Minutes - REVISED
Committee of Adjustment

Meeting Date: October 16, 2019
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury ON
Prepared by Travis Sandberg – Acting Committee of Adjustment Secretary/Treasurer

A. Call to Order

Acting Chairman Waind called the meeting to Order with the following members in attendance, being Bill Remus. Member Morgan was absent. Also in attendance was the Acting Secretary/Treasurer Travis Sandberg.

A.1 Fire Evacuation Notice - The Secretary/Treasurer read the Notice aloud.

A.2 Approval of Agenda: Moved by: Bill Remus Seconded.

“THAT the Agenda of October 16, 2019 be approved, as revised to reflect Chairman Morgan’s absence”. Carried

A.3 Declaration of Pecuniary Interest: None

A.4 Adoption of Previous Minutes

Moved by: Bill Remus Seconded.

“THAT the Minutes of September 11, 2019, be adopted.” Carried

A.5 Business Arising from Previous Minutes

None.

B. Deputations/Presentations – none

Acting Chairman Waind read aloud the authority given under the Municipal Act, 2001 and in accordance with Ontario’s Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
C. Consent (severance) Applications:

C.1 Application No.: B14-2019/B15-2019
Owners: Mary Lynn and Michael Sheridan
Agent: Andrew Pascuzzo, Pascuzzo Planning Inc.
Legal Description: Concession 10, Part Lot 25, 16R-10547, Parts 1, 2, 3, 6 and 7, AND Concession 10, Part Lot 25, 16R-10547, Part 4 and 5
Civic Address: 808059 and 808065 24th Sideroad

Acting Chairman Waind read aloud the Public Meeting Notice. The Acting Secretary/Treasurer also confirmed that the Public Hearing Notice was circulated in accordance with the Planning Act by pre-paid first-class mail and was posted on-site on the subject lands. The Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice.

Denise Whaley, Municipal Planner, was in attendance and provided a brief overview of the application. Ms. Whaley discussed comments received from the Chief Building Official (“CBO”) for the Town and noted that an additional condition had been included in the recommendation from staff since completion of the Staff Recommendation Report. More specifically, it was noted that the CBO identified a required 30m setback for medium industrial occupancy buildings, as per the National Building Code. Without enough information regarding the nature of the occupancy of the existing farm buildings, it was not possible to determine if this requirement applied in this case. As such, Ms. Whaley explained that the proposed addition to the conditions would allow the lot addition to proceed in principle, subject to confirming the nature of occupancy of the farm buildings. Should they be classified as medium industrial occupancies, then the proposed lot line could be altered prior to registration to ensure this setback requirement is satisfied. Alternatively, should it be determined that the structures are not classified as medium industrial occupancies, then Staff could clear the condition without impact on the proposal as submitted.

Andrew Pascuzzo, Pascuzzo Planning Inc., was in attendance as the authorized agent of the owner/applicant. Mr. Pascuzzo voiced his concern over the newly proposed condition stating that the buildings currently exist on the property and no change in use are proposed. Further, the setback requirement being questioned was not a zoning matter and should only be applicable if a building permit was being sought for one of the subject structures.

After considerable discussions with Municipal Planner and applicant’s agent, the Committee determined revisions to the recommended conditions of provisional consent which they opined were appropriate and fair to both stakeholders.

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

Motion to receive Planning Staff Report PDS.19.137.
Moved: Bill Remus. Seconded and Carried.
Motion:
“THAT the Committee GRANT Consent application #B14-2019, subject to the conditions outlined in Attachment #3 to Staff Report PDS.19.137;

AND THAT the Committee GRANT Consent application #B15-2019, subject to the conditions as revised by the Committee and outlined below:
   1. That the Applicant provide a description of the land, which includes the resulting setbacks from the existing farm buildings in accordance with the applicable building code, which can be registered in the Land Registry Office;
   2. That the severed parcel be deeded as a lot addition only, to the adjacent lot to the east, in accordance with Section 50 (3) of the Planning Act, R.S.O. 1990;
   3. That any mortgage on the property be discharged from any land being severed and for any lands to be added to a lot with a mortgage, that any mortgage shall be extended onto the additional lands;
   4. That all above conditions be fulfilled within one year of the Notice of Decision so that the Certificate of Consent pursuant to Section 53(42) of the Planning Act, can be issued by the Town”

Moved: Bill Remus Seconded and Carried.

D. Minor Variance Applications:

D.1 Application No: A18-2019
   Owners: John and Jennifer Tory
   Agent: Jelena Djuric
   Legal Description: Lot 16, Plan 775
   Civic Address: 209 Craigleith Road

Acting Chairman Waind read aloud the Public Meeting Notice and the Acting Secretary/Treasurer also confirmed that the Public Hearing Notice was circulated in accordance with the Planning Act by pre-paid first class mail and was posted on-site on the subject lands. The Acting Secretary/Treasurer also provided a summary of all written comments received as a result of the Public Notice. It was noted that, as a result of review of the proposed elevations by the Chief Building Official, that the measured height of the proposed structure was actually 6.73m rather than the 5.7m applied for. The discrepancy being created by the proposed structure having additional roof dormers from which the height needs to be measured. It was further noted that the overall height to the peak of the structure would not be impacted as a result of this measurement.

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

Motion to adopt the Planning Staff Report PDS.19.135.
Moved by: Bill Remus. Seconded and Carried.
Motion:
“THAT the Committee of Adjustment GRANT Minor Variance Application No. A18-2019 for the property located at Lot 16, Plan 775, in order to permit the construction of a second-storey accessory apartment unit in a detached accessory structure to be located closer to an exterior side lot line than the main dwelling, at an exterior side yard setback of 1.2m, with a maximum height of 6.73m.

Approval of the proposed minor variance is subject to the following conditions:

1. That the development be constructed in a manner substantially in accordance with the site sketch attached as Attachment #1;

2. That the Owner apply for and obtain site plan approval form the Town; and

3. That this variance to the zoning by-law is for the purpose of obtaining a building permit and is valid for a period of two years from the date of the decision only. If a building permit has not been issued by the Town within two years, the variance shall expire on September 11, 2021.”

Moved by: Bill Remus. Seconded and Carried.

E. **New and Unfinished Business:**

Nil.

F. **Next Meeting Date: November 20, 2019**

G. **Adjournment**

Moved by:
THAT this Committee of Adjustment meeting now be adjourned. Seconded and Carried.