

The effect of this variance is to permit the existing single detached dwelling to be located a minimum distance of 2.54 metres from the northerly interior side lot line; and to permit an encroachment of the existing associated deck being 2.34 metres from the northerly interior side lot line. It should be noted that the lands are zoned Estate Residential Exception 64 (ER-64) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum interior side yard setback of 5.0 metres for the single detached dwelling within the Estate Residential Zone; and that Section 5.23(a) of the By-law allows yard encroachments for unenclosed decks to have a maximum projection of 1.5 metres into any yard.

The land affected by this application is described as Lot 16, Plan 1045; (114 Arrowhead Crescent).

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

Comments were received from the following:

Grey County Planning Dept. – no concerns; no Environmental Impact Study (EIS) is required as there are no new buildings proposed and the application is to recognize what already exists;

Grey Sauble Conservation Authority – no objection; the existing house is outside of the hazard area;

TOTBM Engineering & Public Works – future Town works may incur the full rounding or 'elbow' in the road allowance & any reconstruction of the road will affect the common entrance; each lot owner will be responsible to construct an entrance onto their own property; an entrance permit will be required;

Niagara Escarpment Commission – no objection;

TOTBM Planning Dept. – no objection.

Chairman Waind then opened the meeting up to the public.

Stephen Christie, Solicitor for the applicant, was in attendance.

To clarify the Town's Engineering and Public Works comments regarding possible future reconstruction of the three-way entrance, Bryan Pearce noted that should the Town at some time in the future reconstruct that portion of the roadway, it would leave each of the three property owners with a separate driveway rather than a three-way entrance. An entrance permit for each separate entrance would then be required. It was further noted that this has no bearing on the minor variance application before the Committee.

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

Moved by: Shiela Metras

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A02-2010 in order to permit the existing single detached dwelling to be located a minimum distance of 2.54 metres from the northerly interior side lot line; and to permit an encroachment of the existing associated deck being 2.34 metres from the northerly 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.10.22”. Carried.

A03/2010 - Phil & Antoinette Catalfamo, Part Lot 26, Concession 11, 115 Slabtown Road - Chairman 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 recognize the existing tennis court, as denoted on a 2010 plan of survey, as being located closer to the street than the existing dwelling (main building) and within the rear yard setback on the subject property.

The effect of this variance is to permit the existing tennis court to be located a minimum distance of 28 metres from the front lot line and a minimum distance of 0.8 metres from the rear lot line. It should be noted that the lands are zoned Rural (RUR) 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 Section 5.2(iv) of the By-law requires accessory buildings and structures to be located no closer than 1 metre from the rear lot line.

The land affected by this application is described as Part Lot 26, Concession 11; Parts 1 and 2, RP 16R-3960; (115 Slabtown 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 and was posted on the subject property.

Comments were received from the following:

Grey County Planning Dept. – the property abuts the Beaver River and as such a 30 metre setback from a cold water stream is required; since the structure already exists, and provided positive comments are received from the Grey Sauble Conservation Authority, the County Planning Dept. would have no further concerns;

Grey Sauble Conservation Authority – no objection; the hazard area is near the house and does not affect the tennis court area being the subject of the variance;

Niagara Escarpment Commission – not located within the areas of the NEC Plan or NE Development Control;

TOTBM Engineering & Public Works – no comment;

TOTBM Planning Dept. – no objection.

Chairman Waind then opened the meeting up to the public.

Colin Travis, agent for the applicant, was in attendance. No other members of the public were in attendance to speak either in favour or in opposition to the application. Chairman Waind then closed the public portion of the meeting.

Moved by: Shiela Metras

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A03-2010 in order to permit the existing tennis court to be located a minimum distance of 28 metres from the front lot line and a minimum distance of 0.8 metres from the rear 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.10.23”. Carried.

D. Correspondence: none

E. New & Unfinished Business:

1. Planning Report No. PL.10.05 - Committee of Adjustment 2009 Update to Planning and Building Committee of Council, March 01, 2010

Secretary/Treasurer reported that David Finbow, Director of Planning and Building, presented Report No. PL.10.05 at the March 01, 2010 Planning and Building Committee. Shiela Metras made comment to the Committee that over the course of three+ years the members have experienced a variety of minor variance applications which has given them the opportunity

to visit the sites and really see what the people of the municipality are looking for. She also mentioned that the Committee members were appreciative of having the opportunity to participate in the new upcoming Comprehensive Zoning By-law. The Planning and Building Committee in turn thanked the Committee of Adjustment members and expressed their appreciation for all the hard work that they put into it.

2. OACA Conference, May 30th – June 2nd – Windsor, ON

Both Shiela Metras and Bill Remus expressed an interest in attending a portion of the Conference. Secretary/Treasurer will submit their registration forms and book accommodation for them. Chairman Bob Waind will have a portion of his registration and accommodation paid for by OACA. Whatever isn't paid for by the OACA will be paid through the Town.

The Committee members thought the information and experience given through the OACA Conferences and Seminars are valuable in the understanding of minor variance applications as well as in the decision making process. They felt they are worthwhile attending and encouraged Town staff to attend any/all of them that they can.

3. Reminder of the OACA Seminar, September 24th in Leamington.

F. Next Meeting Date – April 15, 2010

G. Adjournment:

Moved by: Shiela Metras

Seconded by: Bill Remus

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