

Committee of Adjustment



MEETING DATE: August 18, 2011 – 5:30 p.m.
LOCATION: TOTBM Council Chambers
PREPARED BY: Lori Carscadden
Secretary/Treasurer

Committee members Chairman Robert Waind and David Morgan were in attendance. Committee member Bill Remus was absent. Municipal Planning Staff Bryan Pearce and Secretary/Treasurer Lori Carscadden were in attendance.

Call to Order

Chairman Waind called the meeting to Order.

- Approval of Agenda

Moved by: David Morgan

Seconded by: Robert Waind

That the Agenda be approved.

Carried.

- Declaration of Pecuniary Interest – none
- Previous Minutes – June 16, 2011

Moved by: David Morgan

Seconded by: Robert Waind

That the Minutes of June 16,, 2011 be adopted. Carried.

B. Deputations/Presentations: none

C. Minor Variance Applications:

C.1 Application No. A11/2011 Lot 14, Plan 824, 187 Arlberg Crescent Applicant: Kenneth Lackner

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 construct a two-storey exterior side yard addition to the existing

single detached dwelling, consisting of a two-car garage with studio (office) above.

The effect of this variance is to permit the construction of a maximum 50.2 square metre foot print area two-storey addition to the existing single detached dwelling to be located a minimum distance of 6.1 metres from the exterior side lot line, being Arlberg Crescent. It is noted that the lands are zoned Residential (R2) and Hazard (H) in the Zoning By-law No. 83-40; and that the existing dwelling is within the Hazard (H) Zone which is recognized as a legal non-conforming use.

The land affected by this application is described as Lot 14, Plan 824; (187 Arlberg Crescent).

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

Comments were received from the following:

Grey County Planning and Development Dept. – no concerns;

Grey Sauble Conservation Authority – as the regulated area is associated with watercourses located on and adjacent to the property, a permit is required prior to site alterations and construction of the proposed garage;

Niagara Escarpment Commission – approval from the Grey Sauble Conservation Authority should be had regarding the hazard lands and that the mass of the dwelling is in-keeping with the immediate area and that the visual impact will not detract from the visual qualities of the Niagara Escarpment;

TPTBM Engineering & Public Works – no further encroachment of any hazard lands;

TOTBM Planning Dept. – recommends approval of the minor variance subject to any condition(s) stated in Planning Report No. PL.11.85.

- discussion with the applicant, Mr. Lackner, as to when the placard was posted, but confirmed that it had been, with a picture in the Planning File; a difficult area to find a clear and visible place to post.
- Mr. Lackner stated that the chalet, years ago, was originally rented out with little to no storage space; he will be moving there in December full-time and requires more storage area;
- It is Mr. Lackner's intent that the proposed two-car garage will add visually to the surrounding area at the same time accommodating their needs.
- the application is unique in that it has two zoning classifications, Residential R2 and Hazard, as well as being a legal non-conforming use.

the By-law requires accessory buildings and structures to be located no closer to the street than the main building.

The land affected by this application is described as Lot 66, Plan 410; (230 Bay Street).

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

Comments were received from the following:

Grey County Planning and Development Dept. – comments should be obtained from the Grey Sauble Conservation Authority (GSCA) regarding the 30 metre buffer to the bank of a cold water stream; provided positive comments are received from the GSCA then they would have no further concerns;

Grey Sauble Conservation Authority – no objection provided the proposed structure is located outside the regulated area and outside the hazard area associated with the Georgian Bay shoreline;

TOTBM Engineering & Public Works – conditional upon the removal of the storage shed and other belongings from Town property;

TOTBM Planning Department – recommend approval subject to any condition(s) stated in Planning Report No. PL.11.86.

Both the Owner/Applicant were in attendance, being David Wolfe and Barbara Legate.

- a troublesome lot being a “pie-shaped” lot;
- there are other front yard detached garages along the street so their proposal would be in-keeping with the surrounding area;
- have had trouble in the past with snow load at the back of the house;
- Grey Sauble Conservation Authority attended on-site and do not want to see anything, such as this proposal, in the backyard;
- they will be applying for a Town entrance permit but it is the hope to save the tree that is on Town property;
- correspondence has been had in the past with the Town’s Engineering Dept regarding the culvert on Russell Street and the ownership of the corner; Town staff was going to look into the ownership of the corner and let them know but they have not heard back, to-date;
- 60+years ago the shed was used as a fishing hut and the owners would have thought that after that amount of time its possession would now be to the land owners;

-it was suggested that the applicants follow up with the Towns’ Engineering Dept. to see if there was any information and perhaps, suggest entering into an Encroachment Agreement.

The effect of this variance is to permit the construction of a maximum 14.4 square metre foot print area one-storey addition to the existing single detached dwelling to be located a minimum distance of 6.5 metres from the front lot line. It is noted that the lands are zoned Rural Estate Residential (RER(b)) in the Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a minimum front yard setback of 9.0 metres for a single detached dwelling.

The land affected by this application is described as Part Lots 17 and 18, Concession 3; (126 Scandia Lane).

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

Comments were received from the following:

Grey County Planning and Development Dept.- no concerns;

Grey Sauble Conservation Authority – a 30 metre setback from the watercourse is required as is a permit prior to development and/or site alteration within the affected area;

Niagara Escarpment Commission – no objection;

TOTBM Planning Dept. - recommend approval subject to any condition(s) stated in Planning Report No. PL.11.87.

Harold Wrong, applicant, was in attendance.

- shingles are over 20 years old and need replacing;
- front deck is of no use to them and the addition would allow for another washroom and storage area.

- Town staff noted that the compliance issues were with the front yard setback;

- the existing deck projects 1.0 metres in front being just over 14 sq.metres in area;

- property to the East is the Bruce Trail.

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

Motion to adopt Planning Staff Report No: PL.11.87.

Moved by: David Morgan Seconded by: Robert Waind Carried.

Moved by: David Morgan

Seconded by: Robert Waind

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A13-2011 in order to permit the construction of a maximum 14.4 square metre foot print area one-storey addition to the existing single detached dwelling to be located a minimum distance of 6.5 metres from the front lot line on the subject property.

CONDITIONS:

1. That the one-storey addition to the existing single detached dwelling be constructed substantially in accordance with the drawings submitted to the Town on July 29, 2011 with Minor Variance Application No. A13-2011 as further attached to Planning Staff Report PL.11.87.

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.11.87”.

C.4 Application No: A14-2011

Lot 3, Plan 1034

111 Camperdown Court

Applicants: Kenneth and Elizabeth Bialkowski

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 construct a two-storey front yard addition onto the existing single detached dwelling. The proposed addition would be within the minimum required easterly interior side yard setback.

The effect of this variance is to permit the construction of a maximum 33.5 square metre foot print area two-storey addition onto the existing single detached dwelling, to be located a minimum distance of 2.6 metres from the easterly interior side lot line. It is noted that the lands are zoned Estate Residential Exception 21 (ER-21) in the Zoning By-law No. 83-40; and that Schedule ‘B’ of Exception 21 of the By-law establishes a building envelope on the subject property which requires a minimum easterly interior side yard setback of 3.0 metres.

The land affected by this application is described as Lot 3, Plan 1034; (111 Camperdown Court).

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act*. The Notice was provided to the applicants and was posted on the subject property.

CONDITIONS:

1. That the proponent conduct a karst topography investigation to determine if shallow overburden with karst topography does exist in the development area, to the satisfaction and clearance of the County of Grey Planning and Development Department and the Town's Planning Division. The investigation is twofold; to determine if in fact that the shallow overburden with karst topography does exist. This may be accomplished simply by an on-site test hole. If the test holes reveal karst topography with shallow overburden then an Environmental Impact Study is necessary to assess the impacts and mitigation measures on the surface and ground water supply of the planning application. The Environmental Impact Study shall be completed to the satisfaction of the County of Grey Planning and Development Department and the Town's Planning Division;

2. That the two-storey addition to the existing single detached dwelling be constructed substantially in accordance with the drawings submitted to the Town on August 4, 2011 with Minor Variance Application No. A14-2011 as further attached to Planning Staff Report PL.11.88.

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.11.88”.

D. Correspondence: none

E. New & Unfinished Business:

E.1 Request For Reimbursement of Application Fees

Minor Variance Application No. A08-2009

Owner/Applicant: Cameron and Joanne Kennedy

Legal description of Subject Property: Part Lots 4 & 5, Plan 395;

Poplar E/S

Civic Address: 30 Cottage Avenue

- At the request of the Owner/Applicant, this Item was deferred until the next scheduled Committee meeting.

E.2 Update on Appeal to Ontario Municipal Board - Minor Variance Application No. A08-2011

Owner/Applicant: Tina Passero
Agent: Andrew Pascuzzo, D.C. Slade Consultants Inc.
Legal Description of Subject Property: Lot 46, Plan 1127

- Secretary/Treasurer updated the Committee members that the Director of Planning made recommendation to the Planning and Building Committee on August 3, 2011 to pass a Deeming By-law for the subject property.
- on August 8, 2011 Council passed a Deeming By-law.
- discussion as to the appropriateness of a Deeming By-law.

E.3 New Fees By-law No. 2011-44
Minor Variance Application Fees Review

- Secretary/Treasurer advised Committee members that through the new Fees By-law No. 2011-44 that the minor variance application fee is now \$925 rather than \$900.

E.4 2011 OACA Seminar
Hosted By: Perth County; Location: Stratford, Ontario
Date: September 29 and 30, 2011

- Bill Remus and Robert Waind will be attending the Seminar in September with David Morgan and Bryan Pearce to advise in due course.

F. Next Meeting Date – September 15, 2011

G. Adjournment:

Moved by: David Morgan

Seconded by: Robert Waind

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