

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

MINUTES

**2008-SEPT-29
7:30 P.M.**

1. ROLL CALL:

The Secretary-Treasurer gave the roll call and the following Members were present:

Stephen Pallett, Chairperson	Karen Whitney, Member
Donald Rae, Member	Danny Wheeler, 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:

5.2 Application P410840

KOSTIUK, CARL & GLORIA
23 Kerfoot Cres.,
Plan 65M3421, Lot 93
Roll No. 096-29480

The Secretary-Treasurer advised the Committee that a request for deferral was received at 4:20 pm today in the form of an e-mail from the Planning Division with respect to Minor Variance Application P410840. The Secretary-Treasurer read the e-mail from Adam Lucas, Planner received September 29, 2008 at this time.

Mr. Kostiuk confirmed that he understood the reason for the request for deferral.

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT MINOR VARIANCE APPLICATION P410840 BE DEFERRED UNTIL SUCH TIME AS THE PLANNING DIVISION HAS ADVISED THAT THE SHED IS IN COMPLIANCE WITH THE ZONING BY-LAW OR THE APPLICANT HAS SUBMITTED THE REQUIRED RECIRCULATION FEE AND REVISED APPLICATION TO REQUEST RELIEF FROM THE HEIGHT RESTRICTION OF THE ZONING BY-LAW.

Carried.....

Stephen Pallett, Chairperson explained to the public in attendance, the procedure to obtain a copy of any decision made by the Committee and to be advised of any future meeting on this matter.

5. APPLICATIONS FOR MINOR VARIANCE:

5.1 Application P410839

VUKICEVIC, MILICA
31 Sina Street
Plan 284, Lot 56
Roll No. 130-733

Mr. Eric Gunnell, agent addressed the Committee and explained that the applicant intends to construct a single family dwelling and detached garage on the property and the building permit for the dwelling has already been applied for. He noted that the proposed detached garage will be 3 bays and relief is requested to permit the height of 3.66 metres from grade to eaves where 3 metres is the maximum permitted by the by-law. He stated that the Planner is suggesting a maximum height of 3.5 metres from grade to eaves, which he indicated the applicant could work with but they had applied for a bit more to provide some margin of error.

Mr. Gunnell stated that the request submitted was to provide an increased height from grade to peak of 7.2 metres whereas the Planner is suggesting a maximum height of 6.5 metres to the peak. He noted that they could reduce their request to 7 metres and still comply with the overall design proposed but that 6.5 metres suggested by the Planner is not sufficient. He also explained that relief is also requested to allow a reduced setback of 12 metres to the highwater mark.

Mr. Gunnell explained that no plumbing is proposed within the garage and the proposed design of the garage will be similar in architecture to the new house being constructed. He noted that the property to the south is zoned Tourist Commercial (C5) and contains a large storage building that backs onto the proposed garage location. He also noted that there are two similar detached garages with increased heights to accommodate 2nd floor storage areas within close proximity to the subject land.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0105.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received September 24, 2008.
- E-mail from Ryan Rueckward, Deputy Chief Building Official received September 12, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 23, 2008.
- Memorandum from Michael Baskerville, Engineering Manager received September 23, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received September 10, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 10, 2008.
- E-mail from Pamela Hunt, By-law Secretary received September 12, 2008.
- Letter from Enbridge Gas received September 22, 2008.
- No Objection Stamp on the Notice of Hearing from the Lake Simcoe Region Conservation Authority received September 16, 2008.

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

Mr. Gunnell, indicated in response to the comments of the Engineering Department, a grading plan has been submitted to the Engineering Department as part of the house permit submission and that the grading plan included the detached garage as well.

Chris Burns, Member suggested that the applicant should eliminate the 2 foot knee wall in order to reduce the overall height of the garage from grade to peak.

Mr. Gunnell confirmed that the garage is only for storage and further confirmed that the overall height from grade to peak could be reduced to 6.8 metres and that height would work for his client.

Moved by Chris Burns

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO REDUCE THE REQUESTED HEIGHT OF THE PROPOSED DETACHED 2 STOREY GARAGE FROM GRADE TO EAVES FROM 3.66 M TO 3.5 M AND TO REDUCE THE REQUESTED HEIGHT FROM GRADE TO TOP OF PEAK FROM 7.2 M TO 6.8 M.

Carried.....

Moved by Chris Burns

Seconded by Karen Whitney

A. THAT MINOR VARIANCE APPLICATION P410839, AS AMENDED, TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF A 2 STOREY DETACHED GARAGE HAVING AN INCREASE IN HEIGHT FROM GRADE TO EAVES OF 3.5 METRES AND AN INCREASE IN HEIGHT FROM GRADE TO PEAK OF 6.8 METRES AND RELIEF FROM SECTION 5.10 FOR A REDUCED SETBACK OF 12 METRES TO THE HIGH WATER MARK FOR THE 2 STOREY DETACHED GARAGE, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

THAT THE ESTABLISHMENT OF A DWELLING UNIT WITHIN THE DETACHED GARAGE IS PROHIBITED.

B. APPROVAL OF THE ABOVE NOTED MINOR VARIANCE SHALL BE SUBJECT TO THE 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 SEPTEMBER 22, 2008 AND ATTACHED AS SCHEDULE 1 TO THE DECISION HAVE BEEN RESOLVED.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE PLANNING AND BUILDING DEPARTMENT THAT THE FRAME SHED IN THE LOCATION OF THE PROPOSED GARAGE HAS BEEN DEMOLISHED.**
- 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.

5.3 Application P410841**REGLO LIMITED**

875 & 885 Lake Drive East
Plan 247, Pt. Lt. 5, Blk. 75,
RS65R12292, Part 2,
RS65R2466, Part of Part 1 & Part 3
Roll Nos: 081-619 & 081-610

Mr. Elroy Gust, the agent addressed the Committee and explained that his family owns Reglo Limited and Halsey Lodge and they have applied to obtain relief from the parking requirements in conjunction with the expansion of the facility to accommodate 8 more beds within an outbuilding on the Halsey Lodge property. He indicated that no residents drive or own vehicles therefore parking is not required for the use or the expansion of the use.

Mr. Gust noted that planning staff have no objection to the requested variance and he requested that the Committee approve the application.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0104.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received September 24, 2008.
- E-mail from Ryan Rueckward, Deputy Chief Building Official received September 12, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 23, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received September 22, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received September 10, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 10, 2008.
- E-mail from Pamela Hunt, By-law Secretary received September 12, 2008.

Ms. Karen Urquhart, of 888 Lake Drive East indicated that her concern is the increase in the number of beds and the increase in the number of residents on the property.

Ms. Urquhart submitted a petition opposing the application and signed by eleven local property owners. She also submitted a letter of opposition signed by Tim Hunt and submitted by Tim and Jennifer Hunt of Apples of Gold at 944 Lake Drive East.

The Secretary-Treasurer read the letter of opposition submitted by Tim and Jennifer Hunt and the read the content of the petition and advised the Committee of the persons who had signed the petition.

Ms. Urquhart advised the Committee that the area is overwhelmed with the number of residents currently being housed within Halsey Lodge and opposed any increase in the number of residents.

Mr. Darryl Urquhart, of 888 Lake Drive East, directly across the road indicated that he is not opposed to helping individuals that require the assistance that Halsey Lodge offers but he is opposed to the over saturation of these residents within the very small Jacksons Point area. He noted that he has had to deal with residents of Halsey Lodge on a personal level on private property as they trespass, urinate in public, scare local youngsters and dig in his garbage. He noted that the residents actions toward the local children can scare them and does scare them.

Mr. Urquhart requested that the application be deferred until they can take this matter up with the Region of York to curb the increase in the saturated population of these residents which is clearly contrary to the goals of the community to increase business and tourism.

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

Mr. Gust indicated that Halsey Lodge is zoned for the use and has been in existence for forty (40) years.

Danny Wheeler, Member advised the members of the public that if the applicant provided the required parking they could proceed with the 8 additional beds now with no further approvals required.

Moved by Danny Wheeler

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410841 BE DEFERRED TO THE MEETING TO BE HELD NOVEMBER 3, 2008 IN ORDER TO PROVIDE THOSE IN OPPOSITION TO THE EXPANSION AN OPPORTUNITY TO DISCUSS THE LICENSING REQUIREMENTS WITH THE REGION OF YORK.

Carried.....

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

5.4 Application P410842

RAYMAC CORPORATION

11 Robert Plunkett Drive
Plan 65M-4038, Lot 14
Roll No. 147-07314

5.5 Application P410843

RAYMAC CORPORATION

7 Robert Plunkett Drive
Plan 65M-4038, Lot 16
Roll No. 147-07316

Mr. Gord Mahoney, agent advised the Committee that Raymac intends to construct a single family dwelling on Lot 14 and Lot 16 with maximum lot coverages of 45.2 % and 43% whereas the by-law currently permits a maximum of 40% lot coverage. He noted that the subject lands are zoned Low Density Urban Residential (R1-113) and that each lot has a frontage of 50 feet and an area of 5500 sq.ft. He noted that the covered porches are included in the lot coverage calculation and if removed would bring the lot coverage down to 40.2%, which could be further reduced if necessary to comply.

Mr. Mahoney stated that Planning staff do not support the removal of the covered porches as the urban design guidelines require the inclusion of useable front porches and verandas. He indicated that the requested variances meet the four tests in the Planning Act including compliance with the Official Plan policies and the zoning by-law. He stated that the variances are desirable for the appropriate development and use of the land, are minor in nature and have no adverse impact on adjacent uses.

Mr. Mahoney noted that no objections have been received from the public or any commenting agency and requested approval of the applications.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0106.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received September 24, 2008.
- E-mail from Ryan Rueckward, Deputy Chief Building Official received September 12, 2008.
- E-mail from David Jones, On Site Sewage Inspector received September 23, 2008.

- E-mail from Darlene Folmeg, Engineering Secretary received September 22, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received September 10, 2008.
- E-mail from Brock McDonald, Manager of Policy & Development Leisure Services Department received September 22, 2008.
- E-mail from Bill O'Neill, Fire Chief received September 10, 2008.
- E-mail from Pamela Hunt, By-law Secretary received September 12, 2008.
- 2 Letters from Enbridge Gas received September 22, 2008.

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

Mr. Mahoney confirmed that the covered porches were approximately 2 to 3 % of the total lot area.

Moved by Karen Whitney

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410842, TO REQUEST RELIEF FROM SECTION 7.5.82 (vi) TO ALLOW THE CONSTRUCTION OF A ONE STOREY SINGLE FAMILY DWELLING HAVING A MAXIMUM LOT COVERAGE OF 45.2%, IS HEREBY APPROVED.

Carried.....

Moved by Karen Whitney

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410843, TO REQUEST RELIEF FROM SECTION 7.5.82 (vi) TO ALLOW THE CONSTRUCTION OF A ONE STOREY SINGLE FAMILY DWELLING HAVING A MAXIMUM LOT COVERAGE OF 43%, IS HEREBY APPROVED.

Carried.....

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

6. APPLICATIONS FOR CONSENT:

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

10. OTHER BUSINESS:**10.1 Status of Pending list and corresponding updates.**

Mr. Mario Perri explained that he had requested a one foot setback from the west side lot line for his proposed garage but the application had been deferred for him to review other alternatives. He noted that his neighbour has eliminated access to the well with the installation of an 80 inch high privacy fence on the lot line located one foot from the well. He stated that this same neighbour has built up his property one foot higher than his and filled in the swale with dirt, causing a lot of ground water to drain onto his land flooding him out. He also stated that he can not construct a detached garage in the front yard area because of the existing septic system in the front yard area.

Mr. Perri concluded by stating that he wants the Committee to deal with his original application at their earliest convenience and he does not intend to make any revisions to his original plan.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410727 BE BROUGHT FORWARD AND DEALT WITH IN ITS ORIGINAL FORM AT THE MEETING TO BE HELD NOVEMBER 3, 2008.

Carried...

Mr. Gord Mahoney, of Michael Smith Planning Consultants addressed the Committee respecting Consent Applications P420222 & P420223 on behalf of the owner Mr. Wardell, who was also in attendance. Mr. Mahoney requested a further deferral of the application and explained that the site is unique as it was an old landfill site. He stated that the environmental issues are being addressed and the soil removal will be completed by November of this year, however he cautioned that more time may be required in order to satisfy the Ministry of the Environment and any additional requirements they may have. He further noted that the number of consent applications may have to be reduced from two to one depending on the Ministry requirements.

Mr. Mahoney stated that he does not feel the zoning must be passed prior to the severance but that has been the suggested process by the Planning Division. He detailed the soil removal to be done indicating that one area is just wood and glass that needs to be removed and the other area encompasses a small dump truck load of oil contaminated soil.

Moved by Karen Whitney

Seconded by Donald Rae

THAT CONSENT APPLICATIONS P420222 AND P420223 BE FURTHER DEFERRED AND THAT THE OWNER AND AGENT BE REQUESTED TO PROVIDE A DETAILED UPDATE OF THEIR PROGRESS IN MOVING THESE APPLICATIONS FORWARD AT THE MEETING TO BE HELD DECEMBER 1, 2008.

Carried.....

Mr. Gord Mahoney, of Michael Smith Planning Consultants addressed the Committee respecting Consent Application P420617 on behalf of Lawrence Breckles and requested a further deferral of this application. He explained that the minor variance had been withdrawn and the consent application is still pending.

Mr. Mahoney stated that Mr. Breckles owns two properties and a separate parcel in the middle is owned by someone else. He said the owner of the middle property wanted to buy Breckles properties but the deal fell through so at this point he is trying to arrange a meeting with the Planning Division to discuss further development options for Mr. Breckles. He requested that this matter be further deferred at least until they can meet with the Planning Division.

THAT CONSENT APPLICATIONS P420617 BE FURTHER DEFERRED AND THAT THE OWNER AND AGENT BE REQUESTED TO PROVIDE A DETAILED UPDATE OF THEIR PROGRESS IN MOVING THESE APPLICATIONS FORWARD AT THE MEETING TO BE HELD DECEMBER 1, 2008.

Carried....

Mr. Gord Mahoney, of Michael Smith Planning Consultants addressed the Committee respecting Consent Applications P420237 to P420241 inclusive on behalf of the owner Jerry Kucharchuk and requested a further deferral of these applications. He stated that the matter has been in the hands of the Town Solicitor since August of 2007 and that he has been advised by the Planning Division that a response from the Town Solicitor is required prior to proceeding.

Moved by Karen Whitney

Seconded by Donald Rae

THAT CONSENT APPLICATIONS P420237 TO P420241 INCLUSIVE BE FURTHER DEFERRED AND THAT THE PLANNING DIVISION BE REQUESTED TO PROVIDE THE STATUS OF THE REVIEW BY THE TOWN SOLICITOR AND AN ESTIMATED TIMEFRAME FOR A RESPONSE FROM THE TOWN SOLICITOR TOGETHER WITH ANY OTHER DETAILS IN TERMS OF WHEN THESE APPLICATIONS FILED IN 2002 MAY BE ABLE TO BE CIRCULATED AND DEALT WITH BY THE COMMITTEE.

Carried.....

Moved by Chris Burns

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410726 BE FURTHER DEFERRED TO THE MEETING TO BE HELD NOVEMBER 3, 2008 AND THAT THE SECRETARY TREASURER FORWARD A LETTER TO THE OWNER ADVISING THAT THE COMMITTEE IS NOT SATISFIED WITH THE PROGRESS ON THIS APPLICATION TO DATE AND THAT THE OWNERS ATTENDANCE AT THE MEETING OF NOVEMBER 3, 2008 IS REQUESTED IN ORDER TO ADVISE THE COMMITTEE WHEN THEY WILL BE READY TO PROCEED WITH THE APPLICATION AND/OR WHY THE COMMITTEE SHOULD CONSIDER A FURTHER DEFERRAL OF THIS APPLICATION.

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

THAT CONSENT APPLICATIONS P420425, P420426, P420437 AND P420438 BE FURTHER DEFERRED TO THE MEETING TO BE HELD NOVEMBER 3, 2008 AND THAT THE SECRETARY-TREASURER FORWARD A LETTER TO THE OWNER ADVISING THAT THE COMMITTEE IS NOT SATISFIED WITH THE PROGRESS ON THESE APPLICATIONS TO DATE AND THE THE OWNERS ATTENDANCE AT THE MEETING OF NOVEMBER 3, 2008 IS REQUESTED IN ORDER TO ADVISE THE COMMITTEE WHEN THEY WILL BE READY TO PROCEED WITH THE APPLICATION AND/OR WHY THE COMMITTEE SHOULD CONSIDER A FURTHER DEFERRAL OF THESE APPLICATIONS.

Carried.....

8. MINUTES OF PREVIOUS MEETING:

8.1 Minutes of the Meeting of September 15, 2008.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE MINUTES OF THE MEETING OF SEPTEMBER 15, 2008 BE ADOPTED AS PRESENTED.

Carried.....

9. COMMUNICATIONS:

11. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Chris Burns

THAT MEETING ADJOURN AT THIS TIME (8:40 PM).

Carried.....



STEPHEN PALLETT, CHAIRPERSON



KATHLEEN FOSTER,
SECRETARY-TREASURER