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211 permits a maximum of 2 storeys or 8m. Within the Zoning By-law, height for a pitched roof is calculated at the midpoint between the eaves and the ridge, from the finished grade of the front of the building. Note that the height requested has not been revised; the size, design and location of the “turret” has changed from the original notice.

The land affected by this application is a vacant lot located between 316 and 320 Sunset Blvd (Lora Bay) and described legally as Plan 16M18, Lot 16 (Township of Collingwood).

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 objection as residential uses are permitted within the Recreational Resort designation; recommends comments from the Grey Sauble Conservation Authority regarding a need for an Environmental Impact Study (EIS);

Grey Sauble Conservation Authority – no comments received;

Lands and Resources (Historic Saugeen Metis) – no objection or opposition;

Steve Prest – Lot 20, Sunset Blvd – the definition of “height” in the municipal by-law has to be understood and how height is determined; the home will be aesthetically pleasing, positioned properly on the lot mid distance in-line with other homes on either side and the “turret” will add real character to the home, streetscape and the community;

Steve Simon – Lot 19, Sunset Blvd, West of the subject lands – the plan is very reasonable and will add to the character and aesthetics of the neighbourhood; the turret is small in structure and at the proposed height should be visually appealing while not blocking sight lines of any significance;

Gord & Diane Sonnenberg –no objection;

Larry Dunn on behalf of Lora Bay – supports the minor variance; an approval would not relieve the property or building from any requirements or obligations set forth in the covenants and deed restrictions registered on title of the lands;

TOTBM Community Services – no concerns;

TOTBM Infrastructure & Public Works (IPW) – no comments;

TOTBM Planning Dept. – recommends approval subject to the recommended conditions as noted in Planning Staff Report #PDS.16.07 (Addendum #PDS.15.125);

Member Remus stated that there appears to be some confusion with the definition of “two storeys” within the Municipal Bylaw and requested some clarification. Planner Bryan Pearce replied that the design of the turret does not qualify as a storey. That being said, it was still thought that, through reading the definition of “storey”, that the proposal could still possibly be a third storey. Mr. Pearce provided Section 3.155 “Storey” and Section 3.156 “Half-Storey” from the By-law on the overhead for all to view. The definition was read through and discussed, thereby confirming that the “turret” did not qualify as a third storey, see definitions below:

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(3.155 "Storey" shall mean that portion of a building, other than an Attic or Cellar Storey, between any floor and the floor, ceiling or roof next above, provided that any portion of a storey is not less than 2.3 metres or any storey that exceeds 4.3 metres in height shall be deemed an additional storey for each 4.3 metres or fraction thereof of such excess. For the purposes of this By-law, a Basement shall be considered a storey (By-law No. 92-27).

3.156 "Half Storey" shall mean the portion of a building located wholly or partly within a sloping roof having a floor area of not more than two thirds of the floor area of the storey next below, sidewalls not less than 1.4 metres in height and a ceiling with a minimum height of 2.3 metres and a maximum height of 4.3 metres over an area equal to at least 50% of its floor area or 2.1 metres over 100% of its floor area (By-law No. 92-27)".

Further, it was questioned where the access was to the turret, with it being noted that it would be via a staircase.

Member Waind stated that it is his understanding that when the Municipal By-law was put in place, it was to ensure privacy for those on the North side of the road. Mr. Pearce replied that due to the lay of the land which tends to "roll" down towards the Bay, that the intent was to be mindful of those residences below so that no one would be facing into the privacy of someone else's home.

It was noted that three of the four sides of the turret are proposed with windows. The plan/drawings provided only depicted a window on the East side. This was confirmed by the Owners and their Agent, that there are three windows proposed in the turret.

Chairman Morgan then opened the meeting up to the public.

Ron Martin, the Owners designer, was in attendance. He stated that the second storey is a bedroom and the proposal for the turret was designed using the definition of "storey" from the Ontario Building Code.

Mr. Martin confirmed that the intention is to have three windows on the turret.

It was then questioned if it was necessary to have three windows as the proposal does not appear to provide any privacy to the West. The By-law was put in place to provide privacy to all neighbours, East and West but this does not appear to be the case for those on either sides. It would also appear that the West side is looking into the neighbours rear yard.

Katie & Len Patten, Applicant/Agent, were in attendance. Ms. Patten noted that the neighbour to the West provided the Committee with a letter of support. Mr. Patten also noted that there is a window on the second floor that will look into the side yard as well.

Brian Harkness, Lot 15 (320 Sunset Blvd) was in attendance. He stated that they have had discussions with the Owners and do not have any objection to the storeys. He did note that they were one of the first to build in the area and that they too were affected by the 8 metre height restriction, and therefore had to build a portion of their home as a flat roof to meet the requirements of the By-law on the North side. Through discussions the Owners assured that the windows on the South side, which were not shown on the drawings, may give them the privacy due to the height of the building. Mr. Harkness stated that assuming the windows were to the back yard, that it should give them the privacy required. Also, if the turret is used as a studio and the window is from the floor up to the ceiling, would there be privacy to them when the Owner is working in her studio, i.e. this would be a full view of any person in the studio. He stated that this is something that he was sure they could discuss further with the Owners and appreciated them working with them on it.

Janet Findlay, Lot 15 (320 Sunset Blvd), was in attendance and requested clarification on the privacy of someone in the dwelling. She stated that the whole point of privacy was for the Owners and neighbours alike.

Discussion was had as to whether or not the three windows could be placed higher up so as to not allow for a full floor to ceiling view. As this request was not part of the minor variance application, the Committee members did not feel it was within their means to add it as a condition of the Decision, but rather it would be something that the Owners and neighbours could discuss and agree upon themselves.

Maria Cumming, Owner was in attendance, and stated that they were just trying to compliment the East and West sides but had no issues with raising the three window sills to a height of 42 inches from the floor.

No other members of the public wished to speak either in favour of or in opposition to the application, Chairman Morgan then closed the Public Hearing portion of the meeting.

Motion to accept Planning Staff Report #PDS.16.07.

Moved by: Robert B. Waind

Seconded by:

Bill Remus

Carried.

Motion:

Moved by: Robert B. Waind

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A16-2015 to permit the construction of a 3.04m x 3.04m (10 x10 ft) turret with a mezzanine studio

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room, no higher than 11m, where section 32 subsection 211 permits a maximum of 2 storeys or 8m.

CONDITIONS:

1. That the height relief is for the turret only, not the main roof.
2. That the development be constructed substantially in accordance with the drawings attached to the Planning and Development Services Staff Report PDS.16.07.

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 Reports PDS.15.125 and PDS.16.07". Carried.

D. Correspondence: none

E. New and Unfinished Business:

E.1 Appointment of new Chairperson for 2016

Moved by: David Morgan Seconded by: Bill Remus

"THAT Robert B. Waind be appointed Chairperson of the Committee of Adjustment for the year 2016". Carried.

F. Next Meeting Date: Thursday, February 18, 2016

G. Adjournment

Moved by: Robert B. Waind
THAT this Committee of Adjustment meeting now be adjourned. Carried.