

The purpose and effect of the proposal is to permit the construction of a 14.5m tall observation tower on the subject lands, proposed as part of a future addition to the existing detached farm dwelling. The following variances are included in this request:

- Maximum height of 14.5m for a building or structure, whereas Section 5.7(a) of the By-law permits a maximum of 11.0m for all buildings and structures;
- Maximum height of 14.5m for a detached dwelling, whereas Section 8.3(a) of the By-law permits a maximum of 2.5 storeys (9.5m) in the A1 zone; and

The legal description of this property is Concession 8, Part Lot 24, RP16R-5683, Part 1.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice Placard was provided to the Applicants Agent to be posted on the subject lands.

Comments were received from the following:

- County of Grey Planning Dept – no concerns provided the observation tower does not impose any privacy concerns with neighbouring lands;
- Grey Sauble Conservation Authority – the proposed structure is not within a regulated area and no permits are required;
- Historic Saugeen Metis – no objection
- Niagara Escarpment Commission – the property is adjacent to, but outside of, the NEP Area outside of development control regulations;
- Helga & Thomas Sell, Catherine & Chris Mattice, Donna & Dave Mouck, Terry & Karl Androvics – all being neighbours of the subject proposal with the following concerns: the existing dwelling already sits at a high level with an outstanding view and of which already meets the maximum by-law height; concern with the 360 degree glass surround of the tower and the use of it, one of which being invasion of their privacy;
- Mark & Sue McGoey – neighbor – they are opposed because they feel it would be an eyesore to the surrounding landscape and the existing dwelling already sits high up on the hill;
- John Bennett – neighbor – in complete support of the variance;
- Infrastructure & Public Works – no comment
- Town of The Blue Mountains Planning Services Department –meets the four test of the Planning Act and recommends approval subject to the conditions as outlined in Planning Staff Report #PDS.18.23.

Chairman Waind indicated that after hearing the written concerns of the surrounding neighbours he does understand the concern of the proposals high elevation and that it could be an obstruction to High Point Court.

Travis Sandberg, Town Planner, provided a brief review of Planning Staff Report #PDS.18.23. He stated that at the time that the staff report was written, not all of the written concerns had been received. However, he did provide some information on some of the obvious concerns, one of which is privacy. In considering the impact of the application on privacy on adjacent properties, it was apparent that there are substantial setbacks from the property line to the

parcels in the neighbouring rural subdivision. Additionally, there exists a large portion of hazard lands, being the creek and associated woodlands, that separate the properties, and through his review felt it provided sufficient buffer to mitigate adverse impact related to privacy. Further, in reviewing the history of the property it was found that there was a severance in the past which recognized the lot size through an approved minor variance leaving the existing variance related to lot area as now being redundant.

Andrew Pascuzzo, Agent for the applicant was in attendance and provided a power point presentation with the following information:

- the maximum allowable height under the current zoning by-law is 11 metres with the variance asking for an increase of 3.5 metres;
- the existing dwelling is 12.1 metres in height but was built prior to the current zoning by-law;
- the height of the tower is based on the existing height of the house;
- there is a proposed elevator in the house that would go to the 2nd & 3rd storeys; it was noted that the elevator therefore is not just for the tower itself but to allow the Owner's to "age in place" and maintain access to the upper storeys of the dwelling;
- the majority of the tower is well below the maximum height of 1.5 storeys;
- the tower is not ornamental but will actually be functional with the dwelling;
- height definitions was provided for both the Township of Collingwood 83-40 and Town of Thornbury 10-77 By-laws
- in other surrounding Municipalities, i.e. Clearview Township, the height for such a proposal is 13 metres;
- reiterated that there were no concerns from any of the agencies or Town staff;
- the three main concerns heard were: privacy, visual impact and why so high.

Mr. Pascuzzo provided the rationale being that the proposal is in keeping with the rural character of the community; the proposed tower is in keeping with the style of surrounding farm "silos" which are exempt from the height provision; the proposed tower is on a private residence and will not be open to the public; the proposed tower would have no visual impact, and the variance meets the four tests of the Planning Act as the Town Planning Staff Report #PDS.18.23 has also indicated. Mr. Pascuzzo also referenced the substantial setback distance of over 150m between the proposed tower site and the nearest parcel in the neighbouring rural subdivision. Architectural rendering were presented showing the visual appearance of the proposed tower from high Point Court and the impact of the hazard land buffer on the viewscape.

Chairman Waind pointed out that should the tower be flipped to the other end of the existing dwelling, the proposed tower would likely be within the required height requirement and no variance would potentially not be required.

David Morgan noted to the Agent that the application is within the Town of The Blue Mountains and any reference as to what other surrounding municipalities allow is mute. He further stated that the height in the application appears to be lower than what was provided in the power point presentation, with Mr. Pascuzzo concluding through a quick review that the

design provided in the application was an older version. Mr. Morgan also stated that the comments provided by the agencies are not relevant for this application as they do not live in the area and do not know what the visual impact may be on a daily basis. Mr. Morgan clarified that the proposed development will have a visual impact and the question is if that impact can be considered to be minor.

Chairman Waind then opened the Hearing up any members of the public in attendance that wished to speak to the application.

Mark McGoey – neighbor on High Point Court, said that the power point presentation presented by the applicants agent, was nothing more than “smoke and mirrors”. He stated that the pictures of High Point Court in the presentation were poor examples of the visual impact and that the proposed observation tower reminded him of a prison camp. He said he has lived at High Point Court for twenty-seven years and that the proposal was just plain ugly.

Chairman Waind again asked the agent if there would be any consideration to putting the tower at the other end of the existing building, with Mr. Pascuzzo replying that the elevator is to provide access and the layout of the existing structure does not facilitate the elevator on the opposite side of the dwelling.

Helga Sell – neighbor, said she has enjoyed the beautiful view for twenty years and has concern with privacy and visual impact. She noted that the existing dwelling is already situated up high with an even better view than what she enjoys. She stated that some neighbours affected are currently away with no opportunity to attend or make comment. She felt that the zoning by-law is there for a reason and should be adhered to and that any silos in the area are for farm purposes.

Andrew Pascuzzo asked to address Mr. Morgan’s comments regarding “other municipalities”. He stated that because he works within other municipalities and is familiar with their by-laws and regulations, he was merely providing the Committee the opportunity to know what their surrounding neighbours have felt to be reasonable within their own jurisdictions. Mr. Morgan replied that we are looking at possibly having a variance not changing the by-law. With that, Mr. Pascuzzo stated that they realize there might be a small impact but that they are taking the position that it will be minor.

Chairman Waind then stated that, by law, there is no legal right to a view but is of the opinion that the impact could potentially be further mitigated if the structure was located on the opposite side of the existing dwelling, where the topography/elevation of the land does not appear to be as prominent.

Randy McLeod – the property owner, was in attendance, and noted that he has been a farmer all of his life and this home is where he wishes to retire. However, as we age it becomes more difficult to access 2nd and 3rd floor storeys, which is why an elevator is being installed to allow them the ability to remain living there and to enjoy the whole residence as his family ages. He indicated that the tower will be functional and pleasing to those around and does not feel it will

be as obtrusive as some seem to think. He noted that the elevator is to be vacuumed from the top, hiding all/any mechanics.

Mr. Morgan noted that a hydraulic elevator does not require much headroom.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Waind closed the public meeting.

Motion to adopt the Planning Staff Report #PDS.18.23

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. A04-2018 to permit the construction of a 14.5m tall observation tower on the subject lands, in accordance with the submitted site sketch.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the Survey attached as Attachment #1; and
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and is only valid for a period of two years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on March 28, 2020.

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.18.23.

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: A05-2018
 Owner/Applicant: Lucie Desjardins & Kirby Philp
 Legal Description: Lot 47, Plan 515
 Civic Address: 136 Sunset Boulevard

Chairman Waind read aloud the Public Meeting Notice, including the purpose and effect of the application noting that this application was heard and approved at the December 20, 2017 meeting of the Committee of Adjustment. The application has been revised based on new information.

The proposed variance seeks a reduction in the rear yard setback requirement of the Residential Third Density (R3) zone of the Township of Collingwood Zoning By-law 83-40.

The purpose and effect of the proposed variance is to allow a 7.0m reduction to the required 9.0m rear yard setback to permit the construction of a 49.8m² addition to the existing single detached dwelling on the property.

Two additional variances are included as housekeeping items to recognize existing zoning deficiencies on the property with respect to lot frontage (19.34m, where 24m is required) and setback to the centreline of the road allowance (17.0m, whereas 17.5m is required).

The property is legally described as Plan 515, Lot 47.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice Placard was provided to the Owners to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – a portion of the property is within the Significant Woodlands and within the special policy area wherein an Environmental Impact Study could be required and recommends comments be received from the Grey Sauble Conservation Authority;

Grey Sauble Conservation Authority – no objection;

Historic Saugeen Metis – no objection

Infrastructure and Public Works – no comments

Town Planning Department – meets the four tests of the Planning Act and staff would support the variance subject to any conditions identified in the Planning Staff Report #PDS.18.21.

Travis Sandberg, Town Planner, stated that when the applicant went to prepare more substantial drawings for their building permit submission, it was found that the previously requested setback of 3 metres now needed to be 2 metres, and therefore the revised application is now before the Committee. He noted that the analysis included in the original application remains applicable to the revised request, as the impact of the request remains minor. Specifically, the lot is subject to unique constraints which functionally do not allow for development or safe access to the site through the technical lot frontage, as per the By-law. As such, the lot has developed with the exterior side yard functioning as the lot frontage. As such, the requested 2.0m rear yard setback maintains the intent of the By-law, as it provides the minimum distance required for an interior side yard setback. The recommendations contained in the original recommendation report remains unchanged.

It was also noted that the applicant was charged a 50% re-circulation fee rather than the full minor variance application fee, as the requested revisions were minor and did not require additional staff review or analysis.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Waind closed the public meeting.

Motion to adopt the Planning Staff Report #PDS.18.21

Moved by: David Morgan Seconded by: Bill Remus Carried

Motion:

Moved by: David Morgan Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A05-2018 to permit the construction of a 49.8m² addition to the existing dwelling at a rear yard setback of 2.0m and to recognize existing site deficiencies, in accordance with the submitted site sketch.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the survey attached as Attachment #1; and
2. That this variance to the zoning by-law is for the purpose of obtaining a building permit and is only valid for a period of two years from the date of this decision. If a building permit has not been issued by the Town within two years, the variance shall expire on March 28, 2020.

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.18.21.

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.3 Application No: A06-2018
 Owner/Applicant: Ian and Karen Hanna
 Agent: Douglas Smith – Westsmith Design
 Legal Description: Lot 34, Plan 515
 Civic Address: 166 Sunset Boulevard

Chairman Waind read aloud the Public Meeting Notice wherein the variance seeks a reduction in the side and rear yard setback requirements of the Residential Third Density (R3) zone of the Township of Collingwood Zoning By-law 83-40. The purpose and effect of the proposed variance is to recognize the setbacks and location of an existing detached accessory structure in order to permit the construction of a secondary dwelling unit therein. A concurrent site plan application for the proposed secondary dwelling unit is under review by Planning Staff. The following variances are requested in this application:

- A reduction in the interior side yard setback to 1.4m, whereas a minimum of 2.0m is required for secondary apartment units within detached structures in the R3 zone; and
- A reduction in the required rear yard setback to 2.59m, whereas 9.0m is required for secondary apartment units within detached structures in the R3 zone.

The legal description of this property is Plan 515, Lot 34.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice Placard was provided to the Owners Agent to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – subject property is in the Recreational Resort Area with full municipal services (sewer and water); recent Planning Act policies speak to secondary units and County policy 6.17 speaks to Accessory Apartments; a portion of the property is within the Significant Woodlands and within the special policy area wherein an Environmental Impact Study could be required and recommends comments be received from the Grey Sauble Conservation Authority;

Grey Sauble Conservation Authority – no objection;

Historic Saugeen Metis – no objection

Alistair Mollison – neighbor who has concerns with: is an expansion not making a matter worse when its already in contravention of the zoning by-law; two buildings on one lot while the other lot sits vacant does not make any sense; what is the overall height of the existing structure and what will be the overall height of the proposed structure; what are the occupancy limits for the proposed structure and what is the enforcement; if short term rentals are not permitted then how will it be enforced; applicant operates a consulting business so what are the restrictions and enforcement regarding on-site staff, hosting of seminars, retreats and conferences; what are the provisions and limitations for on-site parking on Sunset Boulevard;

Infrastructure and Public Works – no comments

Town Planning Department – meets the four tests of the Planning Act and staff would support the variance subject to any conditions identified in the Planning Staff Report #PDS.18.24.

Chairman Waind stated that it is his understanding that to have a habitable second storey would require a rezoning so how is it different from a variance. Town Planner Travis Sandberg replied stating that the Provincial Strong Communities through the *Affordable Housing Act 2011*, passed legislation that required municipalities to update their Official Plan and Zoning By-laws to allow for accessory apartments as of right within single detached, semi-detached, and townhouse dwellings. As such, the proposed unit is permitted under the existing zoning by-law permissions and does not require zoning approval to permit the accessory dwelling unit as a use on the property. It was further explained that these zoning allowances generally allow accessory apartment uses to be established without a public process through the Building Permit review process. In this case, the application proposes to convert an existing detached structure to an accessory apartment use. The existing structure is compliance with the accessory structure provisions of the By-law, however, accessory apartments within detached structures are subject to the standard zone provisions for the primary dwelling, hence the need for the requested variance.

The proposed unit will be fully habitable making it a bona fide unit with the overall height of the structure being unchanged.

Douglas Smith, being the Agent, was in attendance and spoke to the north and south elevations of the dormers and the proposed deck.

Alistair Mollison was in attendance and requested clarification to his written concerns. At that time Town Planner Travis Sandberg replied to the following:

- ownership of adjacent property does not impact development rights of individual parcels. Both properties, regardless of ownership, have existing development rights that allow for a single detached dwelling and an associated accessory dwelling unit similar to any other home in the area;
- reference to his comments above with regard to the 2011 Affordable Housing Act wherein accessory apartments are allowed provided the appropriate requirements are followed; The Affordable Housing Act, 2011, instilled affordable housing as a matter of provincial interest under Section 2 of the Planning Act, and this initiative is one method for implementing this direction to provide more affordable housing in

- the community;
- no change in the height or impact; The existing height of the structure will not change; During a site visit, substantial tree screening was noted on the laneway and cedars have been planted along the property line which provide screening to the adjacent property;
- regarding occupancy limits, accessory apartment units are limited to two bedrooms under the zoning by-law; which will be addressed through the building permit process; this application proposes one bedroom;
- short term accommodation (STA) is not permitted on this property. The Zoning By-law does not permit STA use and any request for said use would require appropriate approvals from the Town, which would be subject to public consultation (i.e. a re-zoning application). Illegal use of the property as an STA would be enforced on a complaint basis by the Town's By-law Enforcement Services;
- home occupations are permitted and limited to one extra person in addition to those living on the property;
- any issues with hosting of seminars, retreats, conferences etc are treated as any other residential property however they are hard to determine whether it is a business or private function. If there were a noise violation then it would be dealt with through the Town's By-law Enforcement;
- any additional parking has been addressed through the site plan approval process; typically single detached dwellings are required to provide two parking spaces, with accessory dwelling units requiring one additional space. The approved site plan provides for five parking spaces located behind the main dwelling unit. No street parking is anticipated through this application, however, would be enforced in accordance to the street parking by-law by Enforcement Services.
- Mr. Mollison was satisfied with the answers to his concerns.

Mr. Lamperstorfer questioned if there was a bump out at the front would the height still be under 4.5 metres. Mr. Sandberg provided the front elevation of the proposed structure, as submitted, which confirmed that the front façade remains unchanged and does not contain a dormer. The height of the structure remains unchanged and is compliant with the requirements of the By-law.

Karen Hanna, Owner, was in attendance and stated that the proposal was mainly for family and grandchildren. She noted that she is a coach working with one person at a time.

As there were no other persons in attendance to speak in favour of or in opposition to the variance, Chairman Waind closed the public meeting.

Motion to adopt the Planning Staff Report #PDS.18.24

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. A06-2018 to permit the construction of an accessory apartment unit in an existing detached accessory

structure, in accordance with the submitted site sketch.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the Survey attached as Attachment #1; and
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and is only valid for a period of two years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on March 28, 2020.

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.18.24.

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.4 Application No: A08-2018
Owner: Kristine McEllistrum
Agent/Applicant: Adam Vokes
Legal Description: Lot 107, Plan 915
Civic Address: 151 Carmichael Crescent

Chairman Waind read aloud the Public Meeting Notice wherein the proposed variance seeks an increase in the permitted maximum yard encroachment for an unenclosed deck in the Residential Third Density (R3) zone of the Township of Collingwood Zoning By-law 83-40.

The purpose and effect of the proposed variance is to permit a proposed unenclosed deck to encroach a maximum of 3.76m into a required yard setback, whereas Section 5.23(a) of the By-law permits a maximum of 1.5m. A technical variance has also been requested to recognize an existing 8.76m rear yard setback to the main dwelling, whereas a minimum of 9.0m is required in the Residential Third Density (R3) zone.

The legal description of this property is Plan 515, Lot 107.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Notice Placard was provided to the Owners Agent to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – no concerns;

Grey Sauble Conservation Authority – no objection;

Niagara Escarpment Commission – no comments;

Historic Saugeen Metis – no objection;

Infrastructure and Public Works – no comments;

Town Planning Department – meets the four tests of the Planning Act and staff would support the variance subject to any conditions identified in the Planning Staff Report #PDS.18.30.

Adam Vokes, Agent for the applicant, was in attendance. He noted that the application requested a maximum encroachment into the yard setback for an unenclosed deck of 3.76 metres but wondered if it's still possible to increase it to 4.0 metres to allow for some leeway during the construction of the project. Specifically, it was noted that the deck will be built at the 3.76m encroachment, however, 4.0m would ensure that any incidents during construction would not require a follow-up application to the Committee (i.e. in the event that a footing slips).

The Committee members as well as the Town Planner confirmed that the additional 0.24 metres would not have any detrimental effect on the application or the analysis provided in the staff recommendation report and that it was better to catch it now than to have to come back with another modified application. This position was further supported by the fact that no concerns or comments were received from any neighbouring property owners.

Motion to adopt the Planning Staff Report #PDS.18.30

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. A08-2018 to permit the construction of an accessory apartment unit in an existing detached accessory structure, in accordance with the submitted site sketch.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the Survey attached as Attachment #1; and
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and is only valid for a period of two years from the date of decision. If a building permit has not been issued by the Town within two years, the variance shall expire on March 28, 2020.

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.18.30.

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.

E. New and Unfinished Business: none

F. Next Meeting Date: April 18, 2018

G. Adjournment

Moved by: David Morgan

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