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Minutes: Committee of Adjustment

MEETING DATE: May 17, 2016
MEETING TIME: 4:00 p.m.
LOCATION: Council Chambers
PREPARED BY: Lori Carscadden – Secretary/Treasurer

Committee members Chairman Robert B. Waind, David Morgan and Bill Remus were in attendance as were Town Planner Denise Whaley and Secretary/Treasurer Lori Carscadden.

A. Call to Order

Secretary/Treasurer Lori Carscadden read aloud the Fire Evacuation Notice.

- Approval of Agenda

Moved by: Bill Remus Seconded by: David Morgan

THAT the Agenda of May 17, 2016 be approved. Carried.

- Declaration of Pecuniary Interest - none

B. Minutes – Adopt

Moved by: David Morgan Seconded by: Bill Remus
"That the Minutes of April 20, 2016, be adopted". Carried.

C. Public Meeting – 4:00 pm

C.1 Application No: A07-2016
Owners: David & Janet Moser
Location: Lot 40, Concession 2, part 1, Plan 16R-1933
Civic Address: #165 – 39th Sideroad

Chairman Waind called the meeting to Order. He read aloud the applications purpose and effect of the variance which is to build a detached garage on their property. The proposed location of the garage would not meet the required front and side yard setbacks in the Township of Collingwood Zoning By-law 83-40, for the Rural Residential (RUR) zone.

If this variance is approved, the applicant will be allowed to build a detached garage with a front yard setback 18.3 m, where Section 5.22 of the zoning by-law does not allow a garage to be built closer to the street than the main building, and a side yard

setback of 2 metres, where Schedule AA of the Zoning By-law requires a side yard setback of 5 metres.

The legal description of the lands is Concession 12, Part of Lot 40, RP16R 1933, Part 1, Town of The Blue Mountains.

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

Comments were received from the following:
Grey County Planning and Development Dept. – the proposed development appears to be within the adjacent lands of the Significant Woodlands and would recommend comments from the Grey Sauble Conservation Authority; provided positive comments are received from the GSCA the County would have no further concerns;
Grey Sauble Conservation Authority – although there is a steep slope associated with a glacial lake shoreline the property is relatively flat where the garage is proposed; no objection to the minor variance provided a permit is obtained from their office prior to any construction or site alterations;
Lands and Resources (Historic Saugeen Metis) – no objection or opposition;
TOTBM Community Services – no issues;
TOTBM Infrastructure & Public Works (IPW) – no comments;
TOTBM Planning Dept. – recommends approval as noted in Planning Staff Report #PDS.16.54.

Mr. Moser, the Owner & Applicant, was in attendance. He noted that although they have a cistern for water they do have to truck in municipal water for use. As well, with the features of the property, there was no other option to build the proposed garage.

No other members of the public were in attendance to speak in favour or opposition to the variance so Chairman Waind then closed the Public Hearing portion of the meeting.

Motion to adopt Planning Staff Report #PDS.16.54.
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. A07-2016 to allow a detached garage with front yard setback of 18.3 m and a side yard setback of 2 m.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the attached drawings shown as Appendix "B" to Planning and Development Services Staff Report PDS.16.54.

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". Carried.

C.2	Application No:	A08-2016
	Owner:	Meredith Owen
	Agent/Applicant:	Monica E. Kuhn - Architect
	Location:	Grey Condo #28, Plan 28, Unit 36
	Civic Address:	36-102 Wensley Drive

Chairman Waind called the meeting to Order. He read aloud the applications purpose and effect of the variance which is to put an addition on their chalet. The addition proposed does not meet the *required rear yard* of Township of Collingwood Zoning By-law 83-40, in the Residential 3 Exception (R3-23) Zone.

In the zoning by-law, a "required yard" is an area that must be open to the sky with no buildings or structures. This area is also sometimes referred to as a rear yard "setback". If this variance is approved, the applicant will be allowed to construct an addition on the chalet with a rear yard setback of 5.24 metres, where the Schedule "AA" of the Zoning By-law requires a setback of 9 metres.

The lands are also legally described as Grey Condo Plan 28, Unit 36, Town of The Blue Mountains.

Comments were received from the following:
Grey County Planning and Development Dept. – areas identified as Special Policy Area (karst) and the Significant Woodlands policy of the Official Plan, it would normally be necessary to provide an Environmental Impact Study (EIS); however as the property is on full municipal services and considering the nature of the proposed development an EIS may not be required should the Grey Sauble Conservation Authority be satisfied in that regard; provided positive comments are received from the GSCA the County would have no further concerns;
Grey Sauble Conservation Authority – a permit is required from their office as the property is under Ontario Regulation 151/06; the proposal is not anticipated to create new negative impacts to the woodland feature; no objection provided a permit is obtained prior to any construction or site alterations; as well the GSCA will require a lot grading and drainage plan as part of the permit application.
Lands and Resources (Historic Saugeen Metis) – no objection or opposition;
TOTBM Community Services – no issues;
TOTBM Infrastructure & Public Works (IPW) – no comments
TOTBM Planning Dept. – recommends approval as noted in Planning Staff Report #PDS.16.55.

Denise Whaley, Town Planner, spoke to the Committee members regarding a possible Addendum to the Planning Staff Report. The reason being was when the minor

variance application was first reviewed it did not appear that relief for the proposed new deck would be required as it is to be setback further than the existing deck, which does encroach into the rear yard setback. However, after closer review, it was determined that because the proposed deck will in fact be greater than 0.75 metres in height, relief is necessary to allow it to encroach into the rear yard up to 1.24 metres. Further, as the relief is so minimal it was thought that it was not significant enough to re-circulate the Public Notice and require a further Hearing. Ms. Whaley noted that since there were no concerns received from either the public or agencies through the circulation process that it would not be of any benefit to re-circulate the Public Notice again.

Committee members were satisfied that this was a minor oversight and they would be in agreement to work from the Addendum to the Planning Staff Report #PDS.16.55 and that no re-circulation of the Public Notice was necessary.

Monica Kuhn, Architect and Agent for the Owner was in attendance. Ms. Kuhn understood the oversight and was in agreement with the Committee members.

No members of the public were in attendance to speak in favour or opposition to the variance so Chairman Waind then closed the Public Hearing portion of the meeting.

Motion to adopt the Addendum to Planning Staff Report #PDS.16.55.
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. A08-2016 to allow an addition to a dwelling with a rear yard setback of 5.24 m, and allow a deck greater than 0.75m in height to encroach into the rear yard up to 1.24m.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the attached drawings shown as Appendix "A" to Planning and Development Services Staff Report PDS.16.55.

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". Carried.

D. Correspondence: none

E. New and Unfinished Business:

E.1 – Upcoming OACA Conference in London – May 30th to June 1st

F. Next Meeting Date: June 15, 2016

G. Adjournment

Moved by: David Morgan
THAT this Committee of Adjustment meeting now be adjourned. Carried.