITE SEWAGE INSPECTOR CONFIRMING THAT A SEPTIC SYSTEM CAN BE ACCOMMODATED ON THE LOT TO SERVICE THE PROPOSED DWELLING, AND**
- 2. DISCUSS WITH THE NEIGHBOURS THEIR CONCERNS AND CONSIDER ALTERNATIVE DESIGNS TO ADDRESS THOSE CONCERNS, INCLUDING REVISIONS IN ORDER TO LINE UP THE REAR WALL OF THE PROPOSED DWELLING WITH THE DWELLINGS ON EITHER SIDE.**

Carried.....

**5.5 Application P410819**

**LEHMANN, KERRY LOUISE**  
151 Lake Drive North  
Plan 103, Part Lot 22  
Roll No. 098-112

Mr. Eric Gunnell, agent, along with Kerry Lehmann, the owner were in attendance.

Mr. Gunnell noted that the property only has a frontage of 6.3 metres on Lake Drive North and he believes that the subject property and the property to the North were originally one lot severed into two separate 25 foot lots.

Mr. Gunnell indicated that the property has been in the Lehmann family since the 1950's. He said that Ms. Lehmann wishes to start a family and requires a larger dwelling and additional storage space. Mr. Gunnell pointed out that the addition is set further away from the property to the North to allow access for the owners

to the North to service their home and to provide access for Ms. Lehmann to her rear yard. He noted that the addition will provide the Lehmann family with a view of Lake Simcoe.

Mr. Gunnell noted that the proposed addition will rejuvenate the property and will have little impact on the neighbours on each side as it will still be set in from the existing homes on either side. He said that the neighbour to the North can access their rear yard through a fence and gate.

Mr. Gunnell confirmed that he supports the conditions proposed by the planning staff and asked the Committee for approval.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0055.
- E-mail from David Jones, On Site Sewage Inspector received May 1, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received May 8, 2008
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 2008.

Mr. Steve Reach representing the neighbour at 151A Lake Drive North to the North, indicated that his statement is without prejudice and confirmed that they have an objection to the proposed addition as the addition will infringe on their privacy and will block several of their windows on that side of the house. He noted that the proposed addition will make it difficult to get a ladder up to clean their 2<sup>nd</sup> floor windows. He also said that the proposed 3<sup>rd</sup> floor deck will look into their living room and that it will also affect their property value.

Mr. Reach noted that the homes in the area were built staggered on purpose and he suggested that the owner put the addition on the back of the house as there is lots of room at the rear of the lot.

Mr. Jim Jewett of 149 Lake Drive North, confirmed that he has the same concerns as the neighbour to the North. He indicated that there is little room between the houses now and that a 3 storey addition is not suitable for a narrow lot and that it will tower over his house. He noted that there are drainage issues already as his basement gets a lot of water and the proposed addition will cause the drainage to flow onto his property. He noted that he has spoken to several

real-estate agents and they all have confirmed that it will decrease his property value and suggested they should build at the back or go up two storeys.

Ms. Lehmann, owner, indicated that her Mom had originally owned the lot in the 1950's and then split the lot. She confirmed that her back yard is not that big and the addition will give her a good view of the Lake and would raise her property value.

Mr. Gunnell confirmed that the structure is too old, therefore not feasible to add another storey on top of the existing structure.

Mr. Gunnell confirmed the setbacks of his client's home and the neighbours' homes both to the South and to the North. Mr. Gunnell confirmed that there is a gate on the North side of the property that would allow each neighbour access to the rear of their lots. Mr. Gunnell did indicate that it is only a neighbourly agreement and nothing is legally registered on title.

The Secretary-Treasurer confirmed that the minimum front yard setback is 6 metres.

Mr. Gunnell confirmed that the proposed front yard setback to the addition is 24.2 metres.

Moved by Karen Whitney

**THAT THE APPLICATION BE REFUSED.**

No seconder, motion lost.....

Moved by Donald Rae

Seconded by Karen Whitney

**THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO INCLUDE AN ADDITIONAL REQUEST FOR RELIEF FROM SECTION 6.1(f) TO INCLUDE THE UNENCLOSED DECKS AND STEPS.**

Carried.....

Moved by Donald Rae

Seconded by Danny Wheeler

**A. THAT MINOR VARIANCE APPLICATION P410819 AS AMENDED, TO REQUEST RELIEF FROM SECTION 6.1(f) TO ALLOW FOR A REDUCED NORTHERLY INTERIOR SIDE YARD SETBACK OF 1.10 METRES AND A REDUCED SOUTHERLY INTERIOR SIDE YARD SETBACK OF 0.80 METRES FOR THE PROPOSED 3-STOREY ADDITION AND UNENCLOSED DECKS AND STEPS, AS SHOWN ON SCHEDULE '1'**

**ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:**

- (I) THE MINIMUM FRONT YARD SETBACK TO ANY OF THE PROPOSED DECKS/BALCONIES (EXCLUDING STAIRS) BE 24 METRES AND 25 METRES TO THE FRONT WALL OF THE DWELLING (ANY FLOOR).**

**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 MAY 8, 2008 AND ATTACHED TO THE DECISION AS SCHEDULE '2' 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 those in attendance of the 20 day appeal period.

**6. APPLICATIONS FOR CONSENT:**

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| <p><b>6.2 <u>Application P420831</u><br/>(To be heard in conjunction<br/>With consent P420832 &amp; P420833)</b></p> | <p><b>1744290 ONTARIO INC.</b><br/>20938 Dalton Road<br/>Plan 69, Part Lots 7 &amp; 8, Block 60<br/>RS65R3853, Parts 1 &amp; 4<br/>Roll No. 080-863</p>                             |
| <p><b>6.3 <u>Application P420832</u><br/>(To be heard in conjunction<br/>With consent P420831 &amp; P420833)</b></p> | <p><b>950226 ONTARIO LIMITED</b><br/>20942 Dalton Road<br/>Plan 69, Part Lot 8, Block 60<br/>RS65R6214, Parts 2 &amp; 3<br/>Roll No. 080-871</p>                                    |
| <p><b>6.4 <u>Application P420833</u><br/>(To be heard in conjunction<br/>With consent P420831 &amp; P420832)</b></p> | <p><b>QUEEN'S COURT DEVL. LTD.</b><br/>20954 Dalton Road<br/>Plan 69, Part Lots 9 &amp; 10, Block 60<br/>RS65R1419, Parts 1 &amp; 2,<br/>RS65R2291, Part 1<br/>Roll No. 080-873</p> |

Mr. Gord Mahoney, agent was in attendance representing David and Anita Haynes and Blair Welch of Queens Court Developments Ltd. Mr. Mahoney described the parcels, ownership and the purpose of each easement area. Mr.

Mahoney noted that the Committee had previously granted an access easement on Parcel 'A' in favour of Parcel 'B'. He also noted that the Region of York owns lands between Parcel 'A' and "B" and that they will be granting access easements to all three Parcels.

Mr. Mahoney noted that the applications comply to the Official Plan and Sutton Secondary Plan and supported by the urban design guidelines. He said the applications were good planning and noted that no objections were received to date.

Mr. Mahoney asked that the Committee grant a little leniency with respect to the preparation of the R-Plan, specifically with the Queens Court Developments Ltd. Lands as he believes they have the frontage listed correctly but the actual size and location may move slightly.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0050.
- E-mail from David Jones, On Site Sewage Inspector received May 1, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received May 6, 2008
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 1, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received May 13, 2008.
- E-mail from Bill O'Neill, Fire Chief received May 1, 2008.
- E-mail from Pamela Hunt, By-law Secretary received May 6, 2008.
- Notice of Hearing stamped 'no objection' by the Lake Simcoe Region Conservation Authority, received May 9, 2008.
- Letter from Trevor Catherwood, Development Review Technologist with the Region of York Transportation Department, received May 12, 2008.

Ms. Avis Samone, representing the owners of 20908 Dalton Road was in attendance and indicated the owners support the development of a new Home Hardware and do not object to any easement application but do have concerns with respect to the easement abutting the north side of their property, any future use of their property and any impact on obtaining a building permit to develop their property. She noted that they have concerns with respect to being forced to hook up to the easement in the future.

Mr. Mahoney responded to Ms. Samone's concerns. He indicated on the site plan that the parking will be set back 1.5 metres and that a curb will be installed

at the South end of the Home Hardware property for now. He indicated that the Town has imposed a condition of the site plan agreement that allows the owner to the South access over the Home Hardware site.

Ms. Samone noted that her client objects to the connection.

Mr. Blair Welch of Queens Court Development Ltd, confirmed that the easement will not affect their property but add value to their property.

Ms. Diane Dalimonte advised that the existing easement and this future easement connection will substantially reduce the amount of land they can develop in the future and they do not want to have to connect to this easement as a condition of getting a building permit.

Mr. Mahoney noted that their concerns deal with the previous application for easement that was already approved by the Committee.

Ms. Samone indicated that this was the first notice of any application.

The Assistant Secretary-Treasurer confirmed that the mailing list used in the previous consent application was the same mailing list used for these applications and that no return mail was received.

Mr. David Haynes, owner of Home Hardware, noted that the easement will only benefit the future development of the neighbour's lands. He noted that the Region of York may not grant access onto Dalton Road for any future development on their property.

Mr. Mahoney noted that the Planning Department requested the access easement for future development to the property to the South and until a design is presented to the Planning Department the actual development requirements cannot be confirmed.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT CONSENT APPLICATION P420831, TO REQUEST PERMISSION TO GRANT AN EASEMENT FOR ACCESS PURPOSES OVER THE EASEMENT AREA INDICATED AS 'E1' IN FAVOUR OF THE LANDS INDICATED AS PARCEL '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, GRANTING THE EASEMENT.**

- 3. **SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE REGION OF YORK TRANSPORTATION AND WORKS DEPARTMENT THAT THE CONCERNS OUTLINED IN THE LETTER DATED APRIL 5, 2008 AND ATTACHED TO THE DECISION AS SCHEDULE '2' HAVE BEEN RESOLVED.**
- 4. **ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

**THAT CONSENT APPLICATION P420832, TO REQUEST PERMISSION TO GRANT AN EASEMENT FOR ACCESS PURPOSES OVER THE EASEMENT AREA INDICATED AS 'E2' IN FAVOUR OF THE LANDS INDICATED AS PARCEL 'A' AND PARCEL '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 ONE (1) WHITE PRINT 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. **SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE REGION OF YORK TRANSPORTATION AND WORKS DEPARTMENT THAT THE CONCERNS OUTLINED IN THE LETTER DATED APRIL 5, 2008 AND ATTACHED TO THE DECISION AS SCHEDULE '2' HAVE BEEN RESOLVED.**
- 4. **ALL CONDITIONS MUST BE SATISFIED WITHIN ONE (1) YEAR OF THE DATE OF THE NOTICE OF THE DECISION.**

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

**THAT CONSENT APPLICATION P420833, TO REQUEST PERMISSION TO GRANT AN EASEMENT FOR ACCESS PURPOSES OVER THE EASEMENT AREA INDICATED AS 'E3' IN FAVOUR OF THE LANDS INDICATED AS PARCEL 'A' AND PARCEL '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 ONE (1) WHITE PRINT 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. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE REGION OF YORK TRANSPORTATION AND WORKS DEPARTMENT THAT THE CONCERNS OUTLINED IN THE LETTER DATED APRIL 5, 2008 AND ATTACHED TO THE DECISION AS SCHEDULE '2' 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 for all three applications approved.

**7. POWER OF SALE/FORECLOSURE/VALIDATION OF TITLE APPLICATIONS:**

None.

**8. MINUTES OF PREVIOUS MEETING:**

8.1 Minutes of the Meeting of May 5, 2008.

Moved by Danny Wheeler

Seconded by Karen Whitney

**THAT THE MINUTES OF THE MEETING OF MAY 5, 2008 BE APPROVED AS PRESENTED.**

Carried.....

**9. COMMUNICATIONS:**

None.

**10. OTHER BUSINESS:**

**10.1 Committee of Adjustment Terms of Reference.**

Moved by Danny Wheeler

Seconded by Donald Rae

**THAT THE COMMITTEE OF ADJUSTMENT TERMS OF REFERENCE BE RECEIVED FOR INFORMATION.**

Carried.....

**11. ADJOURNMENT:**

Moved by Karen Whitney

Seconded by Donald Rae

**THAT THE MEETING ADJOURN AT THIS TIME (9:30pm)**

Carried.....

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STEPHEN PALLETT,  
CHAIRPERSON

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KATHLEEN FOSTER,  
SECRETARY-TREASURER