

single detached dwelling with an attached garage. The portico structure would be located within the front yard setback on the subject property.

The effect of this variance is to permit the portico to be located a minimum distance of 2.75 metres from the front lot line. It should be noted that the lands are zoned Residential (R3-160) and Hazard (H) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum front yard setback of 7.5 metres for the main building.

Secretary/Treasurer stated that the Public Notice was circulated in accordance with the Planning Act. The Notice was provided to the applicants agent to post on the subject property. Chairman Remus requested clarification on Notice requirements and the Planning Report comments. The Committee was then satisfied that proper notice was provided for this application.

Comments were received from the following:

Niagara Escarpment Commission – no objection

David Finbow, TOTBM Director, Building & By-law/CBO – no comment

Randy W. Elliott, Georgian Bay Estates – supports the minor variance and the setbacks proposed to accommodate the portico.

Grey County Planning Dept. – generally have no objection; property is affected by Ontario Regulation 151/06 & permit (GS07-188) was issued for the dwelling; an amendment to the permit will be required prior to construction of the portico structure.

County of Grey Planning Dept. – Section 2.8.4 of the Official Plan states “in areas identified as Special Policy Areas on Appendix A it will be necessary for the proponent of any planning application to address the need of an Environmental Impact Study (EIS). Based on the nature of the proposed structure this policy may not apply”. “...a home is being built on the property, during construction, precaution should be taken, and if karstic features are found mitigation measures should be implemented”.

TOTBM Planning Dept. – no objection subject to the conditions stated in Planning Staff Report No. PL.09.06.

Discussion as to why, during the minor variance process, it is being suggested that perhaps an Environmental Impact Study (EIS) may be required if karst is found on properties, when a new building construction is being built. Should this not be resolved at a more significant stage of construction.

Patrick Coulter, agent for the applicant was in attendance. He commented that karst is usually dealt with through the building inspection at a point where excavation of the hole is open to the visual eye, prior to concrete being poured. If at that time karst is found, the building inspector would contact a Soil Engineer and a solution found.

Further, it was questioned if the 7.5 metre setback requirement in this subdivision is sufficient, especially in cul-de-sac areas.

Mr. Coulter stated that visually the proposed portico does not actually project any further than the garage already does; it being the circumference on a cul-de-sac that gives the illusion that the portico does not protrude any closer to the street.

No other members of the public were in attendance to speak either in favour or in opposition to the application. At this point Chairman Remus closed the Hearing to the public.

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. A01-2009 in order to permit a portico to be located a minimum distance of 2.75 metres from the front lot line on the subject property. Carried.

CONDITIONS:

1. That the portico be constructed in-keeping with the following drawings submitted with Minor Variance Application No. A01-2009:
 - a. Proposed Site Plan – Drawing No. A5, Project No.00774, Dated: July 20, 2008;
 - b. Proposed Plan – Drawing No. A6, Project No.00774, Dated: July 20, 2008;
 - c. North Elevation – Drawing No. A9, Project No.00774, Dated: July 20, 2008;

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.09.06.to the satisfaction and approval of the Town prior to building permit issuance.

D. Correspondence: nil

E. New & Unfinished Business:

1. Appointment of New Committee Chair

Moved: R.B. Waind

Seconded: Bill Remus

“THAT **Shiela Metras** be appointed the “Chairperson” for the Committee of Adjustment for a twelve (12) month period (February, 2009 to January, 2010). At that time the Chairperson position will rotate, if so desired by the Committee”. Carried.

- 2.** Secretary/Treasurer reminded the Committee of the upcoming 2009 Conference being held at the Waterloo Inn Conference Hotel in Waterloo, May 31, 2009 to June 03, 2009. Both R.B. Waind and Shiela Metras expressed interest in attending.

F. Next Meeting Date – February 26, 2009

G. Adjournment:

Moved by: Bob Waind

Seconded by: Shiela Metras

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