

1. establish the 15 metre hazard setback from the surveyed top of bank;
2. to permit a portion of the in-ground swimming pool to be located a minimum 10.9 metres from the southern interior side lot line, (13.4 metres from the top of bank) ;
3. to permit the construction of a maximum 24.1 square metre observation tower with a maximum height of 11.4 metres onto the single detached dwelling.

bank, where top of bank has been defined as the side lot line. Schedule 'AA' and Section 5.7(c) to the Township of Collingwood Zoning By-Law 83-40, requires that the maximum height in the Residential (R3-160) Zone, shall be 2 ½ storeys (up to 9.5 metres). The By-law measures height from the average finished grade at the front elevation to a point midway between the eaves and the ridge.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments received were from the December 13, 2007 public meeting as well as for this meeting, from the public and agencies:

1. *Carolyn Leonetti – 142 Indian Circle* – opposed to the setback due to ridge protection; opposed to the height of the observation tower which poses a privacy issue and is too tall for the escarpment;
2. *David & Paula Butterfield – 114 Indian Circle* – through the OMB the sensitivity of the Nipissing Ridge was acknowledged and the 15 metre setback established; is opposed to any encroachment or variance, i.e. the pool; not opposed to the observation tower as long as it conforms to the intent of the Official Plan and is in-keeping with the visual landscape character.
3. *Terry Thompson, President of the Georgian View Estates Ratepayers Association, and on behalf of the ratepayers* – objects to the 15 metre setback; objects to the observation tower being 40 feet above grade and would be intruding on the privacy of the residences; is also concerned with it setting a precedence.
4. *Randy W. Elliott – Georgian Bay Estates* – their Architectural Review Committee have reviewed the drawings and offer the following comments regarding: preliminary review, main floor elevation, windows/doors/garage doors, stone and wood siding, final colour package and landscape plan. The Committee noted that the overall look is important to future residences and to the Club and want to make certain that every home owner is protected through the mandate set out; the proposed home is fabulous and will contribute greatly to the development.
5. *Andrew Willis – Lot 12, Timber Leif Ridge* – full support.
6. *Robert & Sue Blake – Lot 10, Timber Leif Ridge* – no immediate concerns.
7. *Allan Fraser – 101 Collens Court* – Town should give the variance on the front side of the lot to accommodate the dwelling, pool and pool walkway leaving the 15 metre setback in tact; also has concern with setting a precedence.

8. *Fred Barnes – located immediately below the Ridge upon which this home will be built* – opposes the 15 metre setback; concern with the steep ridge and its fragile nature and erosion problems; concern with trees that have been removed that shouldn't have been; opposes the granting of an extra 10-12 feet for the tower which will only set a precedence.
9. *Boyd Marshall – 104 Aberdeen Court* – suggested altering the pool design and objects to the 15 metre setback; objects to the towers height as it would look like a lighthouse and would be out of character.
10. *Grey County Planning Dept.* – comments are required from the Grey Sauble Conservation Authority regarding the hazard setback; provided the GSCA have positive comments, then they would have no further concerns.
11. *Grey Sauble Conservation Authority, December 11/07* – does not support an encroachment into the hazard setback with regard to the pool; significant concerns with stability of the slope and no development outside of the building envelope; any site alterations will require a permit.
January 08/08 – the OMB decision pertaining to the setback stated that no buildings or site alterations are to occur within the 15 metres of the surveyed top of slope. The approved subdivision plan identifies the surveyed top of slope. Although the current hazard line is not the same as the surveyed top of slope line, it does indicate the actual top of slope adjacent to the property. This line appears to generally coincide with the plan provided with the application.
 - does not support the proposed site plan shows the pool structure extending right up to the re-defined setback line leaving no room for decking around the pool and/or the fill materials required to support the pool structure.
 - the application requests relief from the re-defined setback to allow a further infringement into the hazard area; neither the GSCA or the OMB supports this.
12. *Jim Green (applicant)* – requested that the Committee accept his withdrawal of their request of the 1.5 metres by 3 metre long triangle corner of their pool that would be located within the 15 metre zone.

Shawn Postma presented the Planning Staff Report. He noted that he has spoken to the GSCA regarding their January/08 comments and to the applicants. He stated that this public hearing is to be considered the formal hearing for application A26/2007 and the comments read aloud are on record and will be taken into consideration by the Committee. He further reiterated the purpose and effect of the variances being requested. As noted in the e-mail from the applicant, Mr. Green, a withdrawal of their encroachment into the 15 metre setback has been received. Therefore, the 15 metre setback is no longer an issue to be considered by the Committee.

However, there is still the re-establishment of the hazard boundary and the height of the 24.1 sq.m. observation tower to be considered.

Shawn reiterated in greater detail from the December/07 meeting the four tests that an application must meet under the Planning Act.

Shawn explained the Official Plan and Zoning By-law designations and how it pertained to this application. He also spoke of the Minutes of Settlement through the Ontario Municipal Board and how they were specific to this subdivision.

The Residential (R3-160) Zone would allow a 2 ½ storey (up to 9.5 metres) in height, being measured from the average finished grade at the front elevation to a point midway between the eaves and the ridge. The By-law states that "height" would exclude any construction used as an ornament, or for the mechanical operation of the building such as a mechanical penthouse, chimney, tower, cupola or steeple.

The By-law further provides for exceptions to the height regulation for: "a belfry for an institutional use, a bridge, a chimney, a church spire, radio/tv antennae, silos and other similar uses". However, since the observation tower's purpose is to allow for human accessibility, it would not fall within the exceptions of a permitted exception.

Shawn Postma also reviewed the comments from the Building Dept. The tree preservation zone, as established through the subdivision agreement, was implemented by the Official Plan and therefore must be addressed through this variance. The applicant has prepared a Landscape Plan, stamped by an Ontario Landscape Architect. This drawing will be sent to the GSCA and Niagara Escarpment Commission for review of the slope stability and visual impact concerns. This can be added as a condition of the variance, if granted.

Brad Abbott, Architect and agent for the applicant was in attendance and provided a composite drawing of the Green's proposed residence and the location of the tower in relation to the proposed residence. He identified the site line from the top of the tower to ground level showing that no residence below the ridge would be affected in regards to privacy. He noted that regardless of the tower, the house is still considered to be a single storey residence with a walkout basement.

Mr. Green, applicant, stated that for six months of the year the residents in Indian Circle would not be able to see the house due to the quantity of trees and leaves, leaving the other six months with approx. 30-40% chance of a visual. He further stated that Lots 12, 13 and 10 would be most affected by the visual of the tower, however those lot owners have indicated support for the tower.

CONDITIONS:

1. That a landscape plan be prepared to the satisfaction of the Town by an Ontario Landscape Architect to demonstrate the remediation of the 5 metre tree preservation zone, as identified in Schedule 'D' of the Georgian Bay Estates Subdivision Agreement Landscape Plan, dated June 2004, by R. J. Burnside & Associates Limited". Carried.

D. Business Arising:

- i) 2008 OACA Conference – June 1st to 4th – City of North Bay
Bob Waind and Shiela Metras expressed interest in attending;
- ii) OACA Seminar 2008 – meeting being held end of January to determine Seminar date in September/08;
- iii) 2008 membership applications – Sec/Treas. Has completed the forms and sent them in with payment for each Committee member;
- iv) a copy of Planning Staff Report No.PL.08.10, "By-law to empower the Committee of Adjustment to grant variances to Fence By-law No.2003-14, as amended" was distributed to the Committee members for information purposes. This report will be going before Council on January 21, 2008.

E. Correspondence: NIL

G. Next Meeting Date – February 21, 2008

H. Adjournment:

Moved by: Bill Remus Seconded by: Shiela Metras

THAT this Committee of Adjustment meeting now be adjourned at 8:00 pm.
Carried.