

Minutes: Committee of Adjustment



MEETING DATE: July 15, 2014
MEETING TIME: 4:00 p.m.
LOCATION: Town Council Chambers
PREPARED BY: Lori Carscadden – Secretary/Treasurer

Committee members Chairman Robert Waind and David Morgan were in attendance as were Town Planner Bryan Pearce and Secretary/Treasurer Lori Carscadden. Committee member Bill Remus was absent.

A. Call to Order

- Approval of Agenda

Moved by: David Morgan

Seconded by: Robert B. Waind

THAT the Agenda of July 15, 2014 be approved.

- Declaration of Pecuniary Interest - none

B. Minutes – Adopt

Moved by: David Morgan

Seconded by: Robert B. Waind

“That the Minutes of June 25, 2014 be adopted, as amended”. Carried.

C. Public Meetings – 4:00 pm

C.1 Application No: A08-2014
Owner/Applicant: Corinne Martin
Location: Town Plot Lot 10, NE Louisa Street
Part Lot 10, SW Arthur Street
Civic Address: 18 Wellington Street South

Chairman Waind called the meeting to Order. He read aloud the applications’ purpose and effect of the variance which is to construct an accessory use detached garage that would be within the front yard of the existing single detached residential dwelling (yard to Louisa Street) on this corner lot. It is noted that the existing accessory use detached garage would be demolished after the new accessory use detached garage is built.

The effect of this variance is to permit the construction of a maximum 53.4 square metre foot print area one-storey accessory use detached garage to be a minimum distance of 24 metres from the front lot line. It is noted that the lands are zoned Residential R2 pursuant to the (former) Town of Thornbury Zoning By-law No. 10-77, as amended; and

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that Section 6.1(v) requires accessory buildings and structures not to be located in the front yard.

The land affected by this application is described as Town Plot Lot 10, Northeast of Louisa Street and Part of Lot 10, Southwest of Arthur Street; (18 Wellington Street South).

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

Comments were received from the following:

Grey County Planning and Development Dept. – no concerns

Grey Sauble Conservation Authority – no permit is required from their office; no objection

Grey Bruce Public Health Unit – no comments

TOTBM Engineering Dept. – no comment

TOTBM Planning Dept. – recommends approval.

Corinne Martin, Owner/Applicant, was in attendance. She stated that they will be demolishing the old existing garage and wish to construct a double car garage in the front yard. The proposed garage would be in-keeping with the look of the surrounding neighbourhood.

Bryan Pearce, Town Planner, gave a brief overview of the proposal and Town Staff report.

No other members of the public were in attendance to speak either in favour of or in opposition to the application. Chairman Waind then closed the Public Hearing portion of the Meeting.

Moved by: David Morgan
TO adopt Planning Staff Report #PL.14.78”.

Seconded by: Robert B. Waind
Carried.

Moved by: David Morgan
DECISION:

Seconded by: Robert B. Waind

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A08-2014 in order to permit the construction of a maximum 53.4 square metre foot print area one-storey accessory use detached garage to be a minimum distance of 24.0 metres from the front lot line on the subject property.

CONDITION(S):

1. That the accessory use detached garage be constructed substantially in accordance with the drawings date stamped received by the Town on June 16, 2014, as further attached to Planning Staff Report PL.14.78.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.14.78". Carried.

C.2	Application No:	A11-2014
	Owner:	Grant Campell
	Applicant/Agent:	Krystin Rennie / Peter Tollefsen – Georgian Planning Solutions
	Location:	Lot 124, Plan 1023
	Civic Address:	69 King Street E.

Chairman Waind called the meeting to Order. He read aloud the applications' purpose and effect of the variance which is to recognize the existing two-storey main building, consisting of a commercial use day spa on the main and second floors, that would be beyond the maximum front yard setback. The Owner has also requested relief to reduce the minimum planting strip width for landscaping along the westerly lot line due to the adjacent residential use to the west; to reduce the minimum setback requirements for the existing driveway access from the westerly side lot line and to reduce the minimum width for the existing driveway to access the loading space; and to recognize the existing accessory use detached barn/shed that is within the rear yard setback which exceeds the maximum accessory use lot coverage requirements.

The effect of this variance is to permit the existing two-storey main building to be located a maximum distance of 9.9 metres from the front lot line; to permit the reduction of the minimum planting strip width for landscaping to 0 metres along the westerly interior side lot line; to permit the reduction of the minimum setback requirements for driveway access to 0 metres along the westerly interior side lot line and to reduce the minimum width for the existing driveway to access the loading space to 3.3 metres; and to permit the existing accessory use detached barn/shed to be located a minimum distance of 0.1 metres from the rear lot line and a maximum accessory use lot coverage of 5.5%. It is noted that the lands are zoned General Commercial C2 pursuant to the (former) Town of Thornbury Zoning By-law No. 10-77, as amended. Section 15.2(e)(ii) requires a minimum of 50% of the main wall opposite King Street East shall be located no closer than 1.0 metre and no greater than 6.0 metres from the front lot line; Section 6.5(b) requires a minimum 3.0 metre wide planting strip for landscaping of a non-residential use when the interior side lot line or rear lot line abuts a residential use or undeveloped land in a Residential Zone; Section 6.9(d)(viii) requires that no driveway shall be established closer than 1.2 metres to a side lot line for driveway access; Section 6.6(d) requires that access to loading space shall be by means of a driveway at least 6.0 metres wide; Section 6.1(vi) requires that accessory uses, buildings and structures shall not be built closer than 1.2 metres to a rear lot line; and Section 6.1(ix) requires that accessory uses, buildings and structures shall not exceed 5% of the lot area.

The land affected by this application is described as Lot 124, Plan 1023; Part 1, RP 16R-1816; (69 King Street East).

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

Comments were received from the following:

Grey County Planning and Development Dept. – the property abuts King Street East, a part of Provincial Highway 26; comments should be received from the Ministry of Transportation if a Connecting Link agreement is not in place for this section of road; providing positive comments are received from the Ministry of Transportation the County would have no concerns;

Grey Sauble Conservation Authority – no permit(s) is required from their office; as drainage outlets to the municipal storm sewer they would recommend that the soakaway pit be monitored and maintained regularly to ensure functionality; generally have no concerns;

TOTBM Engineering Dept. – no comment

TOTBM Planning Dept. – recommends approval.

Peter Tollefsen, Agent (Georgian Planning Solutions) for the Owner was in attendance as was the Owner, Grant Campbell.

Mr. Tollefsen provided a power point presentation and gave a brief justification of the proposal. He stated the following:

- the existing brick residence has been in existence since the 1900's consisting of the house, driveway, barn/shed;
- there is new residential development to the West of the subject lands with a grass and treed buffer in between the two properties;
- he noted that there are six sections of the By-law that the Owner is requesting relief from and reviewed those six sections with the Committee members/public;

Bryan Pearce, Town Planner, gave a brief review of the proposal and Town Planning Staff Report.

No other members of the public were in attendance to speak either in favour of or in opposition to the application. Chairman Waind then closed the Public Hearing portion of the Meeting.

Moved by: David Morgan
TO adopt Planning Staff Report #PL.14.79".

Seconded by: Robert B. Waind
Carried.

Moved by: David Morgan

Seconded by: Robert B. Waind

DECISION:

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A11-2014

in order to permit the existing two-storey main building to be located a maximum distance of 9.9 metres from the front lot line; to permit the reduction of the minimum planting strip width for landscaping to 0 metres along the westerly interior side lot line; to permit the reduction of the minimum setback requirements for existing driveway access to 0 metres along the westerly interior side lot line and to reduce the minimum width for the existing driveway to access the loading space to 3.3 metres; and to permit the existing accessory use detached barn/shed to be located a minimum distance of 0.1 metres from the rear lot line and a maximum accessory use lot coverage of 5.5% on the subject property.

CONDITION(S):

1. That the relief requested be recognized substantially in accordance with the drawings date stamped received by the Town on June 25, 2014, as further attached to Planning Staff Report PL.14.79.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.14.79". Carried.

C.3	Application No:	A12-2014
	Owners:	Peter Doering & Lucy Gauvin
	Applicant/Agent:	Brad Abbott, Abbott Design Inc.
	Location:	Unit 27, Level 1, Grey Condominium Plan 28
	Civic Address:	102 Wensley Drive

Chairman Waind called the meeting to Order. He read aloud the applications' purpose and effect of the variance which is to consider a request by the Owner to construct a single detached residential dwelling that would be located within the minimum front yard setback and exceeds the maximum height. The owner has also requested relief to provide the minimum number of parking spaces on the exclusive use portion of the common elements condominium rather than the lot, to allow for the construction of a new dwelling on the lot, and to reduce the minimum lot frontage requirements. It is noted that the existing single detached residential dwelling would be demolished prior to the construction of the proposed single detached residential dwelling.

The effect of this variance is to permit the construction of a maximum 238.7 square metre foot print area two-storey single detached residential dwelling to be a minimum distance of 4.9 metres from the front lot line and to have a maximum height of 10.4 metres; and to permit the minimum required parking spaces on the exclusive use portion of the common elements condominium rather than on the lot, to construct a new dwelling on the lot, and to have a minimum lot frontage of 16.4 metres. It is noted that the lands are zoned Residential Third Density Exception 23 (R3-23) pursuant to the (former) Township of Collingwood Zoning By-law No. 83-40, as amended. Schedule

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'AA' of the By-law requires a minimum front yard setback of 7.5 metres and a minimum lot frontage of 18 metres within the Residential Third Density (R3) Zone; Section 5.7(c)(ii) of the By-law requires that the maximum height (measured from the average finished grade of the front elevation to the mid-point between the eaves and ridge of the dwelling shall not be more than 2.5 stories, up to a maximum height of 9.5 metres; Exception 23 requires any new addition to an existing dwelling unit or any new accessory building or structure may be permitted if it complies with the provisions of the R3 Zone; and Section 5.14(e) of the By-law requires the parking areas to be provided on the lot occupied by the buildings, structures or use for which the said parking area is required.

The land affected by this application is described as Unit 27 Level 1, Grey Condominium Plan 28; (102 Wensley Drive, Unit 27).

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

Comments were received from the following:

Grey County Planning and Development Dept.- no Environmental Impact Study is required as the subject lands are on municipal sewer & water services; no concerns;
Grey Sauble Conservation Authority – no permit(s) is required from their office; would suggest that an engineered lot grading and drainage plan be prepared to the satisfaction of the Town as well as the footing design be inspected and approved by a geotechnical engineer as the property is located on a sloped area making it susceptible to slope hazards;

Grey/Bruce Public Health Unit – no comment

TOTBM Engineering & Public Works Dept - no comment

TOTBM Planning Dept – recommends approval.

Brad Abbott, Abbott Design Inc, and Agent for the Owners, was in attendance. Also attending was Owner Peter Doering and Contractor for the proposal David Eaton.

Mr. Abbott provided a cross section of the proposal that provided a clearer understanding of the proposal. He stated that:

- the residence is used mainly for winter use;
- parking is in a common area exclusive to Lots 27 and 28;
- the road is common element;
- requesting relief to the height restriction of 0.9 metres.

It was then questioned whether or not the Condominium Corporation was aware of the proposal. Town Planner Bryan Pearce noted that the Condominium Corporation was notified with the Public Hearing Notice through their Property Management, being Sheridan Management. If there was any concern with this proposal, they had opportunity to make it known, otherwise it would be a matter between the Owner and the Condominium Corporation.

David Eaton, Contractor, indicated that he was aware that Sheridan Management was currently endeavoring to acquire a By-law for all of the chalets since municipal sewer and water services are now provided for them all.

Discussion pursued regarding parking. It was noted on the Condominium Plan that when the Plan was first devised there were some Units where parking on the Unit property wasn't feasible. To be able to provide parking to those few Units, a common parking area was provided away from the Unit's property. These few common parking areas still exist and are to be used by those Unit owners for their own parking purposes, i.e. two parking spaces per unit. Clarification of Section 23 to the Zoning By-law regarding parking was provided by Town Planner Bryan Pearce.

Mr. Doering noted that, for aesthetic reasons, they do not want the residence to look like a four storey Unit so they will be excavating and backfilling around the tunnel.

No other members of the public were in attendance to speak either in favour of or in opposition to the application. Chairman Waind then closed the Public Hearing portion of the Meeting.

Moved by: David Morgan
TO adopt Planning Staff Report #PL.14.80".

Seconded by: Robert B. Waind
Carried.

Moved by: David Morgan
DECISION:

Seconded by: Robert B. Waind

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A12-2014 in order to permit the construction of a maximum 238.7 square metre foot print area two-storey single detached residential dwelling to be a minimum distance of 4.9 metres from the front lot line and to have a maximum height of 10.4 metres; and to recognize the minimum required parking spaces on the exclusive use portion of the common elements condominium rather than on the lot, to construct a new dwelling on the lot, and to have a minimum lot frontage of 16.4 metres on the subject property.

CONDITION(S):

1. That the proposed single detached residential dwelling be constructed substantially in accordance with the drawings date stamped received by the Town on July 03, 2014, as further attached to Planning Staff Report PL.14.80.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.14.80.

D. Correspondence: none

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E. New and Unfinished Business: none

F. Next Meeting Date: August 27, 2014

G. Adjournment

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