

Minutes

Committee of Adjustment

Meeting Date: December 18, 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 and newly appointed Committee Member Peter Franklyn. Also in attendance was the Acting Secretary/Treasurer Travis Sandberg and Town Planner Denise Whaley.

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

A.2 Introduction of new Committee Member Peter Franklyn

Peter Franklyn was introduced as a newly appointed member of the Committee and is replacing David Morgan, who has resigned from his position due to health reasons.

A.3 Selection of a new Chairman

Moved by: Bill Remus Seconded.

“THAT Robert Waind be appointed as Chairman of the Committee of Adjustment for the year 2020”

Carried.

A.4 Declaration of Pecuniary Interest

Chairman Waind declared a Conflict of Interest related to Minor Variance Application A27-2019.

A.5 Approval of Agenda

Moved by: Peter Franklyn.Seconded.

"THAT the Agenda of December 18, 2019, be approved".

Carried.

A.6 Draft Minutes – November 20, 2019

Moved by: Bill Remus Seconded.

"THAT the Minutes of November 20, 2019, be adopted."

Carried.

A.7 Business Arising from Previous Minutes

Moved by: Bill Remus.

Seconded.

“THAT the REVISED Minutes of October 16, 2019, be adopted.”

Carried.

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 Applications:

C.1	Application No:	B16-2019
	Owners:	John and Lorna Brown
	Agent:	N/A
	Legal Description:	Concession 6, Part Lot 26, Registered Plan 16R-2255, Parts 2 and 3, Registered Plan 16R-2737, Part 2, AND Concession 6, Part Lot 26, Registered Plan 16R-2255, Part 4
	Civic Address:	209093 Highway 26 AND Concession 6, Part Lot 26, Registered Plan 16R-2255, Part 4

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.

Town Planner, Denise Whaley, provided a brief overview of the application. Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there were no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Bill Remus.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.154, entitled ‘Minor Variance #A23-2019 and Consent #B15-2019 - Brown’”;

Carried.

The Committee discussed the application and questioned Staff if any comments were received from the Ministry of Transportation (MTO). Staff confirmed that comments had not been received to-date and that a condition has been included in the recommendation to ensure that

an entrance permit is obtainable from the MTO prior to final registration of the proposed easement. There was no further discussion on the proposal.

Moved by: Bill Remus.

Motion:

“THAT the Committee of Adjustment APPROVE Consent application B15-2019, for two easements on the properties located at Part of Lot 26, Concession 6, in order to permit a shared driveway to be constructed, subject to the following conditions:

1. That the Owner meets all requirements of the Town, financial and otherwise, for the certificate of Consent to be issued;
2. That the Owner provides a description of land which can be registered in the Land Registry Office;
3. That prior to final registration, the owners provide confirmation that an MTO entrance permit for the shared driveway is available;
4. That prior to final registration, the owners of Part 4 of Reference Plan 16R-2255 provide confirmation of the release of the easement over the lands described as Part 3 of Reference Plan 16R-2255; and
5. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town may issue the Certificate of Official pursuant to Section 53(42) of the Planning Act.”

Seconded and Carried.

C.2	Application No:	B17-2019
	Owners:	Robert and Leila MacDairmid
	Agent:	Andrew Pascuzzo, Pascuzzo Planning Inc.
	Legal Description:	Concession 11, Part Lot 32, Registered Plan 16R-344, Part 1
	Civic Address:	417076 10 th Line

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.

Andrew Pascuzzo, the Owners authorized agent, provided a brief overview of the application. Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there were no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.159, entitled ‘Severance #B17-2019 – 417076 10th Line’”;
Carried.

No further discussion occurred with respect to the proposal.

Moved by: Peter Franklyn.

Motion:

“THAT the Committee of Adjustment authorize Consent #B17-2019 in order to establish a servicing easement on 417076 10th Line, in favour of 417072 10th Line, subject to the following conditions:

1. That the Owner meets all requirements of the Town, financial and otherwise, for the certificate of Consent to be issued;
2. That the Owner provides a description of land which can be registered in the Land Registry Office;
3. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town may issue the Certificate of Official pursuant to Section 53(42) of the Planning Act.”

Seconded and Carried.

C.3	Application No:	B18-2019
	Owners:	1382491 Ontario Limited
	Agent:	Krystin Rennie, Georgian Planning Solutions
	Legal Description:	RCP 1032, Part Lot 3, Registered Plan 16R-10109, Part 1
	Civic Address:	256 Sunset Boulevard

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.

Krystin Rennie, the Owners authorized agent, provided a brief overview of the application. Member Franklyn asked for clarification regarding the purpose of the lot addition. Ms. Rennie responded that it was necessary to clarify ownership of the lands in order to register the draft approved plan of condominium.

Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there were no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.160, entitled ‘Severance #B18-2019 – Cottages at Lora Bay (Keeper’s Cove)’”;

Carried.

No further discussion occurred with respect to the proposal.

Moved by: Peter Franklyn.

Motion:

“THAT the Committee application #B18-2019 be provisionally granted subject to the following conditions:

1. That the Owner meets all requirements of the Town, financial and otherwise, for the certificate of Consent to be issued;
2. That the Owner provides a description of land which can be registered in the Land Registry Office;
3. That the severed parcel be deeded as a lot addition only to the abutting property in accordance with Section 50(3 or 5) of the Planning Act, R.S.O. 1990;
4. 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; and
5. That all above conditions be fulfilled within one year of the Notice of Decision so that the Town may issue the Certificate of Official pursuant to Section 53(42) of the Planning Act.”

Seconded and Carried.

D. Minor Variance Applications:

D.1	Application No:	A21-2019
	Owners:	Bromse and Slaine
	Agent:	N/A
	Legal Description:	Lot 8, Plan 389
	Civic Address:	245 Cameron Street

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.

Eckhart Bromse, owner of the subject lands, provided a brief overview of the application. Mr. Bromse explained that the detached garage was originally constructed by his father in 1972 as a lean-to structure to store firewood. The remaining portion of the existing garage was constructed with the benefit of a Building Permit in 1999. Mr. Bromse further explained that he has the permit drawings approved under Building Permit 99-246, should they be needed for further information. Mr. Bromse further confirmed that no construction or additions have been completed on the structure since the works completed under Building Permit 99-246. The deficient setback was discovered through the preparation of an updated survey in 2011, wherein it was found that the existing fence is not located on the lot line.

Member Franklyn asked Mr. Bromse to clarify/confirm on the submitted plan, if the a-frame lean-to structure is the portion of the structure that was constructed in 1972, and if the 'metal shed' portion of the structure was constructed under Building Permit 99-246. Mr. Bromse confirmed that this was the case.

Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

"THAT the Committee of Adjustment receive Staff Report PDS.19.155, entitled 'Minor Variance A21-2019 – 245 Cameron Street'";

Carried.

The Committee discussed the application and questioned staff if the structure could be considered as legal non-conforming to the setback requirements of Zoning By-law 2018-65. Planning Staff indicated that the structure could potentially be considered as legal non-conforming, however, the Town does not have permit records prior to the year 2000. As such, without clear information as to the scope of Building Permit 99-246 it is difficult to confirm. Staff further clarified that despite a detailed record being available, it is clear that a building permit was obtained. The Committee then requested Planning Staff to provide a brief overview of the Recommendation Report.

Moved by: Peter Franklyn.

Motion:

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A21-2019, to recognize an interior side yard setback of 0.4m and a front yard setback of 1.5m for an existing accessory structure, whereas a minimum of 1.2m and 2.5m is required by Zoning By-law 2018-65. Respectively, subject to the following condition:

1. This variance applies to the existing structure only and does not consider any eaves or other appurtenance which may further encroach into the required yard or onto abutting property."

Seconded and Carried.

D.2	Application No:	A23-2019
	Owners:	John and Lorna Brown
	Agent:	N/A
	Legal Description:	Concession 6, Part Lot 26, Registered Plan 16R-2255, Parts 2 and 3, Registered Plan 16R-2737, Part 2, AND Concession 6, Part Lot 26, Registered Plan 16R-2255, Part 4
	Civic Address:	209093 Highway 26 AND Concession 6, Part Lot 26, Registered Plan 16R-2255, Part 4

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.

Planning Staff provided a brief overview of the application and noted that this application relates to Consent Application B16-2019, as was granted as a previous agenda item. The intent of the variance is to provide a 0m setback for a driveway in order to implement the consent for an access easement granted under B16-2019.

Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.154, entitled ‘Minor Variance #A23-2019 and Consent #B15-2019 - Brown’”;

Carried.

The Committee discussed the application and requested clarification from Staff regarding ownership and access. Town Planner, Denise Whaley, clarified that this variance implements the easement for the shared driveway and that the easement simply affords reciprocal access rights for both property owners and does not create a new lot or transfer ownership.

Moved by: Peter Franklyn.

Motion:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A23-2019, for the property located at Part of Lot 26, Concession 6, in order to permit a driveway to be constructed with a 0.0m setback from the side lot line, subject to the following conditions:

1. That the driveway be constructed in a manner substantially in accordance with the site plan in Attachment #1.”

Seconded and Carried.

D.3	Application No:	A24-2019
	Owners:	John Cirillo
	Agent:	David Frattaroli
	Legal Description:	East Part Lot 46, Plan 320
	Civic Address:	209511 Highway 26

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.

David Frattaroli, the Owner's authorized agent, provided a brief overview of the application. Planning Staff provided a brief overview of the Recommendation Report and noted that the proposal requires an additional technical variance, which was not initially identified in the submission. It was further noted that the Notice did not require re-circulation prior to a decision, as the effect of the application is not impacted and there were no additional studies or other information required as a result of the additional variance.

Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

"THAT the Committee of Adjustment receive Staff Report PDS.19.156, entitled 'Minor Variance #A24-2019 – 209511 Highway 26'";

Carried.

No further discussion occurred with respect to the proposal.

Moved by: Peter Franklyn.

Motion:

"THAT the Committee of Adjustment GRANT Minor Variance Application No. A24-2019, in order to permit an unenclosed deck to be located 0.1m from the easterly interior lot line, whereas a minimum of 0.5m is required from the interior side yard, and a minimum of 1.2m is required in the rear yard, subject to the following conditions:

1. That a building permit application shall be submitted to the Building Division along with a revised site plan and construction drawings;
2. That a revised site grading plan, prepared by a qualified engineer, be prepared and submitted with the required building permit application;
3. That a Development Permit be obtained from the Grey Sauble Conservation Authority for the proposed construction, if required by the GSCA; and
4. 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 decision. If a building permit has not been issued by the Town within two years, the variance shall expire on December 18, 2021."

Seconded and Carried.

D.4 Application No: A25-2019
 Owners: Mike Wellman

Agent: N/A
Legal Description: Lot 45, Plan 16M-20
Civic Address: N/A

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.

Mike Wellman, property owner, provided a brief overview of the application. Planning Staff provided a brief overview of the split-zone provisions of the By-law and how these provisions impact lot coverage.

Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.157, entitled ‘Minor Variance #A25-2019 – Wellman’;

Carried.

The Committee discussed the application and it was noted by Member Franklyn that the request pertains to lot coverage increase within the R1-1 zone portion of the lands, regardless of the total size of the lot, and that it appears to exceed the scale of ‘minor’. The Committee continued to discuss the merit and that the physical impact would be minor, as this variance is technical in nature and would result in built-form which is consistent with the total lot coverages in the neighbourhood.

Moved by: Bill Remus.

Motion:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A25-2019, in order to permit the construction of a single detached dwelling on the subject lands. The relief sought is from Table 6.2.1 of the Zoning By-law to permit a maximum lot coverage of 47% within the R1-1-43 zone, whereas the Zoning By-law permits a maximum of 30%, 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; and
2. That this variance to the zoning y-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. If a building permit

has not been issued by the Town within two years, the variance shall expire on December 18, 2021.”

Seconded and Carried.

D.5 Application No: A26-2019
 Owners: John and Erin Billowits
 Agent: Matt Van Andel, The Landmark Group
 Legal Description: Lot 13, Plan 442
 Civic Address: 303 Sunset Boulevard

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.

Matt Van Andel, the Owner’s authorized agent, provided a brief overview of the application. Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Moved by: Peter Franklyn.

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.153, entitled ‘Minor Variance #A26-2019 – Billowits’;

Carried.

The Committee discussed the application and inquired as to which structures shown on the site sketch currently exist on the property. It was noted by Planning Staff that currently a single detached dwelling and the ‘upper patio’ indicated on the sketch currently exist. Proposed structures include a proposed retaining wall, stairs, and the ‘lower deck’. This application applies to the proposed lower deck only.

Staff further explained that through detailed review of the submission after issue of the Public Notice, the proposed setback was confirmed to be 3.86m, rather than the the 6.0m setback included in the Notice. The purpose and effect of the application remains as described on the Notice, as the deck is proposed in the same location and the actual setback number was refined and now reflects the shortest setback distance to the rear lot line. Staff further noted that the proposed retaining wall may or may not comply with the required setback provisions, however, this was not being considered in the applicant’s request at this time.

The Committee inquired as to where the existing waterline in relation to the property boundaries. The applicant’s agent indicated that existing shoreline protections are substantial,

however, they are also in the process of preparing a Shoreline Retention Plan in cooperation with the Grey Sauble Conservation Authority.

The Committee inquired as to whether or not the Ministry of Natural Resources or the Grey Sauble Conservation Authority requires a waiver or indemnification in approving shoreline engineering plans. Planning Staff were not aware of any indemnifications, however, if this proposal included a habitable structure, then additional floodproofing would likely be included in any shoreline study. As this application relates to a non-habitable structure, there is not as significant of a concerns with respect to flooding.

Moved by: Peter Franklyn.

Motion:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A26-2019, for the property located at 303 Sunset Boulevard, in order to permit the construction of an unenclosed deck, setback no closer than 3.86m from the 177.9m GSC elevation, 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; and
2. That, if required for the development, a permit for the deck be received from the Grey Sauble Conservation Authority, prior to construction.

Seconded and Carried.

D.6	Application No:	A27-2019
	Owners:	David Bishop and Lia Sonnenburg
	Agent:	N/a
	Legal Description:	Lot 93, Plan 807
	Civic Address:	120 Alpine Crescent

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.

The applicant's representative, Steven Sopinka, was in attendance and provided a brief overview of the application. Chairman Waind then opened the public portion of the hearing and asked if anyone in attendance wished to speak to the application. As there was no one in attendance to speak in favour of or in opposition to the proposal, Chairman Waind closed the public meeting.

Motion Moved By: Peter

Seconded.

“THAT the Committee of Adjustment receive Staff Report PDS.19.158, entitled ‘Minor Variance #A27-2019 -120 Alpine Crescent’;

Carried.

The Committee requested confirmation of the current rear yard setback for the existing dwelling. The applicant confirmed that the existing setback is approximately 6.5m, whereas the requested setback for the addition is 7.0m. The existing legal non-conforming situation will not be increased or exacerbated. No further discussion occurred with respect to the proposal.

Moved by: Peter Franklyn.

Motion:

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A27-2019, to permit the construction of a 46sq.m. two-storey addition to an exiting single detached dwelling with a minimum rear yard setback of 7.0m, whereas 9.0m is required in the R1-1 zone, 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; and
2. 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 decision. If a building permit has not been issued by the Town within two years, the variance shall expire on December 18, 2021.”

Seconded and Carried.

E. Sign Variances

Nil.

F. New and Unfinished Business:

- F.1 2020 Committee of Adjustment Hearing Dates – confirmed that the 2020 Committee of Adjustment Hearing dates shall be the third Wednesday of every month, with the exception of January 16, 2020, as it was voted on in the January 2019 schedule.
- F.2 Committee Members also requested if there is an opportunity to increase remuneration in light of the increased agendas due to Severance applications.
- F.3 Committee Members inquired if there are any opportunities to limit the number of applications heard at a scheduled hearing. Due to the length of the hearings, as well as the relatively short period of time from submission to the hearing date, it is difficult to visit every site and complete a thorough review of the submissions when there are numerous applications. As a starting point for discussion, the Committee requested

that it be determined if the agenda can be capped at five applications per meeting. In the event that more than five applications are received prior to the submission deadline, than a second hearing could be scheduled for the day after the regularly scheduled hearing for the remaining submission.

G. Next Meeting Date: January 16, 2020

F. Adjournment

Moved by: Bill Remus

“THAT this Committee of Adjustment meeting now be adjourned”. Seconded and Carried.