

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL AGENDA *ADDENDUM 2*

Wednesday, June 20, 2018
7:00 PM

11. PUBLIC MEETINGS

(1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS

(7:30 p.m.)

- (A) Applications to Amend the Official Plan and Zoning By-law No. 500
ROSS, Joel, Michael and Carolynn, and BRYKMAN, Manny
Lot 30 and Part Lot 31, Plan 300, 21 Balfour Beach Road and 31
Dunkelman Drive
AGENT: Michael Smith Planning Consultants

Report No. DS-2018-0067

Additional Correspondence:

Pages 1-2

- Email correspondence from the Town Planner dated June 20th providing revised recommendations

Pages 3-6

- Correspondence from Edward Burstein of Burstein & Greenglass LLP, counsel for the Balfour Beach Association, dated June 20th, providing comments in respect to Town staff's recommendation for easements to be granted for access to the private roads in favour of the subject properties.

Subject: FW: Zoning Applications by Joel, Michael and Carolyn Ross and Manny Brykman
Attachments: TOWN June 20 2018.pdf

From: Tolek Makarewicz

Sent: June-20-18 3:18 PM

To: Carolyn Lance <clance@georgina.ca>; Rachel Dillabough <rdillabough@georgina.ca>

Cc: John Espinosa <jespinosa@georgina.ca>; Alan Drozd <adrozd@georgina.ca>; Harold Lenters <hlenters@georgina.ca>; David Reddon <dreddon@georgina.ca>

Subject: FW: Zoning Applications by Joel, Michael and Carolyn Ross and Manny Brykman

Good afternoon,

Attached is correspondence I received today in relation to item 11(1)(A) on tonight's agenda (Ross and Brykman OPA and ZBA). Can you please ensure that this correspondence is provided to Council and the Department Heads as an addendum to tonight's agenda.

In consideration of the letter received, Staff are revising our Recommendations for Report DS-2018-0067, specifically with respect to Recommendations 2.2, 2.6 and 2.7. The revised recommendations are as follows:

1. **That Council receive Report DS-2018-0067 prepared by the Planning Division, Development Service Department, dated June 20, 2018 respecting applications to amend the Official Plan and Zoning By-law No. 500 submitted by Joel, Michael and Carolyn Ross, and Manny Brykman for lands legally described as Lot 30 and Part Lot 31, Plan 300.**
2. **That in the event no public or Council concerns are raised at the public meeting warranting investigation and a further meeting, Staff recommend the following:**
 1. **That Council approve the application submitted by Joel, Michael and Carolyn Ross, and Manny Brykman to amend the Official Plan as it relates to Section 9.2.2.3, to permit the construction of one single detached dwelling on each subject property (21 Balfour Beach Road and 31 Dunkelmann Drive) which are located on private roads.**
 2. **That prior to Council passing the By-law to adopt Official Plan Amendment No. 133 to implement site-specific provisions for 21 Balfour Beach Road and 31 Dunkelmann Drive to permit the construction of one single detached dwelling on each property which are located on private roads, the following shall occur:**
 - i. **Staff are directed to forward the correspondence received from Burstein & Greenglass LPP dated June 20, 2018, to the Town Solicitor for review and comment. Should the Town Solicitor be of the opinion that permanent access easements are not required from the Committee of Adjustment, the By-law will be brought forward for passing. Alternatively, should the Town Solicitor be of the opinion that permanent access easements are required from the Committee of Adjustment, the By-law will not be brought forward for passing until such easements are finalized.**

3. That the By-law to adopt Official Plan Amendment No. 133 contain the site-specific polices as outlined in Staff Report DS-2018-0067.
4. That the Town Clerk forward a copy of Report DS-2018-0067, Council's Resolution thereon, and the adopted Official Plan Amendment to the York Region Director of Community Planning and Development Services for consideration of approval.
5. That Council approve the application submitted by Joel, Michael and Carolynn Ross, and Manny Brykman to amend Zoning By-law No. 500 as it relates to 21 Balfour Beach Road and 31 Dunkelman Drive to permit the construction of one single detached dwelling on each subject property which are located on private roads, subject to the following:
 - i. Approval of Official Plan Amendment No. 133 by Town Council.
6. That Staff bring forward the amending Zoning By-law for Council's consideration and passing.
7. That the amending Zoning By-law contain the site-specific provisions as outlined in Staff Report DS-2018-0067 as well as a provision which specifies that the By-law does not come into force and effect until Official Plan Amendment No. 133 has come into force and effect.
8. That pursuant to Section 34(17) of the Planning Act, in the event minor revisions are necessary respecting the proposed amending Zoning By-law, further notice shall not be required.

Or alternatively,

3. That in the event concerns are raised by the public or Council which require further investigation, Staff recommend the following:
 1. That Staff report further to Council following the receipt and assessment of the public and Council's comments.
 2. That Staff provide written notice of the next public meeting, a minimum of two weeks in advance of the date of said meeting, to the following:
 - i. Any person or public body that has requested to be notified of any future public meeting(s); and,
 - ii. Any person or public body that has requested to be notified of Council's decision regarding the approval or refusal of the subject application.

BURSTEIN & GREENGLASS LLP
BARRISTERS AND SOLICITORS

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MARKHAM, ONTARIO, CANADA
L3R 2W1

June 20, 2018

VIA E-Mail
tmakarewicz@georgina.ca

Town of Georgina

Attention: Tolek Makarewicz, BURPI, MCIP, RPP

Dear Sir:

**Re: Zoning Applications by Joel, Michael and
Carolynn Ross and Manny Brykman
21 Balfour Beach Road and 31 Dunkelman Drive,
Lot 30 and part of Lot 31, Plan 300**

We have acted as counsel for the Balfour Beach Association (the "Association") for numerous years.

Mr. Brykman is the owner of property within Balfour Beach. We understand that Mr. Brykman has made application for a zoning by-law change with respect to the above-noted properties together with the Ross family. We know that one of the recommendations of the Town is the provision of right-of-way easements over all of the private roads in the Balfour Beach Community in favour of the properties being re-zoned. With all due respect this is not required and has not been the practice of the Association.

Each registered owner of property within the Balfour Beach Association becomes a member of the Association upon the registration of a transfer in his or her favour. The rights of the membership include but are not limited to the right to use the private roads within the Association for the purposes of access and egress (by way of unregistered and/or rights-of-way over the roads of the Association). Therefore, formal easements are not required and will not be granted by the Association, since each member has access to and from their cottages which has been the case since the Association was formed. Enclosed is an extract of the rules and regulations dealing with the general maintenance and traffic control which indicates how the Association regulates the private roads which are used by the members. In the past numerous

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permits have been granted by the Town with respect to construction and re-construction of the residences on the lots within the Association and which front on the private roads owned by the Association.

As counsel for the Association, we confirm that the Ross family and the Brykman family and their respective guests and invitees have and will continue to have free access and egress to their lots from the private roads owned by the Association in accordance with the by-laws, rules and regulations of the Association.

If you require anything further, please do not hesitate to contact me.

Yours very truly,
BURSTEIN & GREENGLASS LLP
Per:



Edward Burstein

EB/mar
Enclosure

cc Manny Brykman
cc Robert Cohen
cc Morris Cohen
cc Gord Mahoney
cc Dave Neeson

RULES AND REGULATIONS
OF THE BALFOUR BEACH ASSOCIATION
("BBA")
AS AT APRIL 1, 1994

The BBA board of directors wishes to bring to your attention the following rules and regulations governing the BBA and enacted pursuant to the BBA's by-laws. These rules and regulations pertain to the safety and well-being of all residents and strict attention must be paid to them in the interests of everyone concerned. The BBA board of directors is responsible for the interpretation of any matter arising pursuant to these Rules and Regulations and may take steps it considers necessary and appropriate to ensure that such Rules and Regulations are followed and enforced.

WATER/FIRE PREVENTION

1. The water system will be turned on by May 15 of each year and off no earlier than October 15 of each year. Any cottage wishing water service before May 15 or after October 15 must advise the designated maintenance contractor of BBA beforehand and shall be fully responsible for any additional charges, if any, resulting from opening that cottage's water line before May 15 or from any such continuation and from closing that cottage's water line after October 15.
2. Any changes to drainage on cottage property must be approved by the chairman of the Property and Maintenance Committee of the BBA.

GENERAL MAINTENANCE AND TRAFFIC CONTROL

1. No parking is permitted so as to obstruct BBA roadways. In addition, no parking is permitted in the beach area. Each member is required to make the necessary arrangements for parking on his/her own property.
2. No motor vehicles of any kind are permitted on any BBA beach, camp parkland grounds or back paths, but motor vehicles may be used on BBA roads within the speed limits.
3. All road signs must be obeyed and, unless a lower speed limit is posted, the speed limit within the BBA grounds is 15 km per hour. All members are asked to report any persons who are guilty of any contravention.
4. Any hedges or fences encroaching on BBA property may be removed by the BBA and the cost of such removal may be charged to the members responsible.
5. Each member is responsible for maintaining his/her hedges and grass at a reasonable height and width, but the BBA may, at a cost to be charged to the responsible members, authorize its personnel to enter upon any cottage lands for such maintenance or for removal of hedges. The BBA is responsible for the trimming of any hedges planted by the BBA on BBA property. The right of entry contemplated herein may arise because of improper maintenance, or where the hedges have become unsightly, or unreasonably interfere with an adjoining member's lands.
6. Children may not park their bicycles on private driveways or narrow roads where they may be damaged by automobiles. A ramp and bicycle racks for parking bicycles has been set up at the BBA entrance to the tunnel where the children may park their bicycles when going to camp.

7. The gates to the camp on Metro Road will be locked at all times. Pedestrian entrance to the camp area is via the tunnel only. There is an entrance off the road located at the rear of the camp which is restricted to cars and trucks having to make deliveries into the camp.
8. Occasionally strangers and uninvited persons trespass on our grounds and have refused to leave when so requested by a member. Should you encounter any such incidents it is suggested you phone the local police at 722-3223, Civic Centre Road, Sutton, reporting the matter and asking them to take whatever steps are necessary to have these people leave our area.
9. Any garbage, whether on a member's property or adjacent thereto, shall be wrapped and/or bagged and placed in appropriate containers.
10. No construction, other than emergency repairs, may be done during the months of July and August.
11. The board of directors will determine in its sole discretion which trees and/or hedges are required to be trimmed or removed for the purposes of facilitating the provision of hydro electric power.
12. All individual cottage properties are to comply with municipal and provincial requirements and be kept clean and tidy; in the event a member fails to comply with the provisions of this paragraph, after having received notice in writing with regard to same, representatives of the BBA may enter on such member's property to effect the necessary cleanup or repair, and charge the member for this service. Such charge, if unpaid, shall form a lien upon the lands of the member and be enforced in accordance with the provisions of the By-laws of the BBA.
13. All dogs on BBA property, whether belonging to members or their guests, are to be appropriately leashed at all times; appropriate dog hygiene is to be followed and persons are required to "stoop and scoop" after their dogs.

MAINTENANCE-BEACH

1. No glass containers, loud music, campfires or dogs or other pets are permitted on the beach; however, campfires associated with activities authorized by the BBA's Executive Committee may be permitted.
2. No motorized boats, vehicles or aircraft may be moored on the beach.
3. The BBA shall have the right to regulate the extent and placement of non-motorized boats on lands abutting the beach; the members shall comply with such regulations and moor such boats only in designated areas.
4. No smoking is permitted on the beach.

MARINA

1. Boats going into and out of the marina must do so at a "no wake" rate of speed and must keep completely clear of the camp swimming area.
2. No boats may be parked at the marina unless all marina dues and other dues of the BBA as contemplated in its by-laws are paid as and when requested.
3. Slips at the marina are to be allocated in order of boat length and, where the length is the same, the member occupying a slip for the most years will have priority over any newcomers. A member may use a second slip for a second boat only until another member needs the second slip for his/her first boat. Any slip which is not actually used may be forfeited at the discretion of the Marina Committee.