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foot) foot print area two-storey accessory use building (containing a main floor garage, mudroom, hall and two-piece washroom, with a second floor common area (children's play space), office area and exercise area) and would contain space that would be inhabited. It should be noted that the lands are zoned Private Open Space (OS2), Residential Third Density (R3) and Rural Estate Residential (RER(a)) in the former Township of Collingwood Zoning By-law No. 83-40; and the existing accessory use building would be within the Rural Estate Residential (RER(a)) Zone. It should be noted that Section 5.2(i) of the By-law states that human habitation shall not be permitted, except where a dwelling unit is permitted as an accessory use.

The land affected by this application is described as Part Lot 27, Concession 7; Parts 2, 7 and 8, RP 16R-8415 (145 Hoover Lane).

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

Comments were received from the following:

Grey County Planning and Development Dept. – Appendix B of the County Official Plan (OP) indicates a watercourse runs adjacent to the subject lands & that the property is also adjacent to Georgian Bay and therefore comments should be received from the Grey Sauble Conservation Authority; Appendix B of the County OP indicates the lands are located within 50 metres of “Significant Woodlands” however the accessory building appears to be outside of the adjacent lands and therefore an Environmental Impact Study is not necessary; noted that under Section 5.2(i) of the Municipal By-law that “*human habitation shall not be permitted, except where a dwelling unit is permitted as an accessory use*”, however, as the Province of Ontario Bill 140 has opened up the opportunity for this type of second unit the County would therefore have no concerns;

Grey Sauble Conservation Authority – the GSCA issued a development permit for this “*960 square foot non-habitable garage*” in June 2012 and would generally have no objection as the structure as built is not located within an identified hazard zone;

Grey Bruce Public Health Unit – would suggest that the additional washroom be considered in considering the size and capacity of the existing on-site sewage facility;

Neighbouring Property Owners: Orest Dzulynsky at 147 Hoover Lane, Joanne Fallowfield at 105 Teskey Drive, Michael Boon at 107 Teskey Drive, Harry & Karin Rannala at 135 Hoover Lane, S.Vaarsi at 137 Hoover Lane, Myron Dzulynsky at 143 Hoover Lane – all had no objections;

Keith Latimer at 200 Sleepy Hollow Road & Beverley Zwingenberger at 141 Hoover Lane – both in opposition

TOTBM Building & By-law Dept. – does not support

TOTBM Engineering Dept. – questioned if there was any assurance that the structure would not become a dwelling unit; should be assessed a separate water and proposed sewer charges;

TOTBM Planning Dept. – recommends approval.

The Owners/Applicants, Roman and Roma Dubczak, were in attendance and indicated that they have worked closely with Town staff in order to bring this minor variance before the Committee.

In answering questions of the Committee members, they indicated that there is a bar fridge and microwave but no refrigerator, stove or sink. It is a three car garage with the second floor being proposed as an open area (children's play area), for an office and a television. They noted that as the building is closed to Georgian Bay there is no basement.

Keith Latimer, 200 Sleepy Hollow Road, was in attendance. He stated that he was attending to represent himself and Beverley Zwingenberger at 141 Hoover Lane. He noted that both he and Ms. Zwingenberger are opposed to the proposed minor variance and stated the following reasons why:

- does not consider the application to be "minor" and should be dealt with before Council;
- the Building Permit that was posted gave no details of the project other than it was a "detached garage – valued \$400,000";
- the Grey Sauble Conservation Authority (GSCA) permit was not on display; Town Minutes of November 14, 2013 stated that the permit was apparently for "a 960 sq.ft. non-habitable garage";
- vital details of the proposal should have been made available to the neighbouring public;
- they feel that this building is more of a "house" rather than a "detached garage" or an "accessory building";
- have unanswered questions: i) was there more than one permit issued? ii) where there any "stop work orders"? iii) was there an oversight because the building looks like a house? iv) how many inspections were carried out? v) is this really considered an "accessory use" rather than a house or dwelling on the same property?

Bryan Pearce, Town Planner, spoke to some of Mr. Latimer's concerns. He noted that the *Planning Act* defines what is considered to be "minor". Also, there are four tests under the *Planning Act* that an application must adhere to in order to be considered. The application and drawings indicate that the second floor is for a children's play area and office space.

Mr. Latimer indicated that the partitions on the second floor are still there and have yet to be removed. Mr. Pearce then gave clarification as to the history of the proposal and to one of the conditions of the Town's Chief Building Official's comments, wherein should the minor variance proceed it would be required "*to uncover any areas or portion(s) thereof for any construction covered without the benefit of a building inspection and undertake any remedial work or to provide written reports to the satisfaction of the Chief Building Official*".

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zoned Village Residential (VR) in the former Township of Collingwood Zoning By-law No. 83-40; and that Schedule 'AA' of the By-law requires a maximum lot coverage of 15% within the Village Residential (VR) Zone.

The land affected by this application is described as Lot 11, Plan 109 (112 Clark 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 - no buildings or structures are proposed within the Hazard land area; Appendix A of the County Official Plan indicates the subject lands are located within the "*intake Protection Zone 2 (IPZ2) however as the lands are already developed and the proposal involves removing the existing dwelling and replacing it with a new dwelling on generally the same footprint it is not expected that the application would further impact the IPZ2*"; the lands are located adjacent to the Beaver River however due to the nature of the development it is not expect to create any new impacts on the river; comments should be received from the Grey Sauble Conservation Authority; an Environmental Impact Study is not required; the County would have no concerns;

Grey Sauble Conservation Authority – no objection however the application contains revised plans and the applicants must apply for a permit amendment prior to construction or site alterations;

Grey Bruce Public Health Unit – no concerns;

Neighbouring Property Owners – Ken Haigh at 102 Clark Street, Robin Smith at 106 Clark Street, Brandon & Casey Thomson at 114 Clark Street, Araby Lockhart at 116 Clark Street – no concerns

TOTBM Engineering and Public Works – no comments

TOTBM Planning Department – recommends approval.

Tony Round, Agent for the Owners was in attendance. Also in attendance was Owner Signy Teague.

Mr. Round noted that the owners have been here for twelve years and now intend to live here year round. The Owners realize that the lot is small and there are environmental constraints of the lot.

There was discussion regarding development charges on the subject property and Town Planner Bryan Pearce stated that he has spoken to the Town's Finance Department wherein they have indicated that the Town's records indicate that no development charges have been paid on the property so no credit is available on the new development. Therefore, development charges will be required at the time of building permit issuance.

