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within the Fence By-law, being By-law 2003-14, as amended.

The land affected by this application is described as Part Lot 89, Plan 529; (180 Brophy's Lane).

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act*. The Notice was provided to the Applicant and was posted on the subject property.

Comments were received from the following:

*Grey County Planning and Development Dept.* – as the application is minor, i.e. installation of a fence, an Environmental Impact Study is not required; provided positive comments are received from the Grey Sauble Conservation Authority the County would have no further concerns ;

*Donald F. McKay, Barrister & Solicitor* – on behalf of his client Herman Huekel being a neighbour to the subject lands – his client is satisfied with the increase in the fence height; would like a condition imposed that the fence be located entirely on the applicants property so as to not encroach onto his lands;

*TOTBM Community Services* – no comments;

*TOTBM Engineering Dept.* – a front yard setback requirement of 0.6 metres to allow for future utilities installation; as well the gates must open or swing internal and not towards the road;

*TOTBM Planning Dept.* – recommends approval subject to any conditions noted in Planning Staff Report #PDS.15.12.

Bryan Pearce, Town Planner, provided clarification on the maximum height of the fence which is to be between 0 and 1.0 metres. He noted that it cannot be more than the maximum height, i.e. no more than or a maximum height of 1.0 metres in the front yard.

It was noted that the fence on the subject property to the south is currently encroaching onto the neighbouring property and it is desired to have this rectified.

Elizabeth Buslovich, Applicant for the Owner was in attendance. She stated that they have a new survey and fully intend on rectifying the current fence from encroaching onto the neighbouring property to the south. As well, the gates will swing internally towards the subject lands so as to not interfere with traffic and/or the road allowance.

Bryan Pearce noted the comment received from the Town's Engineering Department, regarding the 0.6 metre requirement from the front lot line for future utilities installation, that as there is no provision in the current fence by-law to administer this request, the Engineering Department's comments were retracted.

No other members of the public were in attendance to speak either in favour of or in opposition to the application. Chairman Morgan then closed the Public Hearing portion of the Meeting.

Moved by: Robert B. Waind  
TO adopt Planning Staff Report #PDS.15.12”.

Seconded by: Bill Remus  
Carried.

Moved by: Robert B. Waind  
DECISION:

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A02-2015 in order to permit the construction of a black chain link fence with a maximum height of 1.83 metres along the side lot lines and rear lot line; the construction of a black wrought iron fence with a maximum height of 1.6 metres along the front lot line; and the relocation and reconstruction of the existing wood fence with a maximum height of 1.83 metres along the southerly interior side lot line on the subject property.

CONDITION(S):

1. That the proposed black chain link fence and wrought iron fence be constructed substantially in accordance with the drawings date stamped received by the Town on March 30, 2015 and March 31, 2015, as further attached to Planning and Development Services Staff Report PDS.15.12.
2. That the existing wood fence on the southerly interior side lot line be relocated and reconstructed on the subject lands substantially in accordance with the drawings date stamped received by the Town on March 30, 2015 and March 31, 2015, as further attached to Planning and Development Services Staff Report PDS.15.12.
3. That the proposed black iron swing gates only be permitted to swing internal to the subject lands, so as to not impact the Town road allowance of Brophy’s Lane, substantially in accordance with the drawings date stamped received by the Town on March 30, 2015 and March 31, 2015, as further attached to Planning and Development Services Staff Report PDS.15.12.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning and Development Services Staff Report PDS.15.12”.

Carried.

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|----|------------------|---|
| 2. | Application No:  | A03-2015  |
|    | Owner:           | Marc Muzzo  |
|    | Applicant/Agent: | Andrew Deane – Richard Wengle Architect Inc.                  |
|    | Location:        | Part Lot 57 and Part Block A, Plan 733, Part 4<br>RP 16R-9804 |
|    | Civic Address:   | 136 Ann Heggveit Drive  |

Chairman Morgan called the meeting to Order. He read aloud the applications’ purpose and effect of the variance which is to consider a request by the Owner to construct a

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single detached residential dwelling that would be exceeding the maximum lot coverage requirements within the zone category on the subject property.

The effect of this variance is to permit the construction of a maximum 436 square metre foot print area two-and-one-half-storey single detached residential dwelling (inclusive of an attached garage) to have a maximum lot coverage of 32.1% on the subject property. It should be noted that the lands are zoned Residential Third Density (R3) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a maximum lot coverage of 30% within the Residential Third Density (R3) Zone.

The land affected by this application is described as Part Lot 57 and Part Block A, Plan 733; Part 4, RP 16R-9804; (136 Ann Heggveit Drive).

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act*. The Notice was provided to the Applicant and was posted on the subject property.

Comments were received from the following:

*Grey County Planning and Development Dept.* – as the subject lands are serviced by municipal water and sewer a karst study is not required and have no other concerns;

*TOTBM Community Services* – no comments

*TOTBM Engineering Dept* - no comment

*Enquiry from Committee Member* – upon a visit to the site prior to the Public Hearing it was observed that construction was underway with the substructure complete and the superstructure started. It was questioned if a building permit had been given regardless of the minor variance application? Jayme Bastarache, Deputy Chief Building Official (DCBO) replied stating that the building permit had been issued for the dwelling with revised drawings that provided a reduced lot coverage in order to meet the maximum 30% requirement for the R3 zone. As well, the covered porch at the front entrance was reduced but with the intent, through the minor variance application, to have the full extent of the covered porches constructed.

As a follow up to the DCBO's comments, Greg Miller, Chief Building Official (CBO) further noted that he was satisfied that when the building permit was issued it was in compliance with s.8(3) of the *Building Code Act* and a conditional building permit issued accordingly. The area to which the minor variance is being requested construction has not commenced. Mr. Miller further stated that he wanted to re-assure the Committee that a building permit for the new dwelling had not been issued contrary to the zoning by-law.

Reply to Mr. Miller from said Committee member was to thank him for his clarification but noted still that the structure for the porch had been poured, which is the reason for the minor variance before the Committee. Mr. Miller stated he was not aware of this and would follow up on it.

*TOTBM Planning Dept.* – recommends approval subject to any conditions noted in Planning Staff Report #PDS.15.13.

Mr. Remus questioned why there was a “Do Not Enter” sign on the subject lands just past the parking lot on Ann Heggveit Drive with Bryan Pearce replying that up to the parking lot Ann Heggveit Drive is a public road but then continues as a private right-of-way and is not a public street beyond that point.

As well, the Town acquired access rights to allow for access to water and sewer to service those lots.

Chairman Morgan asked if a “Stop Work Order” had been given by the Building Department with the DCBO stating “no” it had not. Chair Morgan stated that it was his understanding through the CBO that one had been given.

Andrew Deane, Agent for the Owner, was in attendance and provided clarification to the matter. He noted that he originally spoke to the Planning Department regarding zoning and lot coverage. A building permit application was submitted to the Building Department in December 2014 which were reviewed and determined to be compliant with the zoning by-law and a building permit was issued. Thereafter, the Building Department indicated that there was still an issue with lot coverage within the zoning by-law and zoning relief would be required. The solution to that was to remove the covered porches from the building permit in order to continue on and to apply for a minor variance application to allow relief to the lot coverage. The footings for the covered porch were poured but were meant only to be piers to merely support a light standard not a roof at that time. The form work is now on hold.

Mr. Deane stated that there was no ill-intent and that they are in agreement to withhold further construction in that regard until the minor variance application is complete.

It was noted that there are single detached residential dwellings to the north of the subject property which is also the intent of the proposed dwelling. Short Term Accommodation (STA) is not permitted under the zoning by-law in this area.

Tom Servinis – 128 Jozo Weider Blvd

He has a concern with the height restriction, realizing that there is no ownership to the “view”. Provided the proposed dwelling is within the height restriction, he would have no further concern. Mr. Pearce stated that under the R3 Zone of the zoning by-law the maximum height is 2.5 storeys or 9.5 metres, measured from the average finished grade to the mid-point between the peak and eave of the roof. It was noted that the proposed structure is within the height regulation, proposing 2.5 storeys with a maximum height of 9.5 metres.

Mr. Servinis then noted another concern, being the amount of landscaping on the subject lands will flood him out as his lot sits lower, unless there is going to be a swale directing the flow to the creek.

Chair Morgan replied that with the building permit, a lot grading and drainage plan would have had to been filed and the Owner/contractor would have to comply with that plan to ensure no flooding to neighbouring properties would occur.

Mr. Servinis then stated that provided his two concerns were met he was satisfied and only wants to be a good neighbour, as he has lived there thirty years himself.

Andrew Deane then confirmed that a site grading plan had been submitted with the building permit. He noted that the subject lands had previously been a large catch basin for all surrounding properties. He further stated that a “french drain” is to be installed at the rear of the property which will also assist in alleviating the flow of water and any flooding.

Bryan Pearce then provided front elevation plans to assist with clarifying any height concerns. As well, by viewing the floor plans it was shown how three floors were able to still be within the height restriction of 2.5 storeys and 9.5 metres. This was proven by showing the third floor being within the roof structure and not more than two-thirds the floor area below.

The DCBO offered to have the CBO speak to the Committee regarding the building permit, but the Committee members were comfortable with the explanation and reasoning given and were satisfied. The DCBO did state that the whole building permit is conditional at this time.

No other members of the public were in attendance to speak either in favour of or in opposition to the application. Chairman Morgan then closed the Public Hearing portion of the Meeting.

Moved by: Robert B. Waind  
TO adopt Planning Staff Report #PDS.15.13.

Seconded by: Bill Remus  
Carried.

Moved by: Bill Remus  
DECISION:

Seconded by: Robert B. Waind

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A03-2015 in order to permit the construction of a maximum 436 square metre foot print area two-and-one-half-storey single detached residential dwelling (inclusive of an attached garage) to have a maximum lot coverage of 32.1% on the subject property.

CONDITION(S):

1. That the proposed single detached residential dwelling be constructed substantially in accordance with the drawings date stamped received by the Town on February 25, 2015, March 30, 2015 and March 31, 2015, as further attached to Planning and Development Services Staff Report PDS.15.13.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning and Development Services Staff Report PDS.15.13”. Carried.

D. Correspondence: none

E. New and Unfinished Business:

i) Reminder to Committee Members that the OACA Training is on Wednesday, April 22, 2015 from 9:30 to 12:30 at the Meaford St.Vincent Community Centre

ii) Registration and Accommodation has been made for all Committee members for the OACA Conference in Kingston ON from May 31<sup>st</sup> to June 3<sup>rd</sup>, 2015.

F. Next Meeting Date: May 21, 2015

G. Adjournment

Moved by: Robert B. Waind                      Seconded by: Bill Remus  
THAT this Committee of Adjustment meeting now be adjourned.      Carried.