

MINUTES - Committee of Adjustment



MEETING DATE: July 17, 2008 – 6:00 p.m.
LOCATION: Beaver Valley Community Centre
PREPARED BY: Lori Carscadden
Secretary/Treasurer

A. Call to Order

- Committee members Bill Remus, Bob Waind, and Shiela Metras were in attendance. Planning Staff Shawn Postma and Secretary/Treasurer Lori Carscadden were also in attendance.
- Approval of Agenda

Moved by: Shiela Metras Seconded by: R.B. Waind

That the Agenda be approved as circulated. Carried.

- Declaration of Pecuniary Interest - none
- Previous Minutes

Moved by: R.B. Waind Seconded by: Shiela Metras

That the Minutes of June 19, 2008 be adopted, as amended. Carried.

B. Deputations/Presentations: none

C. Staff Reports

- 1. A10/08 – Park Lot 7, SW Louisa Street, Sid & Louise McFarlane-**
Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to consider a request by the

applicant to construct an addition to the existing dwelling that will also attach the existing detached garage. This addition would include an attached garage, proposed entry and living space above the garage. The proposal would utilize the existing setback of the detached garage which is within the southerly interior side yard setback on the subject property.

The effect of this variance is to permit a maximum 77 square metre addition to the existing dwelling to be located a minimum distance of 0.7 metres from the southerly interior 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 (e) of the By-Law requires a single detached dwelling with an attached garage to be located a minimum distance of 1.5 metres from the interior side lot line.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following:
Grey County Planning Dept. – no concerns;
TOTBM Engineering & Public Works – no concerns;
TOTBM Director of Building & By-law – must comply fully with the provisions of the Building Code Act, Building Code & other applicable law prior to permit issuance;
TOTBM Planning Staff – no objection.

Sid McFarlane, the applicant was in attendance and stated the following:

- the proposal is to build an attached garage to the house;
- under the Zoning By-law the existing garage is too close to the property line;
- a variance is necessary to attach the garage to the house with the option of building the proposed garage closer to the property line;
- the existing garage is non-conforming being that it was built in the 1960's;

Bill Abbotts, neighbouring property owner to the West

- concerned that the proposed garage will be very close to their property;
- disagrees with Page 3 of the Planning Staff report where it states “this variance can be considered minor in nature”;
- he has lived there for 30 years with an open back yard although he realizes that the proposed garage can be allowed closer to the back yard;
- there will be an adverse impact on their vision of the sky and surroundings as well as a financial impact as the garage would cut off the look of it being a big back yard;

Sue Abbotts – the McFarlane’s have always been good neighbours and they do not want this proposal to affect that friendship but it will be quite an adjustment for them.

Bob Waind asked for clarification on the setbacks. What is proposed is .7 metres from the lot line but if the variance were not needed the setback would be 1.5 metres, thus being half the distance. It would appear that either way it would give the same visual impact, regardless. Shawn Postma replied that an unattached garage requires 1.5 metres on one side and 4.5 metres on the other to allow for access to the rear yard. However, an attached garage requires 1.5 metres on both sides so if an addition were to be built off the main dwelling at 1.5 metres a variance would not be required.

Sid McFarlane further stated that once the existing garage is joined to the house a variance would still be required to allow for the joining of the two.

Shawn Postma clarified stating that the garage as it stands now is an accessory unattached structure which can be located 1.2 metres from the side lot line and rear lot line in the rear yard. As soon as it becomes attached the 1.5 metre setback as required for the main dwelling applies. There are also minimum separation distance requirements that are to be considered as well. Detached structures cannot be any closer to the main building than 1.5 metres.

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

Chairman Remus read aloud the Decision and Reasons thereof.

Moved by: Bob Waind

Seconded by: Shiela Metras

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A10-2008 in order to permit a maximum 77 square metre addition to the existing dwelling to be located a minimum distance of 0.7 metres from the southerly 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.08.83. Carried.

2. A12-2008 – Lot 29, Concession 8, Grey Road 2, Mary Milne

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to establish a new minimum lot area for the existing lot, as the existing lot that was created through Consent

Application No. B17-2003 and the legal survey does not meet the minimum lot area requirement of the current by-law.

The effect of this variance is to establish a new minimum lot area of 8.9 hectares. It should be noted that the lands are zoned General Rural (A1) in the former Township of Collingwood Zoning By-law No. 83-40 and that amending By-law No. 2005-20 requires a minimum lot area of 11 hectares.

The land affected by this application is described as Part Lot 29, Concession 8; Part 1, RP 16R-8668 (496831 Grey Road 2);

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following: *Grey County Planning Dept.* – the County Plan states that any application for development abutting a County Road shall be referred to the appropriate approval authority prior to approval in order to determine if the use, siting and/or right-of-way width are adequate and meet the provisions of the Plan. Comments should be received from the County Transportation and Public Safety (TAPS) department prior to making a decision; if positive comments are received from TAPS the County would have no concerns;

County of Grey Transportation and Public Safety Dept. (TAPS) – no objection;

TOTBM Engineering & Public Works – no concerns;

TOTBM Director of Building & By-law – no comments;

TOTBM Planning Dept. – no objection.

Shawn Postma noted that the property is divided along the ridge with the portion below to be for future development and the portion above being zoned in the special agricultural designation. Another lot was created quite some time ago. Shawn gave a brief explanation as to how the consent and zoning by-law amendment were created.

Shiela Metras questioned if there was anything further expected to happen on this property with Shawn Postma replying that this variance only applies to the portion above the ridge.

Mary Milne, applicant was in attendance. She stated that the property has been sold and needs the variance to rectify the survey correctly.

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

Moved by: Shiela Metras
Waind

Seconded by: R.B.

“THAT the Committee of Adjustment GRANT Minor Variance Application No.

A11-2008 in order to establish a new minimum lot area of 8.9 hectares on the subject property.

CONDITIONS: nil

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.84.

3. A12/08 – Part Lot 16, Conc.8, TOTBM (Ravenna Hall)

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to construct an addition to the existing Ravenna Hall to be located within the minimum setback requirements from the centreline of the County road, being Grey Road 119 (formerly 15th Sideroad), on the subject property.

The effect of this variance is to permit a maximum 50 square metre addition to the existing hall to be located a minimum distance of 6.0 metres from the front lot line. It should be noted that the lands are zoned Public Open Space (OS1) and Institutional (I) in the former Township of Collingwood Zoning By-law No. 83-40 and that Section 5.18(e) requires a minimum 35 metre setback from the centreline of the County road.

The land affected by this application is described as South Part Lot 16, Concession 8; Parts 1 & 2, RP 16R-2153 (628299 Grey Road 119).

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following: *Grey County Planning Dept.* – the County Plan states that any application for development abutting a County Road shall be referred to the appropriate approval authority prior to approval in order to determine if the use, siting and/or right-of-way width are adequate and meet the provisions of the Plan. Comments should be received from the County Transportation and Public Safety (TAPS) department prior to making a decision; if positive comments are received from TAPS the County would have no concerns;

County of Grey Transportation and Public Safety (TAPS) – no objection;

TOTBM Engineering & Public Works – will impact on the driveway to the roads department;

TOTBM Director of Building & By-law – although acting on behalf of the TOTBM, offered the following comments: the proposal must comply fully with the provisions of the Building Code Act, Building Code and other applicable law

prior to permit issuance; the Grey Bruce Health unit approval will be required; Grey Sauble Conservation Authority approval may be required prior to permit issuance; and parking demand generated by the addition will be addressed on-site or via a Planning Action Section 40 process;
TOTBM Planning Staff – no objection subject to the proponent obtaining site plan approval from the Town prior to building permit issuance.

David Finbow, applicant acting on behalf of the TOTBM, was in attendance. Mr. Finbow noted the concern from the Eng.&Public Works Dept. and that he had an opportunity prior to the Hearing to discuss it with its Manager and feel they have resolved the concern.

Mr. Finbow stated that the old red pole barn to the east was built in 1872 and used for storage of miscellaneous material as storage space is limited.

The Town has made application for Trillium funding for barrier free entrance and washrooms. The Trillium funding consists of \$55,000 and the Town's contribution through taxation is \$35,000.

The County of Grey Transportation have indicated to Mr. Finbow that they approve of the minor variance as it would allow them a wider road allowance, in that the front entrance vestibule will be removed.

There is a well to the north of the building and approx. 27 ft. between the hall and the pole barn. The old pole barn will be demolished in the near future once the Town has found storage accommodation for its contents. It is the intent to have the construction to the east of the hall as there are a lot of trees to the west that they do not want to destroy as well as a playground across the front of the property of Grey Road 2.

The new portion of the hall will be a wood frame building with board and batten with the occupancy load of the hall being only 50 people. It is also intended to have new washrooms available to the public using the playground on weekends. Parking is limited and usually found to be along both sides of Grey Road 119. A demand of 5 parking spaces or cash-in-lieu is under consideration.

Mr. Finbow gave further comment to the Provincial Policy Statement (PPS) stating that:

- the variance is minor in nature;
- by removing the front entrance will allow for a wider road allowance;
- is an improvement for the whole community and have received support from the Ravenna community;
- is consistent with the Institutional use.

It is the intent to have this project completed this year with the use of the Trillium funding. The Public Works Dept. would re-route to the south with no impact to the surrounding neighbours. There is a watercourse to the East and they have spoken to the Grey Sauble Conservation Authority in that regard. Site plan approval is a requirement of the application.

Shawn Postma then spoke to the application and commended Mr. Finbow on such a thorough application. With regard to parking, there appears to be ample space on the property but did not review where specifically it would be provided but anticipate it would be reviewed through the site plan review process. However, this application is not with the Site Plan Control Area.

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

Moved by: R.B. Waind

Seconded by: Shiela Metras

THAT the Committee of Adjustment GRANT Minor Variance Application No. A12-2008 in order to permit a maximum 50 square metre addition to the existing hall to be located a minimum distance of 6.0 metres from the front lot line on the subject property.

CONDITIONS:

Nil

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.85. Carried.

Mr. Finbow then requested the Committee to consider waiving all or part thereof of the application fees, being that it is a municipal project benefiting the whole of the community and the budget on this project is very tight.

The Committee discussed a reduction in fees, noting that the development provides a public benefit and is paid for through the grant and municipal funding that it is appropriate to reduce the fees. However, it is also acknowledged that the processing of applications incurs some hard costs that cannot be refunded.

Moved by: Shiela Metras

Seconded by: R.B. Waind

“THAT the Committee of Adjustment, in accordance with Section 69(2) of the Planning Act, waive half of the minor variance application fee providing that the waived portion of fees, \$450.00, will be pooled back into the project”. Carried.

4. A13/08 – Lots 67 and 68, Plan 320, Mark Faiz Sakkejha & Blue View Chateaux

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to satisfy a condition of Consent Application Nos. B12-2007 and B13-2007 that proposed to create a single driveway and entrance access for three existing lots fronting onto Highway 26. The result of these consents removed direct frontage and access to an improved public street from two registered lots through a 0.3 metre reserve to Ontario Ministry of Transportation along Highway 26.

The effect of this variance is to remove the requirement for Lots 67 and 68, Plan 320 to have direct frontage and access to an improved public street. It should be noted that the lands are zoned Residential (R3) and Hazard (H) in the former Township of Collingwood Zoning By-law No. 83-40 and that Section 5.8(a) requires that no person shall use any land for any permitted use, nor shall any building or structure be erected, altered, extended or enlarged except upon a lot which fronts upon and has direct access to an improved public street.

The lands affected by this application is described as Lot 67, Plan 320 (209553 Highway 26) and Lot 68, Plan 320.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following: *County of Grey Planning Dept.* - the County Plan states that any application for development abutting a Provincial Highway shall be referred to the appropriate approval authority prior to approval in order to determine if the use, siting and/or right-of-way width are adequate and meet the provisions of the Plan. Comments should be received from the Ministry of Transportation (MTO) prior to making a decision; if positive comments are received from MTO the County would have no concerns;

Grey Sauble Conservation Authority – generally have no objection;

TOTBM Engineering & Public Works – application is along Hwy.26 and the idea is to limit the number of driveways out onto the Hwy.; also need to ensure there is a 1 foot reserve to prevent future driveways;

TOTBM Director Building, By-law/CBO – an MTO permit will be required;

TOTBM Planning Dept. – no objection;

Lester Posen – letter dated July 17/08 @ 8:31 am – unclear as to how the individual lots are going to be developed and whether a variance of this type will support the development of these lot allowing for the individual lot requirements; need to consider the utilization of the properties during all seasons and the effects that snow and ice would have on the available area and for its intended

purpose; would create a condition where the separated driveway would no longer be part of the original plan lots; the driveway would be for joint use of the three lot owners and vehicles using this newly created access route would have to park on the remaining property reducing the overall size of the remaining lots; as well the bldg envelope would be reduced.

- letter dated July 17/08 @ 12:17 pm – Mr. Posen had the opportunity to speak to a member of the Planning Dept. and he now agrees that a single entrance and the 0.3 m reserve serving the properties is the best solution but still has concerns regarding the future development of the properties and how all of the changes will impact the area.

Bruce Hart – agent for the applicant – the lots can be developed in conformity with municipal requirements without the need for any further variances; this area is heavily travelled and dangerous as it accesses out onto Hwy.26; his clients wanted to minimize the risk onto the Hwy and undertook to contact the MTO to establish a plan for a mutual access and have spent considerable time & money on preparation of a survey, application costs to the municipality and legal costs; a lot of time and money will be spent on the creation of the driveway and its entrance which will benefit the lot owners, the general public and Mr. Posen.

Shawn Postma noted that back in 2007 the Ministry of Transportation (MTO) provided comments pertaining to consent No.'s B12/07 and B13/07 wherein they strongly supported shared driveways. At that time the MTO wanted to ensure that there was only one driveway and a one foot reserve will prevent establishing three driveways, circular driveways, etc. in the future. Mr. Postma noted that this variance is required as a condition of consent for the mutual driveway otherwise will be back to having three individual driveways. Also, in order to satisfy a condition of consent which must be met within one year of being granted to enable them to register the consents. Lot sizes are not changing other than a one foot reserve at the front which will go to the MTO. The availability for building envelopes was reviewed through the consent process.

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

Moved by: R.B. Waind

Seconded by: Shiela Metras

THAT the Committee of Adjustment GRANT Minor Variance Application No. A13-2008 in order to remove the requirement for Lots 67 and 68, Plan 320 to have direct frontage and access to an improved public street on the subject properties.

CONDITIONS: NIL

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.86.

5. A14/08 – Lots 23 & 24, Concession 3, 164 Arrowhead Road, John & Theresa Stockwell

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the 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 front yard setback on the subject property. 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 377 square metre single detached dwelling to be located a minimum distance of 7.5 metres from the front lot line. It should be noted that Schedule 'AA' to the Township of Collingwood Zoning By-Law 83-40 requires a minimum front yard setback of 9.0 metres in the Estate Residential (ER) Zone.

The land affected by this application is described as Part Lot 23 and 24, Concession 3 (164 Arrowhead Road).

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following: *County of Grey Planning Dept. – letter dated July 10/08 @ 9:57 am* – the parcel contains Special Policy Area and Section 2.8.4 of the Official Plan states that it will be necessary for the proponent of any planning application to address the need of an Environment Impact Study (EIS); the study shall be to the satisfaction of the County and the local Municipality; there has been nothing submitted to the County at this time and therefore is premature;

Subsequent letter dated July 10/08 @ 3:16 pm – Mr. Harrington, agent for the applicant provided photographs of a test hole which was where the proposed foundation for the new dwelling will be; the County is satisfied that there was no karst features in this location and that Section 2.8.4 of the Official Plan had been addressed; no further concerns;

TOTBM Director, Building & By-law/CBO – must comply fully with the provisions of the Building Code Act, Building Code and other applicable law prior to permit issuance; Grey Sauble Conservation Authority approval has been received;

TOTBM Planning Dept. – no objection provided an EIS is completed to the satisfaction of the TOTBM.

Shawn Postma stated that although the Planning Staff report required a condition of an EIS, the County of Grey Planning Dept. has since become satisfied that an EIS is no longer required, and therefore the Town's condition is no longer required.

Dave Harrington, agent for the applicant was in attendance. Mr. Harrington noted that the property is limited due to its shape, the Grey Sauble Conservation Authority setback and a hydro line setback. His client first started out with a setback in the Residential R3 zone of 7.5 metres, however, it was later determined that the property is actually zoned Estate Residential which requires a 9.0 metre setback, this being the reason for the variance. Also, a geotechnical review has been done for the whole of the property.

Mr. Waind referred to the digging to determine any karst features wherein David Finbow, familiar with this application and Geotechnical Study through the Building Department, stated that the topography and bedrock indicates that there is plenty of room with less opportunity of contamination of groundwater.

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

Moved by: R.B.Waind

Seconded by: Shiela Metras

THAT the Committee of Adjustment GRANT Minor Variance Application No. A14-2008 in order to permit a maximum 377 square metre ground floor area single detached dwelling to be located a minimum distance of 7.5 metres from the front lot line on the subject property.

CONDITIONS: nil

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.87.

D. Correspondence: nil

E. New & Unfinished Business:

- i) Sec/Treasurer informed the Committee that an appeal was received on minor variance application A08/2008, Blue Mountain Resorts. The complete package was sent to the Ontario Municipal Board on July 10/08.
- ii) The *2008 Seminar Newsletter* will be out soon; look for our newsletter

- in it promoting the September 26th Seminar!
- iii) Sec/Treasurer informed the Committee that the requirement of an EIS for minor variance A07/08, Greig Nicoll, by the County of Grey Planning Dept has been lifted.

G. Next Meeting Date – August 21, 2008

H. Adjournment:

Moved by: R.B. Waind

Seconded by: Shiela Metras

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