

lands are zoned Village Residential (VR) pursuant to the (former) Township of Collingwood Zoning By-law No. 83-40, as amended; and that Section 5.23(a) permits yard encroachments for unenclosed porches up to a maximum distance of 1.5 metres into any required yard setback (in this instance the VR Zone has a minimum rear yard setback of 9.0 metres).

The land affected by this application is described as Lot 54, Plan 562; Part 2, RP 16R-2271 (212 Clark Street).

Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act*. The Notice was provided to the Owners 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 objections

TOTBM Engineering Dept. – no comment

TOTBM Planning Dept. – recommends approval.

Bryan Pearce, Town Planner, gave a brief review of the proposal.

Sherri Rolston, Owner/Applicant was in attendance. She stated that the purpose of the unenclosed covered porch is to provide shade on their deck in the summer and protection from the elements year-round. She noted that all three of the residences along that portion of the street were all set well back from the front lot lines.

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.14.69”.

Seconded by: Bill Remus
Carried.

Moved by: Bill Remus

Seconded by: David Morgan

DECISION:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A07-2014 in order to permit the construction of a maximum 25.7 square metre foot print area unenclosed covered porch off the rear face of the existing single detached residential dwelling which would extend over a portion of the existing rear yard deck to be a minimum distance of 5.5 metres from the rear lot line on the subject property.

CONDITION(S):

1. That the unenclosed covered porch off the rear face of the existing single detached residential dwelling be constructed substantially in accordance with the drawings date stamped received by the Town on May 20, 2014, as further attached to Planning Staff Report PL.14.69.

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.14.69.

Carried.

C.2	Application No:	A09-2014
	Owner:	Katharine Leighton
	Location:	Lot 25, Plan 395
	Civic Address:	182 Bay Street E.

Chairman Waind called the meeting to Order. He read aloud the applications' purpose and effect of the variance which is to construct a single detached residential dwelling (inclusive of an attached garage) complete with an inground pool, by deeming the front lot line of this corner lot as the lot line abutting Bay Street East; which the dwelling would be within the front and rear yard setbacks, with the proposed eaves would be beyond the maximum permitted encroachment permitted within the front and rear yard setbacks. It is noted that the existing single detached residential dwelling and existing accessory use detached garage would be demolished prior to the construction of the proposed single detached residential dwelling (inclusive of an attached garage) complete with an inground pool.

The effect of this variance is to permit the construction of a maximum 322 square metre foot print area two-storey single detached residential dwelling by deeming the front lot line on this corner lot as the lot line abutting Bay Street East, to be a minimum distance of 3.9 metres from the front lot line, a minimum distance of 3.0 metres from the rear lot line, a maximum eave projection of 2.3 metre in the front yard (for a minimum 1.6 metre front yard setback), a maximum eave projection of 2.0 metres in the rear yard (for a minimum 1.0 metre rear yard setback). 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 that Section 9.2(d) requires a minimum front yard setback of 9.0 metres; Section 9.2(f) requires a minimum rear yard setback of 10.0 metres; and Section 6.17(a) permits yard encroachments for eaves up to a maximum distance of 0.5 metres into the front and rear yards setbacks.

The land affected by this application is described as Lot 25, Plan 395; (182 Bay 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. – subject lands are located within 30 metres of Georgian Bay & comments should be received from the Grey Sauble Conservation Authority (GSCA); if favourable comments from the GSCA, then the County has no further concerns;

Grey Sauble Conservation Authority – majority of subject property is regulated by Ontario Regulation 151/06 which includes the area below the 100 year flood line of Georgian Bay and includes a 15 metre setback for wave uprush and other water related hazards plus a 15 metre inland allowance from this feature; under this regulation a permit is required from the Authority prior to the construction of buildings or structures, placement of fill, etc; the proposed grading and drainage alterations prepared by C.C. Tatham & Associates have been reviewed by the Authority and found to be acceptable; prior to issuing a permit the Authority requires a copy of the agreement or approval for site alterations proposed on the Town owned Bay Shore Walk lands; generally have no objections;

TOTBM Engineering Dept. – future Town ditches could extend to the property line; a Municipal Land Use permit to acknowledge the gabion wall on Town lands is required; any landscaping on Town lands are to be to the Town Engineering standards and no addition plants on Right-of-Way;

TOTBM Planning Dept. – recommends approval.

Gordon H. Russell, Land Use Planner and Agent for the Owner/Applicant was in attendance. He stated that:

- the Owner purchased the subject lands a year ago;
- the Owner intends to demolish the existing residence and construct a new single detached dwelling, attached garage and swimming pool;
- the lot is an irregular shaped lot which fronts on Bay Street; this lot was a challenge to work with and to design a new residence within the lot coverage allowed by the Town's Zoning By-law (No.10-77);
- the gabion basket was constructed in the 1980's when there were high water levels;
- they wish to deem the front lot line along Bay Street as the actual front lot line which has been the case since 1946;
- They have endeavored to locate the residence parallel with the rear lot line and maximize the interior living area;
- they have tried to maximum the view corridor for other lot owners on the other side of Bay Street as well as neighbours to the west;
- the driveway is curved in nature with vegetation;
- they are currently working with the Grey Sauble Conservation Authority (GSCA) and Engineers C.C. Tatham & Associates regarding the drainage and shoreline protection plan as well as the agreement with the Municipality pertaining to final grading;
- the existing residence is two storeys and the proposed residence will not be as high with a flat roof design;
- the front lot line will be graded towards the roadway (Bay Street) with a swale flowing eastwardly to the existing ditch;

This document can be made available in other accessible formats as soon as practicable and upon request

- a second drainage swale will be along the interior side yard flowing westerly to public lands and then out to Georgian Bay;
- a sidewalk is proposed along the walls of the residence leading to the pool and fenced in area;
- the eaves are extensive with a 2.3 metre projection in the front yard;
- drainage plans are available for anyone who wishes to review them;
- he feels this new structure will complement the neighbourhood nicely.

Walter Schmidka, 185 Bay Street, across the road from the subject lands, was in attendance. He stated that he is opposed to the minor variance application.

Mr. Schmidka noted that:

- the lot is 1,365 square metres and the foot print is 322 metres;
- the eaves are shown as being part of the dwelling although they are hanging substantially over the foot print which would mean the structure is too large for the lot and therefore exceeding the lot coverage allowed in the Town's Zoning By-law (No.10-77);
- he has concern with the flood area and the sea level of Georgian Bay; taking this into consideration how high will the structure have to be above sea level?
- he indicated that there were previous problems with a development on 152 Bay Street and the owner there had to put 13 feet of fill in above the flood level; he noted that this proposed dwelling is 6" below what it was on 152 Bay Street, and therefore he has great concern with the amount of backfill that will have to be provided; where will the water drain to?
- he has concern that the water runoff will back up onto his property as it did from 152 Bay Street;
- concern that the building, with the overextended eaves, will be much larger than proposed.

Chairman Waind stated that the Committee and the Town relies on the Grey Sauble Conservation Authority and their review of the application to determine the various levels of the proposed dwelling. The Conservation Authority as well as the Engineering Firm of C.C. Tatham & Associates will have to review the drawings submitted with the application and be satisfied with the flood plain. Through this development process it would appear that some swales are to be improved and the swale along Bay Street will direct water to the East side of the subject property to Georgian Bay. As well, the swale to the West side of the proposed dwelling will also carry runoff to the Bay.

Mr. Schmidka noted that there are hydro and gas lines along Bay Street on municipal property. He thought that the Public Notice that was circulated was not detailed enough regarding the swales and drainage. He is also concerned that once this proposed new dwelling is constructed that the neighbouring taxes will increase and as he is an elderly person and on a fixed income cannot afford any more costs.

It was then noted to the Committee and Mr. Schmidka that the lot coverage in the R2 Zone, corner lot, is a maximum of 30% and under the application it would only be 24% coverage.

- i) Letter of Concern received from Carol Comish on April 23, 2014 re: Minor Variance Application #A09-2012
Discussion was had regarding this minor variance and the concerns raised by Mrs. Comish. As a result, the Committee members commented that the Decision made by the Committee on June 21, 2012 and the condition(s) within that Decision must be fulfilled to the County of Grey and the Town's satisfaction. Provided that those conditions were fulfilled, the application is no longer the jurisdiction of the Committee but rather the responsibility of the Town's Building and By-law Department to ensure that the structure was built substantially in accordance with the drawings submitted with the minor variance application. The Committee instructed the Secretary/Treasurer to reply to Mrs. Comish in that regard and copy the Town's Building and By-law Department as well.
- ii) Discussion on the 2014 OACA Conference that the Municipality hosted from May 25th to 28th inclusive at Blue Mountain Resorts/Intrawest. The conference was well attended and positive feedback received.
- iii) Discussion on upcoming Committee of Adjustment meetings; it was determined that Wednesday's better suit the members so the Secretary/Treasurer will re-schedule those upcoming meetings to year-end.

F. Next Meeting Date: July 15, 2014

G. Adjournment

Moved by: David Morgan Seconded by: Bill Remus
THAT this Committee of Adjustment meeting now be adjourned. Carried.