

two of the building pods are located within the interior side yard setback of the phase one/three boundary line on the condominium property.

The effect of this variance is to permit the building pod, containing units 16 to 18, to be located a minimum distance of 3.29 metres from the interior side lot line and 4.2 metres from the rear lot line; to permit the building pod, containing units 10 to 12, to be located a minimum distance of 1.6 metres from the interior side lot line; to permit the building pod, containing units 7 to 9, to be located a minimum distance of 1.6 metres from the interior side lot line; to permit the building pod, containing units 1 to 3, to be located a minimum distance of 1.95 metres from the interior side lot line; and to permit the building pod, containing units 19 to 21, to be located a minimum distance of 0.6 metres from the interior side lot line. It should be noted that Schedule 'AA' to the Township of Collingwood Zoning By-Law 83-40 requires a minimum rear yard setback of 7.5 metres and a minimum interior side yard setback of 5.0 metres in the Residential (R5-108) Zone.

The land affected by this application is described as Parts 1 and 2, RP 16R-9392; Part Lot 18, Concessions 1 and 2; (689616 Monterra Road).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicant's agent to post on the subject property.

Comments were received from the following:

John Rossimel – strongly objects and requested the Committee to reschedule the hearing in order that he may attend; his concerns to the variance were: - no notification to changes to the original plan that was for 28 town homes S.E. of the property obstructing his view & reducing the value of his property; - entrance to the development would be directly in front of his driveway, i.e. more traffic, noise, lights; - would the units be rental units and questioned the unit numbering system.

Grey County Planning Dept. – provided positive comments were from the GSCA they would have no objection;

County of Grey Transportation & Public Safety (TAPS) – no objection provided that all development along a County road is located a minimum 23 m. from the centreline of the road including porches or attached decks and no new access from the development to Grey Road 19 would be provided;

Grey Sauble Conservation Authority – no objection;

Reg Russwurm, TOTBM Director of Engineering & Public Works – subject to site plan agreement & AFC drawings;

TOTBM Planning Dept. – recommends approval.

Rob Armstrong, consultant for the applicant was in attendance. He noted that the variance is a technical matter only, being that the development was phased

in rather than it being completed all at once, and does not relate to the development which has already been approved. The development is presently under construction. He then addressed the comments from the Grey County Transportation and Public Safety Dept. (TAPS) wherein he noted that the closest building is 12 metres from the lot line and the deck being 20 metres, thereby complying with their policy.

In addressing the concerns of Mr. Rossimel, Rob Armstrong stated that the development was originally intended for 28 condo units but have now lowered that to 27 units. As well, under a minor variance application in 2006, provision was given to build 3.5 storeys in height but the developers intent is only to build 2.5 storeys high, thereby improving any visibility concerns. With regard to the entrance, it was originally to be opposite Brooker Blvd but the Town requested it be moved further east through the site plan approval process. As well, there is no intent by the developer of having short term rentals and it has been built into their condominium documents not to be rented for periods of less than 30 days, i.e. weekend or week. Therefore, Mr. Armstrong felt that the concerns of Mr. Rossimel do not relate to the minor variance being requested.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee accept Planning Staff Report No. PL.09.41. Carried.

Acting Chair Waind read aloud the Decision and Reasons thereof.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee of Adjustment GRANT Minor Variance Application No. A05-2009 in order to permit the building pod, containing units 16 to 18, to be located a minimum distance of 3.29 metres from the interior side lot line and 4.2 metres from the rear lot line; to permit the building pod, containing units 10 to 12, to be located a minimum distance of 1.6 metres from the interior side lot line; to permit the building pod, containing units 7 to 9, to be located a minimum distance of 1.6 metres from the interior side lot line; to permit the building pod, containing units 1 to 3, to be located a minimum distance of 1.95 metres from the interior side lot line; and to permit the building pod, containing units 19 to 21, to be located a minimum distance of 0.6 metres from the interior side lot line on the subject property.

CONDITIONS: NIL

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.09.41. Carried.

2. A06-2009 – Roger Edwards, Part Lot 24, Concession 11

Acting Chair Waind called the meeting to Order and read aloud the applications purpose and effect of the variance which is to consider a request by the applicant to construct an agricultural building to be located closer to the street than the main dwelling on the subject property.

The effect of this variance is to permit a maximum 330 square metre agricultural building to be located a minimum distance of 9.0 metres from the front lot line. It should be noted that the lands are zoned Residential (RER(b)) and Hazard (H) in the former Township of Collingwood Zoning By-law No. 83-40; and that section 5.2(iii) of the By-Law requires accessory buildings and structures to be located no closer to the street than the main building; and further that section 10.14.1 permits agricultural uses excluding buildings and structures.

The land affected by this application is described as Part 1, RP 16R-5223; Part 4, RP 16R-3962; Part 1, RP 16R-9577; Part Lot 24, Concession 11; (787446 Grey Road 13).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was posted on the subject property.

Comments were received from the following:

David Finbow, TOTBM Director Planning & Building – County of Grey's by-law being applicable law to the Bldg Code requires a setback of 23.0 metres from the centreline of the County Road; confirmation should be received in that regard;

County Planning Dept. – under Appendix A of their Official Plan no development shall be permitted within 30 metres of the banks of a cold water stream and comments should be received from the GSCA; as well, provided no concerns were received from the County TAPS and GSCA they would have no objection; *Grey Sauble Conservation Authority* – via a verbal on April 22/09 with a follow up to be received in writing, no objection;

Grey County Transportation & Public Safety (TAPS) – no objection provided the new structure is not located closer than 23 metres from the centreline of the travelled roadway;

Grey Bruce Health Unit – via a verbal on April 22/09 with a follow up to be received in writing, no objection;

Reg Russwurm, TOTBM Director of Engineering and Public Works – if the County does not require a road widening then the setback could be 4 metres.

TOTBM Planning Staff – recommends approval.

Clarification was given that the application was a lot addition with the purpose now being the construction of a new agricultural building. Due to the fact that the property slopes severely at the back of the property towards the Beaver River, there would be no area to construct the proposed building unless it is in the front yard, of which is not permissible under the Estate Residential zone of the current municipal zoning by-law. This then is the purpose of the variance.

Roger Edwards, the applicant was in attendance. He stated that he acquired the lot addition a few years ago and has assisted with the care of the orchard since then. He plans on taking over the orchard and its care and would require an agricultural bldg to store equipment.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee accept Planning Staff Report No. PL.09.42. Carried.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee of Adjustment GRANT Minor Variance Application No. A06-2009 in order to permit a maximum 330 square metre agricultural building to be located a minimum distance of 9.0 metres from the front lot line on the subject property.

CONDITIONS:

1. That the proposed agricultural building be not closer than 23 metres from the centreline of the travelled roadway, being Grey Road 13.

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.09.42. Carried.

3. A07/2009 – Carol Gall, Lot 29, Plan 395 (158 Bay Street)

Acting Chair Waind called the meeting to Order and read aloud the applications purpose and effect of the variance which is to consider a request by the applicant to construct a single detached dwelling to be located within the rear

yard setback and exterior side yard setback on the subject property, with a proposed rear yard encroachment of an unenclosed deck and two enclosed decks off the rear of the proposed dwelling.

The effect of this variance is to permit a single detached dwelling to be located a minimum distance of 6.0 metres from the rear lot line and a minimum distance of 4.5 metres from the westerly exterior side lot line; to permit a maximum 27.0 square metre unenclosed deck to be located a minimum distance of 1.5 metres from the rear lot line; to permit a maximum 27.7 square metre enclosed deck to be located a minimum distance of 3.5 metres from the rear lot line; and to permit a maximum 5.6 square metre enclosed deck to be located a minimum distance of 5.4 metres from the rear 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 decks up to a maximum distance of 1.5 metres.

The land affected by this application is described as Lot 20, Plan 395; (158 Bay Street).

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicant's agent to post on the subject property.

Comments were received from the following:

John & Carol Heeney – adjacent neighbours to the east and are in agreement with the proposal;

David Finbow, TOTBM Director of Planning & Building – no comments;

Reg Russwurm, TOTBM Director of Engineering & Public Works – the applicant being aware that the unopened road is open for public access to the water front and will not hinder public enjoyment;

Grey Sauble Conservation Authority – no objection;

Grey County Planning Dept. - no concerns;

TOTBM Planning Dept. – recommend approval.

Rob Armstrong, the applicants consultant, and Barry McLean, the applicants contractor, were both in attendance.

Mr. Armstrong referred to the justification letter that accompanied the application and there were no concerns in that regard. He also noted that the application was in co-ordination with the adjacent owners, the Heeney's. As they had a variance in 2005 to allow their building to be 2.5 metres from the lot line, this application is to compliment both theirs and an appropriate lot setting on the Galls'. As well, in 2005 the Heeney variance allowed for a 1.4 metre

setback from the rear yard, being the lake side.

Mr. Armstrong further stated that the applicant is aware that both Wellington Street and the bay shore walk are public lands for public usage. He noted that although the land is owned by the municipality it was never designated as a public walkway but the applicant is aware that the public makes use of it.

Mr. Armstrong noted that the proposal would not be subject to flooding.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee accept Planning Staff Report No. PL.09.43. Carried.

Moved by: Bill Remus

Seconded by: Robert Waind

THAT the Committee of Adjustment GRANT Minor Variance Application No. A07-2009 in order to permit a single detached dwelling to be located a minimum distance of 6.0 metres from the rear lot line and a minimum distance of 4.5 metres from the westerly exterior side lot line; to permit a maximum 27.0 square metre unenclosed deck to be located a minimum distance of 1.5 metres from the rear lot line; to permit a maximum 27.7 square metre enclosed (covered) deck to be located a minimum distance of 3.5 metres from the rear lot line; and to permit a maximum 5.6 square metre enclosed (covered) deck to be located a minimum distance of 5.4 metres from the rear lot line on the subject property.

CONDITIONS:

1. That the site plan identified in Planning Staff Report PL.09.43, as further identified as the following:

Project Name:	Gall House 158 Bruce Street South
Sheet Title:	Site Plan
Date:	April 20, 2009
Drawn By:	Brian Bargeman, BCB Technology & Design

Be consistent with the site plan at building permit issuance to the satisfaction of the Town.

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.09.43. Carried.

D. **Correspondence:** nil

E. **New & Unfinished Business:** nil

F. **Next Meeting Date** – May 28, 2009

G. **Adjournment:**

Moved by: Bill Remus

Seconded by: Robert Waind

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