

covered patio off a portion of the east face of the proposed dwelling. It should be noted that the applicant would be demolishing the existing single detached dwelling prior to constructing the proposed new single detached dwelling.

The effect of this variance is to permit a maximum 160 square metre single detached dwelling to be located a minimum distance of 8.6 metres from the rear lot line and a minimum distance of 4.5 metres from the easterly exterior side lot line; to permit a maximum 44.6 square metre unenclosed deck to be located a minimum distance of 5.1 metres from the rear lot line; and to permit a maximum 6.8 square metre covered patio to be located a minimum distance of 2.6 metres from the easterly exterior side lot line. It should be noted that the lands are zoned Residential R2 in the former Town of Thornbury Zoning By-law No. 10-77 and that Section 9.2(f) requires a minimum rear yard setback of 10.0 metres; and that Section 9.2(e)(ii) requires a minimum exterior side yard setback of 7.5 metres. It should also be noted that Section 6.17 permits front and rear yard encroachments for unenclosed decks and covered patios up to a maximum distance of 1.5 metres.

The land affected by this application is described as Lot 19, Plan 395, 152 Bay Street E.

Secretary/Treasurer stated that the Public 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 Dept. – as the property abuts onto Georgian Bay, Appendix A of their Official Plan identifies it as being a cold water body requiring a 30 metre setback; provided positive comments are received from the GSCA the County would have no further concerns.

Grey Sauble Conservation Authority – no objection provided the proposed structure is located outside the hazard zone and regulated area;

TOTBM Planning Dept. – no objection subject to the conditions noted in planning staff report #PL.09.138.

Discussion on the future proposed garage and whether or not it is covered off in this minor variance application or if the applicant will have to come back to the Committee with another application when they build the garage at a later date. Planner Pearce explained that due to the existing setbacks the future garage would be in compliance with the existing zoning by-law and another minor variance application would not be necessary.

Discussion on the current use of the unopened road allowance (Wellington Street) as it is being used as an unauthorized use. Frontage of the property is on Bay Street with the current access being off of Wellington Street, an

unopened road allowance. Planner Pearce noted that the Town would be requiring the applicants to cease using this access to their property from the unopened road allowance and apply for an Entrance Permit from the Town's Engineering & Public Works Dept. This permit would be part of the building permit process. In order to gain a new access off of Bay Street some trees would have to be removed.

Discussion regarding Bayshore Walk and the variance in width that the walkway provides. The Town has water frontage along the residential lots east of the Beaver River and it is proposed that the walkway from the mouth of the River will link up to the Georgian Trail (Bay/Mill Streets). At some point in time the Town will be looking at utilizing a trail through the road allowance.

Chair Metras then opened the meeting up to the public.

The applicants, Mark and Gail Carlin, were in attendance. Mr. Carlin spoke to the Committee indicating that it is their intention to improve their residence by demolishing the existing house and building a log structure that would blend in with the surrounding area. It is their intent to reside permanently here within ten years. He further stated that they will be demolishing the old garage at some point in time and where they've positioned the future garage is where they feel is the best location on the property. It is their intent to apply for an entrance permit and re-locate the entrance off of Bay Street, knowing that a limited amount of trees will have to be removed to do so. The proposed garage will not be built at this time but is in their plans for the future.

Mr. Grant was in attendance on behalf of his retired parents. They're property is located to the west of the Carlins', at 138 Bay Street. He noted concern with the access off of Wellington Street and although they themselves don't use the road allowance to the Bay, many residents along that side of the street do and wouldn't want to lose the ability to keep using it. He would like to keep the natural character of the area and not feel intimidated by using the road allowance access to the Bay. It is his hope that it continues to be open to the surrounding residents and not become a 'private access'.

It was reiterated that it is the Town's intention to link the trail and that the trail would be for public access.

Mr. Grant questioned if there would be any issues with acquiring a new entrance from the Town, wherein Mr. Pearce stated that, in his opinion, did not foresee any problems with obtaining a new entrance as, at present, the access currently being used is an illegal use and a liability to the Town. Further, Mr. Grant commented that he would have thought that by placing the future garage behind the house or along beside it, that it would give a more pedestrian feel to the access rather than a look of being closed off to the surrounding

neighbourhood.

No other members of the public were in attendance to speak either in favour or in opposition to the application. Chair Metras then closed the public portion of the meeting.

Moved by: Robert Waind

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A17-2009 in order to permit a maximum 160 square metre single detached dwelling to be located a minimum distance of 8.6 metres from the rear lot line and a minimum distance of 4.5 metres from the easterly exterior side lot line; to permit a maximum 44.6 square metre unenclosed deck to be located a minimum distance of 5.1 metres from the rear lot line; and, to permit a maximum 6.8 square metre covered patio to be located a minimum distance of 2.6 metres from the easterly exterior side lot line on the subject property.

CONDITIONS:

1. That the building, including the “future garage”, be constructed substantially in accordance with the drawings submitted on November 19, 2009 with Minor Variance Application No. A17-2009.

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.09.138”.

Carried.

D. Correspondence: none

E. New & Unfinished Business:

F. Next Meeting Date – January 21, 2010

G. Adjournment:

Moved by: Robert Waind

Seconded by: Bill Remus

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