

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

MINUTES

**2009-June 15
7:35 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	Chris Burns, Member
Danny Wheeler, Member	

The following staff members were present:

Kathleen Foster, Secretary-Treasurer
Fernando Lamanna, Assistant Secretary-Treasurer

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.

The Secretary-Treasurer advised the Chairperson that the applicants for Item 5.4 on the agenda requested to be moved ahead in the agenda due to health reason.

5.4 Application P410916

ALAN & MARILYN HAUSE
34 The Queensway North
Concession 3(NG), Part Lot 14
Roll No. 094-526

Mr. Alan Hause advised that he had an attached garage which rotted and was torn down. He stated that he wants to build a new detached garage which requires relief to allow a height of 5 metres to the peak and 4 metres to the eaves.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0046.
- E-mail from Deborah Buck, Manager of Building & Chief Building Official received June 4, 2009.
- E-mail from David Jones, On Site Sewage Inspector received June 5, 2009.
- E-mail from Darlene Folmeg, Engineering Secretary received June 5, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 28, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received May 29, 2009.
- E-mail from Bill O'Neill, Fire Chief received May 28, 2009.
- E-mail from Pamela Hunt, By-law Secretary received May 29, 2009.
- Indication of support of application hand written on a Notice of Hearing from R. Horrocks of 38 The Queensway North received June 8, 2009.

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

Moved by Karen Whitney

Seconded by Chris Burns

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO REFLECT THE ADDITIONAL RELIEF FROM SECTION 5.1 (f) FOR AN INCREASE IN HEIGHT FROM GRADE TO EAVES TO A MAXIMUM OF 4 METRES FOR THE PROPOSED DETACHED GARAGE.

Carried.....

Moved by Karen Whitney

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410916 AS AMENDED, TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE HAVING AN INCREASED MAXIMUM HEIGHT OF 5 METRES TO THE PEAK AND 4 METRES TO THE EAVES, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

(I) THAT THE SOUTHERLY INTERIOR SIDE YARD SETBACK FOR THE PROPOSED DETACHED GARAGE SHALL BE A MINIMUM OF 2 METRES.

Carried.....

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

4. REQUESTS FOR DEFERRAL OR WITHDRAWAL:

- 4.1 Applications P420425, P420426, Applications P420437 & P420438**
(Deferred from the meeting of February 17, 2009)
- 609837 ONTARIO INC. AND MARY SAFIEH
O/A CITY AUTO**
24707 Woodbine Avenue and Woodbine Avenue (E/S)
Concession 4(NG), Part Lot 13
Roll Nos.: 107-400 & 107-405

Mr. Eric Gunnell, agent and the owners, Mr. & Mrs. Safieh and Alan Sawan were in attendance respecting these applications. Mr. Gunnell stated that the subject land is two properties at present containing a Salvage Yard and the City Auto Mall, which they are proposing to re-divide into 3 separate lots with 2 road easements to be provided. He indicated that a zoning by-law amendment application was submitted in July 2006 and that there have been a number of site plan deficiencies that have been corrected, noting the septic system, fire requirements, and a number of additional items that were not part of the original deficiency list provided. He stated that the deficiency list is ongoing in terms of what Engineering is wanting done with new items always being added each time an inspection is conducted.

Mr. Gunnell submitted photographs to the Members which he indicated confirms the site plan deficiencies have been corrected. He requested that the Committee proceed with the 4 consent applications and impose the rezoning as a condition of approval.

Mr. Byron Pollock, was in attendance and noted his objection.

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT CONSENT APPLICATIONS P420425, P420426, P420437 AND P420438 BE DEFERRED TO THE NEXT HEARING FOLLOWING THE RECEIPT OF A PLANNING REPORT.

Carried.....

5. APPLICATIONS FOR MINOR VARIANCE:

5.1 Application P410913

BRIAN RODRIGUES

61 Osbourne Street
Concession 2(NG), Part Lot 22,
Town Plot of Keswick
Part Lot 25, Part 1, Plan 65R-30064
Roll No. 123-792

Mr. Brian Rodrigues, the owner was in attendance and advised that he is requesting permission to expand the legal non-conforming dwelling with the construction of a gazebo, pergola, pool, extension of the shed, wrap around porch and steps.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0043.
- E-mail from Deborah Buck, Manager of Building & Chief Building Official received June 4, 2009.
- E-mail from David Jones, On Site Sewage Inspector received May 19, 2009.
- E-mail from Darlene Folmeg, Engineering Secretary received June 5, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 15, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received May 29, 2009.
- E-mail from Bill O'Neill, Fire Chief received May 15, 2009.
- E-mail from Pamela Hunt, By-law Secretary received May 25, 2009.
- Letter of objection and attachments from John Bartel and Lu-Ann Baldwin of 55 Osbourne Street dated May 27, 2009.

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

Mr. Rodrigues confirmed that he agrees with the recommendations of the Planner and wishes to amend his application deleting his request for the construction of the attached carport.

Moved by Chris Burns

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION DELETING THE REQUEST TO EXPAND THE LEGAL NON-CONFORMING SINGLE FAMILY DWELLING BY ADDING THE PROPOSED ATTACHED CARPORT.

Carried.....

Moved by Chris Burns

Seconded by Donald Rae

- A. THAT MINOR VARIANCE APPLICATION P410913 AS AMENDED, TO REQUEST PERMISSION TO EXPAND A LEGAL NON-CONFORMING SINGLE FAMILY DWELLING ALLOWING THE CONSTRUCTION OF A PORCH AND STAIRS, A PERGOLA, A POOL AND TWO ACCESSORY BUILDINGS ON THE SUBJECT LAND, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:**
- (I) PURSUANT TO ZONING BY-LAW 500, AS AMENDED, THE PROPOSED UNENCLOSED PORCH AND STAIRS, PERGOLA, POOL AND TWO ACCESSORY BUILDINGS ON THE SUBJECT LAND SHALL COMPLY WITH THE LOCATION, YARD, HEIGHT AND LOT COVERAGE PROVISIONS OF A RESIDENTIAL (R) ZONE, SAVE AND EXCEPT THAT A PERGOLA MAY BE PERMITTED WITH A MINIMUM REAR YARD SETBACK OF 7 METRES.**
- 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 ENGINEERING DEPARTMENT THAT THE CONCERNS OUTLINED IN THE EMAIL DATED JUNE 5, 2009 AND ATTACHED AS SCHEDULE '1' 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.

5.2 Application P410914**SPM INVESTMENTS INC.**

266 The Queensway South
Plan 245, Part Lots 1, 2 & 3,
Range 2 West
Roll No. 146-197

Ms. Andrea Blake, agent acting on behalf of the owners indicated that she is requesting a minor variance in order to add the use of a personal service shop for cosmetic, laser treatments and the establishment of a wellness centre. She noted that the subject land is designated for commercial uses in the Keswick Secondary Plan and the property is zoned C5-2.

Ms. Blake indicated that she has been in business for 22 years and the approval of this minor variance would allow her to move her business to Keswick.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0045.
- E-mail from Deborah Buck, Manager of Building & Chief Building Official received June 4, 2009.
- E-mail from David Jones, On Site Sewage Inspector received May 19, 2009.
- E-mail from Darlene Folmeg, Engineering Secretary received June 5, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 15, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received May 29, 2009.
- E-mail from Bill O'Neill, Fire Chief received May 15, 2009.
- E-mail from Pamela Hunt, By-law Secretary received May 25, 2009.

Mr. Ryan Ashley of 3 Mac Avenue addressed the Committee and advised that he got notice of the meeting but was never told what the use would be. He stated that he is concerned with any increase in traffic that may result as it is very difficult at the present time to enter The Queensway South from Mac Avenue because of the volume of traffic in the area.

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

Moved by Chris Burns

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410914, TO REQUEST PERMISSION TO ADD A PERSONAL SERVICE SHOP AS A PERMITTED USE TO THE NON-RESIDENTIAL USES OF SECTION 18.2 IS HEREBY APPROVED.

Carried.....

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

5.3 Application P410915

MICHAEL OLYNYK

255 Lake Drive East
Concession 9(NG), Part Lots 6 & 7
Roll No. 132-205

Mr. Michael Olynyk, the owner, addressed the Committee and indicated that he is seeking a variance to construct a 2 storey addition to the existing bungalow with a front yard setback of 2 metres. He also indicated that he found out reading the planning report that he also needs relief to allow an 11 metre rear yard setback.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0044.
- E-mail from Deborah Buck, Manager of Building & Chief Building Official received June 4, 2009.
- E-mail from David Jones, On Site Sewage Inspector received June 5, 2009.
- E-mail from Darlene Folmeg, Engineering Secretary received June 5, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 28, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received May 29, 2009.
- E-mail from Bill O'Neill, Fire Chief received May 28, 2009.

- E-mail from Pamela Hunt, By-law Secretary received May 29, 2009.

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

Moved by Karen Whitney

Seconded by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO INCLUDE AN ADDITIONAL REQUEST FOR RELIEF FROM SECTION 6.1 (e) TO PERMIT A REDUCED REAR YARD SETBACK OF 11 METRES FOR THE PROPOSED ADDITION TO THE SINGLE FAMILY DWELLING.

Carried.....

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410915 AS AMENDED, TO REQUEST RELIEF FROM SECTION 6.1(e) AND SECTION 6.1(c) TO PERMIT THE CONSTRUCTION OF A TWO STOREY ADDITION TO THE EXISTING SINGLE FAMILY DWELLING HAVING A REDUCED REAR YARD SETBACK OF 11 METRES AND A REDUCED FRONT YARD SETBACK OF 2 METRES, IS HEREBY APPROVED.

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

5.5 Application P410917

WILLIAM PIERCE

293 Old Homestead Road
Plan 328, Lot 8
Roll No. 095-960

Ms. Gina Pierce, agent was in attendance and indicated that she is looking for relief from the by-law in order to park her chip-truck in her driveway as the truck needs to be plugged in at all times to maintain certain fridge temperatures and meet health requirements.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0047.
- E-mail from Deborah Buck, Manager of Building & Chief Building Official received June 4, 2009.
- E-mail from David Jones, On Site Sewage Inspector received June 5, 2009.

- E-mail from Darlene Folmeg, Engineering Secretary received June 8, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received May 29, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received May 29, 2009.
- E-mail from Bill O'Neill, Fire Chief received May 29, 2009.
- E-mail from Pamela Hunt, By-law Secretary received May 29, 2009.
- Letter of no objection signed by Daniel & Amanda Dufour of 291 Old Homestead Road and Ron Roberts of 295 Old Homestead Road.

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

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410917, TO REQUEST RELIEF FROM SECTION 5.28(f)(i) TO PERMIT A MAXIMUM OF ONE (1) COMMERCIAL MOTOR VEHICLE OR COMMERCIAL TRAILER ON THE SUBJECT LAND HAVING A MAXIMUM LENGTH OF 7.2 METRES AND A MAXIMUM HEIGHT OF 2.92 METRES TO THE TOP OF THE TRUCK AND 3.3 METRES TO THE TOP OF THE BLOWER(STACK), IS HEREBY APPROVED.

Carried.....

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

6. APPLICATIONS FOR CONSENT:

**6.1 Applications P420808 – P420829
(request for change of conditions
with respect to the Revised Notice
of Decisions dated May 5, 2009)**

**2097700 ONTARIO INC.
1688971 ONTARIO LIMITED
2106252 ONTARIO LIMITED
Woodbine & Glenwoods Ave.,
Concession 3(NG), Pt. Lt. 6
Roll Nos. 147-102, 143-466
and 143-468**

The Secretary-Treasurer read the memorandum from Susan Plamondon, Chief Administrative Officer received June 3, 2009.

Mr. Oz Kemal, agent noted that he was in attendance a month ago requesting a change in conditions, which was graciously granted and in those change of conditions there was an administrative fee imposed; required to pay prior to May 25, 2009. He indicated that the payment was not submitted to the Committee of Adjustment staff prior to the deadline of May 25, 2009 and was submitted the next day, May 26, 2009, to the Chief Administrative Officer, who is in possession of the cheque at this time.

The Secretary-Treasurer advised the Committee that if this 2nd change of conditions is approved a 2nd Revised Decision should be prepared and circulated in order to have a record of the current conditions imposed on each consent thereby allowing for the clearing of the conditions in an efficient manner and further to provide this 2nd Revised Decision to the owners of the four separate properties involved together with respective mortgage holders for each of the four properties so that they are aware of the changes to these previously approved consent applications and the revised deadlines for fulfilling the conditions. She noted that should the Committee agree that Notice should be provided the fee suggested by the Chief Administrative Officer is not sufficient to cover the staff costs of providing notice in the form of a 2nd Revised Decision.

Moved by Karen Whitney

Seconded by Chris Burns

THAT THE REQUEST TO THE COMMITTEE OF ADJUSTMENT TO AMEND THE CURRENT CONDITIONS ON THE APPROVAL OF CONSENT APPLICATIONS P420808 TO P420829 INCLUSIVE, IS HEREBY APPROVED, BY CHANGING CONDITION # 6 OF P420808 TO P420812 INCLUSIVE AND CONDITION # 5 OF P420813 TO P420829 INCLUSIVE TO READ AS FOLLOWS:

SUBMISSION TO THE SECRETARY-TREASURER OF PAYMENT PRIOR TO JUNE 19, 2009 IN THE AMOUNT OF \$338.44, FOR APPLICABLE COMMITTEE OF ADJUSTMENT FEES REGARDING THE FIRST REVISED NOTICE OF DECISION, DATED MAY 5, 2009.

AND FURTHER BY ADDING THE FOLLOWING NEW CONDITION TO THE APPROVAL OF CONSENT APPLICATION P420808:

7. SUBMISSION TO THE SECRETARY-TREASURER OF PAYMENT PRIOR TO JULY 15, 2009 IN THE AMOUNT OF \$1,100.00, FOR APPLICABLE COMMITTEE OF ADJUSTMENT FEES REGARDING THE SECOND REVISED NOTICE OF DECISION.

AND THAT NOTICE OF THE CHANGE OF CONDITIONS SHALL BE PROVIDED IN THE FORM OF A 2ND REVISED DECISION FOR EACH CONSENT P420808 TO P420829 INCLUSIVE, TO BE DATED JUNE 16, 2009.

Carried.....

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

**6.2 Applications P410829, P420840;
P420841 and P420842**

BANK OF MONTREAL
Woodbine Ave., (W/S)
Concession 3(NG), Part Lot 7
RS65R12665, Parts 1, 2 7 3
Roll No. 147-101

The Secretary-Treasurer read the email from Michael Baskerville, Engineering Manager dated June 15, 2009.

Mr. Oz Kemal, agent for Bank of Montreal (BMO) was in attendance and advised that approval of these consent applications was given in August of 2008 dividing the subject lands into 2 parcels with the back part to be sold to Craft. He advised that mutual easements and storm sewer easements were also granted at that time. He indicated that Part 69 on the plan was the proposed storm sewer easement and Part 17 & 18 were to be conveyed to the Region together with a 0.3 metre reserve. He noted that the reference plan has been deposited, however the conveyances have not yet occurred. He stated that the road widening was not required previously and that Part 19 and 69 are to be conveyed to the Town.

Mr. Kemal advised that the Bank of Montreal can not move forward without Craft moving forward.

Moved by Karen Whitney

Seconded by Chris Burns

THAT THE NOTICE OF DECISION APPROVING MINOR VARIANCE P410829 BE AMENDED TO PROVIDE A DEADLINE OF JUNE 16, 2010 FOR THE FULFILLMENT OF THE IMPOSED CONDITIONS, AND

THAT NOTICE OF THE CHANGE SHALL BE PROVIDED IN THE FORM OF A REVISED DECISION.

Carried.....

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

Moved by Karen Whitney

Seconded by Chris Burns

THAT THE REQUEST TO THE COMMITTEE OF ADJUSTMENT TO AMEND THE CURRENT CONDITIONS ON THE APPROVAL OF CONSENT APPLICATIONS P420840, P420841 AND P420842, IS HEREBY APPROVED, BY ADDING THE FOLLOWING NEW CONDITION TO EACH:

- 6. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE DEPARTMENT OF ENGINEERING AND PUBLIC WORKS THAT THE CONCERNS OUTLINED IN THE EMAIL DATED JUNE 15, 2009 AND ATTACHED AS SCHEDULE '4' HAVE BEEN RESOLVED ON OR BEFORE SEPTEMBER 30, 2009.**

AND FURTHER BY ADDING THE FOLLOWING NEW CONDITION TO THE APPROVAL OF CONSENT APPLICATION P420840:

- 7. SUBMISSION TO THE SECRETARY-TREASURER OF PAYMENT ON OR BEFORE JULY 15, 2009 IN THE AMOUNT OF \$200.00 FOR APPLICABLE COMMITTEE OF ADJUSTMENT FEES.**

AND THAT NOTICE OF THE CHANGE OF CONDITIONS SHALL BE PROVIDED IN THE FORM OF A REVISED DECISION FOR CONSENTS P420840, P420841 AND P420842, TO BE DATED JUNE 16, 2009.

Carried.....

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

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

None.

- 8. MINUTES OF PREVIOUS MEETING:**

- 8.1 Minutes of the Meeting of May 19, 2009**

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT THE MINUTES OF THE MEETING OF MAY 19, 2009 BE ADOPTED AS PRESENTED.

Carried.....

9. COMMUNICATIONS:

**9.1 Memorandum from the Planning Division
RE – Height of Accessory Buildings.**

Moved by Danny Wheeler

Seconded by Donald Rae

THAT THE MEMORANDUM FROM HAROLD LENTERS, DIRECTOR OF PLANNING AND BUILDING RESPECTING ZONING BY-LAW INTERPRETATION AND THE HEIGHT OF ACCESSORY BUILDINGS BE RECEIVED FOR INFORMATION.

Carried.....

9.2 Discussion on possible dates for a potential summer hearing and an alternate date for the September 8th hearing.

Moved by Chris Burns

Seconded by Karen Whitney

THAT THE MEETING SCHEDULED FOR SEPTEMBER 8, 2009 BE CANCELLED AND THAT TUESDAY JULY 14 AND MONDAY AUGUST 17, 2009 BE ESTABLISHED AS MEETING DATES PROVIDED THERE IS A MINIMUM OF TWO APPLICATIONS SUBMITTED PRIOR TO THE RESPECTIVE DEADLINES TO BE ESTABLISHED BY STAFF.

Carried.....

10. OTHER BUSINESS:

11. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Danny Wheeler

THAT THE MEETING ADJOURN AT THIS TIME (9:35 PM).

Carried.....

STEPHEN PALLETT, CHAIRPERSON

KATHLEEN FOSTER,

SECRETARY-TREASURER