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Approval of this proposal would give relief to Zoning By-law 83-40, to allow a height of 7.5 metres for the boathouse, where Section 5.2 (v) limits the height of an accessory building to 4.5 metres, and Section 5.13 only allows an extension of a non-complying use provided the extension or addition does not contravene any of the provisions of this By-law.

In the zoning by-law, “non-complying” means a building or structure which does not comply with one or more provisions of the zoning by-law (for example, a setback), but which is otherwise used for a purpose permitted, so long as the building or structure was lawfully established prior to the by-law and continues to be used for that purpose. The proposal also requires a permit from the Grey Sauble Conservation Authority.

The property is located at #102 Wards Road, Town of The Blue Mountains.

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

Comments were received from the following:

Grey County Planning and Development Dept. – subject lands are within the Significant Woodlands area however may not require an Environmental Impact Study; subject lands abut Georgian Bay; the current building is a legal non-conforming use; provided positive comments are received from the Grey Sauble Conservation Authority the County would have no concerns;

Grey Sauble Conservation Authority – a portion of the property is regulated and associated with the 100 year flood level of Georgian Bay and includes a 15 metre inland setback for wave uprush and other water related hazards; a permit is required from the GSCA; the proposal is for an expansion of an existing building within the OS2 Zone which does not permit buildings; the expansion would put an additional investment at risk of damage and there is no supporting information that provides for protection of the structure from wave uprush; the application indicates the building is for storage but has windows and doors facing the water; the proposal is within close proximity to fish habitat and suggest that the boathouse be setback further to allow for a better setback from the shoreline for fish habitat; it should be demonstrated that there will be no negative impact on the natural features or their ecological functions; GSCA recommends deferral of the minor variance until a detailed elevation survey identifying the 100 year flood line across the property and a report from a coastal engineer that demonstrates the proposed new structure can be adequately protected from wave uprush and other water related hazards is received and to the satisfaction of the GSCA;

Lands and Resources (Historic Saugeen Metis) – no objection or opposition;

Grey/Bruce Health Unit – no comments;

Anthony & Agnes Wellenreiter – 105 Wards Road – approve of the variance as the new boat house will replace one that is 40 years old; the new building will meet current standards; the boat house is to be set into the tree setting so there will be no loss or change in landscape and will be isolated; feels the change in the setback is minor;

TOTBM Community Services – no issues;

TOTBM Infrastructure & Public Works (IPW) – no comments;

TOTBM Planning Dept. – recommends approval as noted in Planning Staff Report #PDS.16.47.

Paul Beard, son of the Owners, was in attendance on behalf of his parents. He stated that when they originally spoke to the Grey Sauble Conservation Authority it was their impression that the GSCA had no issues with the reconstruction of the boathouse and does not understand where all of the concerns now have come from. They thought they had the consent of the GSCA to move forward with the proposal with a second level.

The Committee, for the most part, were in favour of the variance but were apprehensive moving forward with it when the GSCA had such strong concerns as well as a recommendation to defer it until a detailed elevation survey and a report from a coastal engineer had been prepared to their satisfaction. It was also noted by the Committee that they are governed by the Provincial Policy Statement (PPS).

However, the Committee thought that if the newly reconstructed boathouse was destroyed or damaged by the wave uprush then that is something the Owners would have to contend with.

Mr. Beard stated that moving the boathouse back further from the water would make it extremely difficult to get the boat in and out of the water. He noted that they have enquired into a “waiver of liability” but it is not acceptable. As well, his parents will be following up with the detailed elevation survey and coastal engineers report to find out what it all entails and the costs that could be incurred. It is not their desire to have to go this route and would prefer that the Committee make a decision at this meeting, rather than deferring it.

Denise Whaley, Town Planner stated that the application submitted was for relief of height, to allow for the second storey. It was noted that should the proposal be only to replace what is existing, then in all likelihood a permit from the Grey Sauble Conservation Authority would be allowed. In discussing the Provincial Policy Statement further, it was the Committee’s thought that although all applications are governed by it and all four tests must be met, it would not be in fault of the PPS for this application to be approved.

No other members of the public were in attendance to speak in favour or opposition to the variance so Chairman Waind then closed the Public Hearing portion of the meeting.

Motion to accept Planning Staff Report #PDS.16.47.

Moved by: Bill Remus Seconded by: David Morgan Carried.

Motion:

Moved by: David Morgan

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A05-2016 to provide relief to Zoning By-law 83-40, Sections 5.2 (v) and 5.13, to allow the renovation of the existing accessory structure (boathouse) to add a second storey up to a maximum height of 7.5 metres.

CONDITIONS:

1. That a permit for the development be granted by Grey Sauble Conservation Authority.
2. That the development is constructed substantially in accordance with the drawings attached as Appendix “A” to the Planning and Development Services Staff Report PDS.16.47.

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance of s.45.(1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.16.47”. Carried.

C.2	Application No:	A06-2016
	Ownes:	Nancy Harvey & Douglas MacFarlane
	Location:	Block A, Parcel 5, Plan 775
	Civic Address:	#117 Craigeith Walk

Chairman Waind called the meeting to Order. He read aloud the applications purpose and effect of the variance which is to rebuild their existing house in the same location on their property. The existing house encroaches into the required rear yard of the property. In the zoning by-law, a “required yard” is an area that must be open to the sky with no buildings or structures. This area is also sometimes referred to as the “rear yard setback”.

If this application is approved it would permit the construction of a house with a rear yard setback of 2.43 metres, where Schedule “AA” of Zoning By-law 83-40 requires a 9 metre rear yard setback, in the Residential Third Density Exception (R3) zone.

The legal description of the property is Plan 774, Block A, Parcel 5.

Comments were received from the following:

Grey County Planning and Development Dept. – no concerns provided the reconstruction of the house is on similar footings;

Grey Sauble Conservation Authority – no specific natural hazard areas have been mapped on the subject property; it is understood that the new dwelling will be built up and associated grading will direct surface runoff away from the structure and to the existing storm sewer system therefore improving the current situation from a drainage standpoint; no objection;

