



Minutes

Committee of Adjustment

Meeting Date: April 17, 2019
Meeting Time: 4:00 pm
Location: Town Hall Council Chambers
32 Mill Street, Thornbury ON
Prepared by Lori Carscadden – Committee of Adjustment Secretary/Treasurer

A. Call to Order

Chairman Morgan called the meeting to Order with the following members in attendance, being Bill Remus and Robert B. Waind. Also attending were Town Planners Travis Sandberg and Denise Whaley as well as the Secretary/Treasurer Lori Carscadden.

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

A.2 Approval of Agenda: Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Agenda of April 17, 2019 be approved". Carried

A.3 Declaration of Pecuniary Interest: none

A.4 Adoption of Previous Minutes

Moved by: Robert B. Waind Seconded by: Bill Remus
"THAT the Minutes of March 20, 2019 be adopted, as amended. Carried

A.5 Business Arising from Previous Minutes

The Secretary/Treasurer advised that the Owner/Applicant for Minor Variance #A05-2019 has appealed the Committee's decision to the Local Planning Approval Tribunal (LPAT).

B. Deputations/Presentations – none

Chairman Morgan 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. Public Meeting – 4:00 p.m.

C.1 Application No: B02-2019
 Owners: Jodi Coburn-Phelan and James Phelan
 Legal Description: Lot 37, Plan 822
 Civic Address: 114 Lakeshore Road W.

Chairman Morgan read aloud the Public Meeting Notice, including the purpose and effect of the application, which noted that the applicant would like to sever their property to create a new building lot.

The proposal is to sever a vacant parcel, approximately 724 square metres, with 19.75 metres of frontage on St. Moritz Crescent. The proposed retained parcel would then be approximately 1127 square metres, with 24.4 metres of frontage on St. Moritz and contain the existing house. The retained land also has existing road frontage on Lakeshore Road West. The property is serviced by municipal water and sewer services and has frontage on an open and maintained municipal road.

Note: This proposal, initiated by the former owner, was previously approved February 13, 2017, but lapsed prior to registration of the lot.

The legal description for this lot is Plan 822 Lot 37 (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 Public Notice Placard was provided to the Owners to be posted on the subject lands.

Comments were received from the following:

Grey Sauble Conservation Authority – no objection

Union Gas – should there be service lines that would be impacted it may be necessary to terminate the gas service and relocate the line according to the new property boundaries; any relocation of service lines would be at the cost of the property owner; any future gas serviced required for either the retained or severed parcel would require an application be submitted to Union Gas;

Historic Saugeen Metis – no objection or opposition;

Town Building Department – a survey is required showing the side yard distance from the existing corner of the house to the new property line;

Town Infrastructure & Public Works – requires water and wastewater servicing and laterals as well as an entrance to Town standards; only one entrance per lot and must front to addressed road being 114 Lakeshore; entrance is to be greater than 9m from the intersection; remove the tree on Lakeshore to ensure sight lines are met; entrance permit is required for the new lot;

Nancy Cohen and Robert Gallant – not enough information on the public notice, i.e. – survey of conditions of existing house, no setbacks for the existing house or the proposed severed property, where are the proposed and existing driveways are/will be, how does this compare with other property sizes in neighbourhood, how will this not set a precedent, severed property will be smaller than others in the neighbourhood which is not in keeping with the Georgian Woodlands subdivision. Further, the site drawing is not to scale or shows any setbacks, it is immaterial that the application was previously approved; objects to the application as the new sites are too small for the neighbourhood and sets a bad precedent.

Town Planning Department – satisfied that the proposal to sever the new building lot is consistent with the Provincial Policy Statement, the County of Grey Official Plan, the Town of The Blue Mountains Official Plan and represents good planning; supports the application.

planning.

Notice: The last date for appealing this decision or any of the conditions is: May 7, 2019

If provisional consent is given, then the following conditions must be met by April 17, 2020 (one year from decision).

1. That the Applicant meet all the requirements of the Town, financial and otherwise, for the Certificate of Consent to be issued;
2. That the Applicant provide a description of the land which can be registered in the Land Registry Office;
3. That Parkland Dedication fees and Development Charges, for the newly created lot are received by the Town of The Blue Mountains,
4. That the entrance to the retained lot from St. Moritz be removed, to allow for a new driveway for the severed lot, to the satisfaction of the Town of The Blue Mountains;
5. That the installation of the water and sanitary sewer lateral pipes, to the Retained and the Severed Lots, as required, be completed to the satisfaction of the Town of The Blue Mountains;
6. 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.

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.2 Application No: A06-2019
 Owners: Lesley Fisher and Peter Snelling
 Legal Description: Part Lot 41 & 42, Part 4, Plan 16R-814
 Civic Address: 122 Huron Street W.

Chairman Morgan read aloud the Public Meeting Notice, including the purpose and effect of the application wherein this application is to seek relief from the interior side yard setback provisions of the R1-1 zone of Comprehensive Zoning By-law 2018-65.

The purpose and effect of the proposed variance is to permit the construction of a two-storey addition to an existing single detached dwelling. The applicant proposes to maintain the existing 1.5m easterly side yard setback as established by the existing attached garage and has applied for the following relief from the provisions of Comprehensive Zoning By-law 2018-65:

- 1) To permit an interior side yard setback of 1.5m, whereas Table 6.2.1 of Zoning By-law 2018-65 requires a minimum of 2.0m in the R1-1 zone.

The legal description of the subject lands is Part Lot 41, Thornbury Town Plan, Part Lot 42 Huron E/S, Part 4, Registered Plan 16R-814.

The Secretary/Treasurer stated that the Public Hearing Notice was circulated in accordance with the *Planning Act* by pre-paid first class mail. The Public Notice Placard was provided to the Owner to be posted on the subject lands.

Comments were received from the following:

County of Grey – no concerns

Grey Sauble Conservation Authority – no objection but would recommend that a detailed lot grading and drainage plan be prepared demonstrating no negative impacts to adjacent and/or downstream properties; depending on the scope of work a permit may be required;

Historic Saugeen Metis – no objection or opposition;

Infrastructure and Public Works – the new building may require an entrance permit and potentially modification of landscaping and hydro pole;

Tim Murawsky, Town CBO – no comments or concerns

Niagara Escarpment Commission – no comments

Town Planning Department – meets the four tests stated in the Planning Act and recommend approval subject to the conditions noted in Planning Staff Report #PDS.19.49.

Lesley Fisher, Owner, was in attendance.

Town Planner, Travis Sandberg, stated that he felt the Planning Staff Report #PDS.19.49 was self-explanatory. He noted that the proposed addition would be in compliance with the Town of Thornbury Zoning By-law #10-77, however would not comply with the new comprehensive Zoning By-law #2018-65. Through a site visit it was evident that there was substantial existing mature vegetation providing a good buffer and privacy between properties. As well, any impact on the streetscape would be minor. He would recommend that as many trees be saved that is possible, but it would not be a condition of the decision. Further, the condition received from the Grey Sauble Conservation Authority regarding lot grading and drainage would be reviewed through the building permit process.

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

Motion to adopt the Planning Staff Report #PDS.19.49.

Moved by: Robert B. Waind

Seconded by: Bill Remus Carried.

Motion:

Moved by: Robert B. Waind

Seconded by: Bill Remus

“THAT the Committee of Adjustment GRANT Minor Variance Application No. A06-2019 to permit the development of the lands in accordance with the submitted site sketch.

CONDITIONS:

- 1) That the development be constructed in a manner substantially in accordance with the attached site sketch;
- 2) That a Lot Grading and Drainage Plan be prepared and submitted with the future Building Permit Application, demonstrating no negative impacts to adjacent and/or

downstream properties to the satisfaction of the Grey Sauble Conservation Authority; and

That this variance to the zoning by-law is for the purpose of obtaining a building permit and is only 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 April 17, 2021.

REASON FOR DECISION:

The Committee is satisfied that the application meets the four tests of a minor variance of Section 45(1) of the *Planning Act*, as outlined in Planning Staff Recommendation Report PDS.19.49.

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

D. New and Unfinished Business:

1. The Secretary has registered all three Committee members as well as the Town Planner for the upcoming OACA Conference being held in Toronto in June, 2019.
2. Secretary/Treasurer Lori Carscadden advised the Committee members that she would be retiring on April 30, 2019. She thanked the Committee members for all the years they have worked together and wished them well in the future.

E. Next Meeting Date: May 15, 2019

F. Adjournment

Moved by: Robert B. Waind

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