

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

MINUTES

**2008-Oct-20
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:

Chris Burns, Member declared a pecuniary interest in Application P410844 submitted by Gary Patrick because he had prepared the architectural drawings for the dwelling the applicant is proposing to construct on the subject land.

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 P410847

GRAHAM, JOHN & MARIE
24622 McCowan Road
Concession 6(NG), Part Lot 13
Roll No. 114-710

The Secretary-Treasurer notified the Members of the deferral request from the Planning Department reading the recommendation of Report No. PB-2008-0116.

The applicants were in attendance and in agreement with the deferral request of the Planning Department.

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

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410847 BE DEFERRED UNTIL A PLANNING REPORT CONTAINING A RECOMMENDATION HAS BEEN RECEIVED.

Carried.....

5. APPLICATIONS FOR MINOR VARIANCE:

**5.1 Application P410840
(Deferred from Sept 29, 2008)**

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

Mr. Carl Kostiuk, owner, indicated that he built a shed less than 10 feet by 10 feet and was unaware that he had to be 4 feet from the lot lines. He noted that the shed is complete and wishes to leave the shed in its current location which is 2 feet from the lot lines.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0107 and the E-mail from Adam Lucas, Planner received October 8, 2008.
- 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 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 of objection from Lisa Sanderson of 22 Ivygreen Road, and 5 pictures received at the meeting held September 29, 2008.

Mr. Gary Patrick of 24 Ivygreen Road, noted that he has read the email from Adam Lucas and asked the Members for clarification respecting the definition of eaves because he does not believe that the measurements in the email were to the eaves as 11 inches of fascia have been added and the measurement of the eaves should not be taken from the extended fascia board.

Chris Burns, Member clarified for Mr. Patrick the location of the eaves.

Mr. Patrick commented that he could build a shed twenty feet high and have a 10 foot fascia board to reduce the height from grade to eaves, which he feels does not make sense and does not meet the intent of the by-law.

Mr. Patrick noted that through his experiences with obtaining a building permit on his property on Pugsley Avenue, the Engineering Department were very specific with regard to run off from a roof. He stated that with a building 17 inches off the property line all the snow and water will go onto the neighbouring properties. He stated that there is no eaves trough on the building to ensure run off does not affect adjacent property owners. He also noted that the snow blowing off the roof will blow onto the adjacent lots and fencing.

Mr. Kostiuk noted that he will be putting eaves trough on the building that will be directed into his yard not onto the neighbours' properties. He also noted that the two objectors have sheds in their rear yards near the rear lot line.

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

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410840, TO REQUEST RELIEF FROM SECTION 5.1(d) TO ALLOW THE EXISTING SHED TO REMAIN WITH A REDUCED SOUTHERLY REAR YARD SETBACK OF 0.6 METRES AND A REDUCED WESTERLY INTERIOR SIDE YARD SETBACK OF 0.6 METRES, IS HEREBY APPROVED.

Carried.....

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

5.2 Application P410844

PATRICK, GARY
816 Pugsley Ave.,
Plan 189, Lot 61
Roll No. 127-512

Chris Burns, Member declared a pecuniary interest in Application P410844 submitted by Gary Patrick because he had prepared the architectural drawings for the dwelling the applicant is proposing to construct on the subject land. He did not take part in any discussion, did not vote on the matter and left the room at this time.

Mr. Gary Patrick, noted that when he applied for a minor variance early this year for sideyard setbacks he did not know that only 20% lot coverage was allowed. He requested the increase in lot coverage to 30% to have a bigger home.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0114.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received October 3, 2008.
- E-mail from David Jones, On Site Sewage Inspector received October 7, 2008.
- E-mail from Darlene Folmeg, Engineering Secretary received October 8, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received October 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received October 3, 2008.
- E-mail from Pamela Hunt, By-law Secretary received October 3, 2008.
- Letter of support from Margaretha Howard-Gunn received October 8, 2008.
- Letter from Enbridge Gas received October 16, 2008.

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

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410844, TO REQUEST RELIEF FROM SECTION 6.1 (i) TO PERMIT THE CONSTRUCTION OF A SINGLE FAMILY DWELLING AND ACCESSORY BUILDINGS WITH AN INCREASED TOTAL MAXIMUM LOT COVERAGE OF 30% IS HEREBY APPROVED.

Carried.....

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

Chris Burns, Member came back into the room at this time and resumed his seat with the Committee.

5.3 Application P410845

838160 ONTARIO LTD.
27170 Kennedy Road &
4-8 Dearham Lane
Concession 9(NG), Part Lot 10
Roll No. 133-868

Mr. Harry Christakis, architect indicated that the owners of the property were rushed out on a last minute flight and could not attend and asked that he represent them at the meeting.

The Assistant Secretary-Treasurer noted that Mr. Christakis was not the authorized agent as assigned by the owners of the property on the application submitted.

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

The Members concurred that they would proceed with the application in the absence of the owners and the absence of the authorized agent.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0115.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received October 3, 2008.
- E-mail from David Jones, On Site Sewage Inspector received October 7, 2008.
- E-mail from Michael Baskerville, Engineering Manager received October 16, 2008.

- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received October 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received October 3, 2008.
- E-mail from Pamela Hunt, By-law Secretary received October 3, 2008.
- Letter of support from Nadine Marangos of 827 Sedore Avenue received October 14, 2008.
- Letter from Enbridge Gas received October 16, 2008.
- Letter of objection from Joe & Lynda Mitchell of 266 Waite Road, Pontypool received October 17, 2008.

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

The Secretary-Treasurer confirmed the additional requests for relief suggested by the Planner and not included in the original minor variance application were contained within Item B & C in the recommendations of the Planner's report including a reduced rear yard setback of 9 metres for the proposed addition and to further expand the legal non-conforming uses with the construction of the decks for cottage 1 and 2.

Moved by Karen Whitney

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO INCLUDE THE ADDITIONAL EXPANSION OF THE LEGAL NON-CONFORMING RESIDENTIAL USE BY PERMITTING THE CONSTRUCTION OF DECKS TO COTTAGE # 1 AND # 2 TO A MAXIMUM OF 20 SQUARE METRES EACH AND TO INCLUDE AN ADDITIONAL REQUEST FOR RELIEF FROM SECTION 6.1 (e) TO PERMIT A REDUCED REAR YARD SETBACK OF 9 METRES FOR THE PROPOSED ADDITION TO COTTAGE # 1.

Carried.....

Moved by Karen Whitney

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410845 AS AMENDED, TO REQUEST PERMISSION TO EXPAND THE LEGAL NON CONFORMING RESIDENTIAL USE OF THE ABOVE NOTED PROPERTY WHICH WILL INCLUDE THE CONSTRUCTION OF ADDITIONS TO COTTAGES # 1 AND # 2 TO A MAXIMUM OF 20.03 SQUARE METRES EACH AND THE CONSTRUCTION OF DECKS TO COTTAGES # 1 AND # 2 TO A MAXIMUM

OF 20 SQUARE METRES EACH AND TO REQUEST RELIEF FROM SECTION 6.1(e) TO PERMIT A REDUCED REAR YARD SETBACK OF 9 METRES FOR THE PROPOSED ADDITION TO COTTAGE #1, 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 PLANNING AND BUILDING DEPARTMENT THAT THE STRUCTURE INDICATED AS COTTAGE # 4 ON SCHEDULE 1 ATTACHED TO THE DECISION HAS BEEN DEMOLISHED.**
- 2. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE TOWN'S ON-SITE SEWAGE INSPECTOR THAT THE CONCERNS OUTLINED IN THE EMAIL RECEIVED OCTOBER 7, 2008 AND ATTACHED AS SCHEDULE 2 TO THE DECISION HAVE 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.

5.4 Application P410846

KROHMER, HELMUT & ALICE
23273 Highway 48
Concession 8(NG), Part Lot 4
Roll No. 115-281

Mr. Helmut Krohmer, indicated that he has spoken to the neighbours most affected Lisa and Craig and they have no objection as the detached garage will blend in perfectly. He noted that there is an existing strawberry patch which they maintain without spraying that they wanted to keep and the proposed location of the garage is the best given the property. Mr. Krohmer confirmed that once the detached garage is built they will be relocating the stuff from the few temporary structures into the new garage.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2008-0113.
- E-mail from Deborah Buck, Manager of Building and Chief Building Official received October 3, 2008.
- E-mail from David Jones, On Site Sewage Inspector received October 7, 2008.

- E-mail from Darlene Folmeg, Engineering Secretary received October 8, 2008.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received October 3, 2008.
- E-mail from Bill O'Neill, Fire Chief received October 3, 2008.
- E-mail from Pamela Hunt, By-law Secretary received October 3, 2008.
- Letter from Enbridge Gas received October 16, 2008.
- Letter of support from Craig Chalmers and Lisa Charlton of 23206 Miles Road received October 14, 2008.

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

Moved by Chris Burns

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410846, TO REQUEST RELIEF FROM SECTION 28.4 (e) OF ZONING BY-LAW TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE HAVING A REDUCED REAR YARD SETBACK OF 4.57 METRES, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERMS:

- (I) **THAT THE DETACHED GARAGE BE RESTRICTED TO A MAXIMUM HEIGHT OF 6 METRES MEASURED FROM GRADE TO PEAK.**
- (II) **THAT THE DETACHED GARAGE NOT BE USED FOR AGRICULTURAL USES AS DEFINED BY ZONING BY-LAW 500.**

Carried.....

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

6. APPLICATIONS FOR CONSENT:

None.

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

None.

8. MINUTES OF PREVIOUS MEETING:

8.1 Minutes of the Meeting of September 29, 2008.

Moved by Danny Wheeler

Seconded by Donald Rae

THAT THE MINUTES OF THE MEETING OF SEPTEMBER 29, 2008 BE ADOPTED AS PRESENTED.

Carried.....

9. COMMUNICATIONS:

9.1 Email correspondence from Harold Lenters, Director of Planning – regarding possible planning act contravention – Consent B78/88.

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE SECRETARY-TREASURER FORWARD A LETTER TO THE TOWN SOLICITOR REQUESTING THAT HE COMPLETE THE REVIEW OF CONSENT B78/88 AND PROVIDE THE COMMITTEE WITH AN OPINION ON WHETHER OR NOT A PLANNING ACT CONTRAVENTION HAS OCCURRED AND PROVIDE THE COMMITTEE WITH DIRECTION AND A COURSE OF ACTION THE TOWN SHOULD TAKE TO RECTIFY SUCH PLANNING CONTRAVENTION.

Carried.....

10. OTHER BUSINESS:

10.1 Planning fee review update and discussion on Committee of Adjustment refund and re-circulation fees policies.

The Secretary-Treasurer explained to the Members that the Town has hired a consultant to review the planning fees including the minor variance and consent fees and that the current refund policy and fees for re-circulation will not be included in the proposed new planning fee by-law. She indicated that based on the discussions with the consultant the proposed by-law will not provide for refunds and further any new relief requested after the processing of the application has commenced will require the submission of a second minor variance application together with the full \$500.00 fee.

Moved by Donald Rae

Seconded by Karen Whitney

THAT THE VERBAL UPDATE FROM THE SECRETARY-TREASURER RESPECTING THE PLANNING FEE REVIEW PROCESS, BE RECEIVED FOR INFORMATION.

Carried.....

10.2 Agenda deadlines – submission of planning reports and delivery of agenda

Moved by Chris Burns

Seconded by Karen Whitney

THAT THE PLANNING DIVISION BE ADVISED THAT THE COMMITTEE OF ADJUSTMENT REQUIRES PLANNING REPORTS BE DELIVERED TO THE SECRETARY-TREASURER PRIOR TO NOON ON THE THURSDAY BEFORE THE MEETING IN ORDER TO HAVE THE AGENDAS DELIVERED ON THURSDAYS SO THAT TWO (2) FULL DAYS ARE PROVIDED FOR THE MEMBERS TO CONTACT INTERNAL DEPARTMENTS RESPECTING QUESTIONS OR CLARIFICATION REQUIRED PRIOR TO THE MEETING.

Carried.....

10.3 Meeting of November 17th

Moved by Karen Whitney

Seconded by Chris Burns

THAT PROVIDED A FULLY COMPLETED APPLICATION IS RECEIVED BY THE REGION OF YORK ON OR BEFORE OCTOBER 24, 2008, THE COMMITTEE AGREES TO WAIVE THEIR EXISTING POLICY OF REQUIRING TWO APPLICATIONS PRIOR TO ESTABLISHING A HEARING DATE IN ORDER TO HAVE THE REGION OF YORK MINOR VARIANCE APPLICATION HEARD ON MONDAY NOVEMBER 17, 2008 EVEN IF A 2ND APPLICATION IS NOT SUBMITTED ON OR BEFORE THE DEADLINE DATE OF OCTOBER 24, 2008.

Carried.....

11. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Donald Rae

THAT THE MEETING ADJOURN AT THIS TIME (8:30 PM)

Carried.....

STEPHEN PALLETT, CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER