

of the By-law, being *Section 5.13, Non-Complying Uses*. Mr. Waind now wonders if, in fact, the minor variance application was necessary, should Section 5.13 have been recognized, and that the applicant could possibly have just applied for a building permit.

David Finbow replied that Section 5.13 would not have been possible in this instance, since the proposed extension/addition had already been recognized in the past. This is not a Section that can be used in the same instance over and over, but rather a one-time occurrence.

B. Deputations/Presentations: none

C. Minor Variance Applications:

C.1 Application No. A16/2011

Part Lot 13, Concession 4

Applicant/Owner: Mark Nella

Agent: Milan Smeh, Legendary Logcrafters Limited

Chairman Waind called the meeting to Order and read aloud the applications' purpose and effect of the variance which is to construct a one-storey detached two-and-one-half-car garage to be located closer to the street than the existing dwelling.

The effect of this variance is to permit the construction of a maximum 74.3 square metre foot print area one-storey detached two-and-one-half-car garage to be located a minimum distance of 67.0 metres from the front lot line. It should be noted that the lands are zoned Rural Estate Residential (RER(b)) 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.

The land affected by this application is described as Part Lot 13, Concession 4; Part of Part 1, RP 16R-2719; (595753 4th Line.

Secretary/Treasurer stated that the Public Hearing 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 and Development Dept. –; does not appear that the proposed garage location is within the Hazard lands; provided positive comments are received from the Grey Sauble Conservation Authority then they would have no concerns;

Grey Sauble Conservation Authority – no objection;

TPTBM Engineering & Public Works – no comment;

CONDITIONS:

1. That the one-storey detached two-and-one-half-car garage be constructed substantially in accordance with the drawings submitted to the Town on September 27, 2011 with Minor Variance Application No. A16-2011 as further attached to Planning Staff Report PL.11.118.

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.11.118". Carried

D. Correspondence: none

E. New & Unfinished Business:

E.1 2011 OACA Seminar

Hosted By: Perth County; Location: Stratford, Ontario
Date: September 29 and 30, 2011

- All three Committee members attended the Seminar and all agreed that it was well done and a worth-while day.

E.2 2012 Budget

David Finbow briefed the Committee members on the upcoming draft 2012 Town budget. He noted that there is a "service delivery review" process that staff are required to follow, as many questions have arisen as to what we do in relation to budget numbers. Within the next thirty days staff will be presenting "summaries" to Council. On November 7th he will be presenting to the Planning & Building Committee (P&BC) as to whether or not minor variances can be held by the P&BC and then said Committee will be reporting to Council on any service deliver changes/enhancements.

Discussion was then had regarding past procedures and the benefit(s) of having a Committee of Adjustment (COA). Members of the Committee felt it is a benefit to the public to have minor variances heard by a non-biased party and since a COA are considered quasi-judicial, there is no room for the applicant, agent or the general public to speak to and/or discuss with any Member prior to the Hearing. As well, it was felt that having a COA it alleviates some of the load off of Council. Also, it was thought that the Ontario Association of Consent Authority (OACA) would not

look favorably to any disbandment of the Committee should it revert back to Council making decisions.

David Finbow indicated that should any/all of the Committee members wish to speak to any/all of Council in this regard, then they should feel free to do so.

David Finbow then spoke as to Council's role in reviewing a minor variance application. Council members, the Clerk and all Department Heads are circulated the Notice of Public Meeting and invited to attend said Hearing if they so wish to do so. The Decision of the Committee for each application is circulated as well noting the last day of appeal. The Minutes are not circulated to the Planning & Building Committee until they have been adopted by the COA, being approximately eight weeks after the original Hearing date.

It was noted that the Planning & Building Committee have requested that any decision made by the COA, that contravenes the Planning Staff recommendation, be circulated to them immediately.

F. Next Meeting Date – November 17, 2011

G. Adjournment:

Moved by: Bill Remus

Seconded by: David Morgan

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