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Staff Report

Committee of Adjustment

Report To: Council
Meeting Date: March 27, 2017
Subject: Committee of Adjustment Decision of March 15, 2017
Report Number: PDS.17.27
Prepared by: Lori Carscadden, Secretary/Treasurer, Committee of Adjustment

A. Recommendations

THAT Council receive Committee of Adjustment Staff Report #PDS.17.27 "Committee of Adjustment Decision of March 15, 2017", for information purposes.

B. Public Meetings

On March 15, 2017 the Committee of Adjustment received two Minor Variance applications, being:

#1 Application No: A02-2017
 Owner/Applicant: Denise Swartz
 Legal Description: Lot 24, Plan 533
 Civic Address: 116 Lakeshore Drive

The applicant would like to add onto their existing house however 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 Committee received comments from the following:

County of Grey Planning Department – comments required from the Grey Sauble Conservation Authority pertaining to the proposed deck being within the hazard designation and the property within 30 metres of Georgian Bay; comments should be obtained from the Drinking

Water Source Protection staff as well as a Hydrogeological Study/Environmental Impact Study being prepared; provided positive comments are received from these agencies the County would have no further concerns;

Grey Sauble Conservation Authority – entire property is regulated under the 100 year flood line elevation of Georgian Bay including a 30 metre inland allowance feature whereby a permit from the GSCA is required; provided appropriate sediment control measures are utilized it is not anticipated that there will be any negative impacts on a range of species, including fish;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – on-site parking is required to prevent the parking extending out into the right-of-way; a Municipal Lands Occupancy permit is required;

Community Services – need to ensure the right-of-way is clearly identified preventing encroachment into the right-of-way;

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

No other concerns or comments were received either verbally or written from the public.

Owners Jeffrey & Denise Swartz were both in attendance and provided the following information:

- although the application is requesting four variances, there is only one that is the most significant, being the west side yard setback from 7.5 metres to 2 metres;
- there appears to be a parking problem on the whole of Lakeshore Drive which extends back many years when the cottages were quite small; the Owners have applied for a Municipal Lands Occupancy Permit;
- Committee members recognized that most of the residences along Lakeshore Drive are now two storey dwellings and that the parking issues still exist.

After consideration of all the public, agency and Town staff comments the Committee granted the application. The last day for an appeal(s) on the application is April 04, 2017.

2. Application No: A04-2017
 Owner: Doug Adams
 Applicant/Agent: David Slade – D.C. Slade Consultants
 Legal Description: Part Lot 37, Concession 11
 Civic Address: 189 Lake Drive

A subdivision has been 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 Committee received comments from the following:

County of Grey Planning Department – the development is associated with a draft plan of subdivision for five lots; full municipal services will be provided; a Hydrogeological Study/Environmental Impact Study is required; an Environmental Review has been completed

identifying three butternut trees; comments should be received from the Grey Sauble Conservation Authority; there is currently an application for a redline revision to the draft plan of subdivision and therefore the County requests deferral of the minor variance application until such time as the application is approved ensuring any minor adjustments to the application can be made;

Grey Sauble Conservation Authority – entire property is wooded with various tree species and possible endangered species; there are a number of seepage areas on-site; a permit is required from the GSCA as the entire area is within the regulated area associated with flood and erosion hazards of Georgian Bay; other technical studies are required to ensure consistency with the Provincial Policy Statement through the subdivision process; other endangered species need to be reviewed by the Ministry of Natural Resources and Forestry; therefore the GSCA requests deferral of the minor variance application until the technical reports are reviewed and deemed appropriate;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – consideration should be given to snow storage due to the current design;

Community Services – no comments;

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

No other concerns or comments were received either verbally or written from the public.

Committee members questioned the two agencies requesting deferral of the application with Town Planner stating that it is more typical for the Owner or Agent to request a deferral. Mr. Slade, Agent for the Owner, stated that there are two separate issues that need to be resolved but it's the Owners desire to move forward with the minor variance first and continue to work on the other issues.

Mr. Slade provided the following information:

- by submitting a redline revision to change the existing draft plan of subdivision it would be less disruptive if a condominium road was built;
- the minor variance is to recognize condominium approval and to reduce the front yard setback;
- the proposed five lots would be in excess of 25-30,000 square feet in size compared to other lots along Lake Drive;
- the lands have already been rezoned;
- an Environmental Impact Study (EIS) was prepared and submitted last November 2016 to the County for review;
- the mulberry trees are not an endangered species;
- the Ministry of Natural Resources (MNR) have placed the three butternut trees in a "Recovery Plan" meaning they can be removed now and replaced elsewhere;
- a Tree Preservation Plan is in place wherein an Ecologist will review each site (lot) to identify which trees should remain;
- the variance would maximize use of the building envelopes which are all outside of the hazard areas;
- a garage being proposed in the front yard would require a 6 metre setback and a 4 metre setback if it is the principal building;

- the condominium road will be a private road and snow removal will not be the responsibility of the municipality, however, provision of an area to store the snow would be;
- full services currently end at Lake Drive but will be extended on the common element road;
- they have been working closely with the County and the municipality and do not understand the County's request to defer the minor variance application;
- there is no desire to extend the road westerly to connect with Sunset Boulevard as there is a steep slope which the GSCA would have great concern with and the road would go straight through the Adams' existing residence;
- Lake Drive is currently graveled but it is proposed to pave the common elements road;
- modifications are necessary to the old version of draft conditions (1993);

After consideration of all the public, agency and Town staff comments the Committee granted the application. The last day for an appeal(s) on the application is April 04, 2017.

C. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles

D. Environmental Impacts – n/a

E. Financial Impact – n/a

F. Attached for each application:

1. Public Notice of Hearing
2. Drawing/Sketch

Respectfully submitted,

Lori Carscadden
Secretary/Treasurer – Committee of Adjustment

Michael Benner
Director of Planning and Development Services

For more information, please contact:
Lori Carscadden, committeeofadjustment@thebluemountains.ca



Notice of Public Hearing

Committee of Adjustment

Application for Minor Variance to Town of Thornbury Zoning By-law #10-77

Property Location: 116 Lakeshore Drive (Thornbury)

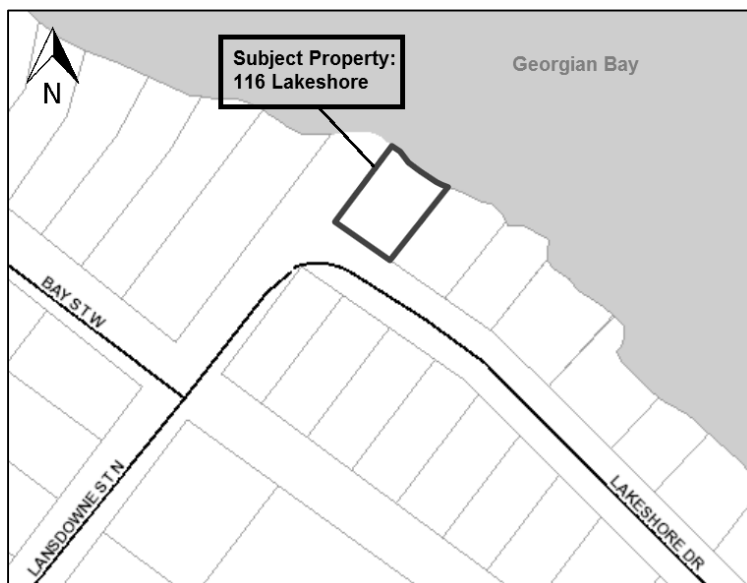
**Public Meeting: March 15, 2017 at 4:00 PM
Town Hall, Council Chambers
32 Mill Street, Thornbury, ON**

What is being proposed?

The applicant would like 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")
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- 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.



What happens at the Public Hearing?

The public hearing is your chance to make your views about the proposal known. Information from the public will help the Committee in their decision making process, so make sure to have your say!

Where do I find more information?

Additional information is available during regular office hours in the Planning Division of the Planning & Development Services Department at Town Hall. You may also request a copy of this notice by contacting:

Lori Carscadden
Secretary-Treasurer,
Committee of Adjustment
Town of The Blue Mountains
32 Mill Street, PO Box 310
Thornbury, ON N0H 2P0
Phone: (519) 599-3131 ext.263
Toll Free: (888) 258-6867
Fax: 519-599-7723
Email: lcarscadden@thebluemountains.ca

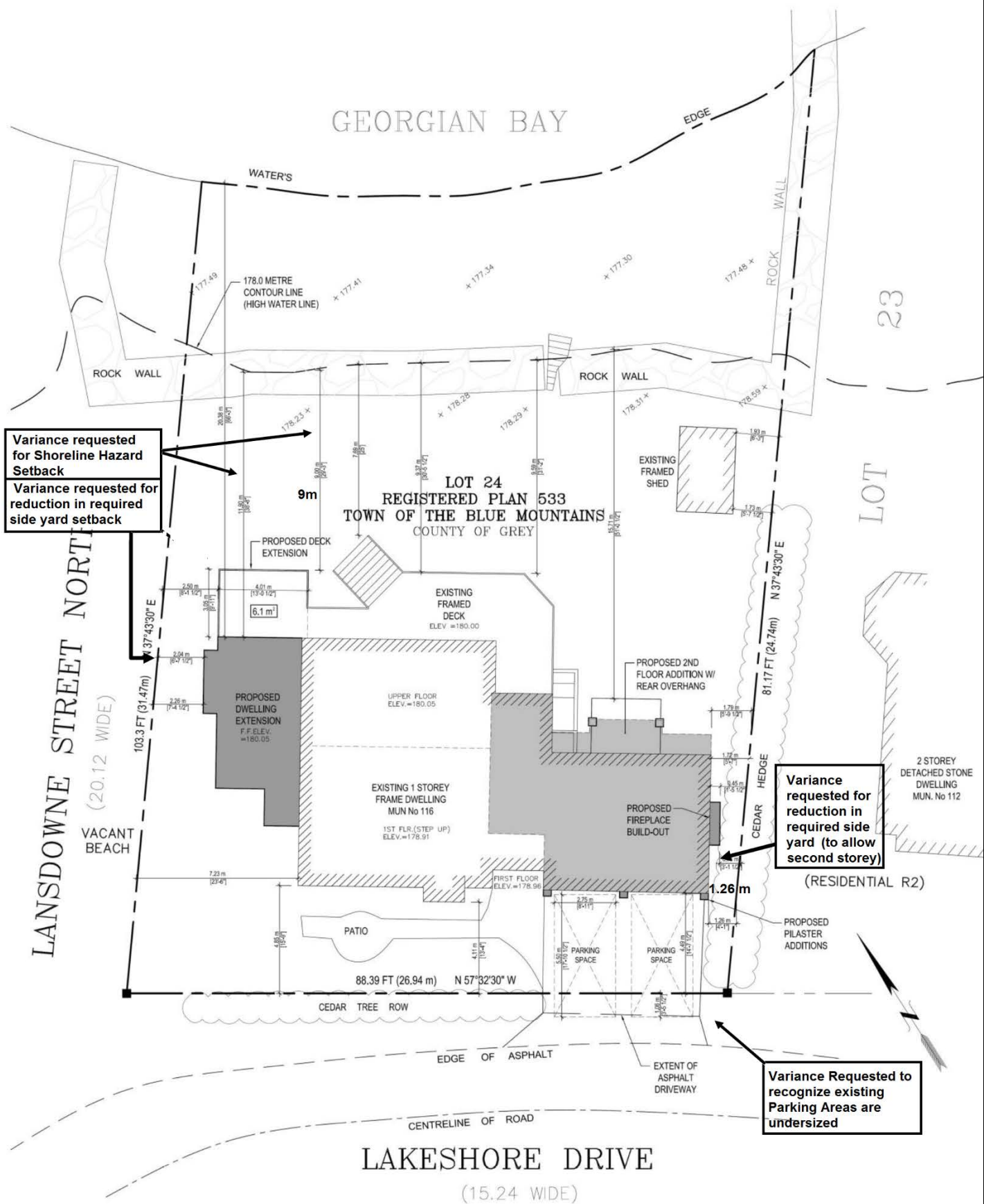
A note about information you may submit to the Town:

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Town's website, and/or made available to the public upon request.

Questions? Ask the Planner!

Denise Whaley, MSc, MCIP RPP
Phone: (519) 599-3131 ext. 262 or
Toll Free (888) 258-6867
Email: dwhaley@thebluemountains.ca

Applicant's Site Plan Sketch



Variance requested for Shoreline Hazard Setback
 Variance requested for reduction in required side yard setback

Variance requested for reduction in required side yard (to allow second storey)

Variance Requested to recognize existing Parking Areas are undersized

GEORGIAN BAY

LANSDOWNE STREET NORTH
 (20.12 WIDE)

LAKESHORE DRIVE
 (15.24 WIDE)

LOT 23

LOT 24
 REGISTERED PLAN 533
 TOWN OF THE BLUE MOUNTAINS
 COUNTY OF GREY

2 STOREY DETACHED STONE DWELLING
 MUN. No 112

(RESIDENTIAL R2)

WATER'S

EDGE

ROCK WALL

ROCK WALL

ROCK WALL

PROPOSED DECK EXTENSION

EXISTING FRAMED DECK
 ELEV. = 180.00

EXISTING FRAMED SHED

PROPOSED DWELLING EXTENSION
 F.F. ELEV. = 180.05

UPPER FLOOR
 ELEV. = 180.05

EXISTING 1 STOREY FRAME DWELLING
 MUN No 116

1ST FLR. (STEP UP)
 ELEV. = 178.91

PROPOSED 2ND FLOOR ADDITION W/
 REAR OVERHANG

PROPOSED FIREPLACE BUILD-OUT

FIRST FLOOR
 ELEV. = 178.96

PATIO

PARKING SPACE

PARKING SPACE

PROPOSED PILASTER ADDITIONS

CEDAR TREE ROW

EDGE OF ASPHALT

EXTENT OF ASPHALT DRIVEWAY

CENTRELINE OF ROAD

VACANT BEACH

(RESIDENTIAL R2)



Notice of Public Hearing

Committee of Adjustment

Application for Minor Variance to Township of Collingwood Zoning By-law # 83-40

Property Location: Vacant Lands at the end of Lake Dr.

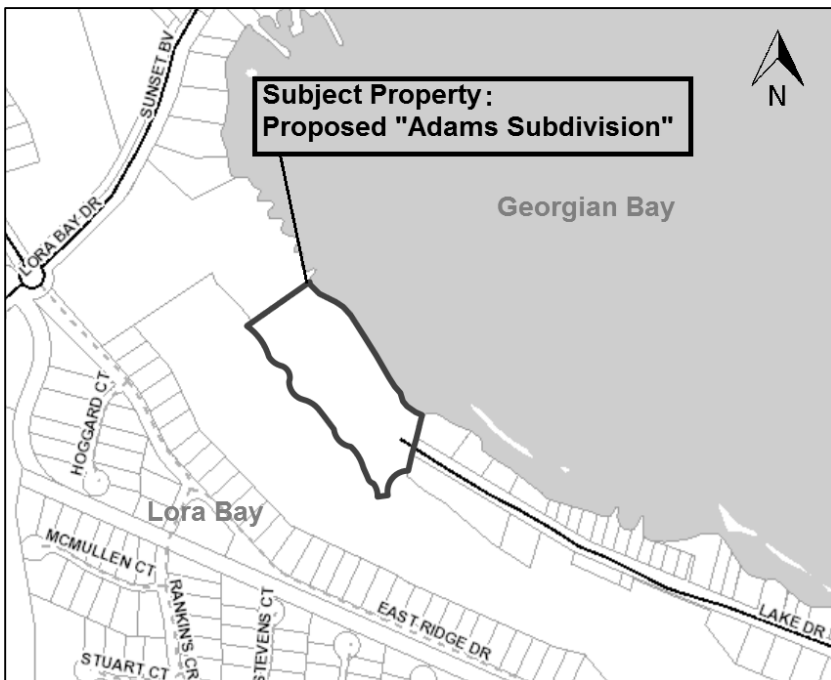
Public Meeting: March 15, 2017 at 4:00 PM
Town Hall, Council Chambers
32 Mill Street, Thornbury, ON

What is being proposed?

A subdivision has been proposed for the end of Lake Drive, consisting of five (5) lots. The proposal requests a variance to the required front yards of the proposed lots.

Since the subdivision proposal has been revised to include a condominium road, a variance has been requested for the required front yard and centreline of road setback of 4 m for the dwelling and 6m for the attached garage, where the Schedule "AA" requires 7.5 m. This variance would also allow a condominium road (private road) to meet the lot development requirements of a public road, required by Section 5.8 a). (See sketch on the reverse)

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.



What happens at the Public Hearing?

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Applicant's Site Plan Sketch

