



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

Date: Monday, January 22, 2024
Time: 7:30 PM

Members of
Committee Present: John Rogers, Chair

 Karen Whitney
 Chris Burns
 Lynda Rogers
 Joseph Bonello

Staff Present: Janet Porter, Manager of Development Planning
 Jessica Peake, Planner II
 Matthew Ka, Acting Secretary-Treasurer

1. ROLL CALL

As noted above

“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, Council and Committee 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.”

2. INTRODUCTION OF ADDENDUM ITEM(S)

There were two addendum items.

1. Three (3) Public Comments for B16-23 357 Lake Dr N
2. December 11, 2023 meeting minutes

3. DECLARATION OF PECUNIARY INTEREST

Chris Burns declared a pecuniary interest with application A26-23.

4. EXPLANATION OF HEARING PROCEDURE

Matthew Ka, Acting Secretary-Treasurer to the Committee of Adjustment, explained the hearing procedure.

5. REQUESTS FOR DEFERRAL OR WITHDRAWAL

None.

6. APPLICATIONS FOR CONSENT

1. CONSENT APPLICATION B16-23
357 LAKE DRIVE NORTH, KESWICK

The agent, Gord Mahoney spoke to the application, the application is to sever the property to create a new residential building lot.

Matthew Ka read the comments from report DS-2024-001.

Matthew advised that they have received three (3) written comments, and that the comments have been circulated to the members. A member of the Public Brad Nichols spoke about the impacts of the application.

Brad Nichols asked if it was possible to defer this application as some of the neighbours are away, and this will affect his backyard. He listed multiple issues, including flooding from adjacent land, the retention of an existing mature tree, and concerns regarding the potential of contaminated soil leaching into his backyard. Brad's father spoke to advise that from an engineering perspective it is almost impossible to build a house on fill without huge costs.

Brandon Nichols advised that his property has tons of flooding and every spring his driveway is mushy and all the water off Metro Road and an adjacent property runs into his yard and driveway.

Mr. Mahoney responded by saying that he was unsure of the benefit of a deferral., Regarding the issue of drainage, they must submit a drainage and grading plan, to show that the subject lands will not impact the adjacent neighbours. There is a condition that a tree inventory and preservation plan will be provided as part of a future consent application, where all trees on the property and within 6 metres of the property will be assessed and protected if necessary.

Member Whitney asked Gord Mahoney, if the current planning legislation allows for a second unit to be built on the lot without the severance. Gord Mahoney advised that a second dwelling unit could be constructed on the lot.

Following the vote, Committee Chair John Rogers advised that the application is approved subject to a 20-day appeal period and two years to meet all conditions.

Moved By Karen Whitney
Seconded By Chris Burns

1. **That the Committee of Adjustment receive Report No. DS-2024-0001 prepared by the Development Planning Division, Development Services Department, dated January 22, 2024, respecting Consent Application B16-23, submitted by the Michael Smith Planning Consultants; Development Coordinators Ltd. on behalf of the owners of the property municipally addressed as 357 Lake Drive North, Keswick.**
 - a. **That the Committee of Adjustment approve Consent Application B16-23, as it pertains to the property municipally addressed as 357 Lake Drive North to sever and convey Subject Land 'A' from Remainder Land 'B', as shown in Attachment 2 to Report No. DS-2024-0001, to create one (1) new residential building lot; and,**
 - b. **That the approval of Consent Application B16-23 be subject to the following conditions:**
 - i. **Submission to the Secretary-Treasurer of two (2) white prints of a deposited reference plan of survey to conform substantially with the application, as submitted;**
 - ii. **Submission to the Secretary-Treasurer of a draft deed, in duplicate, conveying Subject Land 'A' from Remainder Land 'B', as shown on Attachment 2 to Report No. DS-2024-0001;**
 - iii. **Submission to the Secretary-Treasurer of written confirmation from the Regional Municipality of York that all matters identified in Attachment 4 to Report No. DS-2024-0001 have been addressed to the Region's satisfaction;**
 - iv. **Submission to the Secretary-Treasurer of written confirmation from the Policy Planning Division that all matters identified in Attachment 4 to Report No. DS-2024-0001 have been addressed to the Department's satisfaction;**
 - v. **Submission to the Secretary-Treasurer of written confirmation from the LSRCA that all matters identified**

in Attachment 4 to Report No. DS-2024-0001 have been addressed to the LSRCA's satisfaction; and,

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

Carried

Committee Member Chris Burns left the meeting, as a pecuniary interest was declared.

7. APPLICATIONS FOR MINOR VARIANCE

- 1. **MINOR VARIANCE APPLICATION A26-23
593 DUCLOS POINT ROAD
Part 1, Plan 65R-15160**

Gord Mahoney, the agent spoke to the application seeking relief to permit a 3.05 high chain link fence to surround a tennis court. The proposed minor variance forms part of a larger redevelopment of the property to remove two (2) existing accessory structures and an existing tennis court to permit two boat houses and a new tennis court on the subject lands.

Matthew Ka read the comments from report DS-2024-004.

There were no other speakers on this.

John Rogers, Chair asked if the Applicants own a house around the tennis court, Gord Mahoney, the Agent, advised that they both own properties nearby.

There were no other comments.

Following the vote, Committee Chair John Rogers advised that the application is approved subject to a 20-day appeal period and two years to meet all conditions.

Moved By Joseph Bonello
Seconded By Lynda Rogers

- 1. **That the Committee of Adjustment receive Report No. DS-2024-0004 prepared by the Development Planning Division, Development Services Department, dated January 22, 2024, respecting Minor Variance Application A26-23, for the property municipally addressed as 593 Duclos Point Road.**
- 2. **That in the event no public or Committee concerns are raised at the meeting warranting investigation and a further meeting, Staff recommend the following:**
 - a. **That the Committee of Adjustment approve Minor Variance Application A26-23 to permit relief from the following:**

- i. **Section 5.12: To permit a 3.05 metre high chain link fence around a proposed tennis court with a (eastern) front yard setback of 5.2 metres and a (western) front yard setback of 6 metres, whereas adherence to the minimum yard requirements, in this instance 9 metres, is required for a fence with a maximum height exceeding 2 metres.**
- b. **That the approval of Minor Variance Application A26-23 be subject to the following condition(s):**
 - i. **Submission to the Secretary-Treasurer of written confirmation from the Lake Simcoe Region Conservation Authority that all matters identified in Attachment 4 to Report No. DS-2024-0004 have been addressed to their satisfaction; and,**
 - ii. **That the above noted condition(s) be fulfilled within two (2) years of the date of the Notice of Decision.**

Carried Unanimously

Committee Member Chris Burns returned to the meeting.

2. **CONSENT APPLICATION B12-23 AND
MINOR VARIANCE APPLICATIONS A18-23, A19-23 AND A30-23
281 HILLCREST ROAD**

The agent Jim Kostopoulos spoke to the application, he advised that there was a severance to create one lot which was granted in 2022 and held subsequent discussions with Staff in regards to the road widening. Therefore, the owner felt it was appropriate to seek a separate severance from the previously severed lot. The agent provides an overview of the proposed variances on the subject lands.

Matthew Ka read the Comments from report DS-2024-0005.

Committee member, Chris Burns wanted to clarify that the Committee had granted a consent on the original parcel and that this application is now dealing with the lot created. Committee Chair, John Rogers advised that he was correct. Member Burns wanted further clarification that this was not dealing with a Minor Variance on the retained land, Mr. Kotsopoulos, advised that it does have a variance because of the road widening, and further advised that there was some discrepancy in terms of the interpretation of the wording from Development Engineering as to the road widening, after the decision it was determined by the Town that the road widening was required to go across the conveyed and retained lands.

Chris Burns advised that he wanted to make a motion to defer the Minor Variances. He pointed out that the site plan showed the minimum set back between houses as 4 ft which he advised that is only for a bungalow when you add more stories you need to add .5 m per storey, Member Burns advised that if they moved forward with this plan, it would not comply which may affect lot coverage and setbacks. He asked Mr. Kotsopoulos if his designer investigated stairs being put in the setbacks and advised to speak with the town planners on this matter. Mr. Kotsopoulos advised there is a variance for a front yard setback for the entry porch. Mr. Kotsopoulos further advised the side yard setback this is the design the owner is moving forward with upon approval and conditions for a 2-storey design and if any further relief is needed it will need to be addressed.

John Rogers, Committee Chair advised a condition on the site triangle to be conveyed, which was shown on the original application but not the new application. If there is an impact in the numbers, we will want to defer the Minor Variance, so the applicant doesn't have to come back again. Mr. Kotsopoulos, advised that the original did incorporate the site triangle from his understanding from town staff that lot area is in accordance with the fact the property has already been severed the provision of the triangle will not further infringe on the lot area.

John Rogers, Committee Chair, advised that the site triangle reduces the minimum lot area, and it does infringe on the lot coverage. The additional Minor Variance to allow for that lot coverage would change. Mr. Kotsopoulos, advised that the lot area is deemed to be severed by the previous application

Member Burns asked staff how the planning department would like to proceed. Staff asked what the committee's preference on this. Member Burns advised that he didn't have an issue with the consent it would be the variances that need to be deferred. The Committee agreed that they would approve the consent and defer the variances to address the site triangle.

Mr. Kotsopoulos asked for some clarification on Committee Member Burns comments if this committee decides on the variances because of lot coverage is this strictly for the two (2) variances associated with the severance not the variance for the existing dwelling that has no impact on the issues. John Rogers, Chair confirmed this.

The Committee decided that this application would be divided into three separate motions.

A30-23 be approved as presented by staff

Moved By Chris Burns

Seconded By Karen Whitney

Carried Unanimously

B12-23 be approved as presented by staff

Approved By Chris Burns

Seconded by Karen Whitney

Carried unanimously

A18-23 and A19-23 Deferral

Moved By Chris Burns

Seconded By Karen Whitney

Carried unanimously

1. **That the Committee of Adjustment receive Report No. DS-2024-0005 prepared by the Development Planning Division, Development Services Department, dated January 22, 2024 respecting Consent Application B12-23 and Minor Variance Applications A18-23, A19-23 and A30-23 submitted by JKO Planning Services on behalf of the owners of the property at 281 Hillcrest Road, Keswick;**
2. **That in the event no public or Committee concerns are raised at the meeting warranting investigating and a further meeting, staff recommend the following:**
 - a. **That the Committee of Adjustment approve Consent Application B12-23 as it pertains to the property known as 281 Hillcrest Road, Keswick, to sever and convey Subject Lands 'A' from Remainder Land 'B', as shown in Attachment 2 to Report No. DS-2024-0005; and,**
 - b. **That the approval of Consent Application B12-23 be subject to the following condition(s):**
 - c. **Submission to the Secretary-Treasurer of two (2) white prints of a deposited reference plan of survey to conform substantially with the application, as submitted;**
 - d. **Submission to the Secretary-Treasurer of draft transfer documents, in duplicate, conveying Subject Lands 'A', as indicated on Attachment 2 to Report No. DS-2024-0005;**
 - e. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that there is sufficient water supply and sewage capacity allocated for Subject Lands 'A' and 'B';**

- f. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Planning Division that all matters identified in Attachment 4 to Report No. DS-2024-0005 have been addressed to the Division's satisfaction;**
- g. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Planning Policy Division that all matters identified in Attachment 4 to Report No. DS-2024-0005 have been addressed to the Division's satisfaction;**
- h. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2024-0005 have been addressed to the Division's satisfaction; and,**
- i. **That the above-noted conditions be fulfilled within two (2) years of the date of the Notice of Decision.**
- j. **That the Committee of Adjustment approve Minor Variance Application A30-23 and it pertains to the property municipally addressed as 281 Hillcrest Road, and identified as Land to be Retained from previous Consent Application B03-22 as shown on Attachment 2; and,**
- k. **That approval of Minor Variance A30-23 be subject to the following condition(s):**
 - l. **Submission to the Secretary-Treasurer of written confirmation from The Town of Georgina Development Engineering Division that all matters identified in Attachment 4 to Report No. DS-2024-0005 have been addressed to the Division's satisfaction; and,**
- m. **That the above-noted conditions be fulfilled within two (2) years of the date of the Notice of Decision.**

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

None.

9. MINUTES OF PREVIOUS MEETING

- 1. Minutes form December 11, 2023 were adopted.

Moved By Joseph Bonello
 Seconded By Lynda Rogers

Carried Unanimously

10. COMMUNICATIONS

None.

11. OTHER BUSINESS

The Committee is waiting for the OACA to get back to them regarding Committee becoming members, once achieved they will have video training. They are hoping to do it in February. The next meeting is February 5, 2024 it will not be part of a meeting the Committee can decide on the date once OACA memberships obtained.

12. NEXT MEETING

Next meeting is February 5th, 2024.

13. ADJOURNMENT

Meeting was adjourned.

Moved By Karen Whitney
Seconded By Joseph Bonello

Carried Unanimously

John Rogers, Chair

Matthew Ka, Acting Secretary-Treasurer