

MINUTES - Committee of Adjustment



MEETING DATE: June 19, 2008 – 6:00 p.m.
LOCATION: Beaver Valley Community Centre
PREPARED BY: Lori Carscadden
Secretary/Treasurer

A. Call to Order

- Committee members Bill Remus, Bob Waind, and Shiela Metras were in attendance. Planning Staff Shawn Postma and Secretary/Treasurer Lori Carscadden were also in attendance.
- Approval of Agenda

Moved by: R.B. Waind

Seconded by: Shiela Metras

That the Agenda be approved as circulated.

Carried.

- Declaration of Pecuniary Interest - none
- Previous Minutes

Moved by: R.B. Waind

Seconded by: Shiela Metras

That the Minutes of May 15, 2008 be adopted. Carried.

B. Deputations/Presentations: none

C. Staff Reports

1. **A07/08 – East Part Lot 2, Concession 7, Greig Nicoll** - Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to construct a detached garage to be

located closer to the street than the existing dwelling on the subject property.

The effect of this variance is to permit a maximum 32 square metre detached garage to be located a minimum distance of 58 metres from the front lot line. It should be noted that the lands are zoned General Rural (A1) in the former Township of Collingwood Zoning By-law No. 83-40 and that Section 5.2(iii) of the By-Law requires accessory buildings and structures to be located no closer to the street than the main building.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following:

Grey Sauble Conservation Authority – no objection & no permits required

Niagara Escarpment Commission – no comment

Grey County Planning Dept. – property is identified as being in the Earth Science Area of Natural and Scientific Interest (ANSI) and is deemed premature until an Environmental Impact Study (EIS) is completed.

TOTBM Engineering & Public Works – no concerns

TOTBM Director of Building & By-law – no comments

TOTBM Planning Staff – no objection.

Bob Waind questioned whether or not anyone has had any dialogue prior to the meeting with the County. Mr. Postma replied that receipt of their comments did not allow enough time to converse with them, however there is a condition in the decision that the EIS be to the satisfaction of the County and the TOTBM. Also, it would be at the discretion of the County to dictate how detailed the EIS should be, i.e. whether a site visit would be sufficient or a consultant prepare a report.

Mr. Greig the owner was in attendance. He stated that he was not aware that the County was requiring an EIS. He noted that the minor variance is a request for a storage shed to house his ATV and lawnmower. The storage shed would be located back from the roadway and would not be anywhere near the well or septic bed. His property consists of 25 ac. with his house and storage shed using an acre of that total. By locating the storage shed where its proposed it would be in an already cleared area and he would not be disturbing the character of the area, however, should he have to re-locate the storage shed to the back of the property he would then have to cut down trees and spoil the natural surroundings. Mr. Greig finds it onerous that an EIS would be required for such a minor request.

Mr. Postma stated that the County uses their Official Plan mapping in identifying that particular site which may or may not be of value to the area, i.e. rare tree species, nesting sites, etc.

Discussion on whether to grant the minor variance with a condition of the EIS or to defer the variance to allow the applicant and the County time to determine what the EIS requirements are. The applicant preferred to have the variance granted,

if the Committee so wished to do so, and then he would contact the County to discuss the EIS condition.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Chairman Remus read aloud the Decision and Reasons thereof.

Moved by: Bob Waind

Seconded by: Shiela Metras

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A07-2008 in order to permit a maximum 32 square metre detached garage to be located a minimum distance of 58 metres from the front lot line on the subject property.

CONDITIONS:

1. That an Environmental Impact Study be completed to the satisfaction of the County of Grey and the Town of The Blue Mountains.

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.08.66”. Carried.

A08/08 – Pt.Lot 26, Concession 6, Pt.1 16R-1494, Pt.1 16R-550, #209117 Hwy.26 – Blue Mountain Resorts

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to construct an open air tent, exceeding the maximum floor area requirements for a building on the subject property. The proposed open air tent would be erected for the summer months, providing shade and shelter from the weather conditions for the guests of the resort visiting the beach.

The effect of this variance is to permit a maximum 140 square metre open air tent to be located a minimum distance of 90 metres from the front lot line; 70 metres from the easterly interior side lot line; and 110 metres from the westerly interior side lot line. It should be noted that the lands are zoned Deferred Development Exception 58 (DD-58) in the former Township of Collingwood Zoning By-law No. 83-40. Exception 58 of the By-Law permits the construction of only one building not exceeding 50 square metres, to be used for the purposes of a changeroom,

washroom and snack bar on the subject property.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following:
Grey Sauble Conservation Authority – no objection although a permit is required
Grey County Planning Dept. – no concern provided positive comments received from the MTO and GSCA.

Ministry of Transportation, London – permits are required for the existing entrance and related signs

TOTBM Engineering & Public Works – no concerns

TOTBM Director of Building & By-law – site plan approval, GSCA & MTO approval required prior to permit issuance

Ada Balaj, Solicitor on behalf of client Daniel Russell – objects as it would draw more people to the area disrupting the peaceful enjoyment of her clients property.

TOTBM Planning Staff – no objection.

Colin Travis, agent for the applicant was in attendance. He reported that the Planning Staff Report states that the application meets the four tests required under the Planning Act. He then referred to the survey plan attached to the Planning Report noting the “L” shape of the property and the setbacks that were provided for in the application, all being substantial setbacks, i.e. 73 metres on the east side, 120 metres on the westerly property line, 40 metres of the corner bar and 100 metres from Hwy.26. He further stated that the Ministry of Transportation (MTO) has been well aware of the beach area and entrance way, which has never been altered, for the past 25 years. They are working with the MTO to address the entrance way and sign issues.

Mr. Travis noted that guests that attend the beach are not the general public but guests staying at the Resort and that they either use the shuttle bus, bike or drive themselves to the beach area. They have noticed a decline over the past few years of the people attending the beach due to the decline in the water level as it is becoming less attractive. The variance is only to accommodate those people at the beach with shelter and there is no intention to increase the amount in people. The variance is to provide temporary relief from the sun as people are becoming more conscious of it.

Discussion on whether or not the beach area is supervised with Mr. Travis stating that there are operational staff who attend the entrance and are on-site. Should there be any complaints, i.e. noise etc., there are security personnel to deal with it. To his knowledge, there was no record in 2007 of any complaints made to Blue Mountain Resorts.

Picnic tables are to be placed under the canopy while a few may stray out onto the beach area.

Further discussion regarding the MTO concerns. Mr. Travis stated that their original enquiry to the MTO was for the enlargement of the sign. However, MTO responded to them that there were other things that needed to be dealt with prior to a sign, i.e. entrance ways along Hwy.26.

Ada Balaj, Solicitor for client Daniel Russell - Ms. Balaj stated that her client objects to the minor variance for the following reasons:

- subject lands not owned by Blue Mountain Resorts – they ask that the application be deferred until the title of the lands is identified;
- property angles out which overlaps her clients property, i.e. land title issue;
- the application would appear to be a rezoning application rather than a minor variance as the zoning by-law allows for a change room, washroom and a snack bar;
- the use will intensify the use for people to congregate;
- will be more of a venue for events to be held all summer long, i.e. weddings, conferences, etc.;
- two 10 ft. commercial dumpsters have been placed along her clients property which would imply more people with more waste and more odour; this would then lead to a greater need of more porta potties and waste management;
- the application indicates the canopy to be up for the summer months, but how many months exactly would it be as it is supposed to be a temporary structure;
- will a site plan address noise, fencing, placement & number of dumpsters and the proximity to her clients property line; if the dumpsters are moved to satisfy her client, where are they going to be placed as there are cottage owners on the other side that they would affect as well.

Daniel Russell, client of Ada Balaj – last year there was an event where only four porta potties were on site to service 500 people; there were line ups to use the facility. Also, the waters edge is an environmental sensitive area and people have, over time, shaved off the grasses and mounded them into 30 ft. compost piles, 3 ft. high, abutting his property.

It was noted that Mr. Russell purchased the property in 2003.

Colin Travis reiterated that the site plan process would identify all of those types of concerns and what the application is for is merely a tent for shade.

Shawn Postma stated that through the site plan process, the Town would typically hold a public hearing or a public open house, although it is not a requirement under the Planning Act.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Moved by: Bob Waind

Seconded by: Shiela Metras

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A08-2008 in order to permit a maximum 140 square metre open air tent to be located a minimum distance of 90 metres from the front lot line; 70 metres from the easterly interior side lot line; and 110 metres from the westerly interior side lot line on the subject property.

CONDITIONS:

1. That site plan approval be obtained from the Town of The Blue Mountains, as indicated in Planning Staff Report PL.08.67;
2. That a commercial entrance permit be obtained from the Ontario Ministry of Transportation, as indicated in the letter dated the 18th day of June, 2008;
3. That a sign permit be obtained from the Ontario Ministry of Transportation, as indicated in the letter dated the 18th day of June, 2008; and
4. That a permit be obtained from the Grey Sauble Conservation Authority, as indicated in the letter dated the 18th day of June, 2008.

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.67.

3. A09/08 – S.Pt.Lot 19, Concession 9, #688275 18th Sideroad, Reg Russwurm

Chairman Remus called the meeting to Order and read aloud the Application No., legal description and the applicants name.

The Secretary/Treasurer read aloud the purpose and effect of the variance which is to consider a request by the applicant to construct a detached garage/shed to be located closer to the street than the existing dwelling; and higher than the maximum permitted height for an accessory building on the subject property.

The effect of this variance is to permit a maximum 223 square metre detached garage/shed with a maximum height of 5.0 metres to be located a minimum distance of 40 metres from the front lot line. It should be noted that the lands are zoned Rural Estate Residential (RERc) in the former Township of Collingwood Zoning By-law No. 83-40 and that Section 5.2(iii) of the By-Law requires accessory buildings and structures to be located no closer to the street than the main building; and Section 5.2(v) requires accessory buildings and structures not to exceed 4.5 metres in height in Residential Zones. The By-law measures height from the average finished grade at the front elevation to a point midway between the peak and the eave.

Secretary/Treasurer stated that the Public Notice was circulated and posted in accordance with the Planning Act. Comments were received from the following:
Grey Sauble Conservation Authority – no objection although a permit is required
Grey County Planning Dept. – no concern provided positive comments received from the Grey County Transportation and Public Safety (TAPS) and no habitable space being permitted.

County of Grey Transportation and Public Safety (TAPS) – no objection

Niagara Escarpment Commission – not located within their jurisdiction

TOTBM Engineering & Public Works – daylighting is required at the N.W. corner County Road 2 & 18th Sideroad for County culvert 20 ft x 20 ft, 6 m x 6 m.

TOTBM Director of Building & By-law – County of Grey and GSCA approval required re: Grey Road 2 prior to bldg permit issuance

TOTBM Planning Staff – no objection.

Reg Russwurm, applicant, was in attendance. He stated that the purpose of the variance is to allow for a pole barn to house antique equipment and use as a personal work shop.

Discussion on the responsibility to prepare an R-Plan should one be required, for the daylighting triangle.

Shawn Postma noted that the Planning Act states that conditions imposed by the Committee of Adjustment must be considered reasonable and necessary. A daylighting triangle for a garage in the front yard may not be considered reasonable or a necessary requirement to the variance requested.

Mr. Russwurm did not feel that a daylighting triangle requirement by the Town is necessary, however he would be willing to discuss it with the County Transportation Dept. should they feel it is a necessary requirement onto Grey Road 2.

No other members of the public were in attendance to speak either in favour or in opposition to the application.

Moved by: R.B. Waing

Seconded by: Shiela Metras

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A09-2008 in order to permit a maximum 223 square metre detached garage/shed with a maximum height of 5.0 metres to be located a minimum distance of 40 metres from the front lot line on the subject property.

CONDITIONS:

Nil

REASONS FOR DECISION:

The Committee is satisfied that the application meets the four tests for minor variance, as noted in the Planning Staff Report PL.08.68". Carried.

D. Business Arising:

- i) *2008 Conference, June 1st – 4th*; Committee members Bob Waind and Shiela Metras attended. They reported that the workshops were quite informative and well managed. Of particular interest was how different other Committee's handled applications, decisions, etc. It was stressed that the more reasons that can be given in a decision the better.

2009 Conference will be held in Kitchener

2010 Conference will be held in Windsor

2009 Seminar will be held in Mississauga

- ii) *2008 Seminar, September 26/08* – Bob Waind confirmed guest speakers for the Workshop to be: Solicitor Kim Little, Ron Emo, Solicitor Leo Longo and David Finbow.

As another guest speaker and Keynote speaker are still required, discussion was had with suggestions of other people to contact. Sec/Treas. to contact the OACA as to whether or not they can find a keynote speaker.

E. Correspondence: NIL

G. Next Meeting Date – July 17, 2008

H. Adjournment:

Moved by: R.B. Waind

Seconded by: Shiela Metras

THAT this Committee of Adjustment meeting now be adjourned at 8:00 pm.

Carried.