



Minutes

Committee of Adjustment

Meeting Date: March 15, 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 and Robert Waind, with member Bill Remus being absent. Also attending were Town Planner Denise Whaley and Secretary/Treasurer Lori Carscadden who read aloud the Fire Evacuation Notice.

A.3 - Approval of Agenda: Moved by: Robert B. Waind Seconded by: David Morgan
"THAT the Agenda of March 15, 2017 be approved". Carried

A.4 – Declaration of Pecuniary Interest: none

A.5 - Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: David Morgan
"THAT the Minutes of February 15, 2017 be adopted, as amended". Carried

A.6 – Business Arising from Previous Minutes - none

B. Public Meeting – 4:00 p.m.

B.1 Application No: A02-2017
Owners: Jeffrey & Denise Swartz
Location: Lot 24, Plan 533
Civic Address: 16 Lakeshore Drive

Chairman Morgan read aloud the applications purpose and effect of the variance which is to add on to their existing house. The proposed additions would not conform with the required side and front yard setbacks, and the shoreline hazard setback in the zoning by-law. This application also requests a variance to recognize the existing parking situation on the lot. The parking is not changing as part of this proposal. This application requests the following variances:

- West side yard of 2 m, where Section 9.2 e) ii) requires 7.5 m (Zoning By-law considers this a "corner lot")

- East side yard of 1.26 m, where Section 9.2 e) and 6.8 c) requires 1.5 m (for second storey addition only – matches existing side yard for first storey)
- Parking space length of 4.49 m, where Section 6.9.3.1 requires a parking space to be a minimum length of 5.5 m.
- A setback of 9 m from the 177.9 m GSC (100 year flood line), where Section 6.20 a) requires a setback of 15 m.

The legal description for this property is Plan 533, Lot 24 (formerly the Town of Thornbury), Town of The Blue Mountains.

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 to be posted on the subject lands.

Comments were received from the following:

Grey County Planning Department – the proposed deck is within the hazard designation and the property within 30 metres of Georgian Bay, comments from the GSCA are required; property is within the Intake Protection Zone and comments from the Drinking Water Source Protection staff might be necessary; a Hydrogeological Study/Environmental Impact Study is required; provided positive comments are received from these required agencies/staff, the County has no further concerns; Grey Sauble Conservation Authority – entire property is regulated under the 100 year flood line elevation of Georgian Bay and includes a 30 metre inland allowance feature and therefore a permit is required from the Authority; it is not anticipated that the two proposed additions will increase negative impacts on the 100 year floodline or wave uprush; there is close proximity to a range of species including fish however provided appropriate sediment control measures are utilized it is not anticipated that there will be any negative impacts;

Lands and Resources (Historic Saugeen Metis) – no objection;

TOTBM Community Services – need to ensure the right-of-way (ROW) is clearly identified so there are no encroachments on the ROW;

TOTBM Infrastructure and Public Works – need to provide on-site parking so that parking spaces will not extend out into the right-of-way; a Municipal Lands Occupancy permit is required;

TOTBM Planning Department – this proposal meets the four tests of the Planning Act and Town staff would recommend support of the application.

The Owners, Jeffrey & Denise Swartz were both in attendance. Mr. Swartz noted that they have just recently purchased the property and the existing residence is quite small for their families needs. He stated that although the application is requesting four variances, the most significant variance is the one to the west side yard setback from 7.5 metres to 2 metres, being a corner lot. Otherwise the other three variances are very minimal and are required to “clean up” some smaller issues. With regard to parking, this would appear to be a problem along the whole of Lakeshore Drive that extends back years ago, probably when the residences were then smaller cottages. However it is their desire to have the appropriate applications in place and have been in contact with the Towns’ Infrastructure and Public Works Department where a Municipal Lands Occupancy Permit is being processed.

The Committee recognized that most residences along the street are mostly two storey dwellings and that the impact would be minimal.

As there were no other persons 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.17.18

Moved by: Robert B. Waind Seconded by: David Morgan Carried.

Motion:

Moved by: Robert B. Waind Seconded by: David Morgan

“THAT the Committee of Adjustment Grant Minor Variance Application No. A02-2017 to the Town of Thornbury Zoning By-law 10-77, to allow the construction of additions to the existing dwelling.

Conditions:

1. That the development is constructed substantially in accordance with the attached site plan.
2. 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. (*Expires March 15, 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 PDS.17.18.

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.

B.2 Application No: A04-2017
 Owner: Doug Adams
 Applicant/Agent: David Slade – D.C. Slade Consulting Inc.
 Location; Part Lot 37, Concession 11
 Civic Address: 189 Lake Drive

Chairman Morgan read aloud the applications purpose and effect of the variance which is a subdivision being proposed for the end of Lake Drive, consisting of five (5) lots. The proposal includes a condominium road and a variance has been requested to reduce the required front yard and centreline of road setback to 4 m for the dwelling and 6m for the attached garage, where the zoning by-law Schedule “AA” requires 7.5 m. Approval of the variance application would also allow a condominium road (private road) to meet the lot development requirements of access from a public road, required by Section 5.8 a).

The Legal Description of the lands is Concession 11, Part of Lot 37, Plan 931, Lot 45 (formerly the Township of Collingwood), Town of The Blue Mountains.

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 Agent to be posted on the subject lands.

Comments were received from the following:

Grey County Planning Department – under the Recreational Resort Area designation of their Official Plan development must “serve the public interest by contributing to the provision of community recreational amenities”; this application is associated with a draft plan of subdivision which would be facilitating development of these five lots; it is recognized that the lands will be fully serviced with municipal sewer and water; property is within the Intake Protection Zone 2 and comments from the Drinking Water Source Protection staff might be necessary; a Hydrogeological Study/Environmental Impact Study is required; an Environmental Review has been completed which identified three butternut trees on the subject property and the applicants determine that they shall proceed with a Butternut Recovery Plan; comments should be received from the Grey Sauble Conservation Authority; there is currently an application for a minor redline revision to the draft plan of subdivision and therefore the County requests a deferral to the minor variance application until such time as other applications have been approved to ensure that any minor adjustments to the application can be made if need be;

Grey Sauble Conservation Authority – entire property is wooded with various species of trees and an area that contains potential endangered plant species including one butternut tree and at least two mulberry trees; there are a number of seepage areas on-site within the proposed roadway as well as lower areas of the slope close to Georgian Bay; the entire area is within the regulated area associated with flood and erosion hazards of Georgian Bay and therefore a permit is required from the Authority; as the entire property is mapped as hazard land technical studies are necessary to ensure consistency with the Provincial Policy Statement through the subdivision approval process; as well, there are also endangered species issues to be reviewed by the Ministry of Natural Resources and Forestry; the application should be deferred until such time as the technical reports are reviewed and deemed appropriate by agencies and authorities;

Lands and Resources (Historic Saugeen Metis) – no objection;

TOTBM Community Services – no comments;

TOTBM Infrastructure and Public Works – consideration should be given to snow storage as the Town’s plough will leave a windrow at the entrance with the current design;

TOTBM Planning Department – this proposal meets the four tests of the Planning Act and Town staff would recommend support of the application.

Committee members commented that there were two different agencies who have both requested that the application be deferred. As the Committee is only recognizing the proposed minor variance, they asked if there was anything else that should be brought forward that warrants the deferral request.

Town Planner Denise Whaley noted that it is usually the Owner/Applicant/ Agent who requests a deferral.

David Slade, D.C. Slade Consultants Inc, being the Agent for the Owner was in attendance. He stated that there are two separate issues that need to be resolved. It is the Owners desire to move forward with the minor variance first and continue to work with the agencies on the two other issues.

Mr. Slade provided the Committee members with several drawings and a history of the property. The new owners have submitted a redline revision to change the existing draft plan of subdivision as they feel it would be the least disruptive if a condominium road was built. The minor variance is to recognize condominium approval and to reduce the front yard which is typical for condos. He noted that the draft plan of subdivision is old dating back to 1993 and that the previous owners have endeavored to develop the site unsuccessfully. The current proposal is for five lots that will be in excess of 25-30,000 square feet in size compared to other lots on Lake Drive. Further, the lands have already been rezoned. Mr. Slade stated that they have been working closely with the County of Grey and the municipality to acquire the best way to proceed with this development. An Environmental Impact Study (EIS) has been prepared and submitted to the County last November 2016 for their review, with the hope that the Grey Sauble Conservation Authority (GSCA) would also have received the EIS for review as well. It was noted that the mulberry trees are not an endangered species. The Ministry of Natural Resources (MNR) have, on February 2, 2017, placed the three butternut trees in a "Recovery Plan" which means that they can be removed and replaced elsewhere. As well, there is a Tree Preservation Plan in place wherein an Ecologist will review each site (lot) to identify which trees should remain. Mr. Slade reiterated that the redline revision for the subdivision was submitted to the municipality on February 2, 2017 and a full engineering submission on March 02, 2017.

The minor variance is being requested to recognize common elements condominium road standards. The variance would allow the maximum use of the building envelopes which are all outside of the hazard areas. As well, if the garage is proposed in the front a 6 metre setback is requested and a 4 metre setback if it is the principal building. Mr. Slade noted that many of the residences along Lake Drive are 7.5 metres in setback and therefore what they are requested should not change the character of the area any.

Mr. Slade stated that he does not understand the County's request to defer as they have been working closely with them on this development. It was his thought that with the approval of the variance, subject to redline approval, it would not curtail anything.

Committee members enquired about snow removal and where the full services currently end with Mr. Slade stating that it being a private road snow removal would not be the municipality's responsibility however will need to provide for an area for snow storage. There will be a turn-around at the end of the condo road for emergency vehicles. The full services currently go to the end of Lake Drive and will be extended on the common element road.

Discussion occurred as to whether or not there was any incentive or desire to extend the road further to the west allowing the road to go straight through and connect to Sunset Boulevard. Mr. Slade noted that there are several parcels of land, one owned by Lora Bay and the other by Mr. Adams himself. In fact, if the road extended straight

through would likely go through the Adams' residence. As well, there is quite a steep slope and he would assume that the GSCA would have great concerns. Further, Lake Drive is currently graveled and it is the developers desire to pave the condo road. It was further noted that the current draft conditions, being very old, need to be modified to bring them up to today's standards and expectations.

Motion to adopt the Planning Staff Report #PDS.17.28

Moved by: Robert B. Waind

Seconded by: David Morgan

Carried.

Motion:

Moved by: Robert B. Waind

Seconded by: David Morgan

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A04-2017 to the Township of Collingwood Zoning By-law No. 83-40, to allow a reduction of the required front yards for five proposed lots and allow the lots to front onto a condominium road.

Conditions:

1. That the development is constructed substantially in accordance with the attached site plan.
2. That this variance shall only take effect upon registration of the plan of subdivision; should the proposal not be approved and the lots not registered, this variance shall expire.

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.17.28.

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. Correspondence – none

D. New and Unfinished Business - none

E. Next Meeting Date – April 18, 2017

F. Adjournment

Moved by: Robert B. Waind

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