

has requested relief to construct a proposed storage building that would be within the westerly and easterly side yard setbacks, within the rear yard setback.

The effect of this variance is to permit the existing two-storey main building to be located a minimum distance of 1.0 metres from the easterly side lot line and a minimum distance of 6.7 metres from the westerly side lot line; to permit the reduction of the minimum planting strip width for landscaping to 0.0 metres along the easterly and westerly interior side lot lines; to permit the reduction of the minimum parking area setback to 0.0 metres from the existing deck and 0.8 metres for the proposed storage building; to permit the reduction of the minimum parking setback abutting a residential zone to a minimum of 2.0 metres; to permit the reduction of the minimum parking spaces to 3 parking spaces for the event coordination business commercial use and accessory apartment dwelling unit; to permit the existing gravel surface treatment for the parking area and parking spaces; and to permit the construction of a maximum 104.1 square metre footprint area two-storey storage building to be located a minimum distance of 4.7 metres from the easterly side lot line, a minimum distance of 1.2 metres from the westerly side lot line, and a minimum distance of 1.2 metres from the rear lot line.

It is noted that the lands are zoned General Commercial Exception 38 C2-38 pursuant to the (former) Town of Thornbury Zoning By-law No. 10-77, as amended. Section 15.2(f) requires a minimum side yard setback abutting a residential zone of 9.0 metres; Section 15.2(g) requires a minimum rear yard setback of 7.5 metres; Section 15.2(i)(ii) requires a minimum parking setback abutting a residential zone of 3.0 metres; Section 6.5(b) requires a minimum 3.0 metre wide planting strip for landscaping of a non-residential use when the interior side lot line or rear lot line abuts a residential use or undeveloped land in a Residential Zone; Section 6.9.6 requires a business office to have a minimum parking space requirement of 1 parking space per 30 square metres of net floor area; Section 6.9.3.8 requires that parking spaces and parking areas and all driveways to parking areas of parking lot in any Commercial Zone must be surfaced treated with asphalt, concrete pavers or other similar hard, stable and dust preventative materials and may include previously paving materials; and Section 6.9.3.10 requires that parking areas shall be setback a minimum of 1.2 metres from any building or structure.

The land affected by this application is described as Part Lot 5 and Part Lot 7, Plan 103; (13 Louisa Street East).

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

Comments were received from the following:

Grey County Planning and Development Dept. – no concerns; as the development is minor in nature no Environmental Impact Study (EIS) is required; proposal is in close

proximity to County owned housing however Housing staff have indicated they have no concerns;

Grey Sauble Conservation Authority – no objection;

C.Stegmaier – 23 Louisa Street East – e-mail of concern dated August 26, 2014:

– the Notice of Public Hearing was not received by mail until four days prior to the August 27th Hearing date;

- facts were stated from a meeting held with Town Planner Bryan Pearce, being: i) the variances requested would not cause any change or use of the properties frontage; ii) side yard setbacks are to be waived to 0 metres setback on both east and west sides contingent upon Landscape Plan approval; iii) proposal is for a two storey structure in the rear westerly corner of the south lot line with a lot line variance reduced to 1.2 meters; iv) this two storey structure is to be used as storage only; v) reduction in parking space requirements from the required 11 spaces; vi) any other use of the storage building would require a site plan review; vii) although not stated the snow removal will be verified and planned for; viii) after viewing an Architectural Landscaping Plan for the easterly portion and lot line understand that it will contain a wooden fence and greenery;

TOTBM Engineering Dept. – no comment

TOTBM Planning Dept. – recommends approval subject to any conditions noted in Planning Staff Report #PL.14.88.

The Secretary/Treasurer spoke to the Committee and the public regarding the circulation mail out and the time it took the residents to receive their Notice. Until this was brought to Town staff's attention, it was not known, until speaking to the staff at the Thornbury Post Office that any mail that comes into the Post Office is NOT to be sorted by staff. In fact, any mail they receive is to be placed in a large bin to be sent to Toronto for sorting and distribution. It was stated that should Post Office staff be sorting mail when an inspector came in that they could be reprimanded for doing so.

Also, Town staff have a very tight time frame to process a minor variance application. The Planning Act clearly states that from the time a minor variance application is received and deemed complete, that the variance must be heard in a Public Hearing forum within thirty days. This leaves very little time for Town staff to review the application, discuss with the applicant and resolve any issues, prepare the Notice and have it ready for mail out in enough time before the Hearing. As well, the Planning Act states that any Notice must be mailed out ten days prior to the scheduled Hearing date. This Public Notice was mailed out on Friday, August 15th giving twelve days for it to be delivered in time. Further, the Planning Act states that the Public Notice is only required to be circulated to properties within 60 metres of the subject lands by one of the following: either by mail out, posting on the subject lands or on the Municipal Website. The Town provides all three ways of providing the Notice. The Secretary/Treasurer apologized that it took the time it did to be delivered and that Town staff will endeavour to get future Notices out into the mail as soon as it is possible. It was noted that by having the Notice posted on the subject lands that the surrounding neighbours were informed of the proposal before receiving their actual Notice in the mail.

Chairman Waind then spoke to the Owner, Agent and members of the public that he knows that the description in the Public Notice is long and that there are many variances being sought under this particular application which can make the proposal confusing. He realized that there is a lot for anyone to read and understand and therefore asked the Agent and/or Owner to provide a clear understanding and justification of each item that is being sought in the Public Notice.

Kristine Loft, Loft Planning Inc, Agent for the Owner, was in attendance. She stated that Owners Deborah & Rene Lalonde were also in attendance. She reviewed and gave explanations of the seven variances that were being applied for, being:

- the side yard setback;
- the rear yard setback;
- the parking setbacks;
- the landscaping width – Envision Tatham has prepared a landscape plan;
- the Town has a new Parking By-law that allows a non-residential business office to reduce the parking spaces to three (3);
- the new parking by-law requires parking to be paved but as there is no intent to change the parking area it is the Owners wish to leave it as gravel; however, a portion of the area that is along the public roadway will be paved to prevent any gravel and dust to emit out onto the roadway;
- to permit the reduction of the minimum parking area setback to 0.0 metres from the existing deck and 0.8 metres for the proposed storage building.

Ms. Loft further noted that the current Owner(s) purchased the property in 2004 however did not know until they applied to the Town for a building permit that site plan approval had not been obtained from the previous owners. As well, the current Owner is co-ordinating her business from her home office therefore extensive parking is not a requirement.

Bryan Pearce, Town Planner, gave a brief review of the Planning staff report, emphasizing on the conditions stated in the staff report, should the variance be granted.

Ms. Loft asked that if there was a change of use would it be recognized through this minor variance, should it be granted, or through an agreement with the Town. Bryan Pearce replied any change of use should be recognized through this variance.

Ms. Loft then noted that she had concern with one of the “conditions” regarding change of use and parking, stating that she felt it was a condition that they now are unable to meet. Discussion continued in this regard with the Agent, Committee members and Town Planner endeavouring to understand the concern and provide a more clearer condition that, in the end, the Owner would be able to fulfill.

Jim & Mary Hunt, 17 Louisa Street East, were in attendance. Mr. Hunt provided a letter of concern which was presented to the Committee members and was read aloud by the Secretary/Treasurer. Mr. Hunt’s two main concerns were:

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- the time given for the Public Hearing; they received the Public Notice on August 18, 2014 and the Hearing date was scheduled for August 27th. Given the time of year and many people are away on vacation, it would be by chance that they would be made aware of the Public Hearing and the minor variance proposal;
- there was no mention in the Public Notice that drawings were available to review prior to the Hearing; Mr. Hunt and others were made aware of the drawings via a meeting with the Town Planner, prior to the Hearing date.

Some discussion was had regarding Mr. Hunt's second concern. It was noted by Town staff that there is in fact a clause at the bottom of the Public Notice, which was also posted on the proposed site, that "*Additional information relating to the proposed minor variance is available for inspection, including copies of this Notice of hearing, during regular office hours.....or contacting the Planning Division directly through Planner, Bryan Pearce.....at extension 269 or via e-mail.....or alternatively the undersigned*", which is the name and contact information of the Committee's Secretary/Treasurer.

Shirley Woolner, 14 Louisa Street East, was in attendance. Her concern is regarding snow removal and where it will go now that the setbacks are so stringent. Mr. Pearce stated that the zoning by-law does not regulate snow removal and placement thereof but would think that it would be an operational matter in that the Owners will have to decide where it is to be placed, even if it means having someone in to haul it away.

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

Moved by: David Morgan
TO adopt Planning Staff Report #PL.14.88".

Seconded by: Bill Remus
Carried.

Moved by: Bill Remus
DECISION:

Seconded by: David Morgan

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A10-2014 in order to permit the existing two-storey main building to be located a minimum distance of 1.0 metres from the easterly side lot line and a minimum distance of 6.7 metres from the westerly side lot line; to permit the reduction of the minimum planting strip width for landscaping to 0.0 metres along the easterly and westerly interior side lot lines; to permit the reduction of the minimum parking area setback to 0.0 metres from the existing deck and 0.8 metres for the proposed storage building; to permit the reduction of the minimum parking setback abutting a residential zone to a minimum of 2.0 metres; to permit the reduction of the minimum parking spaces to 3 parking spaces for the event coordination business commercial use and accessory apartment dwelling unit; to permit the existing gravel surface treatment for the parking area and parking spaces; and to permit the construction of a maximum 104.1 square metre footprint area two-storey storage building to be located a minimum distance of 4.7 metres from the easterly side lot line, a minimum distance of 1.2 metres from the westerly side lot line,

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and a minimum distance of 1.2 metres from the rear lot line on the subject property.

CONDITION(S):

1. That the relief requested be recognized substantially in accordance with the drawings date stamped received by the Town on June 24, 2014 and August 15, 2014, as further attached to Planning Staff Report PL.14.88, except as revised through the site plan review process to the satisfaction of the Town.
2. That the storage building be constructed substantially in accordance with the drawings date stamped received by the Town on June 24, 2014 and August 15, 2014, as further attached to Planning Staff Report PL.14.88, except as revised through the site plan review process to the satisfaction of the Town.
3. That special provisions be contained within the Site Plan Agreement, that if there is a change in use of the storage building, that parking be provided in accordance with the parking requirements of zoning by-law, based on the demand of the proposed new use.
4. That a landscaping plan by a qualified professional form part of the approved plans and drawings pursuant to Section 41 of the Planning Act, to the satisfaction of the Town's Planning Division, to be completed in accordance with the provisions of the Site Plan Agreement.
5. That the surface treatment of the driveway to access the parking spaces and areas be surface treated with asphalt, concrete, concrete pavers or similar hard, stable and dust preventative materials and may include previously paving materials within the Louisa Street road allowance from existing edge of pavement on Louisa Street East to the front lot line and a minimum distance of 10.0 metres from the front lot line on the subject lands, to the satisfaction of the Town's Planning Division, to be completed in accordance with the provisions of the Site Plan Agreement.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.14.88". Carried.

C.2	Application No:	A13-2014
	Owner:	Ray Mantella
	Applicant/Agent:	Gordon Stone, Stone Custom Homes
	Location:	East Part Lot 22, Concession 7
	Civic Address:	#728529 21 st Sideroad

Chairman Waind called the meeting to Order. He read aloud the applications' purpose and effect of the variance which is to construct a single detached residential dwelling; and to reside in the existing single detached dwelling until such time as the new dwelling is constructed and then demolish the existing single detached residential dwelling. It is noted that the Owner would also be constructing an accessory use detached garage/workshop.

The effect of this variance is to permit the construction of a maximum 326.74 square metre foot print area two-storey single detached residential dwelling while permitting the temporary use of the existing single detached residential dwelling to reside in until the new dwelling is constructed and then demolish the existing single detached residential dwelling. It is noted that the lands are zoned General Rural (A1) and Hazard (H) pursuant to the (former) Township of Collingwood Zoning By-law No. 83-40, as amended; and that the proposed development would be within the General Rural (A1) Zone. Section 8.1(b) of the zoning by-law permits one single detached residential dwelling on one lot. The land affected by this application is described as East Part Lot 22, Concession 7; (728529 21st Sideroad).

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

Comments were received from the following:

Grey County Planning and Development Dept. – test pit investigation satisfies any concerns regarding an Environmental Impact Study (EIS);

Grey Sauble Conservation Authority – a permit will be required from their office prior to any construction of the house, garage and associated site alterations; due to the sloping nature of the lands all disturbed areas should be stabilized/revegetated immediately following construction and appropriate sediment control measures to eliminate sedimentation to down slope watercourses;

TOTBM Engineering Dept. – no work is permitted on Town unopened road allowance without a Municipal Land Works permit; the Town will not maintain the trees or lands within the road allowance;

TOTBM Planning Dept. – recommends approval, subject to any conditions noted in Planning Staff Report #PL.14.89.

It was questioned whether or not a temporary access will be sought off of the Townline with the Agent being in attendance and stating that there is no temporary access being sought.

Andrew Exel, Gordon Stone Custom Homes, being the Agent for the Owner was in attendance. He stated that the intent of the proposal is to live in the current residence while the new two storey house is being built and then demolishing the older home. As well, there is no intention of ever splitting the property.

C.3 Application No: A14-2014
Owners: David & Anne Doritty
Applicant/Agent: David Eaton – Baylyn Construction Ltd.
Location: Unit 5 Level 1, Grey Condominium Plan 28
Civic Address: 102 Wensley Drive

Chairman Waind called the meeting to Order. He read aloud the applications' purpose and effect of the variance which is to construct an addition onto the existing single detached residential dwelling that would be located within the minimum front yard setback.

The effect of this variance is to permit the construction of a maximum 21.6 square metre foot print area one-storey addition to the existing two-storey single detached residential dwelling (increasing the total floor area of the dwelling from 150.2 square metres to 171.8 square metres) to be located a minimum distance of 3.7 metres from the front lot line. It is noted that the lands are zoned Residential Third Density Exception 23 (R3-23) pursuant to the (former) Township of Collingwood Zoning By-law No. 83-40, as amended. Schedule 'AA' of the By-law requires a minimum front yard setback of 7.5 metres within the Residential Third Density (R3) Zone. The land affected by this application is described as Unit 5 Level 1, Grey Condominium Plan 28; (102 Wensley Drive, Unit 5).

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

Comments were received from the following:

Grey County Planning and Development Dept.- as the subject lands are on full municipal water and sewer no Environmental Impact Study (EIS) is required; no concerns;

Grey Sauble Conservation Authority – no objection;

TOTBM Engineering & Public Works Dept - no comment

TOTBM Planning Dept – recommends approval, subject to any conditions noted in the Planning Staff Report #PL.14.90.

David Eaton, Baylyn Construction Ltd, Agent for the Owners was in attendance. He stated that it is the Owners desire to expand the main floor of the chalet with an extension onto the back portion. The chalet is legal non-conforming but would only allow for one extra bedroom which is insufficient to the families needs. Mr. Eaton provided some background history as to why the lay out of the lots is the way it is today.

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

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Moved by: David Morgan

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT the reimbursement of \$507.72 of the said \$965.00 application fee, for Minor Variance Application A21-2013 being Part Lot 46, Registered Plan 320, Hwy.26 – John Cirillo”. Carried.

F. Next Meeting Date: September 18, 2014

G. Adjournment

Moved by: David Morgan

Seconded by: Bill Remus

THAT this Committee of Adjustment meeting now be adjourned. Carried.