



Minutes

Committee of Adjustment

Meeting Date: October 19, 2016
Meeting Time: 4:00 pm
Location: Town Hall, IPW Meeting Room – 2nd Floor
32 Mill Street, Thornbury
Prepared by Lori Carscadden – COA Secretary/Treasurer

A. Call to Order

Chairman Waind called the meeting to Order with the following members in attendance, being David Morgan and Bill Remus, as was Town Planner Denise Whaley and Secretary/Treasurer Lori Carscadden who read aloud the Fire Evacuation Notice.

Approval of Agenda: Moved by: David Morgan Seconded by: Bill Remus
“THAT the Agenda of October 19, 2016 be approved”. Carried

Declaration of Pecuniary Interest: none

B. Adoption of Previous Minutes

Moved by: Bill Remus Seconded by: David Morgan
“THAT the Minutes of September 21, 2016, be adopted”. Carried

C. Public Meeting – 4:00 p.m.

C.1 Application No: A15-2016
 Owners: Edward & Susanne Wanamaker
 Location: Lot 11, Plan 1104
 Civic Address: 12 Pyatt Avenue (Thornbury)

Chairman Waind read aloud the applications purpose and effect of the variance which is to recognize an existing deck on the rear of the house at 12 Pyatt Ave. The deck encroaches into the required rear yard on the lot. In the Zoning By-law, a required yard is an open, uncovered space on a lot, between the main building and the lot lines.

If this application is approved, it will allow a deck on the dwelling, setback 6.45 m from the rear lot line, where section 9.2(f) requires a setback of 9 m.

The legal description of the lands is Plan1104, Lot 11 (formerly the Town of Thornbury), Town of The Blue Mountains.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice was provided to the Owners to be posted on the subject lands.

Comments were received from the following:

Grey County Planning Department – property is designated Primary Settlement Area in the Official Plan and the application conforms to this policy; no further concerns;

Grey Sauble Conservation Authority – no objection as the property is not currently regulated and no natural hazard areas or significant natural heritage features were identified;

Lands and Resources (Historic Saugeen Metis) – no objection;

TOTBM Community Services – no concerns;

TOTBM Infrastructure and Public Works – no comments

TOTBM Planning Department – this proposal meets the four tests of the Planning Act and Town staff would recommend support of the application.

Mr. Wanamaker, Owner/Applicant was in attendance. He stated that he was originally going to put a roof over his deck when the Town's Building Department found that it was out of compliance. He noted that when he purchased the home it was a new residence with the existing deck, which would have been out of compliance at that time, so he doesn't understand how it passed all of the Town's inspections. He questioned if the other homeowners on the street would have to comply as well with a reply that if/when any of the other homeowners applied for a building permit, perhaps for a deck, roof over a deck, etc then that is when the Building Department would identify the non-compliance and refer them to obtain a minor variance.

Town Planner Denise Whaley noted that when there is a smaller lot, home owners tend to build to the full building envelope which does not leave much space for such things as a larger deck, etc.

It was questioned whether or not the new zoning by-law would be changed to recognize those other homeowners on the street with Denise Whaley replying that for only those few on the street that it is unlikely and that they would have to apply for a minor variance on an individual basis should they wish to make an application.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Waind closed the Public Hearing portion of the meeting.

Motion to adopt the Planning Staff Report #PDS.16.130

Moved by: David Morgan

Seconded by: Bill Remus Carried.

Motion:

Moved by: David Morgan

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A15-2016, for the property located at 12 Pyatt Ave, Thornbury, in order to permit a 6.45 m rear yard setback for an existing deck.

CONDITIONS:

1. None

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance of s.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.16.130". Carried

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

C.2 Application No: A21-2016
Owner: Polferr Developments Inc
Location: Lots 1 & 2, Plan 1134
Civic Address: Alpine Springs Court

Application No: A22-2016
Owner: Polferr Developments Inc
Location: Lots 3, 4 & 5, Plan 1134
Civic Address: Alpine Springs Court

Chairman Waind read aloud the applications purpose and effect which would allow the proposal for a 15 unit townhouse development, which is part of a previously approved condominium plan. The proposed new buildings exceed the maximum height allowed in the zoning by-law, which limits the total height of 2 ½ storey buildings to 9.5 metres. Although these units are proposed to be 2 ½ stories, the total height would be approximately 9.94 metres. Two variance applications have been submitted, one for each side of Alpine Springs Court. A sketch showing what is proposed is on the back of this notice.

If these applications are approved, it would permit the townhouse units to be constructed to a maximum height of 9.94 m, where Section 5.7 (c) (ii) permits a maximum height of 9.5 metres.

The legal description of the properties is Plan 1134, Lots 1,2,3,4 and 6. (formerly the Township of Collingwood), Town of The Blue Mountains.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice was provided to the Owners Agent to be posted on the subject lands.

Comments were received from the following:

Grey County Planning Department – property is designated Recreation Resort Area in the Official Plan and the application conforms to this policy; no further concerns;

Grey Sauble Conservation Authority – no objection as the property is not currently regulated and no natural hazard areas or significant natural heritage features were identified;

Lands and Resources (Historic Saugeen Metis) – no objection;

Niagara Escarpment Commission – no objection provided the Committee is satisfied that the proposal does not present any site specific or neighbourly planning, visual or environmental impacts that cannot be mitigated;

TOTBM Community Services – no issues;

TOTBM Infrastructure and Public Works – no comments

TOTBM Planning Department – this proposal meets the four tests of the Planning Act and Town staff would recommend support of the application.

Colin Travis, Agent for the Owners was in attendance.

Committee member Bill Remus enquired if the sign that is posted on-site is correct, in that the condos will be rented out as an “Inn” like Blue Mountain Resorts. Mr. Travis stated that the proposal is for fifteen condominium townhouses for members of the Alpine Ski Club. He was not aware of any “Inn” or anything “commercial”.

Mr. Travis noted that the stormwater retention pond has not been assumed by the Municipality. The Plans were originally part of the Alta Road, being purchased by the Alpine Ski Club in 2003/2004. The drawings and architect are the same as it was in 2006 and have now resurrected the same project from 2008. Current construction on the site is grading and infrastructure under the September 2016 agreement.

Chairman Waind stated that he thought the 11 metre maximum height requirement in the zoning would have covered the proposed 9.5 metres with Mr. Travis replying that this proposal is under two other subsequent by-laws which were site specific.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Waind closed the Public Hearing portion of the meeting.

Motion to adopt the Planning Staff Report #PDS.16.131 for both minor variance applications A21-2016 and A22-2016

Moved by: Bill Remus

Seconded by: David Morgan Carried.

Motion:

Moved by: David Morgan

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A21-2016, for the property located at Alpine Springs Court, in order to permit townhouse units to be constructed to a maximum height of 9.94 m, where Section 5.7 (c) (ii) permits a maximum height of 9.5 metres.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the submitted elevation plan.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance of s.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.16.131”. Carried

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

AND

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A22-2016,

for the property located at Alpine Springs Court, in order to permit townhouse units to be constructed to a maximum height of 9.94 m, where Section 5.7 (c) (ii) permits a maximum height of 9.5 metres.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the submitted elevation plan.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance of s.45. (1) of the Planning Act, as noted in the Planning and Development Services Staff Report PDS.16.131". Carried

The Committee received written and/or oral submissions before and/or during the hearing and have taken these submissions into consideration when making the decision.

D. Correspondence – none

E. New and Unfinished Business

Chairman Waind gave an update on the September 22nd OACA Seminar in Orangeville. He thought it was an informative Seminar with a good attendance.

F. Next Meeting Date – November 16, 2016

G. Adjournment

Moved by: David Morgan

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