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Additional information is on the back of this Notice pertaining to the details of their request and the regulations of the zoning by-law.

The legal description of the property is East Part Lot 46, Plan 320; Town of The Blue Mountains.

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by both pre-paid first class mail and purolator courier due to the possibility of a postal strike. The Notice was provided to the Owners agent to be posted on the subject property.

Comments were received from the following:

*Grey County Planning and Development Dept.* – a shoreline hazard study was prepared by C.C.Tatham & Associates Ltd which concluded that the existing gabion shore wall has a crest elevation and armour mass that provides appropriate protection against the flood hazard for the subject property; as well the development is occurring in the same area as the existing structure so an Environmental Impact Study (EIS) may not be required, but consultation with the Grey Sauble Conservation Authority (GSCA) should be had; as the subject property abuts a Provincial Highway comments should be received from the Ministry of Transportation (MTO); provided positive comments are received from the GSCA and the MTO the County would have no further concerns;

*Grey Sauble Conservation Authority* – a permit is required due to the wave uprush and other water related hazards and an additional 15 metre allowance; if the existing wall remains in place the coastal engineer has deemed that it would provide adequate level of wave protection; the proposal does not appear to create any negative impacts on the natural heritage feature or fish habitat; generally have no objection provided a permit is obtained from them;

*Grey/Bruce Public Health Unit* – no comments;

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

*TOTBM Community Services* – due to the increasingly high volume of home construction along Hwy.26 is there any control mechanisms to maintain the Georgian Bay vista along the highway?

*TOTBM Infrastructure & Public Works (IPW)* – no comment;

*Michael Spitzer – 209505 Highway 26* – this was a verbal telephone conversation with the Secretary/Treasurer on July 20, 2016. Although he never actually received the Notice of Public Hearing either by purolator courier or by mail, he was made aware of the minor variance application by his neighbour and then by reading the Notice on the Town's website; Mr. Spitzer has no objection to the minor variance and in fact, is glad that the area is being enhanced;

*TOTBM Planning Dept.* – recommends approval as noted in Planning Staff Report #PDS.16.98.

David Frattaroli, DMTG Projects and Agent for the Owner was in attendance. He stated that the intention of the Owner is to demolish the existing cottage and re-build on the existing site, however shifting the dwelling slightly to centre it more on the property. The demolition would be that of a single family one storey dwelling and replacing it with a

two storey dwelling. He noted that since the elevated deck is considered to be part of the lot coverage, a relief of 1.7% lot coverage is required in that regard. As well, relief from the minimum centreline of the provincial highway road allowance and minimum wave uprush setback to where the existing shore wall is located is also required. Mr. Frattaroli stated that they have been in contact with the Grey Sauble Conservation Authority where an existing permit is about to expire in the next few weeks but have been assured that the permit will either be extended or possibly be required to re-apply for a new one. He did not feel that there would be any problem with obtaining the required permit.

Bryan Pearce, Planner for the Town, gave a brief review of the proposed variance. He noted that the MTO will require an entrance permit should any changes with the driveway occur.

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

Motion to adopt Planning Staff Report #PDS.16.98.

Moved by: Bill Remus                      Seconded by: David Morgan                      Carried.

Motion:

Moved by: David Morgan                      Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A11-2016 to permit the construction of a new dwelling with a minimum rear yard setback of 7.8 metres, a minimum centreline of provincial highway road allowance setback of 29.1 metres and a minimum wave uprush setback to where the existing shore wall is located, as well as a maximum lot coverage of 31.7%; to permit the proposed rear yard deck to encroach a maximum 3.7 metres into the rear yard setback; and to recognize a 1.2 metre setback from the easterly interior side yard setback for the existing driveway on the subject property.

CONDITIONS:

1. That the development is constructed substantially in accordance with the drawings attached as Appendix “A” to Planning and Development Services Staff Report PDS.16.98.

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.16.98.

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.

C.2 Application No: A12-2016  
Owner/Applicant: Nichole Anderson and Alain Bergeron  
Location: Lot 33, Plan 442  
Civic Address: 349 Sunset Blvd. (Lora Bay)

Chairman Waind called the meeting to Order. He read aloud the applications purpose and effect of the variance which is to acquire relief from the Fence By-law in order to permit a “privacy screen” on part of a fence at the rear of the house on the property. The privacy screen is proposed on a portion of the side yard fence closest to the house and would be 3.5 m (11.5ft) high and 5.48 m (18ft) long. The remainder of the fence would be 1.82m (6ft) high. A sketch of the fence is on the reverse side of this notice.

If this application is approved, it will allow 5.48m section of fence to have a maximum height of 3.5m, in the side yard of a residential zone, where section 4 of the Fence By-law restricts a fence to a maximum height of 2m.

The legal description of the property is Lot 33, Plan 442, #349 Sunset Boulevard (Lora Bay), Town of The Blue Mountains.

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by both pre-paid first class mail and notice in the local newspaper due to the possibility of a postal strike. The Notice was provided to the Owners to be posted on the subject property.

Comments were received from the following:

*Grey County Planning and Development Dept.* – the subject property is within the Hazard Lands designation of the Official Plan and therefore comments should be received from the Grey Sauble Conservation Authority (GSCA); the lands are also within the Intake Protection Zone 2 (IPZ2) of the Official Plan so it may be necessary to consult with the Drinking Water Source Protection staff; a Hydrogeological Study or an Environmental Impact Study (EIS) must be completed by qualified individuals; it would appear that the subject property is just outside of the natural features of Georgian Bay; provided positive comments are received from the GSCA the County would have no further concerns;

*Grey Sauble Conservation Authority* – NOTE: no comments were received by the Town  
*Grey/Bruce Health Unit* – no formal comment

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

*TOTBM Community Services* – no issues;

*TOTBM Infrastructure & Public Works (IPW)* – no comment

*TOTBM Planning Dept.* – recommends approval as noted in Planning Staff Report #PDS.16.96.

Nichole Anderson, Owner/Applicant, was in attendance. She provided a power point of pictures to help her explain the reason for the existing fence. During her justification she stated that her neighbours, Ron and Jeannette Baran, disapproved of them wanting to

plant trees along the inside of their fence to help provide with more privacy. The Committee members all noted to Ms. Anderson that her neighbours do not have the right or authority to tell them not to plant trees. Ms Anderson noted that she had called the Grey Sauble Conservation Authority and was told the same thing, and was encouraged to plant trees. She noted that they are aware through their neighbours that there are drainage issues in their area so they thought the planting of trees would also help alleviate some of the water issues.

Denise Whaley, Planner for the Town, gave clarity to the measurement of the fence to that noted in the application. She stated that the Town's By-law Enforcement went out to the site on July 20, 2016 and measured the height of the fence because during a site visit there appeared to be a grade change which indicated that the fence was slightly higher on the one side, being more than the 11.5 feet on the shoreline side, than what was stated at the time of application. Ms. Whaley provided some photos that the By-law Department had taken showing the unfinished area, i.e. long black drainage pipe and gravel, along the lower end of the fence. It would appear that there is approximately a 1 foot difference, however it is anticipated that once the landscaping is complete in that section, the grade may be more in line with the 11.5 ft measurement of the application.

Ms. Anderson replied that that is in fact their intention, to finish that section with proper soil and a garden but her gardener advised them to wait until their neighbours had finished with their landscaping to avoid dust & dirt into their garden.

Ms. Anderson continued to say that they have tried to work together with their neighbours but every time they suggest something they either agree with it but later change their minds or they don't like it to begin with. Through some "before" pictures of their property it was shown just how close the two residences are with no feel of privacy, especially when the neighbours two storey homes windows face directly down into their back yard and deck. It was the hope that constructing the slotted fence higher with a lattice top it would provide them both with privacy yet still having the feel of openness and not being blocked in with a solid fence. As well, they have spent \$10,000 constructing the fence and lattice all the while trying to appease their neighbours concerns.

Ron and Jeannette Baran, 347 Sunset Blvd and neighbours to the subject proposal, were in attendance. Mr. Baran provided the Committee members with correspondence that they and their neighbours have had back and forth since May, 2016. Mr. Baran stated that they did approve the portion of fence as constructed but not from a privacy perspective. Mr. Baran provided pictures of the slotted fence and noted that through the slots you can see right through into their yard so where is the privacy, as you can still see people moving back and forth. Mr. Baran directed the Committee members to their first e-mail of May 3, 2016 regarding water flow rushing down off of their landscaping. He provided a picture sitting in their kitchen on the main floor level looking out to the neighbours fence and noted that you can see right through the slots of the fence so there really is no privacy there either. Mr. Baran referred to the different section lengths

of the fence, the highest point having lattice on top, of which he noted was to have been of a smaller hole size than what was constructed. As well, it was thought by them that the lattice was originally to have been a trellis with flowers or a vine growing to assist with the privacy issue between them. Mr. Baran was in agreement with the 11 foot height and then the lower section being 6.5 foot grade. Mr. Baran stated that they were told right from the beginning that all of the fencing etc had been approved by the Town. He noted that the fence was up long before the Town got involved. Mr. Baran stated that he thought their neighbours purchased their property around October 2015 and that their dwelling was already constructed by then. He noted that they did suggest to their neighbours that they might want to put in more drainage as there is a water issue along their properties.

Ms. Anderson then spoke indicating that the trellis portion of the fence was built separately, setback from the property line and through conversations with the GSCA it was indicated that it was alright and to go ahead with it. However, what her neighbours did not want to see were two sets of posts so that's when they decided to construct the trellis above the fence extending the posts in height to do so.

Mr. Baran continued to say that they had agree to the installation of a trellis, not lattice, on the 6.5 ft lower fence section. Now they want to put lattice on this section which ends up being 10 ft. Further, they are not objecting to the view but do object to where the privacy is for either of them. He does not understand why they would want to put 2 ft of lattice on top because when you are in their kitchen they can still see the movement of children playing around the deck and in fact, can see them playing if they were out in the yard so he does not understand why they think they have provided a privacy fence.

Mr. Baran stated that they are not asking their neighbours to tear down the fence, just to make it more private. He noted that they want as much privacy as their neighbours do.

Ms. Anderson then spoke stating that just this week she received another e-mail from Mr. Baran indicating that if they would make the fence more solid they would not have to attend today's meeting to voice their concerns. Ms. Anderson stated that ivy and trees are definitely in their plans but are waiting on their neighbours landscaping to be done due to the dirt and dust.

Mr. Baran spoke saying that they feel they have been misrepresented from what was to be constructed and what is constructed. They would be happy to see something denser all the way through the length of the fence.

Ms. Whaley spoke to the Committee saying that it is her understanding that this first came about through e-mails with the Town's Manager of Building and By-law/CBO and their Municipal Law Enforcement Officer. It was suggested at that time, although perhaps not the best solution, but to build a fence 6 to 6.5 feet high, a separate trellis setback a few feet in with plantings which would have met the Town's zoning by-law requirements. It was noted that the lower portion of the fence which is 6.5 ft in height

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does meet the zoning by-law requirements. Unless there is something in the building code she is not aware of any limitation in height that the trellis can go.

The Committee members reiterated that the variance before them is only regarding the height of the fence, not the style or design of the fence. Neither the Planning Act nor the Fence By-law provide direction regarding design details.

Mr. Baran said when he spoke to the Town's By-law Enforcement Officer it was 22 inches in with a trellis and that the Officer considered it a "fence" module.

Ms. Anderson then said that they would prefer to keep the trellis due to the neighbours window.

Discussion incurred regarding the definition of a "trellis" and "lattice" with Committee member Morgan stating that you can construct a trellis with metal, wood or wire.

Committee member Remus questioned if a solid fence in the 18 ft area would be of any benefit, noting that the Committee is unable to enforce plantings. Mr. Baran replied that there is no privacy on their second floor anyway and reiterated that they were told by their neighbours that all of the regulations from the GSCA and the Town had been met.

Ms. Anderson replied to Mr. Remus' suggestion stating that a solid fence would only make them feel closed in with the feel of a "wall". She referred the Committee to a "before" photo where the whole length from the house right out to the end of her neighbours property is already a solid wall of house and they would like to keep a sense of air and light for a more natural look.

Mr. Remus noted that he was not in favour of the 2 metres of trellis above the fence because it does not give the neighbours any privacy with Mr. Baran replying that the height that has been constructed is not an issue with them, just the fact that they do not feel they are getting the privacy that the fence is intended to accomplish.

Andrea Ramacieri, member of the public was in attendance. She stated that she is a designer and thinks that the fence, as constructed, is quite nice and fits in with the natural surroundings of the area.

Ms. Anderson then explained that they will be chopping down the top of the last two panels as shown in the application, which will make sure to not block their neighbours view, which was agreed to by both herself and the Barans.

Mr. Baran further stated that they have no issue with the height if it does not exceed the 12 ft height currently measured today by the Town's By-law Officer and that the finished grading and garden will rectify it.





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If this application is approved, it will permit a pergola to be located in a front yard, with a front yard setback 9.45m (31ft), where section 5.2 (iii) does not allow accessory uses, buildings or structures to be built closer to the street than the main building.

The main building, a house, is setback approximately 11.74m (38.52ft) from the front lot line.

The legal description of the property is Part Lot 62, Plan 562, #788264 Grey Road 13, (Clarksburg), Town of The Blue Mountains.

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by both pre-paid first class mail and notice in the local newspaper due to the possibility of a postal strike. The Notice was provided to the Owners to be posted on the subject property.

Comments were received from the following:

*Grey County Planning and Development Dept.* – Transportation Services note that the structure should be 75 feet from the centreline of Grey Road 13 as the structure is currently shown at 64 feet; provided an exemption is acquired for the setback from the road's centreline the County would have no further concerns;

*Grey Sauble Conservation Authority* – no objection;

*Grey/Bruce Health Unit* – no comments;

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

*TOTBM Community Services* – the pergola appears to be for fire wood storage; the diagram is missing the storage container and boat on the property that are permanent fixtures;

*TOTBM Infrastructure & Public Works (IPW)* – no comment;

*TOTBM Planning Dept.* – recommends approval as noted in Planning Staff Report #PDS.16.97.

Ms. Ramicieri, being the Applicant, was in attendance. She stated that they did not realize a permit was required and thought they were within the required setbacks.

Chairman Waind asked if she had received any further information from the County's Transportation Services regarding the roads centre line setback with Ms. Ramicieri stating nothing other than what was noted in the County's letter to the Committee dated July 13, 2016.

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

Motion to adopt the Planning Staff Report #PDS.16.97.

Moved by: Bill Remus                      Seconded by: David Morgan                      Carried.

Motion:

Moved by: Bill Remus                      Seconded by: David Morgan

“THAT the Committee of Adjustment GRANT Minor Variance Application No. **A13-2016** to permit a pergola to be located in a front yard, with a front yard setback 9.45m (31ft), where section 5.2 (iii) does not allow accessory uses, buildings or structures to be built closer to the street than the main building.

CONDITIONS:

1. That the pergola location is as outlined in the drawing in Appendix “A”, and as it exists on the date of decision (July 20, 2016).
2. That an exemption from the County of Grey be received from the centreline of road setback for the pergola.

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.16.97.

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. Correspondence:

E. New and Unfinished Business:

E.1 – Planning Act changes as of July 01, 2016 – Bill 131

Denise Whaley, Town Planner, provided the Committee members with a Memorandum of information regarding Planning Act Changes 2016, and in particular to minor variance applications. It was noted that as of July 01, 2016 the Committee must provide a brief explanation in their decision of the effect, if any, of any written submissions relating to the application that were made to the Committee either before or during the Hearing that would have had any bearing on their decision.

E.2 – OACA Seminar – Orangeville ON – September 2016 – Secretary/Treasurer asked the Committee members to give some thought to attending the upcoming Seminar. David Morgan indicated that he would not likely be attending, Robert B. Waind stating that he would attend and Bill Remus unsure at this time.

F. Next Meeting Date: August 17, 2016

G. Adjournment

Moved by: David Morgan

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