



Minutes

Committee of Adjustment

Meeting Date: January 17, 2017
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury ON
Prepared by Lori Carscadden – Committee of Adjustment Secretary/Treasurer

A. Call to Order

Chairman David Morgan called the meeting to Order with the following members in attendance, being Robert B. Waind and Bill Remus. Also attending was Town Planner Travis Sandberg as well as Secretary/Treasurer Lori Carscadden who read aloud the Fire Evacuation Notice. One member of the public, Mr. Richard Lamperstorfer, was also in attendance to provide comment on the application.

A.1 - Approval of Agenda: Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Agenda of January 17, 2018 be approved, as amended". Carried

A.2 – Election of new 2018 Committee Chairperson, if so desired:
"THAT Robert B. Waind be appointed Chairperson of the Committee of Adjustment for the year 2018". Carried Mr. Waind then moved to the Chair of the Committee.

A.3 – Declaration of Pecuniary Interest: none

A.4 - Adoption of Previous Minutes

Moved by: David Morgan Seconded by: Bill Remus
"THAT the Minutes of December 20, 2017 be adopted". Carried

A.5 – Business Arising from Previous Minutes – none

B. – Deputations/Presentations – none

C. Public Meeting – 4:00 p.m.

C.1 Application No: A18-2017
Owners: Randall and Jane Litchfield
Legal Description: Part Lot 38, Concession 11
Civic Address: 389 Sunset Boulevard

Chairman Waind read aloud the Public Meeting Notice, including the purpose and effect of the application, wherein the variance seeks relief from the accessory structure provisions of the Township of Collingwood Zoning By-law 83-40 and was deferred at the December 20, 2017 Committee meeting.

The purpose and effect of the proposed variance is to allow a 0.4m reduction to the required 2.0m setback between an accessory structure and a dwelling in order to enclose approximately 5.4m of an existing breezeway.

An additional variance is requested to permit a 1.6m wide roof connection between the existing dwelling and the detached accessory structure, whereas the By-law does not permit detached accessory structures to be connected in any way to the principle dwelling.

The property is legally described as *Conc. 11, Part Lot 38, Registered Plan 16R-1422, Parts 5, 6, 7.*

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 Placard was provided to the Owners to be posted on the subject lands.

Comments were received from the following:

NOTE: the following two agency comments were received from the first public notice circulation, being for the December 20, 2017 meeting; as no further comments were received from either agency regarding the second public notice, it is assumed that their original comments remained the same.

- Grey Sauble Conservation Authority – the subject property is entirely regulated under Ontario Regulation 151/06 and therefore a permit from their office is required; a retaining wall was built on the property under permit GS16-217 and an addition approved under permit GS17-171; Georgian Bay constitutes a fish habitat but they do not anticipate any additional impacts as the proposed alterations are to the existing structure and the proposed addition is further away from the shoreline; no objection;
- Historic Saugeen Metis – no objection
- Richard Lamperstorfer, resident Alfred/Napier Streets – did not observe the posting of the Notice of Public Hearing and requested that the meeting be cancelled; should the Town accept the posting of the Notice on the hydro pole then it's another case of misguiding the public; neither the Town or the owner owns the hydro utility pole; the notice was not posted "in the area to which the application applies";
- Randall Litchfield, owner/applicant – from an e-mail dated January 17, 2018, Mr. Litchfield stated that he felt the hydro pole was the only option for street visibility; he endeavored to put a stake into the frozen ground to fasten the notice too but to no effect; the evergreens had too many branches for the notice to be fastened to provide sufficient visibility from the street and several feet of hard packed snow covered everything else; he thought the main objective was prominence and visibility so by displaying it on the hydro pole at the corner of his driveway seemed the better choice;
- Infrastructure & Public Works – no comment

- Town of The Blue Mountains Planning Services Department – provided photographs and written confirmation that the notice placard was installed in accordance with the requirements of the Planning Act, and provided comment that the application meets the four tests of the Planning Act and would recommend approval, subject to two conditions as noted in Staff Report #PDS.18.07.

Chairman Waind stated that the Committee believes there was sufficient posting of the notice and began to explain the process and regulations of the posting of a Public Notice. Mr. Lamperstorfer, who was in attendance at the meeting, intervened by saying that no further discussion on the matter was necessary as he had no further concerns with the posting. He further noted that he accepts the landowner's explanation. Mr. Lamperstorfer then asked if the Public Meeting was being webcasted or recorded with Secretary-Treasurer Lori Carscadden stating that it was not, as only Council and Committee of the Whole meetings are at this time.

Travis Sandberg, Town Planner, gave a brief overview of the application. He noted that the existing 7m breezeway was built prior to the Litchfield's ownership and they are now trying to complete interior alterations to the existing dwelling, which includes enclosing approximately 5.4m of the breezeway. As a result of the alterations, the main dwelling will be within 2m of the garage, however no other changes to the existing building footprint or setbacks to the property boundaries would be impacted by this application. Further, the intent of the accessory structure provisions of the zoning by-law are to control the location and size of accessory structures on the property and to ensure that habitable space (accessory apartment units) in detached structures receive appropriate review and approval through the site plan control process. Attached accessory structures are not subject to the same level of standards and review. The proposed variances maintain this intent, as the status of accessory structure, while 'connected' to the main dwelling, is clarified as being detached and remains subject to the accessory structure provisions of the By-law.

Mr. Remus asked whether or not there was to be any storage on the second floor, as the drawings indicate that there are windows. Mr. Sandberg replied that the second storey of the garage contains a guest bedroom, however is not considered as 'habitable living space' for the purpose of zoning and secondary dwelling unit policies.

Mr. Lamperstorfer indicated that he was under the impression that on-site construction is continuing on the property. Mr. Sandberg confirmed that the required minor variances were identified through the building permit review process and that partial permits had been issued for the property. No further work on the enclosure portion of the work may be completed until the minor variance is approved and a full building permit issued.

Mr. Lamperstorfer then asked if it was a new house and garage being built would a building permit be issued. Chairman Waind replied that if the proposal met all of the applicable provisions of the zoning by-law then a building permit could possibly be issued. Otherwise, the proposal would undergo the minor variance process.

Mr. Lamperstorfer inquired about the Public Notices and questioned why reference to a 41.4 sq.m. addition was removed from the second public notice. Mr. Sandberg provided a response

and explained that the 41.4 sq.m. addition was in reference to the portion of the breezeway that is intended to be enclosed and conceded that this would have been better explained as such in the first public notice. As such, the language in the second public notice and the site sketch were revised in order to simplify and clarify the purpose and effect of the two requested variances, as per comments made by Committee Member Waind at the December 20, 2017 meeting. Mr. Sandberg reiterated that the purpose and effect of the application has not changed and that the two variances originally requested by the applicant have not changed since issuing the first Public Notice.

Mr. Lamperstorfer then questioned the wording of the Public Notice, specifically asking what 'wide' meant with respect to the description of the '1.6m wide roof connection'. Mr. Sandberg highlighted the building elevation included on the Public Notice and explained that this wording was in reference to the 1.6m portion of the breezeway that is to remain unenclosed. Mr. Lamperstorfer also asked what the definition of a 'breezeway' is, with Mr. Sandberg responding that a definition does not exist in the Zoning By-law and the term is being used to better describe the roof connection for the general public.

Mr. Lamperstorfer then mentioned that prior to this meeting he had requested a copy of the draft meeting minutes of the December 20, 2017 committee meeting and they were not provided to him. He then stated that Shawn Everitt, Interim CAO for the Town, did reply back to him that no minutes of any meeting are made available to the public until they have been approved either by Council or the Committee. Mr. Lamperstorfer then expressed his concerns with the municipality's procedural by-law and the fact that the draft minutes of December 20, 2017 were not made available to him prior to this hearing. It was his understanding that Shawn Everitt had given staff direction to change the process. The Secretary-Treasurer clarified this point and explained that this is not the direction received, and further conversation on this matter should be directed to the CAO and Council as the Committee has no authority over Municipal procedure and by-laws. Chairman Waind offered a copy of the recently approved December 20, 2017 minutes, but was declined.

Mr. Morgan asked Mr. Lamperstorfer if he was a neighbor to this minor variance with Mr. Lamperstorfer stating that he was not. Mr. Morgan stated that he was asking in order to better understand how the minor variance would affect Mr. Lamperstorfer. Mr. Lamperstorfer then asked if he should not have attended the meeting, with both Chairman Waind and Mr. Morgan saying that any member of the public are welcome to attend, and in fact the Committee encourages any interested member of the public to attend these meetings and provide their comments. Mr. Lamperstorfer stated that he was interested in the process of the Committee and that he may have a minor variance application before the Committee at the February meeting. He further noted that it was his desire to learn more about the process.

Mr. Lamperstorfer then stated that he wanted the minutes to be wiped clear and that he did not trust the Clerk. Chairman Waind asked what this hearing had to do with the Clerk, with Mr. Lamperstorfer stating that it would be the Clerk who prepared the minutes of this meeting and that he did not trust her due to a past experience at a Council Meeting. Mr. Waind replied that

it was in fact Lori Carscadden, Secretary-Treasurer to the Committee, who would be preparing the Committee's minutes.

Mr. Lamperstorfer then stated that he had no objection to the minor variance before the Committee.

Motion to adopt the Planning Staff Report #PDS.18.07

Moved by: David Morgan Seconded by: Bill Remus Carried

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

Motion:

Moved by: David Morgan Seconded by: Bill Remus

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A18-2017 to permit an accessory structure to be located 1.6m from the main dwelling and to be connected thereto by a 1.6m roof connection, in accordance with the submitted site sketch.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the survey attached as Attachment #1; and
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and is only valid for a period of two years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on January 17, 2020.

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.18.07.

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". Carried

D. New and Unfinished Business:

- i) The Secretary noted that Council and Committee of the Whole (COW) meetings are now being webcasted and recorded. Does the Committee have any desire for the Committee of Adjustments public meetings be as well? All Committee members did not think there was any point in webcasting or recording meetings at this time.
- ii) The Secretary provided the Committee members with copies of Report #PDS.18.06 - Committee of Adjustment 2017 Annual Report. This report will be going to the January 29, 2018 COW meeting, for information purposes.

E. Next Meeting Date: February 20, 2018

F. Adjournment

Moved by: David Morgan

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