



Minutes

Committee of Adjustment

Meeting Date: November 14, 2017
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury
Prepared by Lori Carscadden – COA Secretary/Treasurer

A. Call to Order

Chairman Morgan called the meeting to Order with the following members in attendance, being David Morgan, Robert Waind and Bill Remus. Also attending was Town Planner Travis Sandberg as well as Secretary/Treasurer Lori Carscadden who read aloud the Fire Evacuation Notice.

A.1 - Approval of Agenda: Moved by: Robert B. Waind Seconded by: Bill Remus
“THAT the Agenda of November 14, 2017 be approved, as amended”. Carried

A.2 – Declaration of Pecuniary Interest: none

A.3 - Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: Bill Remus
“THAT the Minutes of October 18, 2017 be adopted”. Carried

A.4 – Business Arising from Previous Minutes – Secretary noted that Item #D on the agenda being, “update on minor variance application A08-2017 – Parkbridge Lifestyle Communities” could be spoken to at this time as it was Item #C.2 in the Minutes from the October 18, 2017 Committee meeting. The last day for an appeal to be submitted on this application was November 7, 2017 and as no appeal(s) were received, the Committee’s decision of refusal was now in full force and effect.

Further to this, Committee member Waind referred to the amount of time spent and the process that the Committee took to ensure that this minor variance was dealt with fairly, for both the applicant and the public. He noted that even at the October 18th meeting a large crowd of concerned citizens attended even though they could not participate any further in the application, but concerned enough to sit and listen for the decision of the Committee. Mr. Waind thought the local newspaper did the Committee an injustice as to how they seemed to “dismiss” the whole application and process and only focused on the comments. Further, in Mr. Waind’s opinion, the Committee members went out of their way to ensure the issues were dealt with in a fair and reasonable manner.

Chairman Morgan agreed with the comments made but also understood that many people do not understand the process and cannot be educated in only one meeting. Committee member Remus stated that this is why there is a Committee of Adjustment.

B. – Deputations/Presentations – n/a

C. Public Meeting – 4:00 p.m.

C.1 Application No: A15-2017
 Owner: Windfall GP Inc.
 Agent: Colin Travis – Travis & Assoc. Planning Consultants
 Location: Lot 436, Draft Plan of Subdivision 42T-2010-03
 Civic Address: Grey Road 19

Chairman Morgan read aloud the applications purpose and effect being a reduction in the rear yard setback requirement of the Residential R1-232 zone of the Township of Collingwood Zoning By-law 83-40.

The purpose and effect of the proposed variance is to allow a 1.2m reduction to the required 9.0m rear yard setback to accommodate the construction of a semi-detached dwelling on an irregular shaped lot.

The subject lands are legally described as Part Block 39, Plan 16M-42, as applies to Lot 436, Draft Plan of Subdivision 42T-2010-03.

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 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

Nottawasaga Valley Conservation Authority (NVCA) – no concerns;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no issues;

Planning Department – meets the four test of the Planning Act and would recommend approval.

Mr. Waing spoke to the fact that it is apparent that with newly developed subdivisions there always seem to be an influx of minor variances. He does not understand why, when the developer and the Town are going through the subdivision process that more attention isn't given to the size of lots being created and adjust them accordingly so that a new home can be established without having to go through a minor variance application which, in many cases, is often only for a minimal amount. If the lot(s) being created were a little larger or wider it would alleviate the owner and the Committee from having to go through the variance process, saving everyone time and money. Mr. Waing's understanding of the new Planning Act, once it comes

into effect, will be much more difficult and more time consuming to acquire minor variance approval. Perhaps the only option then would be for the municipal Council to give special permission. Chairman Morgan noted that perhaps this is something that should be discussed with the Planning Department and Council.

Colin Travis, Agent for the Owner was in attendance. He indicated that the four tests of the Planning Act have been met, in this instance. He agreed that there is an easy fix to the application in that the house only needs to be made smaller and a minor variance would not be required. However, at this time, the applicants have the ability to come before the Committee and take advantage of the system. Mr. Travis referred to the Planning Report #PDS.17.100 where one of the conditions is that the variance will only come into full force and effect when the Holding 'h' symbol has been removed from the property. Further, a by-law is scheduled to go before Council on November 27, 2017 to do so. Mr. Travis noted that there is currently an executed subdivision agreement and within 4-6 weeks it is expected the agreement to be registered.

As there were no other person(s) in attendance to speak in favour of or in opposition to the variance, Chairman Morgan closed the Public Hearing portion of the meeting.

Motion to adopt the Planning Staff Report #PDS.17.100

Moved by: Robert B. Waind Seconded by: Bill Remus Carried.

Motion:

Moved by: Robert B.Waind Seconded by: Bill Remus

REASON FOR DECISION:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A15-2017 to permit the construction of a semi-detached dwelling with a minimum rear yard setback of 7.8m.

CONDITIONS:

1. That the development be constructed in a manner substantially in accordance with the sketch attached as Attachment #1;
2. This variance to the zoning by-law is for the purpose of obtaining a building permit and:
 - (i) Will only come into full force and effect at such a time that the Holding 'h' Symbol is removed from the property; and
 - (ii) 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 November 14, 2019.

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

Moved by: Robert Waind

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A16-2017 to recognize deficiencies associated with the existing accessory structure and to permit the construction of a proposed addition at a maximum total lot coverage for all buildings and structures of 18.1%, in accordance with the submitted site sketch.

CONDITIONS:

The applicants would like to construct an addition to an existing single detached dwelling and wish to preserve the existing accessory structure. Approval of this variance would provide relief from the following sections of the former Township of Collingwood Zoning By-law 83-40 in order to permit the proposed site development, per the submitted site sketch:

1. An increase in the maximum permitted lot coverage to 18.1% for all buildings and structures, whereas the By-law permits a maximum of 15% in the *Village Residential (VR)* zone;
2. Relief from Section 5.2(ii) of the By-law to recognize the existing 0m exterior side yard setback for an accessory structure, whereas the By-law requires a minimum of 6m in the Village Residential (VR) zone;
3. Relief from Section 5.2(iii) of the By-law to recognize the existing 0m setback for an accessory structure to a public street, whereas the By-law prohibits accessory structures from being built closer to the street than the main dwelling;
4. Relief from Section 5.2(iv) of the By-law to recognize an existing 0m exterior side yard setback, whereas the By-law requires 1m when adjoining a public street; and
5. Relief from Section 5.2(vi) to recognize the 5.7% lot coverage for the existing accessory structure, whereas the By-law permits a maximum of 5%.

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.17.106.

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. New and Unfinished Business

- Update on minor variance A08-2017 – Parkbridge Lifestyle Communities – this was spoken to in Item #A.4 “Business Arising from Previous Minutes”.
- Update from Robert B. Waind on OACA Seminar held October 23, 2017 in Cobourg – Mr. Waind indicated that it was one of the best in attendance for a seminar in quite a few years, perhaps being held closer to the Toronto area. There were many interesting topics, one being the upcoming new Planning Act. There were also discussions on the possible changes to the Ontario Municipal Board (OMB) and its effect on municipalities.

E. Next Meeting Date – December 20, 2017

F. Adjournment

Moved by: Robert B. Waind

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