

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

**MINUTES**

**2008-Sept-15  
7:30 P.M.**

**1. ROLL CALL:**

The Secretary-Treasurer introduced Mr. Chris Burns, the newly appointed Member to the Committee of Adjustment and gave the roll call and the following Members were present:

Stephen Pallett, Chairperson  
Donald Rae, Member

Karen Whitney, Member  
Chris Burns, 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:**

**4.1 Application P410830**

**(Deferred from August 12, 2008)**

**STREITER, BRIDGET**

68 Riverglen Drive  
Plan 354, Lot 30  
Roll No. 144-843

The Secretary-Treasurer read the e-mail from Adam Lucas, Planner received September 15, 2008 respecting this application.

Mr. Horst Streiter, agent was in attendance.

Moved by Karen Whitney

Seconded by Donald Rae

**THE MINOR VARIANCE APPLICATION P410830 BE DEFERRED UNTIL THE  
SECRETARY-TREASURER HAS RECEIVED A PLANNING REPORT.**

Carried.....

Stephen Pallett, Chairperson advised the members of the public in attendance that they must complete a pink form requesting notice of future meetings on this application to be informed of when this matter will come back before the Committee.

**4.2 Application P410837**

**1250364 ONTARIO LTD.**  
7 Red Robin Road  
Plan 284, Part Lots 53 & 54  
Roll No. 130-726

Mr. Glen Christoff, agent noted that without the planners report it would be premature to conduct the hearing at this time.

Moved by Karen Whitney

Seconded by Donald Rae

**THE MINOR VARIANCE APPLICATION P410837 BE DEFERRED UNTIL THE SECRETARY-TREASURER HAS RECEIVED A PLANNING REPORT.**

Carried.....

Stephen Pallett, Chairperson advised the members of the public in attendance that they must complete a pink form requesting notice of future meetings on this application to be informed of when this matter will come back before the Committee.

**5. APPLICATIONS FOR MINOR VARIANCE:**

**5.1 Application P410836**

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

Ms. Regina Kapetaneas, agent representing her mother, began to explain the history relating to the use of the property including the holding of family events on the subject land. She confirmed that the purpose of the minor variance is to allow the construction of a dwelling on the property.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0096 with the revised recommendations received September 12, 2008.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received August 26, 2008.

- E-mail from David Jones, On Site Sewage Inspector received September 3, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received August 29, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received August 22, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 2, 2008.
- E-mail from Pamela Hunt, By-law Secretary received August 26, 2008.

Ms. Linda Harrison 9247 Old Shiloh Road, the neighbour across the street, stated that this property was the subject of a minor variance earlier this year and conditions were imposed with specific deadline dates. She read the conditions imposed from the previously approved Notice of Decision and stated that it was her understanding that if the applicant did not meet those deadlines the shed would have to be removed and the trailer had to be removed from the property regardless.

Ms. Harrison noted that the planner's report on schedule 5 indicates that the shed presently contains bunk beds, a woodstove and a kitchen, which she feels is contrary to the zoning by-law's definition of Accessory Structure. She is concerned that the owners will use the structure as a cottage or hunt camp because of the existing kitchen and sleeping accommodations. She noted that the original planning report for the previously approved minor variance had indicated that human habitation was not permitted in accessory structures.

Ms. Harrison stated that it is obvious from Schedule 3 of the Planner's report that they are going to retain the shed for human habitation because they are proposing a future deck onto the shed and she questioned the building code and fire codes relating to decks on accessory structures that are not to be used for human habitation.

Ms. Harrison indicated that the owners did stay over night this past summer which is in total defiance of the zoning by-law and that with no septic system it should not be allowed to have a kitchen or be used for human habitation. She noted that if the applicants did intend to construct a single family dwelling on the property they would have removed the trailer complied with the previously approved minor variance and obtained the required building permit for the dwelling. She urged the Committee to not approve this precedent setting minor variance because it is beyond the scope of the Committee and the applicant should be required to proceed through the zoning amendment process to change the zoning to allow a dwelling on the property which is at this point not permitted on the property. She indicated that the applicant was advised by staff in a meeting held in November of 2007 that the zoning would change on September 9, 2008 and that the applicant must obtain their building permit for the dwelling prior to that date or lose their right to build on the subject land and the applicant failed to obtain the required permit.

Ms. Harrison urged the Committee to refuse the variance because it would allow for a recreational building without a proper septic system. She requested that the shed be torn down immediately and that the applicant be required to submit a zoning amendment application should they wish to construct a dwelling on their property.

Mr. John Fitzpatrick, of 9284 Old Shiloh Road, the neighbour directly next door, noted that when the applicants first purchased the property they removed common corner survey stake. He indicated that since the last Committee of Adjustment meeting the survey stake has been replaced but he is uncertain if it is located in the correct spot. He stated that if the survey stake is in the correct spot there is a fence post encroaching onto his land. He noted that the measurements indicated on the notice of hearing on schedule 4 page 3 in the planning report are incorrect. He stated that he does not oppose the building of a new home if it is done correctly.

Mr. Fitzpatrick stated that he had met with Adam Lucas the Town Planner and was assured that the outhouse would be removed from the subject land, however it still remains on the property.

Ms. Kapetaneas responded to the neighbour concerns explaining that she could not meet the previously imposed conditions and could not get the required permit. She stated that they were told they would be contacted when the permit was ready and the only contact they had was a letter indicating that legal action was going to be taken. She stated that she did not have to pay for this most recent minor variance application and has been given a second chance to obtain the approval of the committee. She confirmed that her family did not remove the survey stake, that it has always been there as has the partial fence. She also confirmed that she would move the fence post if it is in the wrong spot.

Mr. Fitzpatrick advised that his neighbour also saw that the stake had been removed and later replaced. He also noted that the shed was built without the required building permit and should not be allowed to remain.

Moved by Donald Rae

Seconded by Karen Whitney

**THAT MINOR VARIANCE APPLICATION P410836, TO REQUEST RELIEF FROM:**

- **SECTION 5.1 (a) TO TEMPORARILY PERMIT THE EXISTING ACCESSORY STRUCTURE (SHED) TO REMAIN ON THE SUBJECT LAND;**
- **SECTION 28.1 AND 28.3 TO PERMIT THE CONSTRUCTION OF A SINGLE DETACHED DWELLING ON A 'RURAL UNDERSIZED LOT' SUBSEQUENT TO SEPTEMBER 9, 2008;**
- **SECTION 6.1 (a) TO PERMIT THE CONSTRUCTION OF A SINGLE DETACHED DWELLING WITH A MINIMUM LOT FRONTAGE OF 152.4 METRES; AND**

- **SECTION 6.1 (b) TO PERMIT THE CONSTRUCTION OF A SINGLE DETACHED DWELLING WITH A MINIMUM LOT AREA OF 20 ACRES, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERMS:**
  - (1) **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 (SHED) BY NOVEMBER 25, 2008.**
  - (2) **SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BY-LAW ENFORCEMENT DIVISION THAT ALL TRAILERS HAVE BEEN REMOVED FROM THE SUBJECT PROPERTY AND THE SUBJECT PROPERTY COMPLIES WITH ZONING BY-LAW 500 BY NOVEMBER 25, 2008.**
  - (3) **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 NOVEMBER 25, 2008.**
  - (4) **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 JANUARY 25, 2009.**
  - (5) **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 JANUARY 25, 2010.**
  - (6) **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 NO LONGER IN FORCE AND EFFECT ON THE SUBJECT PROPERTY.**

Carried.....

The Secretary-Treasurer read the entire motion at the request of the Committee to ensure that the applicant and agent are fully aware of the deadline dates contained in the motion.

Ms. Kapetaneas confirmed that she fully understood the deadline dates as read by the Secretary-Treasurer. She also confirmed that she intends to use posts to support the shed when the trailer is taken away in order to maintain the existing shed on the property.

Chris Burns, Member asked the agent whether they will be able to comply with all of the deadline dates, specifically with respect to obtaining a building permit for a dwelling, finishing and obtaining an occupancy of the dwelling in accordance with the deadline dates.

Ms. Kapetaneas in response said all we can do is the best we can do to meet the deadlines. She stated that they have one home for sale at present in order to obtain the funds to complete the building permit process and construction of the proposed dwelling but that the home has not yet been sold, and again repeated all we can do is the best we can do to meet the deadlines. She also indicated that extending the proposed deadline dates would be better for them but they will try to meet the deadlines.

Stephen Pallett, Chairperson advised those in attendance of the 20 day appeal period and further advised the members of the public in attendance to complete a pink form in order to obtain a copy of the decision on this matter.

## **5.2 Application P410838**

### **KARGES WAYNE & CAROLE**

162 Riverbank Dr.,  
Concession 6(G), Part Lot 22  
Roll No. 061-685

Mr. & Mrs. Karges were in attendance and Mr. Karges explained to the Committee that the requested minor variance would allow the proposed two car garage to be moved forward flush with the house rather than being set further back from the road. He stated that the proposed location with the reduced front yard setback would be more cosmetically appealing and would provide him with more back yard space.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0098.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received August 26, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 3, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received August 29, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received August 22, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 3, 2008.

- E-mail from Bill O'Neill, Fire Chief received September 2, 2008.
- E-mail from Pamela Hunt, By-law Secretary received August 26, 2008.
- 2 letters from Nancy Shepherd owner of 154 & 156 Riverbank Drive indicating support of the application received September 3, 2008.

There were no others in attendance with an interest in this application.

Mr. Karges stated that he agrees to the requested condition.

Moved by Chris Burns

Seconded by Karen Whitney

**THAT MINOR VARIANCE APPLICATION P410838, TO REQUEST RELIEF FROM SECTION 6.1 (c) TO PERMIT THE CONSTRUCTION OF A ONE STOREY ATTACHED GARAGE HAVING A REDUCED FRONT YARD SETBACK OF 6.07 METRES, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING DIVISION THAT THE TWO PORTABLE SHELTERS/CARPORTS LOCATED IN THE FRONT YARD OF THE SUBJECT PROPERTY ARE REMOVED OR RELOCATED TO COMPLY WITH ZONING BY-LAW 500.**
- 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:**

### **6.1 Application P420844**

**SUTTON HEIGHTS DEVELOPMENT**  
Southwood Cres., (W/S)  
Plan 440, Lot 21  
Roll No. 034-577

Mr. Gord Mahoney, agent, noted that the owners of Sutton Heights Development regret that they could not be in attendance tonight. He stated that the subject land is Lot 21 on Plan 440 being ½ acre in size with 94 feet of frontage on Southwood Road. He stated that the application would sever a portion of the lot to be conveyed to the abutting lot to the west, which will be developed for commercial purposes. He also advised that the retained land is of sufficient size to support the development of a single family dwelling.

Mr. Mahoney advised that the subject land is also the subject of a zoning amendment application to change the zoning from residential to a site specific commercial zoning which has been approved in principle and requiring that provisional consent be granted prior to the zoning by-law amendment being passed by Council.

Mr. Mahoney commented on the letter submitted by the Region of York and requested that the development review fee be waived as the subject land does not abut a Regional road and the minor enlargement of the beneficiary land would have no impact on Dalton Road. He stated that when an application is submitted to develop the beneficiary land a development review fee would be applicable at that point in conjunction with site plan approval.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0097.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received August 26, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 3, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received August 29, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received August 22, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 2, 2008.
- E-mail from Pamela Hunt, By-law Secretary received August 26, 2008.
- No Objection Stamp on the Notice of Hearing from the Lake Simcoe Region Conservation Authority received September 2, 2008.
- Letter from Trevor Catherwood, Region of York received August 27, 2008.
- Letter from Gord Mahoney, Michael Smith Planning Consultants in response to the letter from Trevor Catherwood, Region of York received August 28, 2008.

Ms. Rose Sheppard of 20937 Dalton Road lives directly to the North of the beneficiary lands and noted that her concerns are the final elevation of the lands which at present are considerably lower than Dalton Road. She asked how much fill will be placed on the beneficiary land and will it be higher than the surrounding properties. She also asked what buffering will be provided between the commercial lands and her residential property.

Mr. Mahoney noted that the concerns of Ms. Sheppard will be dealt with at the site plan stage. He confirmed that all those interested parties in attendance at the zoning by-law amendment meeting, including Ms. Sheppard, will be invited to the site plan meetings.

There were no others in attendance having an interest in this application.

Mr. Mahoney advised that his client has no objection to providing the road widening and solicitor's certificate as requested in Item 3 & 4 of the Region of York letter because it will have to be given at some point, but he objects to the Regional fee requested in Item # 1 because they will be double dipping, requesting more fees at the site plan approval stage.

Moved by Karen Whitney

Seconded by Chris Burns

**THAT CONSENT APPLICATION P420844, 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 REGION OF YORK THAT ITEMS #3 & #4 AS OUTLINED IN THE LETTER DATED AUGUST 27, 2008 AND ATTACHED AS SCHEDULE '2' TO THE DECISION HAVE BEEN RESOLVED.**
- 5. 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.

**6.2 Application P420845****DUMAN, ALEXANDER**841 Elmwood St.,  
Plan 309, Lot 7  
Roll No. 128-102

Mr. Gord Mahoney, agent representing Mr. Alex Duman who was also in attendance, advised the Committee that the consent application is to relocate the lot line in order to eliminate the encroachment of the existing covered porch onto Lot 7. He noted that the subject land is zoned Residential and designated Lakeshore Residential in the Official Plan.

Mr. Mahoney noted that Mr. Duman lives in the single family dwelling on Lot 8 and wishes to convey Lot 7 once the encroachment has been eliminated through the proposed lot line adjustment. He noted that his client has no issues with the requested conditions.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0100 and the E-mail received September 15, 2008 confirming that condition respecting the imposition of 50(5) of the Planning Act was missed and should be included as a condition.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received August 26, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 3, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received August 29, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received August 22, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 2, 2008.
- E-mail from Pamela Hunt, By-law Secretary received August 26, 2008.
- No Objection Stamp on the Notice of Hearing from the Lake Simcoe Region Conservation Authority received September 2, 2008.

There were no others in attendance with an interest in this application.

Moved by Donald Rae

Seconded by Chris Burns

**THAT CONSENT APPLICATION P420845, 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 TOWN'S ON-SITE SEWAGE INSPECTOR THAT THE CONCERNS OUTLINED IN THE EMAIL RECEIVED SEPTEMBER 3, 2008 AND ATTACHED AS SCHEDULE '2' TO THE DECISION HAVE BEEN RESOLVED.**
- 5. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE BUILDING DIVISION THAT THE STAIRS AT THE WEST SIDE OF THE DWELLING LOCATED ON LOT 8, PLAN 309, HAVE BEEN REMOVED OR RELOCATED IN COMPLIANCE WITH THE PROVISIONS OF ZONING BY-LAW 500.**
- 6. 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 8, PLAN 309.**
- 7. 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.

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

**8. MINUTES OF PREVIOUS MEETING:**

8.1 Minutes of the Meeting of August 12, 2008.

Revised minutes were distributed to the Committee at this time.

The Secretary-Treasurer advised the Committee that the wording of the minutes on Page 3 referencing the Letter from the Region of York should be amended to reflect the fact that the Engineering Manager confirmed that the information respecting the required consent applications and the MOE requirements is incorrect and should be ignored.

Moved by Karen Whitney

Seconded by Donald Rae

**THAT THE MINUTES OF THE MEETING HELD AUGUST 12, 2008 BE ADOPTED AS AMENDED BY DELETING THE 3<sup>RD</sup> PARAGRAPH ON PAGE 3 IN ITS ENTIRETY AND REPLACING SAME WITH THE FOLLOWING:**

“The Secretary-Treasurer advised the Members that the Engineering Manager had confirmed that the letter from the Region of York referencing the need for additional consent applications to provide easements to the Region and the references to the Ministry of the Environment are incorrect and the letter should be ignored.”

Carried.....

**9. COMMUNICATIONS:**

The Secretary-Treasurer read a thank you card from Danny Wheeler.

**10. OTHER BUSINESS:**

The Secretary-Treasurer advised the Committee that there will be no hearing on October 6, 2008 because no applications were submitted prior to the established deadline.

**11. ADJOURNMENT:**

Moved by Karen Whitney

Seconded by Chris Burns

**THAT THE MEETING ADJOURN AT THIS TIME (8:35 PM).**

Carried.....

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STEPHEN PALLETT, CHAIRPERSON

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KATHLEEN FOSTER,  
SECRETARY-TREASURER