



Minutes

Committee of Adjustment

Meeting Date: June 21, 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 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: Bill Remus
"THAT the Agenda of June 21, 2017 be approved". Carried

A.4 – Declaration of Pecuniary Interest: none

A.5 - Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Minutes of May 16, 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: A06-2017
Owner: Roxanne McEwan
Location: Lot 19, Plan 442
Civic Address: 315 Sunset Blvd.

Chairman Morgan read aloud the applications purpose and effect wherein the applicant, and their adjacent neighbours at 313 Sunset Blvd., would like to construct a privacy fence between their dwellings. The privacy fence would be a maximum height of 3.04 metres and located on the property line. The Town's Fence By-law limits the maximum height of a fence in the side yard of a residential zone to 2 metres and so this application is seeking relief from the Town's Fence By-law.

Approval of this variance would allow a fence to be constructed to a maximum height of 3.04 metres for a length of 34 metres.

The legal description of the property is Plan 442, Lot 19 (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 Owners Agent to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – a portion of the property is within the Hazard lands and recommend comments be received from the Grey Sauble Conservation Authority to determine an appropriate setback from the Bay; the fence would not pose any concerns regarding the Recreational Resort Area of the County Official Plan; do not anticipate the fence to pose any significant threat to the Significant Woodlands; provided positive comments are received from the Grey Sauble Conservation Authority the County would have no further concerns;

Grey Sauble Conservation Authority – no significant hazard features were noted on the property; the fence would not fall within the hazard area associated with the Georgian Bay shoreline and the fence would therefore be exempt from the Ontario Regulation 15/06 and no permit(s) is required; the property line is intended to also act as a drainage swale for positive drainage to Georgian Bay and therefore the installation of the fence must maintain this drainage function; generally have no objection;

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no comments

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

Mr. Heffernan, Agent for the applicant, was in attendance on behalf of the Owner.

The Committee members did not think that the height of the proposed fence would have any significant impact on surrounding neighbours.

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.17.57

Moved by: Robert B. Waing

Seconded by: Bill Remus

Carried.

Motion:

Moved by: Robert B. Waing

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A06-2017 to permit a boundary fence to be a maximum height of 3.04 metres, for a length of 34 metres.

CONDITIONS:

1. That the development is constructed substantially in accordance with the site plan in Schedule A.

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.17.57". Carried

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.

It was noted that the last day for an appeal(s) is July 11, 2017.

B.2 Application No: B08-2017
Owner: Parkbridge Lifestyle Communities
Agent: Andrew Pascuzzo, DC Slade Consultants
Legal Description: Part Lot 161, Plan 529
Civic Address: Grey Road 19

Chairman Morgan read aloud the applications purpose and effect which requests permission for a temporary sales office on the property. The sales office would be related to the Parkbridge Development proposal, which includes applications previously received for a residential Plan of Subdivision, Zoning By-law amendment, Site Plan Control and Part Lot Control.

The property is currently zoned Deferred Development (DD) which does not allow the use of temporary sales office. Approval of this application would permit a temporary sales office on the property, for a specified period of time.

The legal description of the lands is Plan 529, Part of Lot 161 (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 Owners Agent to be posted on the subject lands.

Comments were received from the following:

County of Grey Planning Department – generally, when utilizing an entrance as in this instance and within the Recreational Resort Area and from a general planning perspective, it would defer to local Plans to give greater development detail; an Environmental Impact Study (EIS) has been prepared & comments should be received from the Grey Sauble Conservation Authority in this regard; there are significant archaeological sites on the subject property and based on the archaeological assessments being completed it appears that the lands were identified as “No Potential – Disturbed”; the Ministry of Tourism, Culture and Sport have not completed their review of the Archaeological Assessments associated with the overall development; comments should be obtained from the MTCS and Saugeen Ojibway Nation; is the minor variance the appropriate mechanism to achieve what is being proposed as alternatively, a temporary use by-law could also be considered to permit a temporary sales office for the specified period of time; provided positive comments are received from the Conservation Authority and condition(s) are added to address the requirements

of the County Transportation Services Department the County would have no further concerns;

County of Grey Transportation Services – no objection however a temporary entrance permit is required to upgrade the existing field entrance; at time of permit application there will be a requirement, in writing to the Director for two Exemptions i) one for exceeding the number of entrances allowed in one kilometer ii) one for not meeting the separation from existing entrances for a class 3, 4 or 5 road (100m); the sight distance is achievable for the 50 km/h zone; when the entrance is no longer required it shall be removed and the slopes and ditch be reinstated; once the development road is completed and open to traffic a written exemption request to the Director for the lack of separation from a side road will be required as it will not meet the 100 m minimum within the Entrance Procedure and at this time wherein the Director may request instead for the sales entrance to be relocated to the new road. A condition should be administered to identify the requirement for an entrance permit from the County Transportation Services Department to upgrade the existing entrance to a commercial designation to the satisfaction of the County. The applicant will need to request an exemption from the County's Transportation Policies, the entrance being temporary until such time as the proposed road to the overall development has been completed wherein the County Transportation Services may request the sales office entrance be relocated to the new road.

Ministry of Transportation – London office – there are several outstanding issues for the proposed development, such as (but not limited to) access to Lakeshore Road; these issues can have a significant impact to the lot configuration(s) of the proposed development; while MTO is not opposed to the location of the sales office they feel that it is pre-mature for the development; the proposed sales office is outside of the MTO permit control area and no permit(s) are required for the proposed sales office or entrance onto Grey Road 19;

Grey Sauble Conservation Authority – the application provides a site plan but did not provide any details in terms of stormwater management and/or impacts to adjacent properties; the Functional Servicing and Stormwater Management Report does not address the development of the sales office from a stormwater management perspective; reference is made to an Environmental Impact Study (EIS) having been submitted with the draft plan however makes no mention of a sales office proposed for the subject area which was proposed for Open Space; a portion of the lands is affected by Ontario Regulation 151/06 however in this instance it is associated with the watercourse feature south of the proposed sales office and therefore no permit for the sales office is required; the proposed sales office is not within a hazard or regulated area; as the draft plan is still in process it is suggested that the minor variance is premature; would recommend a detailed site plan and stormwater management report be prepared for the sales office development to the satisfaction of the Conservation Authority; as well the open space objectives for this block should also be maintained through the site plan process.

Lands & Resources Historic Saugeen Metis – no objection;

Infrastructure & Public Works – no comments;

Community Services – no comments

Infrastructure and Public Works – no comments

Planning Department – the application is pre-mature and would recommend refusal.

Andrew Pascuzzo, Agent for the Applicant, was in attendance. Mr. Pascuzzo provided a handout to the Committee members showing the draft plan of subdivision, the conceptual site plan and the landscaping analysis. He explained the complexity of the proposal and that in December 2016 a draft plan of subdivision, zoning by-law amendment, a site plan and part lot control were submitted. Reports such as the Environmental Impact Study were submitted in May 2017. The public has had opportunity to comment on all of those applications and reports. As the 180 day approval for the draft plan has almost ended there is the possibility that it could be appealed to the Ontario Municipal Board in that no decision was made on the draft plan in that amount of time. There is also a time frame of 120 days pertaining to the zoning by-law amendment application. Mr. Pascuzzo stated that time is everything as the market is high and it is a good opportunity to move forward with the development.

Mr. Pascuzzo spoke as to the intention of the whole development and noted that Parkbridge will own the property and lease out the units. It will consist of only private roads with 208 residential units in Block C, with Blocks A&B being owned by the Town for trails, etc. with a green space of 60%. Should the Town and County give approval to the draft plan there will be a number of conditions to be satisfied by Parkbridge. As mentioned, the proposal is for 208 residential units wherein the new Town Official Plan provides for 280 units, being 10 units per hectare. Currently, the Deferred Development DD zone does not permit a sales centre and therefore the request for the minor variance. However, there are other areas, such as Thornbury and Wasaga Beach, where a sales centre is permitted and Parkbridge could establish one in either of those areas without going through a variance or rezoning but they prefer to have it on-site where the development is proposed. This would enable anyone who is interested to see the site first hand. Mr. Pascuzzo noted also that there would be no pre-sales until the draft plan is approved. Timing is still three months away as a County entrance permit is required, building permit(s) have to be applied for, grading and drainage plans to be provided and a site plan agreement entered into with the required securities to the Town.

Further, Mr. Pascuzzo stated that the two year condition given on any minor variance and as noted in the Planning Staff report is not adequate in this situation and would propose a five year period, noting that even a zoning by-law amendment is given three years.

With regard to the suggestion of a temporary by-law being more appropriate, it was thought that a minor variance provides more control with the conditions more so than through zoning.

Regarding the four tests of the Planning Act, Mr. Pascuzzo stated that the proposal, i) meets the Official Plan, ii) staff recommends a temporary use by-law when the property is designed for 280 units through the Official Plan so staff should be in support of the zoning by-law and it was thought that draft plan approval would have been received by now, iii) it is minor in nature, and iv) it is desirable with the market being as high as it is right now and that the property is large enough to handle the 208 proposed units.

Mr. Pascuzzo noted also that the County Transportation has asked for an entrance permit and the Ministry of Transportation have concerns with the development and not with the sales centre. As well they have noted that the proposal is not within their permit area. He does not see how the proposal can be deemed pre-mature as the development is not for single residential homes but rather for lease units, with the Planning Act allowing for a twenty one year lease wherein the part lot control is a ninety nine year lease.

It was then questioned by the Committee why the developer has not chosen to go with the traditional development rather than lease units. As well, it has always been that any development in the Deferred Development DD zone waits until all other developments around the area, i.e. the Village Core and outwards having full municipal services, are at or near completion, then other developments would then be considered, rather than having developments being sporadic over the municipality.

It was then noted by the Chair to the public and the Committee to keep in mind that this minor variance is only about a temporary sales centre and not about the whole of the development.

The Committee noted that during their site visit there were two gates off of Lakeshore Road, with the thought that this was most unusual.

Andrew Pascuzzo again spoke asking that the Committee approve the minor variance as, in his professional opinion, it meets the four tests of the Planning Act and that the developer does not want to take it to the Ontario Municipal Board.

Mr. Pascuzzo asked further as to whether or not Senior staff and the Director of Planning are aware of the Planning Staffs report recommending refusal. Town Planner Denise Whaley replied that she had consulted with all planning staff prior to preparing the report and that all planning staff were aware of the recommendation.

Terry Bunting, #796597 Grey Road 19 – confused on the “180 days” wherein Town Planner Denise Whaley suggested that this is not something the Committee members are able to comment on and should anyone wish clarification they are welcome to drop into the office and speak to her in that regard.

Mr. Bunting was satisfied and stated that he did attend the public meeting a month ago. He is concerned with the watershed that runs through his property and has already created a lot of erosion. He is concerned that what is being proposed will only increase the flow and that the proposal is moving way to fast since the public meeting.

Mr. Pascuzzo replied that site plan drainage and grading plans will have to be submitted for approval and will be required prior to a sales centre being constructed.

Valda Vitols – 129 Alexandra Way – she attended the public meeting and feels that this proposal is “the cart before the horse” and is pre-mature at this time as the development has not yet been approved.

