

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

MINUTES

**2009-August-17
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	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:

Chris Burns, Member declared a pecuniary interest in Application P410922 submitted by Michael and Tracy Drinkwater as he indicated that the Drinkwater's were previous clients.

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:

6.1 Application P420907

DAVID RICHARDSON
162 Woodfield Drive
Plan 321, Lot 15
Roll No. 042-771

The Secretary-Treasurer indicated a deferral request from the Planner was submitted and read the Memorandum dated August 12, 2009.

Mr. Richardson indicated that he had met with Mr. David Jones last Friday and that they have agreed to a redesign of the proposed application by moving the lot line.

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

Moved by Danny Wheeler

Seconded by Karen Whitney

THAT CONSENT APPLICATION P420907 BE DEFERRED TO THE HEARING TO BE HELD ON SEPTMEBER 21, 2009.

Carried....

5. APPLICATIONS FOR MINOR VARIANCE:

5.1 Application P410921

MARIO & LINDSEY PAPIZZO

157 Moore's Beach Road

Plan 533, Lot 3

Roll No. 044-307

Mr. Mario Papizzo indicated that he would like the minor variance approved as originally submitted. He noted that if he built in compliance with the zoning by-law's 10% lot coverage he could build the garage to the size he originally submitted. He said that the increased height in the roof design would be much nicer looking and the shingles would last longer. He said that he plans to increase the size of the house in a couple of years. Mr. Papizzo noted that his neighbours are all in support of his plans and that two of his neighbours have come out tonight in support. He submitted an additional letter of support to the Secretary-Treasurer.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0062.
- E-mail from David Jones, On Site Sewage Inspector received August 7, 2009.
- Memorandum from Michael Baskerville, Engineering Manager received August 7, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received July 30, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received August 4, 2009.
- E-mail from Bill O'Neill, Fire Chief received August 5, 2009.
- E-mail from Pamela Hunt, By-law Secretary received August 4, 2009.

- Letter from J.E. Gruspier of 162 Moore's Beach Road, received August 12, 2009.
- Email from Ron and Sue Fox of 152 Moore's Beach Road, received August 14, 2009.
- Email from Andrew and Angela Fox of 163 Moore's Beach Road, received August 14, 2009.
- Letter from Neil Duncan of 158 Moore's Beach Road, received at the hearing August 17, 2009.

Mr. Richard Grossi of 155 Moore's Beach Road, indicated that he has no objections to the proposed minor variance and that the height that Mr. Papizzo has asked for is far below the others in the area. Mr. Grossi noted that the Committee should look at the detached garage at 99 Lake Drive East which is far in excess of what this man is asking for.

Mr. Joe Gruspier of 162 Moore's Beach Road indicated that the garage is set back on the lot far enough from the road that the height should not make a difference and that the application should be approved as originally submitted.

Mr. Papizzo explained to the Members that the top drawing shown on the display board, depicts the garage with the height in compliance with the Zoning By-law and the bottom drawing shows his original proposal with the extended height.

The Secretary-Treasurer advised the Members that should the Committee approve the application as originally submitted that the planning department has indicated that the applicant will require additional relief for 11% lot coverage for accessory buildings.

Mr. Papizzo confirmed that he will build in compliance with the 10% lot coverage but if the Committee wishes to grant the additional 12 square feet he would appreciate that.

Mr Papizzo confirmed that the additional jut out at the rear would be for a future hoist to work on his show cars and trucks. He noted that his hobby is rebuilding old cars and trucks and that he currently has four vehicles that he would like to store inside out of the weather and also keep his yard clean and looking nice.

Mr. Papizzo confirmed that if the Committee feels that his original proposal is unreasonable then he would agree to reducing the size of the garage as the Planner has recommended.

Moved by Karen Whitney

Moved by Donald Rae

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO REFLECT THE ADDITIONAL RELIEF FROM SECTION 5.1(e) FOR AN INCREASE IN LOT COVERAGE FOR ALL ACCESSORY BUILDINGS TO A MAXIMUM OF 11%.

Moved by Karen Whitney

Seconded by Donald Rae

A. THAT MINOR VARIANCE APPLICATION P410921 AS AMENDED, TO REQUEST RELIEF FROM SECTION 5.1(e) TO ALLOW AN INCREASE IN LOT COVERAGE FOR ACCESSORY BUILDINGS TO A MAXIMUM OF 11% AND TO REQUEST RELIEF FROM SECTION 5.1(f) TO PERMIT THE CONSTRUCTION OF A DETACHED GARAGE HAVING AN INCREASED MAXIMUM HEIGHT FROM GRADE TO PEAK OF 6.75 METRES AND FROM GRADE TO EAVES OF 3.5 METRES, AS SHOWN ON SCHEDULE '1' ATTACHED TO THE DECISION, IS HEREBY APPROVED, SUBJECT TO THE FOLLOWING TERM:

(I) THAT THE DETACHED GARAGE MAINTAINS A MINIMUM FRONT YARD SETBACK OF 45 METRES.

B. APPROVAL OF THE ABOVE NOTED MINOR VARIANCE APPLICATION IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. SUBMISSION TO THE SECRETARY-TREASURER OF WRITTEN CONFIRMATION FROM THE ENGINEERING DEPARTMENT THAT THE CONCERNS OUTLINED IN THE MEMORANDUM DATED AUGUST 6, 2009 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.

5.2 Application P410922**MICHAEL & TRACY DRINKWATER**

23 North Street
Plan 69, Block 21, Lot 2
Roll No. 071-318

Chris Burns, Member declared a pecuniary interest in Application P410922 submitted by Michael and Tracy Drinkwater as he indicated that the Drinkwater's were previous clients. He did not take part in any discussion, did not vote on the matter and left the room at this time (7:55 pm).

Mr. Michael Drinkwater, indicated that he is planning on converting the existing garage into a main entrance and laundry room with stairs into the basement. He noted that the existing garage is only used for storage at this time and that the minor variance application would permit the parking of 2 vehicles in the front yard.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0058.
- E-mail from David Jones, On Site Sewage Inspector received August 7, 2009.
- Email from Darlene Folmeg, Engineering Secretary received August 7, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received July 30, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received August 4, 2009.
- E-mail from Bill O'Neill, Fire Chief received August 5, 2009.
- E-mail from Pamela Hunt, By-law Secretary received August 4, 2009.
- Letter from Terry Mason of 19 North Street, received August 17, 2009.
- Letter from David May of 25 North Street, received August 17, 2009.

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

Moved by Donald Rae

Seconded by Karen Whitney

THAT NO FURTHER NOTICE IS REQUIRED TO AMEND THE APPLICATION TO INCLUDE ADDITIONAL RELIEF FROM SECTION 6.1(f) TO PERMIT A MINIMUM NORTHERLY INTERIOR SIDE YARD SETBACK OF 1.9 METRES, AS OPPOSED TO 2.08 METRES ORIGINALLY REQUESTED.

Carried.....

Moved by Donald Rae

Seconded by Karen Whitney

THAT MINOR VARIANCE APPLICATION P410922 AS AMENDED, TO REQUEST RELIEF FROM SECTION 5.28(b) TO PERMIT THE REQUIRED (2) PARKING SPACES WITHIN THE FRONT YARD IN ORDER TO CONVERT THE EXISTING ATTACHED SINGLE-CAR GARAGE INTO LIVING SPACE AND TO REQUEST RELIEF FROM SECTION 6.1 (f) TO PERMIT A MINIMUM NORTHERLY INTERIOR SIDE YARD SETBACK OF 1.9 METRES, 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 P410923

GLEN & DIANA BROWN
294 Metro Road North
Concession 2(NG), Part Lot 18
RS65R1422, Part 2 and
ROW over Part 3
Roll No. 096-996

Ms. Diana Brown, indicated that they have previously obtained permission to install a garden suite with an overall size of 60 square metres. She noted that when her parents designed the trailer they designed it with the dimensions of 60 square metres of interior space which makes the overall dimensions bigger than allowed.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0061.

- E-mail from David Jones, On Site Sewage Inspector received August 7, 2009.
- Email from Darlene Folmeg, Engineering Secretary received August 7, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received July 30, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received August 4, 2009.
- E-mail from Bill O'Neill, Fire Chief received August 5, 2009.
- E-mail from Pamela Hunt, By-law Secretary received August 4, 2009.

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

Moved by Karen Whitney

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410923, TO REQUEST RELIEF FROM SECTION 26.5.2 TO PERMIT A GARDEN SUITE HAVING A MAXIMUM FLOOR AREA OF 65.032 SQUARE METRES, IS HEREBY APPROVED.

Carried.....

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

5.4 Application P410924

JUDY CARLSON
70 Ferncroft Drive
Plan 65M3704, Lot 15
Roll No. 096-29830

Ms. Judy Carlson indicated that she is requesting permission to legalize her existing deck with a rear yard setback of 3 metres.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0060.
- E-mail from David Jones, On Site Sewage Inspector received August 7, 2009.
- Email from Darlene Folmeg, Engineering Secretary received August 7, 2009.

- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received July 30, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received August 4, 2009.
- E-mail from Bill O'Neill, Fire Chief received August 5, 2009.
- E-mail from Pamela Hunt, By-law Secretary received August 4, 2009.

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

Moved by Donald Rae

Seconded by Chris Burns

THAT MINOR VARIANCE APPLICATION P410924, TO REQUEST RELIEF FROM SECTION 7.5.62 (D) TO ALLOW FOR A REDUCED REAR YARD SETBACK OF 3.0 METRES FOR THE EXISTING DECK, IS HEREBY APPROVED.

Carried.....

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

5.5 Application P410925

SCOTT HOWES
27148 Kennedy Road
Plan 177, Part Lot 7
Roll No. 133-875

Mr. Michael Smith, agent indicated that the previous owner was Rob Howes, brother of the applicant and that he constructed an addition on the north wall of the detached garage. He noted that his client Scott Howes purchased the dwelling in 2005 from his brother.

Mr. Smith indicated that the detached garage does not sit square on the lot and when the addition was built it extended into the side yard leaving a setback of 1.04 metres and 1.92 metres from the existing dwelling. He noted that the minor variance application would legalize these setbacks. Mr. Smith confirmed that the minor variance application meets the 4 tests of the Planning Act, no objections were received and requested approval.

The Secretary-Treasurer read the following correspondence:

- The comments of the Planner as outlined in Report No. PB-2009-0059.
- E-mail from David Jones, On Site Sewage Inspector received August 7, 2009.
- Email from Darlene Folmeg, Engineering Secretary received August 7, 2009.
- E-mail from Cathy Hillier, Senior Tax & Water Collection Clerk received July 30, 2009.
- E-mail from Brock McDonald, Leisure Services Manager of Policy and Development received August 4, 2009.
- E-mail from Bill O'Neill, Fire Chief received August 5, 2009.
- E-mail from Pamela Hunt, By-law Secretary received August 4, 2009.

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

Mr. Smith confirmed that a building permit will also be required to legalize the structure.

Chris Burns, Member, indicated that because the structure is less than 1.2 metres to the lot line vinyl siding will not be permitted as only non-combustible material can be used on the exterior.

Moved by Karen Whitney

Seconded by Donald Rae

THAT MINOR VARIANCE APPLICATION P410925, TO REQUEST RELIEF FROM SECTION 5.1(b) AND SECTION 5.1(d) TO LEGALIZE THE ADDITION TO THE EXISTING DETACHED GARAGE HAVING A REDUCED SETBACK FROM THE SINGLE FAMILY DWELLING OF 1.92 METRES AND A REDUCED NORTHERLY INTERIOR SIDE YARD SETBACK OF 1.0 METRES, IS HEREBY APPROVED.

Carried.....

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

Chairman Pallett moved Item 10.1 of the agenda forward at this time.

10. OTHER BUSINESS:**10.1 Letter from Michael Smith Planning Consultants RE – request for a 6 month extension to clear imposed conditions for Minor Variance P410804 Orchard Beach Lakeside Bar & Grill.**

Mr. Michael Smith indicated that his client has been working to fulfill the conditions of the Minor Variance approval and has completed the paving of the parking lot at a cost of \$40,000.00 to \$50,000.00 and with the current economy he has found it very difficult. He noted that his client will be reconstructing the new entrance in the near future and confirmed that the noise attenuation report has been completed. He noted that the landscape plan will include a wall to reduce the noise with coniferous trees to visually break up the panels of the wall.

Mr. Smith indicated that Town Staff may require additional time to review and clear the conditions and therefore he is asking for an extension of 6 months. He noted that his client hopes to have the work all done by August 31st but would like an extension of six months, in order to ensure sufficient time to obtain the clearances of the conditions, without having the approval lapse.

Moved by Chris Burns

Seconded by Donald Rae

THAT THE SECOND REQUEST TO THE COMMITTEE OF ADJUSTMENT TO AMEND CONDITION # B4 OF THE ORIGINAL DECISION DATED FEBRUARY 19, 2008 FOR MINOR VARIANCE P410804 IS HEREBY APPROVED RESULTING IN CONDITION # B4 BEING AMENDED TO REFLECT THE DEADLINE DATE OF FEBRUARY 28, 2010, BEING THE LAST DAY TO SATISFY ALL CONDITIONS IMPOSED ON THE ORIGINAL NOTICE OF DECISION DATED FEBRUARY 19, 2008, RATHER THAN ONE (1) YEAR FROM THE DATE OF THE NOTICE OF DECISION AS ORIGINALLY INDICATED IN CONDITION # B4.

THAT THE CHANGE IS DEEMED TO BE MINOR AND NO FURTHER NOTICE IS REQUIRED WITH RESPECT TO THIS CHANGE.

Carried.....

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 July 14, 2009

Moved by Danny Wheeler

Seconded by Chris Burns

THAT THE MINUTES OF THE MEETING HELD JULY 14, 2009 BE ADOPTED AS AMENDED BY CORRECTING THE SPELLING OF STEPHEN PALLETT'S NAME ON PAGE 4.

Carried.....

9. COMMUNICATIONS:

None.

10. OTHER BUSINESS:

10.2 Report No. COA-2009-1 RE – 2009 OACA Conference Report and Recommendations. (Deferred from July 14, 2009)

The Assistant Secretary-Treasurer explained the recommendations of the report, indicating the advantages and disadvantages of each of the recommendations.

Moved by Danny Wheeler

Seconded by Chris Burns

- 1. THAT THE COMMITTEE OF ADJUSTMENT AMEND THEIR PRESENT PRACTICE AND UTILIZE FORM 2 AND 4, BEING THE ISSUANCE OF CERTIFICATES TO CONFIRM THAT ALL CONDITIONS OF PROVISIONAL CONSENTS HAVE BEEN FULFILLED.**

- 4. THAT CONSENT AND MINOR VARIANCE APPLICATIONS BE AMENDED TO REQUIRE OWNER AUTHORIZATION TO ENTER THE SUBJECT LAND FOR MUNICIPAL STAFF AND COMMITTEE MEMBERS FOR THE DURATION OF THE APPLICATION.**

- 5. THAT THE FOLLOWING STANDARD CONDITION BE IMPOSED FOR THE APPROVAL OF ANY CONSENT APPLICATION FOR A LOT ADDITION:**

SUBMISSION TO THE SECRETARY-TREASURER OF A SOLICITOR'S UNDERTAKING IN A FORM SATISFACTORY TO THE TOWN, SUFFICIENT TO CONFIRM THAT THE SOLICITOR WILL CONSOLIDATE THE PINS OF THE SUBJECT LAND AND THE BENEFICIARY LANDS IMMEDIATELY FOLLOWING THE FIRST

**CONVEYANCE OF THE SUBJECT LAND, TOGETHER WITH THE
SUBMISSION OF A COMPLETED APPLICATION TO
CONSOLIDATE THE PINS OF THE SUBJECT LAND AND THE
BENEFICIARY LANDS.**

Carried.....

10.3 Statement of Revenue and Expenditures

Moved by Karen Whitney

Seconded by Danny Wheeler

**THAT THE STATEMENT OF REVENUE AND EXPENDITURES BE RECEIVED
FOR INFORMATION.**

Carried.....

10.4 2009 OACA Fall Seminar

Moved by Danny Wheeler

Seconded by Chris Burns

THAT THE 2009 OACA FALL SEMINAR BE RECEIVED FOR INFORMATION.

Carried.....

11. ADJOURNMENT:

Moved by Karen Whitney

Seconded by Donald Rae

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

Carried.....

STEPHEN PALLETT, CHAIRPERSON

KATHLEEN FOSTER,
SECRETARY-TREASURER