



Minutes

Committee of Adjustment

Meeting Date: July 19, 2017
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury
Prepared by Lori Carscadden – COA Secretary/Treasurer

A. Call to Order

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

A.3 - Approval of Agenda: Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Agenda of July 19, 2017 be approved". Carried

A.4 – Declaration of Pecuniary Interest: none

A.5 - Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Minutes of June 21, 2017 be adopted, as amended". Carried

A.6 – Business Arising from Previous Minutes - none

B. Public Meeting – 4:00 p.m.

B.1 Application No: A09-2017
Owner: David Inch
Location: Part Lot 26, Plan 16M-23
Civic Address: Ellis Drive

Chairman Morgan read aloud the applications purpose and effect wherein the owner is preparing to construct a house on a lot within the Residential R3-203 zone and is requesting relief from the required front and rear yards of the Zoning By-law. A "required yard" is an area on a lot that must be open to the sky, with no buildings or structures. The term "required yard" is also sometimes referred to as a "required setback".

Approval of this variance would permit a house on the lot to be constructed with:

- A minimum required front yard of 5.6 metres, where the Zoning By-law requires a minimum of 6 metres.
- A minimum required rear yard of 8.1 metres, where the Zoning By-law requires a minimum of 9 metres.

The legal description for this lot is Lot 24, Plan 16M-23 (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 Owner to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – designated Recreational Resort Area in their Official Plan; provided municipal services are available would defer it to the Town standards; designated Significant Woodlands in their Official Plan and as such no development or site alteration may occur unless demonstrated through an Environmental Impact Study (EIS) that there are no negative impacts to the natural or ecological features; provided positive comments are received from the Grey Sauble Conservation Authority the County would have no further concerns;

Grey Sauble Conservation Authority (GSCA) – not currently affected by Ontario Regulation 151/06; no natural hazard features on the property; lot grading and drainage will need to comply with the overall approved stormwater management plan for the development; the plan of subdivision is subject to a tree preservation plan and the subject dwelling appears to encroach into said plan area; the Town will need to be satisfied that the tree preservation plan has been addressed; property is beyond the 50 metre adjacent lands of the Delphi Point Earth Science Area of Natural and Scientific Interest; generally have no objection and no permits are required;

Ministry of Transportation, London – no concerns;

Lou Montana, neighbor to the south – no issues with the proposal;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no comments

Planning Department – meets the four test of the Planning Act and would recommend approval.

Mr. Waind referred to the GSCA's comments regarding the tree preservation plan and asked if there was any concern in this regard from the Town and whether or not the Committee should address it in some manner. Town Planner Denise Whaley stated that the tree preservation plan was reviewed in accordance with the proposal and, should the Committee grant the minor variance, a condition has been added to the decision to address the Plan. It was also noted that it would appear that none of the trees identified would be affected by this proposal.

Mr. Inch, Owner/Applicant, was in attendance and stated that he was aware of the Tree Preservation Plan and has already spoken to C.F. Crozier and Associates who are working with him in that regard.

The legal description of the property is Plan 1023, Part of Lot 1, Less RP16R2796 Parts 1 & 2 (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:

County of Grey Planning Department – designated Primary Settlement Area in their Official Plan wherein new construction through intensification should occur in a manner that takes into account the existing built and physical environment and is sympathetic in form; would prefer to see the location of the proposed dwelling, pool and accessory structure in a location that would allow the extension of Limestone Lane as well as the long-term use of the parcel and discourage any development that may prohibit future development; defer any further comments regarding primary settlement lands to the Town; as the lands are within Significant Woodlands they would recommend comments be received from the Grey Sauble Conservation Authority; under the source water protection the proposal is within the IPZ-2 Zone and Events Based Area; IPZ's are reviewed by the County and Town to assess the risks of potentially contaminated groundwater or surface water to determine if an Environmental Impact Study is required; as the property does not include fuel storage the County have no further concerns in this regard; provided positive comments are received from the GSCA and the Risk Management Official, the County would have no further concerns;

County Housing Services – no concerns;

Grey Sauble Conservation Authority – a small drainage gully and treed slope is located northeast of the property which drains to the Beaver River; a portion of the site is under Ontario Regulation 151/06 and therefore a permit is required prior to any construction of buildings or structures or temporary placement of fill; the proposal is located outside the identified hazard area of the property; no objection subject to a permit being obtained from their office;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no comments

Infrastructure and Public Works – no comments

Planning Department – meets the four test of the Planning Act and would recommend approval.

It was questioned whether or not the one foot reserve on Limestone Lane belonged to the Municipality with Town Planner Denise Whaley stating that it was. Further, access to the proposed lot is off of Napier Street as there is no other choice at this time.

Perhaps in the future, should the remainder of the property be developed, an access point could be made through the Limestone subdivision. Services are available to the property and future development could occur.

Comments from the County regarding “risk management official” was discussed with Town Planner Denise Whaley stating that this is always “prescreened” by the Municipal Planning and Building Departments during the review process. As an example, as there

CONDITIONS:

1. That the development is constructed substantially in accordance with the attached site plan.
2. That this variance to the zoning by-law is for the purpose of obtaining a building permit and is valid for a period of two years from the date of the decision only. If a building permit has not been issued by the Town within two years, the variance shall expire. (*Date of Expiry: July 19, 2019*)

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.17.73". 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. Correspondence – none

D. New and Unfinished Business - none

E. Next Meeting Date – August 16, 2017

F. Adjournment

Moved by: Robert B. Waind

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