

property.

The effect of this variance is to permit the existing detached garage to be located a minimum distance of 0.34 metres (~13.39 inches) from the easterly interior side lot line; and to permit an encroachment of a reduced eave, including the eavetrough, of 0.28 metres (~11 inches), being 0.06 metres (~2.36 inches) from the easterly interior side lot line. It should be noted that the lands are zoned Residential (R3) in the former Township of Collingwood Zoning By-law No. 83-40; and that Section 5.2(iv)(c) of the By-law requires accessory buildings and structures to be located no closer than 1 metre from the interior side lot line; and that Section 5.23(c)(ii) of the By-law requires yard encroachments (such as eaves) not to be located within 0.5 metres from any lot line.

The land affected by this application is described as Lot 60, Plan 482; (157 Timmons 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 and was posted on the subject property.

Comments were received from the following:

Grey County Planning Dept. – no concerns;

Grey Sauble Conservation Authority – no objection and no permit is required;

TOTBM Building Dept. – as the 'as built' detached garage has a limiting distance of less than 0.6 metres, the exposed building face (the wall along the property line in question) shall have no openings and must have a 45 minute fire resistance rating; a building permit will be required.

TOTBM Planning Dept. – no objection subject to the conditions noted in planning staff report #PL.10.15.

It was noted that a minor variance was granted in 2007 on the same property to permit a maximum 56 sq.m. detached garage with a maximum height of 5.0 metres and that it was unfortunate to have to have another variance on the property for the same detached garage.

Russell Allan, agent for the applicant, was in attendance and stated that the discrepancy was in the footings and foundation which was detected by the surveyors. He agreed that it was an unfortunate incident being a mix up between the contractors and the surveyors. He also noted that the applicant has been in touch with the neighbours to the immediate east who have no concerns with the variance.

Discussion on the existing cedar hedge and tree lines which might have given a

false feeling of having enough space between the property lines, without any survey stakes being put in place. As well, the variance requests a reduction in the encroachment of the detached garage's eave, which is proposed but not yet completed.

With regard to the 45 minute fire resistance rating as well as no openings as stated in the Town's Building Dept.'s comments, it was noted that the Chief Building Official would ensure that this requirement complies with the Ontario Building Code. Mr. Allan stated that the existing detached garage is not insulated and the exterior face would be of a wood exterior. This too would all be regulated through the Ontario Building Code.

To summarize, there is a required separation distance to the easterly interior lot line which would need to be covered off through a new building permit. The reduction of the eaves and the fire resistance rating would also be determined by the Chief Building Official for compliance.

Clarification was given as to whether or not a new building permit is required to meet the modifications of this minor variance application. As the Town's Building Dept.'s comments have stated, a new building permit is required in order to ensure that the exposed building face shall have no openings and that a 45 minute fire resistance rating is in compliance with the Ontario Building Code and the eaves be reduced to comply with the zoning by-law and minor variance, if approved.

Chair Metras then opened the meeting up to the public.

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. A01-2010 in order to permit the existing detached garage to be located a minimum distance of 0.34 metres from the easterly interior side lot line; and to permit an encroachment of a reduced eave, including the eave trough, of 0.28 metres, being 0.06 metres from the easterly interior side lot line on the subject property.

CONDITIONS:

1. That a Building Permit be obtained from the Town of The Blue Mountains' Building Division for the proposed modifications.

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.10.15". Carried.

D. Correspondence: none

E. New & Unfinished Business:

1. Presentation by Cindy Welsh, Town Senior Policy Planner, regarding an update of the **new Draft Comprehensive Zoning By-law**.

Cindy indicated that since the Draft Zoning By-law was in its second draft that she felt it was good timing to bring what they had to the Committee for their review and input. She stated that she is aware that there have been difficult variance issues in the past that the Committee has had to deal with and it is Town staffs intent to review those problem areas and rectify them in the new Comprehensive By-law. Cindy then presented a Power-Point which gave a good indication of how the new Zoning By-law would be:

- Meridian Consultants, Barrie, Ontario, were awarded the contract to work with Town staff in preparing a new by-law format. Meridian have done extensive zoning by-law work for many municipalities province wide;
- consultation was had with the Niagara Escarpment Commission (NEC) and the Grey Sauble Conservation Authority (GSCA) in 2009;
- any GSCA issues have been addressed early in the process but they are still involved with the process and mapping;
- Public Open House was held on July 18, 2009;
- 2nd draft is currently being reviewed by Town staff with Meridian endeavouring to streamline the process;
- there is a current hurdle, being current and abandoned landfill sites, that have a 500 metre separation distance requirement; this needs to be resolved which might set the time line behind somewhat; two abandoned landfill sites have been identified, one in Thornbury and the other in Clarksburg. Engineering and Public Works are endeavouring to assist in alleviating this issue. The 3rd draft of the By-law will not be available until the landfill issues are resolved.

- Discussion on:

- structure of the new Zoning By-law;
- a handout of the chart indicating 'new and existing zones' for both the former Township of Collingwood and former Town of Thornbury;
- definitions – i.e. 'storey' replaced with 'height';

- general provisions to be more in-depth, i.e. accessory buildings in front yards; Cindy would like the Committee members to review this lengthy section in particular and provide comments to Town staff;

- parking and loading standards;
- residential zones (R1-R4) with 4 sub-zones, i.e. size requirements, front and rear yard setbacks;
- commercial and employment zones;
- agriculture, rural, recreational and other zones;
- hazard zones will be known as Environmental Protection and Environmental Protection Wetlands with the GSCA mapping being used;
- Exceptions – there are over 400 and staff are looking to reduce them, i.e. are they relevant;
- holding provisions will be a numbering system, i.e. landfill, sewage facilities, Areas of Natural and Scientific Interest (ANSI);
- temporary uses;
- enactment of the by-law;
- scheduling (34 maps to-date);
- illustrations, i.e. pictures to show what a rear yard setback is, sight triangles, etc.

Discussion on the Nottawasaga Valley Conservation Authority (NVCA) as it affects the extreme east portion of the municipality, however, that small portion is in a high development area. Cindy noted that there has been consultation with the NVCA and they have provided us with their most recent mapping although it is not as updated as the GSCA's. She further stated that the GSCA have been pro-active with mapping and working closely with Meridian.

Wetlands will be covered off under the new Environmental Protection zone with a 120 metre setback proposed. As well sight lines will be dealt with through the 'height' regulation.

Discussion on setbacks from County roads, which have always been hard to determine. This too will be addressed in the new Zoning By-law.

Cindy noted that through Town staff, the **i)** definition of height, **ii)** location of detached accessory buildings and **iii)** setbacks from Georgian Bay have already been identified as recurring minor variance issues and that these have already been addressed in the new Zoning By-law.

Cindy further reviewed these three problematic areas with the Committee members and found that:

- i) add the word 'final' to: "...between the *final* established grade of the wall...".
- ii) permitted location for detached accessory buildings – the chart, page 43 of the draft zoning by-law, outlines specific zones for accessory buildings, i.e. garages, to be permitted;
- iii) setbacks from Georgian Bay – new setbacks from the "flood hazard line elevation".

Another Statutory Public Open House is required and it is anticipated that it will be sometime this summer. As well, a Statutory Public Meeting is also required. Cindy encouraged all Committee members to attend these meetings and bring forward any comments/concerns/suggestions they might have at that time. She also invited them to call her or drop into the office and they could discuss any issues they might have with the new draft zoning by-law. The Secretary/Treasurer will provide each Committee member with a hard copy of the 3rd Draft once its been made available.

Cindy thanked the Committee members for their time and input and looks forward to discussing the new Draft Comprehensive Zoning By-law with them further. In turn, the Committe thanked Cindy for all her time and hard work and appreciated the opportunity to be involved in the process.

2. Appointment of new Committee Chair

Moved by: Bill Remus

Seconded by: Shiela Metras

“THAT Bob Waind be appointed the “Chairperson” for the Committee of Adjustment for a period of ten (10) months (March to December, 2010)”.

Carried.

3. Draft Report – Committee of Adjustment 2009 Update to Planning and Building Committee of Council, March 01, 2010

Secretary/Treasurer had previously circulated this draft report to the Committee members for their review prior to it going before the Planning and Building Committee of Council meeting on March 01, 2010, with minor changes made to the report. All Committee members are welcome and encouraged to attend the March 1st meeting and speak to the report at that time if they wish to. A reminder along with the report will be circulated to the Committee members prior to March 1st.

4. Reminder of upcoming 2010 OACA Conference and Seminar

F. Next Meeting Date – March 18, 2010

G. Adjournment:

Moved by: Bob Waind

Seconded by: Bill Remus

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