



**THE CORPORATION OF THE
TOWN OF GEORGINA
Committee of Adjustment Minutes**

Date: Monday, August 29, 2022
Time: 7:30 PM

Members of John Rogers, Acting Chair
Committee Present:

Donald Rae
Karen Whitney
Chris Burns
Lynda Rogers

Staff Present: Janet Porter, Manager of Development Planning
Kim Harris, Planning Clerk
Matthew Ka, Acting Secretary Treasurer, Committee of
Adjustment

1. ROLL CALL

“The Town of Georgina recognizes and acknowledges that we are on lands originally used and occupied by the First Peoples of the Williams Treaties First Nations and other Indigenous Peoples, and on behalf of the Mayor and Council, we would like to thank them for sharing this land. We would also like to acknowledge the Chippewas of Georgina Island First Nation as our close neighbour and friend, one with which we strive to build a cooperative and respectful relationship.

We also recognize the unique relationship the Chippewas have with the lands and waters of this territory. They are the water protectors and environmental stewards of these lands and we join them in these responsibilities.”

As noted above

2. INTRODUCTION OF ADDENDUM ITEM(S)

1. Letter of Support to 816 Pugsley Ave

3. DECLARATION OF PECUNIARY INTEREST

1. A28-21 9 The Queensway North

John Rogers, Chair, declared a potential pecuniary interest on application A28-21, 9 The Queensway North, due to his home's proximity to the subject application despite being outside of the statutory circulation distance and moved to appoint member Karen Whitney as the Acting Chair for the particular application.

Following the vote, John Rogers, Chair, advised the motion to appoint Karen Whitney as Acting Chair is approved and he will leave the meeting when the particular application is being heard.

Moved By Chris Burns
Seconded By Lynda Rogers

Carried Unanimously

4. EXPLANATION OF HEARING PROCEDURE

Matthew Ka, Secretary Treasurer, read the explanation of hearing procedure

5. REQUESTS FOR DEFERRAL OR WITHDRAWAL

None

6. APPLICATIONS FOR CONSENT

None

7. APPLICATIONS FOR MINOR VARIANCE

1. MINOR VARIANCE APPLICATION A20-22
JENNIFER NORTON
273 PEPPERLAW RD

The owner, Jennifer Norton provided an explanation of the application proposal. Looking to build a single family dwelling and need relief from the setback to the National Railway Property.

Matthew read the notable conditions and comments.

Chris Burns, Committee members, asked the owner there will be a well in the front yard? The owner advised there will be. Chris also advised the owner that there could be train whistles.

Following the vote, John Rogers, Committee Chair, advised the application is approved subject to the 20-day appeal period.

Moved By Chris Burns
Seconded By Karen Whitney

1. **That the Committee of Adjustment receive Report No. DS-2022-0079 prepared by the Development Planning Division,**

Development Services Department, dated August 29, 2022, respecting Minor Variance Application A20-22, submitted by Jennifer Norton for the property municipally addressed as 273 Pepperlaw Road.

- a. the Committee of Adjustment approves Minor Variance Application A20-22 to permit relief from the following:
 - i. Section 5.4: To permit the construction of a single family dwelling within 95 metres of Canadian National Railway property; whereas a minimum distance of 120 metres is required.
- b. That the approval of Minor Variance Application A20-22 be subject to the following term(s):
 - i. That the proposed single family dwelling be constructed in general conformity with Attachment 5 to Report DS-2022-0079, in accordance with the relief recommended to be approved in Recommendation 2(a).
- c. That the approval of Minor Variance Application A20-22 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of written confirmation from Canadian National Railway that all matters identified in Attachment 6 to Report No. DS-2022-0079 have been addressed to their satisfaction.
 - ii. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Engineering Division that all matters identified in Attachment 6 to Report No. DS-2022-0079 have been addressed to the Division's satisfaction.
 - iii. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Planning Policy Division that all matters identified in Attachment 6 to Report No. DS-2022-0079 have been addressed to the Division's satisfaction.
 - iv. That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

Carried Unanimously

- 2. MINOR VARIANCE APPLICATION A19-22
LINDENVALE HOMES
816 PUGSLEY AVE

The owner, Steven Ley, explained the proposed application. Looking to build a single family dwelling and need relief to treat the property as a (R1) Residential lot.

Matthew read the notable comments and conditions.

John Rogers, Committee Chair, advised there is a written comment to support the proposed application included as an addendum to the agenda.

John Rogers, Committee Chair, advised that there are many trees on the north part of the lot and asked would any issue be present when doing the tree study? The owner advised that he already did a site visit with his arborist to see what is viable and will provide full tree report and compensation plan once he receives the decision from the Committee.

Chris Burns, Committee member, advised the owner to be aware that the stair landings cantilever on the south side would not encroach more than the proposed 1.95 metre interior setback.

Following the vote, John Rogers, Committee Chair, advised the application is approved subject to the 20-day appeal period and that the conditions have to be cleared within 2 years.

Moved By Donald Rae

Seconded By Lynda Rogers

1. **That the Committee of Adjustment receive Report No. DS-2022-0078 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A19-22, submitted by Lindenvale Homes for the property municipally addressed as 816 Pugsley Ave.**
 - a. **the Committee of Adjustment approve Minor Variance Application A19-22 to permit relief from the following:**
 - i. **Section 6.1 (a): To permit the construction of a single family dwelling with a minimum frontage of 15.24 metres; whereas a minimum 180 metre frontage is required.**
 - ii. **Section 6.1 (b): To permit the construction of a single family dwelling with a minimum lot area of 740 square metres; whereas a minimum 20 hectares lot area is required.**
 - iii. **Section 6.1 (c): To permit the construction of a single family dwelling with a front yard of 8 metres; whereas a minimum 10 metre front yard is required.**

- iv. **Section 6.1(e):** To permit the construction of an accessory structure with a rear yard of 6.1 metres; whereas a minimum 12 metre rear yard is required.
 - v. **Section 6.1 (f):** To permit the construction of a single family dwelling with a northern interior setback of 1.2 metres and a southern interior setback of 1.95 metres; whereas a minimum 3 metres is required.
 - vi. **Section 6.1 (f):** To permit the construction of an accessory structure with a southern interior setback of 1 metre; whereas a minimum 3 metres is required.
 - vii. **Section 6.1 (f):** To permit the construction of a porch with a southern interior setback of 2.55 metres; whereas a minimum 3 metres is required.
 - viii. **Section 6.1 (l):** To permit the construction of a single family dwelling with a lot coverage of 35%; whereas a maximum lot coverage of 20% is permitted.
- b. That the approval of Minor Variance Application A19-22 be subject to the following term(s):
- i. That the proposed single family dwelling and accessory structure be constructed in general conformity with Attachment 5 to Report DS-2022-0078, including both the site sketch and elevations, in accordance with the relief recommended to be approved in Recommendation 2(a).
 - ii. That driveways and parking areas located in the front yard shall not exceed 55% of the lot frontage.
- c. That the approval of Minor Variance Application A19-22 be subject to the following condition(s):
- i. Submission to the Secretary-Treasurer of written confirmation from the Town of Georgina Development Engineering Division that all matters identified in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.
 - ii. Submission to the Secretary-Treasurer of written confirmation from the Planning Policy Division that all matters identified in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.
 - iii. Submission to the Secretary-Treasurer of written confirmation from York Region that all matters identified

in Attachment 6 to Report No. DS-2022-0078 have been addressed to the Division's satisfaction.

- iv. That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.**

Carried Unanimously

**3. MINOR VARIANCE APPLICATION A21-22
TERRY AND LOREN PORTER
90 CONNELL DR**

The owner, Terry Porter, explained the proposed application. Looking to build a deck and need relief for setbacks.

Matthew read the notable comments and conditions.

Karen Whitney, Committee member, asked for further explanation on the amount and levels of decks. The owner explained that there are 1 upper deck and 2 lower decks, the lower decks will be separated by the pool and will be at the same level.

Chris Burns, Committee member, questioned the height of the deck which can potentially raise issues on fencing with the neighbors. The owner explained that he was approved by LSRCA and the Town of Georgina in regards to the pool and fencing, and working with the neighbors to build new fencing.

Following the vote, John Rogers, Committee Chair, advised the application is approved subject to the 20-day appeal period.

Moved By Chris Burns

Seconded By Karen Whitney

- 1. That the Committee of Adjustment receive Report No. DS-2022-0080 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A21-22, submitted by Terry and Loren Porter for the property municipally addressed as 90 Connell Drive.**
 - a. the Committee of Adjustment approve Minor Variance Application A21-22 to permit relief from the following:**
 - i. Section 5.45(a): To permit the construction of a deck which will encroach 5.8m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 1.2m; and**

- ii. **Section 5.45(a): To permit the construction of a deck which will encroach 3.7m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.3m; and**
 - iii. **Section 5.45(a): To permit the construction of a deck which will encroach 3.65m into the minimum rear yard of 7m whereas a maximum encroachment of 3m is permitted. This results in the deck having a rear yard setback of 3.35m.**
- b. **That the approval of Minor Variance Application A21-22 be subject to the following term(s):**
- i. **That the proposed single family dwelling be constructed in general conformity with Attachment 6 to Report DS-2022-0080, in accordance with the relief recommended to be approved in Recommendation 2(a).**
 - ii. **Notwithstanding the provisions of Section 5.45(a) of Zoning By-law No. 500, as amended, as it relates to permitted rear yard encroachments, the encroachments as set out in Attachment 6 to Report DS-2022-0080 shall apply and no further encroachments shall be permitted.**

Carried Unanimously

4. MINOR VARIANCE A28-21
9 THE QUEENSWAY NORTH, KESWICK
PART LOT 14

John Rogers, Committee Chair was moved to the waiting room by Matthew due to a declaration of pecuniary interest on the subject property. Karen Whitney, Committee member, assumed the role of Acting Chair for this application.

The owner, Seyed-Mehdi, looking for relief on the 2 existing porches encroachment.

Antonio DaSilva, a neighbor, spoke in support of the application made by the applicant.

Chair Whitney noted that Mr. da Silva is not the applicant's agent and advised the Secretary-Treasurer to continue with the hearing procedure and to read the comments

Matthew read the notable comments and conditions. Matthew read the following conditions from Development Engineering Division that was

added prior to the meeting. *That the Development Engineering Division comments in Attachment 6 to Report DS-2022-0086 be modified to include the following text after the existing comment. Site features currently encroach onto The Queensway South road allowance. The Owner shall propose and fully implement a solution regarding these encroaching site features, all to the satisfaction of the Director of Operations and Infrastructure.*

Mr. da Silva noted that he disagrees with the road widening and does not believe there are any encroachments.

Karen Whitney, Acting Committee Chair, advised Mr. da Silva that the hearing is to ensure the owner has what he needs to proceed with the legalization of the existing uses.

Chris Burns, Committee member, asked Karen Whitney about the road widening line.

Karen Whitney responded to Chris that it is a potential road widening.

Chris Burns, Committee member, asked Matthew Ka, Secretary Treasurer, about the conditions from the Development Engineering division.

Matthew Ka, Secretary Treasurer, advised that steps encroach into the widening

Following the vote, Karen Whitney, Acting Committee Chair, advised the application is approved subject to the 20-day appeal period and advised the applicant to speak to the municipality to get an explanation of what else needs to be done as there is a note about an illegal dwelling on the property, and advised to not build anything without a building permit.

Moved By Chris Burns

Seconded By Donald Rae

1. **That the Committee of Adjustment receive Report No. DS-2022-0086 prepared by the Development Planning Division, Development Services Department, dated August 29, 2022, respecting Minor Variance Application A28-21, submitted by Seyed-Medhdi Taherian Ghahfarokhi, for the property municipally addressed as 9 The Queensway North, Keswick**
 - a. **the Committee of Adjustment approve Minor Variance Application A28-21, to permit relief from the following:**
 - i. **Section 5:45 (a): To permit the existing north-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.7 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.3 metres;**

whereas a maximum encroachment of 2 metres is permitted;

- ii. **Section 5:45 (a):** To permit the existing south-western attached porch (as shown on Attachment 5) to encroach a maximum of 5.5 metres into the minimum front yard of 6 metres, resulting in a front yard setback of 0.5 metres; whereas a maximum encroachment of 2 metres is permitted;
- b. That the approval of Minor Variance Application A28-21 be subject to the following term(s):
 - i. That the existing unenclosed porches be legalized in general conformity with Attachment 5 to Report DS-2022-0085, in accordance with the recommendations outlined in Recommendation 2(a).
- c. That the approval of Minor Variance Application A28-21 be subject to the following condition(s):
 - i. Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 6 to Report No. DS-2022-0086 have been addressed to the Division's satisfaction.
 - ii. That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.

Carried Unanimously

8. POWER OF SALE/FORECLOSURE/VALIDATION OF TITLE APPLICATIONS

John Rogers return as Committee Chair.

There are none for Item number 8

9. MINUTES OF PREVIOUS MEETING

July 18, 2022 and August 2, 2022 minutes will be deferred to the next meeting.

- 1. JULY 18th MEETING MINUTES
- 2. AUGUST 2nd MEETING MINUTES

10. COMMUNICATIONS

None

11. OTHER BUSINESS

John Rogers, Committee Chair, advised about the Committee of adjustment conference. If members are interested can contact Matthew Ka, Secretary Treasurer for registration.

12. NEXT MEETING

The September 12, 2022 meeting is cancelled. The next meeting is Monday, September 26, 2022

13. ADJOURNMENT

Moved By Karen Whitney
Seconded By Donald Rae

Carried Unanimously

John Rogers, Acting Chairperson

Matthew Ka, Acting Secretary-Treasurer