



Minutes

The Blue Mountains, Committee of Adjustment

Date: February 21, 2024
Time: 1:00 p.m.
Location: Town Hall, Council Chambers and Virtual Meeting
32 Mill Street, Thornbury ON
Prepared by: Carrie Fairley, Secretary-Treasurer

Members Present: Jim Oliver, Robert Waind, Duncan McKinlay

Members Absent: Greg Aspin, Michael Martin

Staff Present: Carter Triana, Intermediate Planner, Tim Murawsky, Chief Building Official, David Riley, Planner with SGL Planning and Sierra Norton, Planner with SGL Planning

A. Call to Order

A.1 Traditional Territory Acknowledgement

We would like to begin our meeting by recognizing the First Nations, Metis and Inuit peoples of Canada as traditional stewards of the land. The municipality is located within the boundary of Treaty 18 region of 1818 which is the traditional land of the Anishnaabek, Haudenosaunee and Wendat-Wyandot-Wyandotte peoples.

A.2 Committee Member Attendance

The Chair called the meeting to order at 1:01 pm. Member Greg Aspin and Member Michael Martin were absent and sent their regrets. Member Jim Oliver attended virtually, and all other members were present in Council Chambers.

A.3 Approval of Agenda

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Agenda of February 21, 2024, be approved as circulated, including any additions to the agenda including item C.1 being moved to the beginning.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

A.4 Declaration of pecuniary interest and general nature thereof

NOTE: In accordance with the *Municipal Conflict of Interest Act*, the Town Committee of Adjustment By-Law 2024-04, and the Town Procedural By-law 2023-62, Committee of Adjustment Committee Members must file a written statement of the interest and its general nature with the Clerk for inclusion on the Registry.

None

A.5 Previous Minutes

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

THAT the Minutes of January 17, 2024, be approved as circulated, including any revisions to be made.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

A.6 Business Arising from Previous Minutes

None

B. Public Meeting

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). The Corporation of the Town of The Blue Mountains wishes to inform the public that all information including opinions, presentations, reports and documentation provided for

or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record. This information may be posted on the Town's website and/or made available to the public upon request.

B.1 DEFERRED TO MARCH 20, 2024 - Minor Variance Application No. A06-2024

Owner: Diana Donnelly

Applicant/Agent: Brad Abbott

Municipal Address: 151 Wyandot Court

Legal Description: Plan 1063 Lot 5 Wyandot Court

The Committee and Staff briefly discussed the construction that was happening at this property and Tim Murawsky, Chief Building Official confirmed there is a building permit issued for the property and there is a different site plans for the driveway that conform to the zoning by-law, and the construction that is happening now is part of the approved drawings in relation to the permit.

B.2 Minor Variance Application No. A07-2024

Owner: Tobias and Laurie Effinger

Applicant/Agent: N/A

Municipal Address: 181 Bay Street East

Legal Description: Plan Thornbury Part Lots 6 and 7 North Huron Street, Plan 410 Part Lots 52 and 53, and RP 16R833 Parts 14 and 15.

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 Secretary/Treasurer provided a summary of all written comments received as a result of the Public Notice. Planning Staff then provided an overview of the review and recommendations contained in the Staff Recommendation Report.

The Committee discussed the merits of the application and why the variance is being requested. The committee further discussed the orientation of the opening of the garage and how it will affect the streetscapes.

The Owner and Applicant, Tobias Effinger provided the committee with information on the intended finishes of the siding and windows that would be installed.

Chair 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 else in attendance to speak in favour of or in opposition to the proposal, Chair Waind closed the public meeting.

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.24.033, entitled “Recommendation Report – Minor Variance A07-2024 – 181 Bay Street East (Effinger)”

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance A07-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. 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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 21, 2026.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

B.3 Minor Variance Application No. A08-2024

Owner: Monica Kennedy

Applicant/Agent: John Kennedy

Municipal Address: 190 Courtland Street

Legal Description: Plan 16M78 Lot 17

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 Secretary/Treasurer provided a summary of all written comments received as a result of

the Public Notice. Planning Staff then provided an overview of the review and recommendations contained in the Staff Recommendation Report.

The Committee discussed the merits of the application and requested staff to provide information if the neighbouring property was granted a minor variance in the past, which staff confirmed there was and staff noted this application for a variance request is a smaller variance request than the neighbouring property.

Chair 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 else in attendance to speak in favour of or in opposition to the proposal, Chair Waind closed the public meeting.

Moved by: Jim Oliver

Seconded by: Duncan McKinlay

THAT the Committee of Adjustment receive Staff Report PDS.24.034, entitled "Recommendation Report – Minor Variance A08-2024 – 190 Courtland Street."

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance A08-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. 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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 21, 2026.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

B.4 Minor Variance Application No. A09-2024

Owner: 2535600 Ontario Ltd.

Applicant/Agent: Meagan Lachcik, Lofty Designs

Municipal Address: 796363 Grey Road 19

Legal Description: Concession 2 Part Lot 19

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 Secretary/Treasurer provided a summary of all written comments received as a result of the Public Notice. Planning Staff then provided an overview of the review and recommendations contained in the Staff Recommendation Report.

Chair Waind noted the applicants have amended the request for relief regarding the number of bedrooms requested from three to two, and therefore, that request does not need to be discussed.

The Committee discussed how to handle to the recommendation from staff regarding the refusal of the extra bedroom, since the applicant removed their request for relief on the number of bedrooms in their application.

The Committee discussed the merits of the application including the total lot occupancy and whether it was within the Town's maximum lot coverage percentage for this area of town. Carter Triana, Intermediate Planner noted this building has been issued a building permit and through that process, lot coverage is confirmed. Carter noted the only changes that are proposed are internal to the building footprint, so the lot coverage is not being proposed to change, from what has already been approved. Member Oliver noted there appears to be potentially two other residences that use the driveway as access of Grey Road 19 and was not sure how large the parcel of land that this building is part of. Tim Murawsky, Chief Building Officer noted that the lot coverage for this building is 26.2%.

Chair Waind noted there is a three-car garage but questioned to staff, how parking is being addressed. Planner David Riley noted that from a zoning perspective, the required total parking spaces including the accessory dwelling unit is three cars and there is adequate parking. David further noted that the parking requirements for an accessory dwelling is one parking space.

Meagan Lachcik from Lofty Designs provided information to the committee in support of the application noting that the owners intend to use this property solely for themselves and family. Meagan further confirmed that it will not be an Airbnb or rental. Meagan

noted there is parking for six cars. Meagan also noted the owner's new intention for the closed off area that was previously requested for a third bedroom is to now going to be used as a formal dining space, for when they have family visit.

Member McKinlay asked staff if this property would be eligible for a Short-Term Accommodation licence, which Carter confirm that this property is not eligible as it is not zoned for Short Term Accommodation.

The Committee further discussed the merits of this application.

Chair 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 else in attendance to speak in favour of or in opposition to the proposal, Chair Waind closed the public meeting.

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.24.035, entitled "Recommendation Report – Minor Variance A09-2024 – 796363 Grey Road 19 (2535600 Ontario Ltd.);"

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT a Minor Variance to Zoning By-law Subsection 4.1.1 b), regarding maximum gross floor area, for A09-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan; and
2. 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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 21, 2026

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment REFUSE a Minor Variance to Zoning By-law Subsection 4.1.1 c), regarding maximum permitted number of bedrooms, for A09-2024.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

B.5 Minor Variance Application No. A10-2024

Owner: Primont (Peak Meadows Inc.)

Applicant/Agent: Kristine Loft, Loft Planning Inc

Municipal Address: Block 38, Plan 16M24

Legal Description: Plan 16M24 Block 38 Part Blocks 40 and RP 16R11712 Parts 1 and 2

Chair Waind read aloud the Public Meeting Notice and the Secretary-Treasurer 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 Secretary/Treasurer provided a summary of all written comments received as a result of the Public Notice. Planning Staff then provided an overview of the review and recommendations contained in the Staff Recommendation Report.

Member McKinlay asked for more information regarding the site plan and grading plan for this application. Kristine Loft, Agent for the owners noted that these lots are all corner lots located within the development and do not abut any existing residential properties, which are outside of this development. Kristine further noted that there are no existing residential, or adjacent uses, or land use compatibility, which Kristine noted are critical when looking at a variance. Kristine noted the height of the walls are identified in the plans as well as noted in the staff report. Kristine noted there are three locations, but it is technically one property today as the development is not registered and that is why the three locations were submitted in one application. Carter Triana confirmed that the original submission from the applicant was circulated to the members. Kristine spoke to the question asked by the committee regarding the grading heights noting that they do vary noting that lot 3 is two metres, lot 15 is 2.02 and lot 22 has two different heights one being 1.76 located at the back of the property and one is 1.2 at the side of the property. Kristine noted the three reasons for the retaining walls are, the visual implications while driving on these roads and at the corners, the second was for ease of access into the units which Kristine noted the architect and engineers

designed so the stairways into the homes are safe and the third is to maximize the use of the properties, as the retaining walls allow for flat grass that will be located on the lot.

The Committee questioned if the retaining walls hold the road up or the lot up. Tim Murawsky, noted that on lot 3, the retaining will be the same elevation as the road, but the grade drops to the west to keep the front yard level with the roadway. Tim noted lot 15 and lot 22 are corner lots and the retaining walls will run along the hammerhead so the properties to have a walk-out basement and Tim noted the retaining walls allow the backyard to be more level and avoid a slope. Tim further noted that the retaining walls for lot 15 and lot 22 that run parallel to the road is holding up the road, so the backyards will not be lower on those lots.

The Committee discussed the approvals from the conservation authority and Tim provided information on the process the building department takes to ensure the conservation authorities concerns are addressed.

Chair 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 else in attendance to speak in favour of or in opposition to the proposal, Chair Waind closed the public meeting.

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment receive Staff Report PDS.24.036, entitled "Recommendation Report – Minor Variance A10-2024 – Block 38, Plan 16M24 (Primont);"

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

AND THAT the Committee of Adjustment GRANT Minor Variance A10-2024 subject to the following conditions:

1. That the site development be constructed in a manner substantially in accordance with the submitted site plan;

2. That a development permit from Grey Sauble Conservations Authority for Lot 22 is obtained where required; and
3. 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 (2) years from the date of decision. Should a building permit not be issued by the Town within two years, the variance shall expire on February 21, 2026.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)

C. Other Business

C.1 Adam Smith, Director of Planning and Development Services, Re: Director's Update (Verbal)

On behalf of Adam Smith, Director of Planning and Development Services, Carter Triana Intermediate Planner provided information to the Committee regarding an upcoming Staff Report that is going to Committee of the Whole on February 27, 2024, to provide suggestions to Council regarding alternative options for how Consent Applications could be handled, instead of through Council. Carter provided information on the three options or suggestions that staff are bringing forward in this report including delegating authority to staff or to the Committee of Adjustment. The Committee questioned if the public process would remain the same if staff were delegated the authority, which Carter noted that the requirements for providing notice under the *Planning Act* would not change. The Committee discussed their concerns if staff were delegated the powers, given the nature of the applications.

Carter introduced Consultants David Riley and Sierra Horton, with SGL Planning and Design and noted that these planners will be handling Minor Variance Applications for the Town for the next few months, until the Town has replaced the planning positions that are currently available.

D. Committee Member Expenses

E. Notice of Meeting Date

March 20, 2024

Town Hall, Council Chambers and Virtual

April 17, 2024

Town Hall, Council Chambers and Virtual

F. Adjournment

Moved by: Duncan McKinlay

Seconded by: Jim Oliver

THAT the Committee of Adjustment does now adjourn at 2:52 p.m. to meet again at the call of the Chair.

Yay (3): Jim Oliver, Duncan McKinlay, and Robert Waind

Absent (2): Greg Aspin, and Michael Martin

The motion is Carried (3 to 0)